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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 23, 1999.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

CHIEF WASHINGTON LOBBYIST FOR THE CHINESE GOVERNMENT'S TRADE OFFICE, AN UNFORTUNATE CHOICE FOR A NATIONAL SECURITY POSITION

Mr. HAYWORTH. Mr. Speaker, I rise this morning to bring you news from home. In my case home is the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania, and now with the explosive growth in the Grand Canyon State a district that is home to well nigh one million Americans.

From the pages of the Holbrook Tribune-News, indeed from the editorial page of March 19, the headline reads, ''This Story Needs More Attention.'' Paul Barger, the publisher of the Holbrook Tribune-News, writes, and I quote, ''For some time there have been reports circulating regarding the possible theft of highly classified missile secrets from Los Alamos since the 1980s. The thefts were apparently discovered in 1995, and the person allegedly involved was allowed to resign recently. The matter has been kept quiet for what seem to be political reasons.''

Paul Barger concludes, ''It is sad that so much attention is given to issues of no real import while serious matters of our national security and America's future are glossed over.'' Thus, the headline from the editorial, ''This Story Needs More Attention.''

Among those who curiously seem to want to adopt a public posture of glossing over or indeed gloating in a sophomoric way about this troublesome, threatening and dangerous story, among those sadly includes the person who is the President of the United States.

At a radio and TV correspondents' dinner the other night, our own President joked that one of his favorite movies this year was, quote, Leaving Los Alamos; humor as it is defined in the last days of the 20th century. It boggles the mind.

Other matters glossed over, the past associations of the President's national security advisor. From yesterday's Washington Times on the op-ed page, Edward Timperlake and William C. Triplett, II, who coauthored the book the ''Year of the Rat,'' setting forth the ample evidence of Chinese involvement in the Clinton-Gore reelection campaign in 1996, I read from their op-ed piece, headlined ''Leaks on Berger's Watch,'' quoting now: ''We believe that, for the national interest, President Clinton's national security advisor Samuel Sandy Berger should resign immediately.

''For the past 6 years, Mr. Berger has presided over a failed and ultimately corrupt policy toward the Chinese military that betrays both the democratic standards of the American people and the national security of the United States. He is the classic example of the wrong person in the wrong job at the wrong time.

''Right out of the starting gate, Mr. Berger was an unfortunate choice for a national security position with the government because of his prior role as the chief Washington lobbyist for the Chinese Government's trade office.''

Let me repeat that. ''Mr. Berger was an unfortunate choice for a national security position with the government because of his prior role as the chief Washington lobbyist for the Chinese Government's trade office.

''Having once had a personal financial stake in the promotion of pro-Beijing policies raises an immediate question of his present judgment and decision-making. If only for appearances, let alone personal ethics, he should have recused himself from anything connected to Beijing and its military ambitions.

''Instead, Mr. Berger seems to be around whenever, in our opinion, Clinton administration decisions are made that favor People's Republic of China trade ties over American national security interests.''

Mr. Speaker, perhaps the most compelling indictment comes from one Dick Morris, the President's one-time top political advisor, and curiously a man whom the wire services often referred to as the disgraced Dick Morris back in the old days of 1996, when an illicit affair that violated one's marriage vows was something that brought disgrace on a person rather than added to their public opinion polls.

Here is what Dick Morris writes in his column last week in The Hill.

Printed on recycled paper.

Quoting now, ''Sandy Berger is about as qualified to be national security advisor as I am. He's a political operative who had virtually no foreign policy experience before he became Tony Lake's deputy.''

Mr. Speaker, this story need not be glossed over. The first constructive step is that Sandy Berger must go, and we must release the Cox Select Committee Report.

STOP THE NUCLEAR REGULATORY COMMISSION FROM SENTENCING SOUTHWEST TO NEARLY 300 YEARS OF RADIOACTIVE DRINKING WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. FILNER) is recognized during morning hour debates for 4 minutes.

Mr. FILNER. Mr. Speaker, I rise today to tell you of the danger faced by 25 million people who get their water from the Colorado River because of radioactive waste leaching from an abandoned mine waste pile that is located only 750 feet away from the Colorado River.

This deadly waste pile, abandoned by the Atlas Corporation, sits in the Moab Valley of southeastern Utah. The Colorado River, flowing past this site just south, provides water for 7 percent of the United States population, including Las Vegas, Arizona and the southern California urban areas of Los Angeles and the city I represent, San Diego.

Legislation that the gentleman from California (Mr. GEORGE MILLER) and I have introduced, H.R. 393, would move this contaminated pile away from the Colorado River. Yesterday, the Project on Government Oversight, known as POGO, released a report recommending moving the pile as the most reliable way to save the growing population of Nevada, Arizona and California from having the highly contaminated waste leak into their water supply for the next 270 years.

I pledge to continue to fight to move this pile, lest my constituents and most of the Southwest be forced to live under a sentence of radioactivity and contaminants in their drinking water for nearly 3 centuries. This is an unacceptable sentence and would likely be a death sentence for many. I cannot sit idly by while polluters and the Nuclear Regulatory Commission inflict this on innocent people.

Recently, this commission which, has jurisdiction over cleaning up the site, issued a Final Environmental Impact Statement stating that Atlas' plan to cap the radioactive pile is, quote, environmentally acceptable.

Is it environmentally acceptable to cover 10.5 million tons of uranium mill wastes with rock and sand where the river can reach it during the spring runoff and cause a public health crisis? With the pile only 10 to 20 feet above the underground water aquifer, highly concentrated ammonia will continue to seep into the ground water. If the runoff is bad for three endangered species of fish, as the Nuclear Regulatory Commission and the Fish and Wildlife Service acknowledge, it surely is deadly, over time, for our children and our grandchildren.

This POGO report details a clear problem with the NRC's jurisdiction of this pile, and our bill, H.R. 393, addresses this by removing the responsibility for the pile to the Department of Energy, which has the technology and experience with cleaning up sites and protecting public health.

When the Department of Energy has been involved with contaminated sites along the Colorado River, it moved, and did not just cap, the sites with uranium concentration levels of less than 2 milligrams per liter.

The uranium concentration levels at Moab which I am talking about exceed 26 milligrams per liter, and yet the NRC pushes forward with its plan, forcing the Fish and Wildlife Service to sign off on the sand capping plan just because the NRC lacks the authority to move this pile.

As the report illustrates, it is past time to move this deadly pile, and to move jurisdiction for moving it to the Department of Energy, which will get this life-and-death job done.

Mr. Speaker, I urge support for H.R. 393.

FOREIGN POLICY AMBIGUITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today out of great concern for the direction of our Nation's foreign policy, as President Clinton is on the brink of placing our Nation at war against the independent sovereign nation of Yugoslavia.

Mr. Speaker, let us not be mistaken. If the President issues orders to begin an air assault against Yugoslavia, the United States would, in effect, be at war with this country.

What will this war achieve? The President has yet to explain what our strategy is aimed to achieve. Will we bomb this country in order to force them to agree with a peace agreement that is not in effect?

What I fear is that this President has yet to think through the implications of an air attack and to think through a long-term strategy regarding this situation in Kosovo. Do Members of this body know what the administration plans to do if an air attack against Yugoslavia fails to force the Serbians to agree to a vague peace treaty?

Does the United States with NATO further escalate the bombing to attack fixed military targets around the Yugoslavian capital of Belgrade? Do we escalate our actions by placing ground troops in a hostile situation on the ground in Kosovo? Do we try to seal off a largely landlocked nation? Do we try to use military troops in the non-NATO nations of Romania and Bulgaria to enforce an embargo?

Mr. President, what happens if the Serbs in Bosnia react against any bombing and start attacking U.S. and NATO forces there? What if Russia reacts in some form in defense of Yugoslavia?

Mr. President, what is the idea for success here? Not just an end game but how are we going to achieve success? What if an American flier is shot down and captured?

Mr. Speaker, we are headed down a very dangerous road without any type of compass to guide our policy. To me, the lack of comprehensive foreign policy by this administration has led us to this hazardous point.

The President must come before our Nation and tell our Nation three things: What is the long-term strategy of the United States in Yugoslavia? What is the end-game to achieve military success in this operation? What actions will the President take if military actions fail to achieve any stated goals or if military action devolves into the loss of American lives?

Mr. Speaker, until the President communicates this message to the American people, the mission's success in Yugoslavia will be limited. I call on the President to let the American people know today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 44 minutes a.m.), the House stood in recess until 11 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLATTE) at 11 a.m.

PRAYER

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

During this moment of prayer we remember those people who have dedicated their lives to doing the good works that help others in our communities. In the privacy of our own hearts we recall the names of those gracious and charitable people who strengthen the bonds of our common humanity and enhance and share the benefits and the glories of our world. O gracious God, as You inspire all people to use their abilities in ways that alleviate any pain or hurt and who help to make noble the lives of the needy, so inspire each of us to be Your messengers of reconciliation and Your heralds of kindness and of love. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. EVANS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HOYER, Maryland;
Mr. MARKEY, Massachusetts;
Mr. CARDIN, Maryland; and
Ms. SLAUGHTER, New York.

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LANTOS, California;
Mr. FROST, Texas.

There was no objection.

CHINESE TOP GUNS

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

Mr. GIBBONS. Mr. Speaker, the Fallon Naval Air Station ''Top Gun'' school in Nevada recently had some important visitors.

No, they were not the U.S. Navy cadets. It was not our colleague the gentleman from California (Ace DUKE CUNNINGHAM). It was not the United States Air Force trying to gain an advantage. Mr. Speaker, it was the Chinese.

Even after knowing their latest espionage tactics, our Government granted about 20 communist Chinese an open-door visit to the Naval Strike and Air Warfare Center at Fallon Naval Air Station. Providing the Chinese communists with classified information about our military equipment, aircraft, tactics and operations is just sheer lunacy.

Why were they allowed to visit that facility? Who knows? This facility has trained 90 percent of our naval warfare pilots. Fallon Naval Air Station is not just a field in Nevada. It is a vital training link for our naval aviators worldwide.

If the American taxpayers could not be afforded the same high-level tour, why would this administration grant the communist Chinese a carte blanche visit?

Mr. Speaker, top gun Chinese are not the type of American exports I would expect from the United States Navy.

CHINA ANNOUNCES SUPPORT FOR MEMBERSHIP IN WORLD TRADE ORGANIZATION

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

Mr. TRAFICANT. Mr. Speaker, Chinese money must be an aphrodisiac because it seems that everybody is jumping in bed with the Reds here.

Check it out. Even though China tortures their own citizens, China threatens their neighbors, and China spies on everybody, China has announced that they have great support for membership in the World Trade Organization. In fact, China says, to boot, ''Even the United States Trade Representative supports, number one, lower tariffs for China and, number two, China's membership in the World Trade Organization.''

Beam me up, Mr. Speaker. The Trade Representative will not wise up until there is a Red Army tank shoved right up their foreign policy. I yield back a $70 billion projected trade deficit with China, who is buying intercontinental ballistic missiles and pointing them right at us.

DEMOCRAT DEMAGOGUERY ON THE BUDGET

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

Mr. BALLENGER. Mr. Speaker, one would never know what is actually in the Republican budget proposal by listening to the other side. In fact, I do not even recognize our own budget after listening to what the other side is saying about it.

I guess it is Mediscare all over again with a lot of demagoguery on Social Security added on to it. On second thought, make that a lot of demagoguery on Social Security to go with it.

One has the impression that our friends on the other side of the aisle have not looked at the Congressional Budget Office report on our budget. Maybe they are getting their information about our budget from their own press releases.

Our budget reserves 100 percent of the retirement surplus for Social Security and Medicare. Let me repeat that for the benefit of any demagogues on the other side of the aisle who seem to have some difficulty with that fact. Our budget reserves 100 percent, again 100 percent, of the retirement surplus for Social Security and Medicare.

I urge my skeptical colleagues on the other side to call the CBO for themselves to verify this fact.

REPUBLICAN BUDGET PROPOSAL, RECIPE FOR COMPLETE FISCAL DISASTER

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

Mr. SMITH of Washington. Mr. Speaker, I rise, too, to talk about the budget that is coming to the floor this week, and I have some grave concerns about that budget in terms of fiscal discipline.

The budget the majority party is proposing has several elements to it. Massive tax cuts. At the same time, it also has massive spending increases. And unrelated to the budget, but at the same time related to the budget, there is no plan on the table for any sort of structural reform of our existing entitlement programs, so they will simply go on spending at their current rate.

Those three items, put together, are a recipe for complete fiscal disaster. We are so close to a balanced budget, we are so close to finally having a legitimate claim on being fiscally responsible, that I hate to see us lose it now.

One of the biggest problems, in response to the comments of the previous gentleman, yes, the existing trust funds, the money that is going into Social Security and Medicare, are protected. The problem is those trust funds will not last long under the current system. The spending will go way beyond those existing trust funds and place us into grave financial difficulties.

Medicare is scheduled to be bankrupt in 2008. Social Security is scheduled to go bankrupt in 2032. It is time to be fiscally responsible, and the Republican budget does not get us there.

UNION-ONLY REQUIREMENTS FOR CONSTRUCTION PROJECTS

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

Mr. GARY MILLER of California. Mr. Speaker, I rise today to oppose union-only requirements for construction projects.

Vice President GORE wants to have all Federal projects done by union construction firms. Also, the Los Angeles Unified School District, near my congressional district, is considering requiring all of their new construction to be done only by union companies.

Union-only construction agreements may make political sense for some politicians, but they certainly do not make practical sense for our children in our schools.

PLAs do not guarantee lower costs, higher performance standards, or eliminate red tape. The union-only contracts only guarantee that the four out of five construction workers not represented by a union cannot work on the project.

It is un-American for our Government to say to someone who does not belong to a certain group or organization, ''You are not good enough to compete for Federal money based on merit.''

For those of us who agree that there should not be race-based discrimination, this is another form of discrimination. A person should not be denied a job because of his or her color. Neither should he or she be denied a job because they do not carry a union card.

I hope that the Vice President and the Los Angeles Unified School District will not put politics above our children. I encourage both of them to support freedom in the bidding of construction projects.

AMERICAN PUBLIC DOES NOT WANT PARTISAN BICKERING

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

Ms. HOOLEY of Oregon. Mr. Speaker, as a member of the Committee on the Budget, I spent much of last week wondering why the majority party has chosen to move forward with a budget that is clearly divisive.

This morning the Washington Post reported, ''Congress is set to begin a week of partisan bickering today over a budget that Republican congressional leaders expect will provoke a veto shutdown with President Clinton later this year when it results in appropriations bills.''

It baffles me. Why start out on such a sour note? The majority is clearly welcoming a partisan battle without first trying to find some common ground and some room for partisan cooperation.

The American people have seen enough bickering to make them wonder what we are doing in Washington. The people I talk to want to make sure that we extend Medicare and Social Security. They want us to fight crime. They want us to help our schools. And they want us to create an even better business atmosphere. And the list goes on.

There are many things the American public wants us to accomplish, but partisan bickering is not one of them.

VOLUNTEER MIAMI

(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. Mr. Speaker, last year Miami-Dade County established a wonderful tradition when it implemented Volunteer Miami. This annual volunteer fair, made possible by Dr. Eduardo Padron, David Lawrence, Valerie Taylor and hundreds of dedicated volunteers from Greater Miami's nonprofit community and government service organizations, has awarded students and families the opportunity to truly make a difference.

Saturday, April 17, will kick off this year's Volunteer Miami-Dade Community Colleges' Wolfson Campus, where representatives from various organizations will be on hand to provide valuable information on how members of our community can lend their abilities and spare time for the benefit of all of south Florida.

Volunteering is a definitive way in which to promote a powerful force that enriches an individual and allows all of us to positively impact an entire community. By raising awareness on volunteerism and forming strong partnerships between deserving agencies and a corps of volunteers, positive change can and will be effected to make south Florida a better place in which to live and work.

I congratulate my alma mater, Miami-Dade Community College, for making Volunteer Miami a success.

PAIGE SECURITY SERVICES, INC.

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

Mr. FARR of California. Mr. Speaker, I rise today on a good news note to honor the accomplishments of a constituent of mine, Mr. Leonard Paige.

In November 1998, Mr. Paige realized his lifelong dream to make a difference in Africa with the signing ceremony of the first joint venture between a black-owned security firm in the United States and a black-owned security firm in South Africa.

The United States firm, Paige's Security Services, Inc., will facilitate the training and logistics for Paige's Security Services, Inc., in South Africa in a manner modeled upon the affirmative action programs here in the United States. The program is intended to assist the disadvantaged in that community.

Under Mr. Paige's able leadership, Paige Security Services, Inc., has garnered great recognition over its 10 years of service. It has been selected for three straight years by Inc. Magazine as one of the fastest growing private firms in the Nation and has been commended by Congress and the President of the United States.

Paige's Security Services, Inc., employs over 800 workers in the United States and Costa Rica, and the new affiliate in South Africa employs 300 people.

Thank you, Leonard Paige, for your leadership.

REPUBLICANS FOR LESS GOVERNMENT, MORE FREEDOM

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

Mr. LINDER. Mr. Speaker, we are going to bring our budget to the floor this week and it is going to be a great debate. And from what I am hearing from the other side, it is going to be entirely too partisan.

You see, we want to save 100 percent of all the revenues into the Social Security Trust Fund for just Social Security. They want to save 62 percent. It would be bipartisan to agree with them.

We want to keep within the spending caps of 1997. That is what gave us the revenue surpluses that we have, the discipline that we agreed to with the White House. What does the White House want to do in a bipartisan way? They want to spend $32 billion a year more than the caps.

We want to provide tax cuts. That is a very partisan effort on our behalf. When the Democrats were last in control, in a very partisan way, they gave us the largest tax increase in history. We would like to have the largest tax cut in history. That would be partisan.

We will save 100 percent of the Social Security Trust. And what is left over we want to give back to the American people. They want to spend it. That is the bipartisan thing to do.

We will pass our budget. The Senate will agree. There will be a great debate. But when it is all over, they will know that Republicans are for less government and more freedom, the Democrats are just for more government.

□ 1115

BUILDING ON BIPARTISAN CONGRESSIONAL RETREAT

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

Mr. KIND. Mr. Speaker, last weekend we had the second bipartisan congressional retreat in Hershey, Pennsylvania. A lot of people helped in pulling that together. I want to commend the gentleman from Illinois (Mr. LAHOOD), the gentleman from Ohio (Mr. SAWYER), the planning committee, the staff at Hershey, the Pew Charitable Trust and the Aspen Institute who all helped in bringing Members on both sides of

the aisle together, but I want to especially commend my colleagues who took the time out of their busy schedules to bring the family and the children and their spouses to the retreat so that we could get to know one another a little better and talk to one another. The goal of the retreat was simple, to try to make this great institution a more civil place in which to conduct the Nation's business. The format was also simple, get out of Washington, away from the media, bring the families in and the children and the spouses so that we could have some honest conversations across the aisle of how we could improve this great institution. Because it is a fundamental rule of human nature that the better you know someone and their spouse and their little children, a lot harder it is going to be to demonize that person than during the hot debates of the day. I think we made a good, honest attempt last weekend, Mr. Speaker. I hope we can now build upon that for the sake of this great Nation.

SOCIAL SECURITY AND THE DEBT LIMIT

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

Mr. SMITH of Michigan. Mr. Speaker, some people in Washington want to replace the current debt limit of this country with two limits, one for Treasury securities held by public and one for IOUs held by the Social Security and other trust funds. This is a bad idea that would send a message that debt owed to the trust funds is less important than debt owed to Wall Street.

Some want the new statistic so they can brag about reducing the debt held by the public. That would be true, but it does not matter because total government debt would keep rising. A new statistic on debt held by the public would hide this fact.

Others suggest that we could consider writing off the debt owed to the trust funds because that is just what government owes itself. That is wrong and that is dangerous.

I ask my colleagues to fight against any proposal to change the status of the debt held by the Social Security Trust Fund.

DOLLARS TO THE CLASSROOM

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

Mr. METCALF. Mr. Speaker, we must send 95 percent at least of the Federal funds for education to the classroom. This will result in an additional $800 million to be taken from the grasp of the bureaucrats and into the hands of teachers and parents.

Congress needs to give parents and school boards even greater control without increasing the bureaucracy. It takes about 18,000 Federal and State employees to manage 780 Federal education programs in 39 Federal agencies, boards and commissions that cost nearly $100 billion a year annually. It is not surprising that approximately 70 cents per dollar makes it directly to the classroom. If it does not happen in the classroom, nothing much is happening. I am a former schoolteacher and I can tell my colleagues that.

Parental involvement, not bureaucracies, must be central in any proposal to reform our education system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 70) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes.

The Clerk read as follows:

H.R. 70

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 ''Arlington National Cemetery Burial Eligibility Act''.

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2412. Arlington National Cemetery: persons eligible for burial

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10, United States Code.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) The President or any former President.

''(b) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) The spouse, surviving spouse (which for purposes of this paragraph includes any remarried surviving spouse, section 2402(5) of this title notwithstanding), minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(c) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(d) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(e) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(f) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army or any other responsible official.

''(g) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a

register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(h) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10, United States Code.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(d) TECHNICAL AMENDMENTS.—(1) Section 2402(5) of title 38, United States Code, is amended by inserting '', except section 2412(b)(1) of this title,'' after ''which for purposes of this chapter''.

(2) Section 2402(7) of such title is amended—

(A) by inserting ''(or but for age would have been entitled)'' after ''was entitled'';

(B) by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''; and

(C) by striking out ''or would have been entitled to'' and all that follows and inserting in lieu thereof a period.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

(2) In the case of an individual buried in Arlington National Cemetery before the date of the enactment of this Act, the surviving spouse of such individual is deemed to be eligible for burial in Arlington National Cemetery under subsection (b) of such section, but only in the same gravesite as such individual.

SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

''The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(c) CONFORMING AMENDMENT.—Section 11201(a)(1) of title 46, United States Code, is amended by inserting after subparagraph (B), the following new subparagraph:

''(C) Section 2413 (relating to placement in the columbarium in Arlington National Cemetery).''.

(d) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), and section 11201(a)(1)(C), as added by subsection (c), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

''§ 2414. Arlington National Cemetery: authorized headstones, markers, and monuments

''(a) GRAVESITE MARKERS PROVIDED BY THE SECRETARY.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

''(b) GRAVESITE MARKERS PROVIDED AT PRIVATE EXPENSE.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

''(2) Such regulations shall ensure that—

''(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

''(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

''(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

''(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

''(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

''(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

''(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

''(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

''(B) a particular military event.

''(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

''(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

''(B) in the case of commemoration of a particular military event under paragraph (1)(B), on the last day of the period of the event.

''(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

''2414. Arlington National Cemetery: authorized headstones, markers, and monuments.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. 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. 70.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, H.R. 70, the Arlington National Cemetery Burial Eligibility Act, is an important bill that is strongly supported by veterans and their service organizations.

Except for a few minor changes, this bill is identical to H.R. 3211 which was passed unanimously by this House in March of 1998. The bill codifies many of the current regulations governing eligibility for burial in the cemetery and placement in the columbarium.

H.R. 70 would allow no waivers for burials at Arlington National Cemetery. It also eliminates eligibility for high-ranking government officials who are veterans but who do not meet the military service requirements of H.R. 70.

I want to express my appreciation to the gentleman from Illinois (Mr. EVANS) for his efforts on this bill, Mr. Speaker. We had some difficulty in

scheduling a hearing and a markup at the subcommittee level and I appreciate the gentleman's cooperation in getting the bill through the Committee on Veterans' Affairs as quickly as we did.

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

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 70. As a former Marine and as a member of the Committee on Veterans' Affairs since 1983, I know that Arlington Cemetery is sacred ground. Last year, however, the General Accounting Office told us that the eligibility requirements for burial at Arlington needed clarification. H.R. 70 addresses these concerns.

It would remove the ambiguity and guesswork from the eligibility process for burials at Arlington. Additionally, and this is very important, the bill would make it easier for the American people to understand the requirements of burial at our Nation's most revered cemetery. This is an excellent piece of legislation and I urge my colleagues to support it.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN) who is the chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to remind all of my colleagues that this is a bill that we looked at last year, indeed passed, and we are back at it again this year.

I want to point out that H.R. 70 is intended to bring order to the process of being buried at Arlington National Cemetery. As my colleagues will recall, similar legislation passed the House late last year by a vote of 412–0. Unfortunately, the Senate did not act on the bill prior to the 105th Congress adjourning.

To refresh the memories of returning Members and to explain the bill's intent to our newer colleagues, H.R. 70 would codify, with exceptions I will discuss shortly, existing regulatory eligibility criteria for burial at Arlington National Cemetery. Other than the persons specifically enumerated in the bill, no other person could be buried at Arlington. In general, eligible persons would include the following: Members of the Armed Forces who die on active duty; retired members of the Armed Forces, including Reservists who served on active duty; former members of the Armed Forces who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross, Distinguished Service Medal, Silver Star, or the Purple Heart; also, former prisoners of war would be eligible; the President of the United States or any former President; members of the Guard/Reserves who served on active duty and are eligible for retirement but who have not yet retired; and the spouse, surviving spouse, minor child and at the discretion of the Superintendent of Arlington, unmarried adult children of those eligible categories I mentioned above.

The bill, H.R. 70, would eliminate the current practice of granting eligibility to Members of Congress and other high-ranking government officials who are veterans but who do not meet the distinguished military service criteria I just outlined. I want to point out, however, that Congress could at any time on a case-by-case basis enact a resolution on behalf of an individual whose accomplishments are deemed worthy of the honor of being buried at Arlington National Cemetery.

The bill also codifies existing regulatory eligibility standards for interment of cremated remains in the columbarium at Arlington. Generally, this includes all veterans with honorable service and their dependents, those that meet the requirements for burial in a VA national cemetery already.

Finally, the bill clarifies that only memorials honoring military service or events may be placed at Arlington and also establishes a 25-year waiting period for such memorials and their erection.

Mr. Speaker, Arlington National Cemetery is running out of space. Last year the subcommittee and about a dozen of our Members scheduled a visit to Arlington to see firsthand and in person the crowded conditions that exist. With the veteran population declining by 8 million through the year 2002, Arlington officials estimate the cemetery could be full by the year 2025. H.R. 70 is an excellent bill. I urge my colleagues to support it in a bipartisan fashion.

I would also like to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their leadership on this issue.

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

Mr. FILNER. Mr. Speaker, we have before us a bill that has come to us because of certain abuses that occurred in the granting of waivers. We asked the GAO, the Government Accounting Office, to look at that, and they confirmed that although the political abuses of waivers for burial at Arlington that were alleged did not occur, that most of these allegations were unfounded, there was a real need to clarify and write into law the eligibility rules for burial at Arlington National Cemetery. Up to a point, H.R. 70 does that very well and responds to GAO's concerns that standards for waivers have been inconsistently applied throughout the years. I am concerned, as are several members of the Committee on Veterans' Affairs, that this bill provides no realistic opportunity for our country to honor those unique Americans whose contributions are so extraordinary that burial at Arlington Cemetery would be entirely fitting.

When the full committee marked up H.R. 70 last week, I offered an amendment to give the Secretary of the Army the authority to approve the burial of those rare and special individuals whose contributions inspire our Nation and honor them in this way. Let me just remind the House about those people who are now buried at Arlington that would not be allowed to under this legislation.

We could not have honored Detective John Gibson, a member of the Capitol Hill police force who was killed in the line of duty last summer. We could not have honored Senator Robert Kennedy in this way; nor could we have honored Chief Justice of the Supreme Court Warren Burger or Associate Justice Thurgood Marshall, just to name a few.

The gentleman from New York (Mr. QUINN) talked about the potential of a congressional resolution, I mean, talked about introducing politics into this process. I suggested an amendment which would regularize that process, allow the publication of any waivers that were requested by the Secretary and try to regularize that. I think, and I hope, that the other body when we go to conference will be able to design such a waiver procedure that satisfies the very legitimate concerns that have been raised regarding waivers.

Mr. Speaker, I noted that the gentleman from Arizona talked about the support of veterans groups for this measure and one of the reasons behind bringing this up at this point in time. When we in our committee on March 11 considered our budget request to the Committee on the Budget, the veterans service organizations of this Nation had proposed what they called an independent budget, an independent budget which gave $3 billion more than the President did to satisfy our contract with our Nation's veterans. Unfortunately, this independent budget, which went beyond the chairman's recommendations and the majority's recommendation by $1.3 billion, was not even allowed to be voted on in our committee. We were not afforded the opportunity to vote on a budget supported by our Nation's veterans organizations. This budget, which was supported by the Democrats on the committee, tried to offset the unjustified low budget that the administration provided for the year 2000. We tried to say that the VA health care system was drastically underfunded and in danger of actual collapse. We tried to say that the GI bill was far short of realistic needs and failing as a readjustment benefit. We tried to say that desperately needed staffing increases included in this budget appeared to be phony, little more than transparent shell games. We tried to say that the national cemetery system has been underfunded for years and the money needed for basic repairs and upkeep was unavailable and we are not meeting our commitment to our Nation's veterans. Veterans were wronged by the administration budget, they were

wronged by the majority on the Committee on Veterans' Affairs submission to the Committee on the Budget, and they were wronged by the budget resolution that is coming to us this week.

I ask that this House, in recognition of our Nation's veterans, in recognition of the brave men and women who we are honoring by this H.R. 70 today which says that only those who deserve to be buried in Arlington should be, as an honor to those brave men and women who are buried at Arlington, we should not vote for this budget resolution that is being brought to us this week. It drastically underfunds the veterans budget. The health care system that the VA has provided for our Nation's veterans is in danger of going under. We should vote down the budget resolution when it comes before us because of its failure to provide for our Nation's veterans.

Reluctantly I ask that H.R. 70 be approved today, but I hope that it is improved in the Senate.

□ 1130

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Arizona, and I would just say as a quick comment before I start my statement, to the gentleman from California (Mr. FILNER) a good friend who I respect, that his complaints about the veterans' budget should have been made to the President of the United States because the President provided a budget that was underfunded, as the ranking member of our Committee on Veterans' Affairs said of the Veterans budget, it is a house of cards, and both he and I know that all during the testimony that all of us felt that the budget was inadequate. I hope in the future that the gentleman from California (Mr. FILNER) will take the time to sit in the Cabinet office and explain to Mr. Togo West, who is the Secretary of Veterans, how important it is to provide a budget that is properly funded. When the Secretary presents a budget to us all we should do is add or amend and not have to take a whole new rigorous approach and add more money like we did in our Veterans Committee.

So I compliment the gentleman from Arizona (Mr. STUMP) for taking the initiative in the face of many people in this House who think that our veterans are a declining population and they do not need additional services.

But I rise, Mr. Speaker, in strong support of H.R. 70, and commend our chairman for his leadership in tackling this question surrounding burial at the Arlington National Cemetery. The legislation we take up was developed on a bipartisan basis to set clear eligibility standards for burial at this hallowed national military cemetery. The House took up and passed a very similar bill in the last Congress. It is important, however, that the record be clear on what prompted that legislation.

Arlington Cemetery was created for one reason, to honor the memory of those who died as a result of their military service. Yet, as an in-depth Committee on Veterans' Affairs' investigation disclosed, there have been two possible routes to burial at Arlington. One route was to meet strict eligibility rules. The other was through the grant of a waiver or exception. The use of waivers has allowed burial of the remains of individuals who never even served in the military.

The waiver practice not only runs afoul of Arlington's historic roots, but it invites inconsistencies, favoritism and inequities. The waiver process has been a path for the very privileged and the well connected. Such a practice is not only intolerable in itself, but each exception deprives future survivors of a military burial at Arlington for their loved ones. The sad fact is that Arlington will run out of space for in-ground burials by the year 2025 unless it is expanded.

So, Mr. Speaker, it is altogether fitting, therefore, that this bill eliminate the waiver exception and codify appropriate standards.

Despite our committee's long work on this subject and a 412 to 0 vote on the 105th Congress, there are a few on the other side who said they want to amend this bill or change this bill, and perhaps in a way it is sort of a turnabout from that 412 to 0 vote we had in the 105th Congress. As they proposed, it would allow burial at Arlington for anyone whose act, service or contribution to the United States are extraordinary. That is what they would like to do. ''Extraordinary'' is the word they use over and over again.

Now ''extraordinary'' can mean a lot of different things to a lot of people. For example, I mean just to take an exaggerated example, Tom Brokaw wrote a great book that is at the top of the New York Times best sellers' list about the heroic acts of World War II. Would he, if this book was very popular, be allowed because of extraordinary achievement in the journalistic world? And, to take another exaggerated example, if Madonna who went around and entertained veterans hospitals for many years, would she be allowed because of extraordinary service? Or even Steven Spielberg, could he be buried at Arlington because of a future Private Ryan movie?

So, I think, as my colleagues know, those exaggerated examples show that this ''extraordinary'' status that is included in their language is really sort of a turnabout from what we are trying to specify here today.

So, Mr. Speaker, in conclusion I urge support for codifying the current eligibility requirements as proposed in H.R. 70. They do not consider how famous a veteran was, and frankly, Mr. Speaker, they should not. Our country can find other means to honor those who make great contributions in the sciences, the arts, the letters, the politics, the sports and other fields, no matter how extraordinary they may be. But Arlington, Arlington Cemetery belongs to our veterans, and we should keep it that way.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, last year I was one of the people that voted for this bill. We had had lengthy discussions at the committee about it, and I was part of the subcommittee, part of the investigation. The gentleman from New York (Mr. QUINN) and I went out and visited Arlington, and I voted for the bill the last time. I was one of the 412 to 0 that supported it because I thought we had assurances that there was going to be done, some work was going to be done on the bill to improve it.

The deal was some of the concerns that had been brought up. But we have now come almost, I guess, a year and a half or 2 years later, a year later certainly, and no work has been done, and the arguments are the same, and we have learned now two different things:

Number one, we have learned that the bill died on the Senate side. They did not take up the bill, I think because of concerns that have been expressed by the gentleman from California (Mr. FILNER) and some others that there is not wiggle room in this bill to allow for those extraordinary events that occur. The other thing that has occurred is, this last year, is the terrible tragedy that we had with the shooting of two of the Capitol Police officers, and one of them under this bill clearly would not qualify for burial at Arlington, and I know of very, very few people in this Nation who do not believe that Officer Gibson deserved burial at Arlington Cemetery for giving his life to protect every American who was in the Capitol that day and plans on coming to the Capitol, to protect this shrine of democracy.

So that is the problem I have with this bill this year. We have not learned from the events of the last year, and I think this is something that good faith people can work on.

Now the alternative we have been given under the language of this bill is that legislation could be passed. But we all know there are going to be situations that will occur when Congress is not in session, when we are in the August recess, when it is a week before a campaign and there has been a terrible tragedy. There is not going to be a special session of Congress called to deal with it.

Beyond the inconvenience and the problems of dealing with a family in a 3- or 4-day period of time when we are not in session is just the whole idea of thinking about dealing with a bill that has been filed with 10 cosponsors to open up Arlington to a specific member. Are my colleagues going to be the people that step forward and say, ''I am

going to vote against that family. They were not heroic enough.'' I do not think that is the kind of legislation that we are going to want to deal with down the line, so I personally think that legislation is an unsatisfactory resolution.

Another aspect of the bill I have problems with that we did not talk about much during committee is the fact that monuments in Arlington under this bill will be limited to military events only. That means that the monument that is there now for Challenger, for the Challenger disaster, the space shuttle disaster, under the language of this bill we could have no future monuments like that because the NASA mission is not a military event. I think that is unfortunate. I think the people that were in the space shuttle were clearly heroic folks.

In conclusion, I do not fault the intent of this bill. I think, as my colleagues know, to codify this, to make these rules known to people out in America, what it means to be buried at Arlington, I think that is a noble effort. The problem I have is we have not done the work on this side and we are going to turn our problem over to the Senate side. We are going over there saying we know this bill needs work, we have not figured out in 2 years how to do it, and we are going to say that we are satisfied sending the bill over knowing that there are American heroes down the line that we will want to have in Arlington that will not be eligible under the language of this bill, and I do not think that is what the House of Representatives ought to do.

Mr. QUINN. Mr. Speaker, will the gentleman yield just for the purposes of discussion on the floor?

Mr. SNYDER. I yield to the gentleman from New York.

Mr. QUINN. I want to, just for the record, Mr. Speaker, state that I share some of the same frustrations that my colleague shares. In fact, I think we agree on a great portion of the bill, H.R. 70, that we are looking at today. But I want to point out that between the last vote of 412 to 0 and today we did not have no discussion, we just did not reach agreement on some of the points that we are still stuck at today. There was some discussion, not a whole lot of it in between, but there was some discussion that took place.

I also want to say to my colleague, as I have said to the subcommittee and full committee and will say to the Members of the House, I share that same frustration about the timing of trying to make some kind of waiver happen for those extraordinary circumstances. So I disagree a little bit with my good friend and colleague, the gentleman from Florida (Mr. STEARNS) on our side that there may be some extraordinary circumstances. In the case of Officer Gibson, for example, we could have taken care of that, so to say that we could have not allowed Officer Gibson to be buried there is not exactly correct because we were back in session the following week or so, so that could have happened. In the case of Senator Kennedy, I am not sure and was not around. We have to check, if it was important, to see the schedule.

I am concerned, though, about the point my colleague brings up about timing and how we would deal with that kind of situation if we were not in session, if the Congress was out for a month or two or whatever that happens to be. I think the gentleman from Arkansas is correct. I think there are some circumstances when that may happen, and I also do not want to rule out the possibility that at some point in time others besides us might make that decision.

I do not have an answer for my colleague this morning, Mr. Speaker. I just want to say that I still share some of those frustrations with him, and I do not know if we are going to vote on this, I think shortly or later on today, to not hold it up, to try to find a way when we go to conference with the Senate, if there are some Members over there that feel strongly enough about it, I would not rule out some more discussion, I guess.

Mr. Speaker, I thank the gentleman for having yielded.

Mr. SNYDER. Reclaiming my time, if I might, I had hoped that we could have had these discussions at the subcommittee level, but it got snowed out in one of the great late winter snowstorms of 1999, but it was not rescheduled, and that is part of my frustration today. We immediately went to the full committee. That, in my opinion, did not allow for the kind of discussions that need to occur at the subcommittee level to improve the bill.

Mr. STEARNS. Mr. Speaker, will the gentleman yield for a question?

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

Mr. STEARNS. Mr. Speaker, the gentleman from Arkansas talked about his desire to have it amended or changed to put in place the words ''acts or service of extraordinary service.''

Mr. SNYDER. If I may reclaim my time, Mr. Speaker, I did not speak about that today. I do not know that that is the option that the gentleman from California (Mr. FILNER) presented at the subcommittee level. I think there are—there are several possibilities.

For example, one possibility maybe should include, as my colleagues know, maybe twice a year, once a year, formal accounting, as my colleagues know, where we call up Arlington here to outline and discuss for us all the waivers this last year.

Another option ought to include, I think, an immediate public notification.

Another option may be that the Secretary of the Army could grant waivers after consultation with the ranking member and chairman of the Committee on Veterans' Affairs.

Another option may be to have some kind of formal notification list; as my colleagues know, fax numbers of all the VSOs and the subcommittee chairs and ranking members.

As my colleagues know, at 10 p.m. on a Saturday night the Secretary of the Army issued a waiver for this person. That kind of constant public scrutiny may deal with some of the concerns that we have had. So do not hang them on that particular there.

Mr. STEARNS. If the gentleman would yield just for another point, the point I was going to try to make in this discussion is we have never mentioned the word ''heroics,'' as my colleagues know. We are talking about individuals that had heroic behavior in the service, and I think we should recognize that is the purpose and the value of Arlington Cemetery, is to recognize people who have extraordinary heroic behavior.

So that is the point I wanted to make, and I thank that gentleman for having yielded.

Mr. SNYDER. If the gentleman from Florida is offering that as amendment for extraordinary heroic behavior as a waiver, I think I can speak for the ranking member, we would accept that amendment.

Did I misunderstand the gentleman, Mr. Speaker?

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, our intention is today, should be and is focused on the heroic actions of those buried at Arlington National Cemetery, but I thank the gentleman from Florida (Mr. STEARNS) for bringing up the budget and also for his nomination to the President's Cabinet. I thank the gentleman, Mr. STEARNS, but I wish we would have had this debate at the committee. As my colleagues know, we were not allowed to. And Mr. STEARNS' criticism of the presidential budget is well founded, but that is history. The President made his suggestion. It is Congress' turn now.

Mr. Speaker, my colleague can yell at the President all he wants, as I have, but now the gentleman is accountable, and I am accountable, and this Congress is accountable by law and by Constitution for the budget.

☐ 1145

The gentleman voted for a budget which went $1.9 billion above the President's. We offered an amendment to go $3.2 billion above the President's. That was not just dollars. It was to maintain the integrity of the VA health care system and other benefit systems. So the gentleman voted for the $1.9 billion, not for the $3.2 billion.

The Republican budget that has come onto the floor this week, I think goes about $.9 billion above the President's. If the gentleman votes for that, that is his budget. It is not the President's anymore. It is the gentleman's and it is $2.3 billion below what the VSOs, the veterans service organizations, have suggested.

I say to the gentleman and I will say to the House later this week, if the

gentleman votes ''yes'' for that budget resolution he is supporting a budget which is insufficient for veterans and the Veterans Administration. It undermines our contract with our Nation's veterans.

The gentleman now has an opportunity to stop yelling at the President and take responsibility for his vote, and I ask the gentleman, if he thinks that that budget is too low, as he says the President's was, vote ''no'' on the budget resolution. Join me in my recommittal motion which will ask for the independent budget's figure to be added to our budget resolution.

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

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

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, for the cooperation and the hard work he has done on this bill, as well as my two subcommittee chairmen, the gentleman from New York (Mr. QUINN) and the gentleman from Florida (Mr. STEARNS). They have put in an extraordinary amount of time.

I do not want to leave the impression that we have not worked on this bill since last year, as someone mentioned. We have worked a lot on this bill. We have made some technical changes. I have conferred with my counterpart, the chairman of the VA committee on the Senate side, and I think we had an excellent time.

Unlike last year, we kind of ran out of time, an election year, end of session. There simply was not enough time to work these differences out. I believe that will happen this time, Mr. Speaker, and I am going to see that it does, if it is within my power.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 70.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SMALL BUSINESS YEAR 2000 READINESS ACT

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 314) to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

The Clerk read as follows:

S. 314

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 Year 2000 Readiness Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the failure of many computer programs to recognize the Year 2000 may have extreme negative financial consequences in the Year 2000, and in subsequent years for both large and small businesses;

(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems;

(3) many small businesses do not have access to capital to fix mission critical automated systems, which could result in severe financial distress or failure for small businesses; and

(4) the failure of a large number of small businesses due to the Year 2000 computer problem would have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.

(a) PROGRAM ESTABLISHED.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(27) YEAR 2000 COMPUTER PROBLEM PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'eligible lender' means any lender designated by the Administration as eligible to participate in the general business loan program under this subsection; and

''(ii) the term 'Year 2000 computer problem' means, with respect to information technology, and embedded systems, any problem that adversely effects the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date-dependent data—

''(I) from, into, or between—

''(aa) the 20th or 21st centuries; or

''(bb) the years 1999 and 2000; or

''(II) with regard to leap year calculations.

''(B) ESTABLISHMENT OF PROGRAM.—The Administration shall—

''(i) establish a loan guarantee program, under which the Administration may, during the period beginning on the date of enactment of this paragraph and ending on December 31, 2000, guarantee loans made by eligible lenders to small business concerns in accordance with this paragraph; and

''(ii) notify each eligible lender of the establishment of the program under this paragraph, and otherwise take such actions as may be necessary to aggressively market the program under this paragraph.

''(C) USE OF FUNDS.—A small business concern that receives a loan guaranteed under this paragraph shall only use the proceeds of the loan to—

''(i) address the Year 2000 computer problems of that small business concern, including the repair and acquisition of information technology systems, the purchase and repair of software, the purchase of consulting and other third party services, and related expenses; and

''(ii) provide relief for a substantial economic injury incurred by the small business concern as a direct result of the Year 2000 computer problems of the small business concern or of any other entity (including any service provider or supplier of the small business concern), if such economic injury has not been compensated for by insurance or otherwise.

''(D) LOAN AMOUNTS.—

''(i) IN GENERAL.—Notwithstanding paragraph (3)(A) and subject to clause (ii) of this subparagraph, a loan may be made to a borrower under this paragraph even if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $750,000.

''(ii) EXCEPTION.—A loan may not be made to a borrower under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $1,000,000.

''(E) ADMINISTRATION PARTICIPATION.—Notwithstanding paragraph (2)(A), in an agreement to participate in a loan under this paragraph, participation by the Administration shall not exceed—

''(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance exceeds $100,000;

''(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance is less than or equal to $100,000; and

''(iii) notwithstanding clauses (i) and (ii), in any case in which the subject loan is processed in accordance with the requirements applicable to the SBAExpress Pilot Program, 50 percent of the balance outstanding at the time of disbursement of the loan.

''(F) PERIODIC REVIEWS.—The Inspector General of the Administration shall periodically review a representative sample of loans guaranteed under this paragraph to mitigate the risk of fraud and ensure the safety and soundness of the loan program.

''(G) ANNUAL REPORT.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the program carried out under this paragraph during the preceding 12-month period, which shall include information relating to—

''(i) the total number of loans guaranteed under this paragraph;

''(ii) with respect to each loan guaranteed under this paragraph—

''(I) the amount of the loan;

''(II) the geographic location of the borrower; and

''(III) whether the loan was made to repair or replace information technology and other automated systems or to remedy an economic injury; and

''(iii) the total number of eligible lenders participating in the program.''.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) REQUIREMENTS.—Except to the extent that it would be inconsistent with this section or section 7(a)(27) of the Small Business Act, as added by this section, the guidelines issued under this subsection shall, with respect to the loan program established under section 7(a)(27) of the Small Business Act, as added by this section—

(A) provide maximum flexibility in the establishment of terms and conditions of loans originated under the loan program so that such loans may be structured in a manner that enhances the ability of the applicant to repay the debt;

(B) if appropriate to facilitate repayment, establish a moratorium on principal payments under the loan program for up to 1 year beginning on the date of the origination of the loan;

(C) provide that any reasonable doubts regarding a loan applicant's ability to service the debt be resolved in favor of the loan applicant; and

(D) authorize an eligible lender (as defined in section 7(a)(27)(A) of the Small Business

Act, as added by this section) to process a loan under the loan program in accordance with the requirements applicable to loans originated under another loan program established pursuant to section 7(a) of the Small Business Act (including the general business loan program, the Preferred Lender Program, the Certified Lender Program, the Low Documentation Loan Program, and the SBAExpress Pilot Program), if—

(i) the eligible lender is eligible to participate in such other loan program; and

(ii) the terms of the loan, including the principal amount of the loan, are consistent with the requirements applicable to loans originated under such other loan program.

(c) REPEAL.—Effective on December 31, 2000, this section and the amendments made by this section are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

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

Mr. Speaker, the Year 2000 computer problem, commonly known as Y2K, has the potential to disrupt many of this Nation's small to medium-sized businesses at the turn of the century. The Y2K problem exists because many computers and embedded chips cannot process dates beyond December 31, 1999.

Although computer programmers have known about this problem since at least the late 1960s, many small business owners have not taken any action toward correcting any possible Y2K problems they may have. In fact, according to a recent study by the NFIB, a small business association, only one in four small business owners consider Y2K a serious problem.

Today we are considering a very important piece of legislation that will help small businesses achieve Y2K compliance. The Small Business Year 2000 Readiness Act, S. 314, requires the Small Business Administration to establish a limited-term loan program to assist small businesses in correcting Y2K computer problems. Any of the more than 6,000 lenders nationwide that are eligible to participate in SBA's 7(a) business loan program are eligible to participate in the Y2K loan program.

Under current law, the SBA may not guarantee more than $750,000 to any single borrower. This legislation establishes a limited exception to current law so that the SBA may exceed that amount by up to $250,000 for loans under the Y2K loan program.

Small businesses may use the proceeds of a loan for two purposes. First, a small business may use the loan to correct Y2K problems affecting its own information technology systems and other automated systems. For example, a small business is permitted to purchase or repair hardware or software or pay for consultants to repair its information technology systems.

Second, a small business may use the loan proceeds to provide relief from economic injury suffered as a direct result of its own Year 2000 problems or some other entity's Y2K problems.

The belief of many small businesses that the Y2K problem does not affect them because they do not own a large mainframe or PC is unrealistic. Many of these businesses rely on a wide range of suppliers and customers who use automated and computerized systems for production, inventory, shipping and billing purposes. If one of these links in a small business' supply and demand chain is broken due to a computer system that is not Y2K complaint, it could lead to irreparable damage to a business that lacks a large capital pool.

Other Y2K-related problems that could affect small businesses include interest calculation errors, bank account balance errors, and disruption of service on production lines. Additionally, in our continuously expanding marketplace, small business owners who have contact with overseas corporations need to discover whether or not their foreign trading partners are Y2K compliant.

There is one positive aspect of the Y2K problem, Mr. Speaker. We know what it is and we know when it will strike. Unlike other disasters that strike unexpectedly, American small businesses can prepare for this potential problem and, in fact, help to blunt its impact. The loan program established by the Small Business Year 2000 Readiness Act will be instrumental in preparing our Nation's small businesses for the turn of the century.

In closing, I would like to read a letter I recently received from one of my constituents which I believe clearly illustrates the problems small businesses may face in the Year 2000.

''Dear Congressman Talent: I own and operate a small payroll service bureau in your district providing payroll services for over 100 client companies and approximately 6,000 people. Our gross income in many cases is just 50 cents per check in this extremely competitive environment. It is my estimate that it will cost us about $27,000 to $35,000 to obtain the needed payroll software and computer hardware to become Y2K compliant.

''Obviously payroll checks issued for January of the Year 1900 are not likely to be cashable at many banks. None of my clients will stay with us without some assurance of valid checks come January 1, 2000, so not complying would mean the death of my company. It is going to take a significant portion of our revenues for several years to pay for the compliance we absolutely must have. This may mean going without an income for me, possibly pay cuts for my employees, and paying high loan interest rates for years.

''We are currently struggling to figure out a way to finance the upgrades needed to become compliant, instead of working on getting the equipment and software and becoming compliant. It will take us about 3 months to convert all records, even after installing equipment and software.

''I would ask that you and the House of Representatives move as quickly as possible to approve a matching bill to S. 314 already passed. Once any legislation passes, and the money finally comes down to my small business, I still face months of work to finish what you are starting.

''Thank you very much for your consideration of the immense pressures this issue has added to many small businesses already dealing with a host of other problems,'' and it is signed with a constituent's name.

That, I think, illustrates the reason why we have this bill before the House. I thank my friend, the ranking member of the committee, the gentlewoman from New York (Ms. VELÁZQUEZ) for her help.

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

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

Mr. Speaker, I rise in support of S. 314, the Small Business Year 2000 Readiness Act. Providing small businesses with access to the capital they need to prepare themselves for the Year 2000 is important for the safety and soundness of our economy.

The Year 2000 problem is one of the most critical issues facing America's small businesses. It is not even January 1, 2000, and already some businesses are experiencing difficulties. Unless action is taken soon, the closer to this date we get, the more problems our Nation's businesses can expect.

Although no one knows for certain what impact Y2K will have, most experts believe that computer-related problems will be wide-ranging, from miscalculation in insurance and loan rates to brownouts caused by malfunctioning power plants. In fact, some equipment may stop working altogether. The economic impact could be disastrous not only for the United States but also for the global economy.

The overall cost to the American economy could be as high as $119 billion in lost output between now and 2001. In addition to this figure, the economic growth rate could slow, inflation could rise and productivity could drop. For small businesses, which may not have adequate resources to deal with this problem, the effects could be devastating. Estimates indicate that up to 7 percent of U.S. businesses will fail due to the lack of Y2K readiness. Clearly, something must be done to minimize the effects of the Year 2000 problem.

Despite all of this information and the dire forecast for the economy, a recent study conducted by the National Federation of Independent Businesses and Wells Fargo Bank found that fewer than 23 percent of small business owners consider Y2K a serious problem. Additionally, the report stated that only 41 percent addressed or planned to address this issue. There are many reasons for this, ranging from lack of understanding to inadequate resources.

Today's legislation tackles one problem faced by small businesses preparing for the Y2K: access to capital. S. 314, the Small Business Year 2000 Readiness Act, would remedy this by providing greater flexibility through the 7(a) program to help businesses deal with their readiness. This legislation will also increase the number and amount of loans available to small businesses. Repayment of loans will be structured to help businesses with their cash flow and in their planning for the coming year.

Mr. Speaker, we should all take the threat that the Year 2000 problem poses to our small business community very seriously. We must continue to work together to make businesses aware of the need to prepare for Y2K, and we must continue finding ways to help small businesses become ready.

S. 314 is a step in that direction. I urge my colleagues to support this legislation.

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

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

Mr. Speaker, in closing, I would like to thank our distinguished ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her work on this legislation.

Mr. Speaker, this is the sixth piece of legislation that the Committee on Small Business has brought before this House in these first months of the 106th Congress. We have moved all these measures on a bipartisan basis and in fact, so far, Mr. Speaker, we have been able to move our legislative agenda on a bicameral basis.

I would like to thank all the members of the committee for making the past few months a success for the committee. I also want to thank the committee staff on both sides of the aisle that worked so effectively to help our committee accomplish its goals.

I do not normally thank staff in these kinds of debates, Mr. Speaker, but I think it is appropriate given the fine work so far. On the Democratic staff, I would like to thank George Randels, Catherine Cruz-Wojtasik, Michael Klier and Michael Day. On the Republican staff, I would like to thank Charles Rowe, Meredith Matty, Dwayne Andrews, Stephanie O'Donnell, Larry McCredy, Paul Denham and Harry Katrichis.

This is a very important piece of legislation, Mr. Speaker, to help our small business community in dealing with what could be a very significant problem. I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this bill, which encourages our small businesses to address the Y2K computer problem. I support S. 314 as a necessary support tool for small businesses dealing with Y2K.

This bill requires the Small Business Administration (SBA) to establish a new loan program that would give small businesses, who often do not have a great deal of money for capital investment, the opportunity to address the Y2K conversion in a responsible manner.

The Administration has gone through great pains to work through the Y2K bug, and to make sure that the United States survives the transition to next year with minimal discomfort. Among the programs that the Administration has created are several instituted by the SBA and the National Institute of Standards and Technology (NIST), which are aimed exclusively at getting small business on the track to Y2K Compliance.

These programs are vital in my district, and in areas throughout the country, where small businesses are responsible for providing many of the most important services to the community. In many urban neighborhoods, for instance, the largest grocery stores are the mom-and-pop shops on the corner—which would be called "convenience stores" in the suburbs. These small shops are, for many whom do not have cars or whom rely on public transportation, their only source for food and other necessary goods—and we simply cannot afford to have them shut down for any amount of time.

Most of the growth in our economy can be attributed to the revitalization of our small and medium-sized businesses, and we ought to ensure that no phenomenon, whether an act of God or the miscalculation of a computer designed decades ago, will curb that growth. I believe that this, simple bill, has the potential to do a great deal of good, and I, like my colleagues in the Senate, urge its passage.

Mr. TALENT. Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the Senate bill, S. 314.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1200

GENERAL LEAVE

Mr. TALENT. 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 S. 314.

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

There was no objection.

SMALL BUSINESS INVESTMENT IMPROVEMENT ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 68) to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Investment Improvement Act of 1999''.

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at the end the following: ''In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.''.

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking ''$800,000,000'' and inserting ''$1,200,000,000''; and

(2) in subsection (e)(1)(C)(i), by striking ''$900,000,000'' and inserting ''$1,500,000,000''.

(c) DEFINITIONS.—

(1) SMALL BUSINESS CONCERN.—Section 103(5) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)) is amended—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), and indenting appropriately;

(B) in clause (iii), as redesignated, by adding ''and'' at the end;

(C) by striking ''purposes of this Act, an investment'' and inserting the following: ''purposes of this Act—

''(A) an investment''; and

(D) by adding at the end the following:

''(B) in determining whether a business concern satisfies net income standards established pursuant to section 3(a)(2) of the Small Business Act, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

''(i) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this subparagraph), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

''(ii) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation;''.

(2) SMALLER ENTERPRISE.—Section 103(12)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(12)(A)(ii)) is amended by inserting before the semicolon at the end the following: ''except that, for purposes of this clause, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

''(I) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

''(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the

marginal Federal income tax rate that would have applied if the business concern were a corporation''.

(d) TECHNICAL CORRECTIONS.—

(1) REPEAL.—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by striking paragraph (13).

(2) ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking ''6'' and inserting ''12''.

(3) ELIMINATION OF TABLE OF CONTENTS.—Section 101 of the Small Business Investment Act of 1958 (15 U.S.C. 661 note) is amended to read as follows:

''SEC. 101. SHORT TITLE.

''This Act may be cited as the 'Small Business Investment Act of 1958'.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

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

Mr. Speaker, I want to begin by thanking my colleague, the ranking member of the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ) for her assistance in moving this bill, and her help in fashioning it.

The bill before us is almost identical to the measure which was passed by this House at the beginning of last month as the first bill passed through the 106th Congress. The other body acted on this legislation yesterday, and I am pleased to bring it before the House today for purposes of further action, and I hope and trust final passage.

The purpose of H.R. 68 is to make technical corrections to Title III of the Small Business Investment Act. That title authorizes the Small Business Investment Company program. Small Business Investment Companies, or SBICs, are venture capital firms licensed by the Small Business Administration. They use SBA guarantees to leverage private capital for small businesses. The technical corrections proposed by H.R. 68 will improve the flexibility of the SBIC program and allow increased access to this program by small businesses.

I just want to hit today, Mr. Speaker, the major changes of the underlying SBIC Act by H.R. 68.

First, H.R. 68 would change policies which currently reserve leverage for smaller SBICs. We thought at the time the bill was passed this would be necessary to give them a fair shake, but as a matter of fact, we are finding that the SBA's own policies are more than adequate in that regard, and that in fact this has the effect of hurting certain small businesses because it reserves too much of the leverage until the end of the year, so we need to repeal that.

H.R. 68 has a small authorization level for the participating securities segment of the SBIC program. The level would rise from $800 million to $1.2 billion in fiscal year 1999, and from $900 million to $1.5 billion in fiscal year 2000. That is necessary to meet rising demand.

H.R. 68 modifies a test for determining the eligibility of small businesses for SBIC financing, and basically puts S corporations on the same footing as other corporations, and allows them to participate equally in the program.

Finally, H.R. 68 will allow the SBA greater flexibility in issuing trust certificates to finance the SBIC program's investment in small businesses. Current law allows fundings to be issued every 6 months or more frequently. This inhibits the ability of the SBICs and the SBA to form pools of certificates that are large enough to generate serious investor interest, so H.R. 68 allows more time between fundings. That will permit the SBA and the industry to form larger pools for sale in the market.

The Senate's changes to H.R. 68 involve the further fine tuning of the legislation which originated here at the beginning of this Congress. The other body added a technical correction, eliminating the table of contents in the Small Business Investment Act. They reworded the language regarding the small business standard for SBIC investments, and they clarified the formula for addressing taxes so that it is clear that State taxes could not be deducted twice.

Those changes are all acceptable to the committee, to the ranking member and myself. I think they were good changes, if not really significant ones. I would urge the House to accept them.

Again, I want to thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff for their assistance in moving the measure before us. I also want to thank the chairman and ranking member of the Committee on Small Business in the other body, Senators KIT BOND and JOHN KERRY and their staffs, for their expeditious action on this important legislation.

I urge my colleagues to adopt the Senate amendments and support H.R. 68.

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

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

Mr. Speaker, I want to take this opportunity to thank the chairman for moving expeditiously this legislation. I rise in strong support of H.R. 68, the Small Business Investment Company Technical Corrections Act. Last month H.R. 68 was the first piece of legislation to pass the 106th Congress. Today, after the Senate has made some technical corrections which clarified the assumed tax provisions, we will once again pass this bipartisan legislation and send it to the President.

As a cosponsor of last year's bill and an original cosponsor of this legislation, I strongly support the improvements we are making to the Small Business Investment Act and the Small Business Investment Company program to date. These changes will only serve to make the SBIC program more efficient and responsive to the needs of small entrepreneurs.

There is no question that the value of the SBIC has been felt across this Nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the years, SBICs have given companies like Intel Corporation, Federal Express, and American Airlines the push they needed to succeed. And because of SBICs, millions of jobs have been created and billions of dollars have been added into our economy.

Even as America experiences the longest period of economic growth in decades, there are still many disadvantaged urban and rural communities that are being left behind. One way of bringing economic development and prosperity to more Americans is through the SBIC program.

In fact, SBICs are such a powerful tool that the President's new economic initiatives for the distressed communities which he announced in his State of the Union Address is based on the solid framework of the SBIC program. Today's legislation answers the President's challenge and makes it easier for small businesses, especially in those targeted urban and rural areas, to access the capital that they need.

H.R. 68 ensures that the next Fedexes and AOLs of this country continue to have a fighting chance. The proposal is simple. By streamlining the process and increasing flexibility, SBICs will be able to creatively finance more businesses.

Recently we have also seen the SBIC program expand into new areas. Last year we witnessed the creation of two women-owned SBICs and the establishment of the first Hispanic-owned firm. The changes we are making today are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently.

I am pleased once again to join the distinguished chairman in support of the proposed corrections, and I urge the adoption of this legislation.

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

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

Mr. Speaker, I simply would again encourage the House to concur in the Senate amendments to H.R. 68.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 68.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. 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 matter on H.R. 68.

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

There was no objection.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 751) 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,'' as amended.

The Clerk read as follows:

H.R. 751

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, shall be known and designated as the ''Edward N. Cahn Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Edward N. Cahn Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 751, as amended, the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal Building and United States Courthouse.

Judge Cahn was born and raised in Allentown, Pennsylvania. It is said Judge Cahn was quite a basketball star where he was part of the Allentown High championship team in 1951. He went on to attend Lehigh University, and graduated magna cum laude in 1955. Judge Cahn was the first Lehigh University basketball player to score 1,000 points during his collegiate career.

After graduating from Yale Law School, Judge Cahn returned to the Lehigh Valley. He was in the United States Marine Corps Reserve until 1964, and active in private law practice until 1974.

In 1975 President Ford appointed Edward Cahn to Pennsylvania's Eastern District Federal Court. For the next 23 years, Judge Cahn fairly and expeditiously administered the law from the Federal bench in Allentown, Pennsylvania, the only judge in the Third Circuit to work out of the Allentown courthouse.

In 1993 Judge Cahn was appointed the court's chief judge until his retirement in December, 1998. This is a deserving honor to an exceptional jurist and a local Lehigh Valley hero. I support this bill, and encourage my colleagues to support it, as well.

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

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

Mr. Speaker, House Resolution 751 is a bill to designate the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal Building and United States Courthouse.

Judge Cahn has been serving the citizens of Allentown, Pennsylvania, and Lehigh county for four decades. He is a native of Allentown, and attended Lehigh University. He graduated Magna Cum Laude in 1955. After graduating from Yale in 1958, Judge Cahn was admitted to the Lehigh County Court in 1959.

In 1975 President Ford nominated him for the Federal bench in Pennsylvania's Eastern District Court. Judge Cahn worked from the Federal bench for the next 23 years in Allentown. Throughout his long, distinguished legal career Judge Cahn was known for his attention to detail and his fairness. He has been a mentor to others, impressing on other lawyers that all cases are important and deserving of attention. It is very fitting that we acknowledge the outstanding contributions of Judge Cahn by designating the courthouse in Allentown, Pennsylvania, in his honor.

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

Mr. FRANKS of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Allentown, Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I rise today to urge my colleagues to pass H.R. 751, a bill I introduced to name Allentown's Federal courthouse for retired Judge Edward N. Cahn.

Judge Cahn, as a native of Pennsylvania's Lehigh Valley, has honored our community with his service as a Federal judge and the determination he has brought to everything that he has done.

The outpouring of community support to name Allentown's courthouse after Judge Cahn has been substantial and bipartisan. Judges, prosecutors, defenders, corporate attorneys, civil lawyers, and many others have asked that Judge Cahn be honored with this distinction. His childhood friend and colleague, Judge Arnold Rappoport, once said, ''Whether it's being captain of the basketball team at Lehigh University or being in the Marines, he has a pioneering will to achieve. The energy and drive never changed.''

Judge Cahn served on the Federal bench for 23 years, including 5 years as chief judge. As a jurist and a public servant, he instilled the virtue of fairness and equality under the law. He remains the only Federal jurist to come from Lehigh County lawyers. In fact, if it were not for Judge Cahn's influence and enormous efforts, Allentown may not now have this beautiful new courthouse. It is only fitting that this courthouse bear his name.

Beyond the physical structure of the building, Judge Cahn is widely helping with helping Lehigh Valley garner the respect and recognition it deserves within the Federal legal community. Judge Cahn's former law partner, John Roberts, says, the Federal bench has lost a star.

I agree, and I would like to take this opportunity to remind us all that we should not underestimate the importance of a community having representation on the Federal bench. It is something Judge Cahn always believed and stresses to this day.

Federal courts should be reflective of all constituents within their borders. Nothing can substitute for the personal knowledge and experience of living and working in a region. Judges who understand a region's customs and history better understand their jurists, plaintiffs, and defendants.

That is why the Lehigh Valley must have a trial judge on the Federal bench, and why I am committed to working with my colleagues to fill Judge Cahn's seat with a native of the Lehigh Valley.

In conclusion, Judge Cahn is already missed on the Federal bench, but perhaps naming the courthouse after him will serve as an enduring reminder of the contributions he has made to the administration of justice in Pennsylvania.

I would like to thank several people who have been very supportive of this measure: first, the gentleman from Pennsylvania (Mr. HOLDEN), a fellow member of the Pennsylvania delegation; the Committee on Transportation and Infrastructure, and its chairman, the gentleman from Pennsylvania (Mr. BUD SHUSTER), as well as the ranking member, the gentleman from Illinois (Mr. WILLIAM LIPINSKI); the Subcommittee on Buildings and Economic Development, and the chairman, the gentleman from New Jersey (Mr. BOB FRANKS), as well as the ranking member, the gentleman from West Virginia (Mr. ROBERT WISE). I would also like to thank the majority leader, the gentleman from Texas (Mr. DICK ARMEY) for his support in this.

Finally, I urge my colleagues to pass H.R. 751, and give honor to Allentown's courthouse and the man who made it possible.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN).

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

Mr. Speaker, I rise in strong support of this resolution today, and I would like to commend my colleague, the gentleman from Lehigh Valley, Pennsylvania (Mr. TOOMEY) for bringing this legislation to the floor.

Before coming to Congress, Mr. Speaker, I had the great opportunity to serve as sheriff of Schuylkill County, Pennsylvania, for 7 years.

□ 1215

During that time period, I had a chance to get to know Judge Cahn, and I just wanted to say that he is an honest, sincere, hardworking person who has dedicated his life to serving, not only the people of Lehigh Valley but the people of Pennsylvania and the people of this great country. He has served with distinction on the bench, and his knowledge of law and his sense of fairness is beyond question.

I would just like to say that Judge Cahn so much deserves this honor today to have that beautiful courthouse in Allentown named after him for his distinguished service. I would like to wish Judge Cahn and his family many, many years of happy retirement. I am sure he is going to serve in senior status and continue to serve the people in Lehigh Valley.

Mr. Speaker, I want to lend my strong support and again thank the gentleman from Pennsylvania (Mr. TOOMEY), my friend from Lehigh Valley, for bringing this legislation to the floor. I agree with everything he said except that we will fill that vacancy in the Lehigh Valley right after we fill it with the judgeship from Berks County, Pennsylvania to take Judge Cahn's place.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. SHOWS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 751, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

''A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the 'Edward N. Cahn Federal Building and United States Courthouse'.''.

A motion to reconsider was laid on the table.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 130) to designate the United States Courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''.

The Clerk read as follows:

H.R. 130

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

SECTION 1. DESIGNATION.

The United States courthouse located at 40 Centre Street in New York, New York, shall be known and designated as the ''Thurgood Marshall United States Courthouse''.

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Thurgood Marshall United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 130 designates the United States courthouse at 40 Centre Street in New York City as the ''Thurgood Marshall United States Courthouse.'' Thurgood Marshall was born in Baltimore, Maryland. He graduated cum laude from Lincoln University in 1930 and graduated top of his class from Howard University School of Law in 1933.

Upon graduation from law school, Justice Marshall began his legal career with the National Association for the Advancement of Colored People. As chief counsel, he organized efforts to end segregation in voting, housing, public accommodations, and education. These efforts led to the landmark Supreme Court decision of Brown versus Board of Education, which declared segregation in public schools to be unconstitutional.

In 1961, Justice Marshall was appointed to the Second Circuit Court of Appeals by President Kennedy and four years later was chosen by President Johnson to be the first African American Solicitor General.

Two years later, in 1967, President Johnson nominated Justice Marshall to become the first African American Justice of the Supreme Court, where he served with distinction until his retirement in 1991.

Justice Marshall died in 1993 and laid in State in the Supreme Court building, a rare and privileged honor.

This is a fitting tribute to an honored jurist and a great historical figure. I support the bill and urge my colleagues to support it.

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

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

Mr. Speaker, H.R. 130 is a bill to name the Federal courthouse located at 40 Centre Street in New York City in honor of former Supreme Court Justice Thurgood Marshall. I thank the gentleman from New York (Mr. ENGEL) for introducing the bill and for his steadfast support of this legislation.

The career and character and contributions of Judge Marshall are without equal. His struggles for equality and dignity for all people were of historical proportions.

In 1961, President John Kennedy appointed Marshall as a judge on the United States Court of Appeals. Marshall was the first African American to receive such an appointment. President Johnson appointed Marshall as Solicitor General, and in 1967 he was appointed to the United States Supreme Court where he served until 1991.

As my colleagues know, Justice Marshall was born and brought up in Baltimore and graduated first in his class from Howard University Law School. The brilliance of his legal career is highlighted in the famous 1954 Brown versus Board of Education of Topeka case in which ration segregation in the United States public schools was declared unconstitutional.

Justice Marshall's visions for the future required constant and personal commitment by each citizens to racial equality. Justice Marshall has given to the American public an enduring symbol of hard work, determination, fairness, and honor.

Mr. Speaker, I am greatly honored and pleased to support H.R. 130.

Mr. FRANKS of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), sponsor of the bill.

Mr. ENGEL. Mr. Speaker, I thank my friend from Mississippi for yielding me this time.

Mr. Speaker, I rise to encourage my colleagues to support H.R. 130. I am proud to be the sponsor of this bill, and this is a bipartisan bill, to name the Federal courthouse at Foley Square in Manhattan in New York City as the ''Thurgood Marshall United States Courthouse.''

By naming the Foley Square courthouse after Justice Marshall, Congress would send a signal to the American people and the entire world of the importance of the principle of equality under the law.

As my colleagues know, the late Thurgood Marshall was not only the first African American Justice of the United States Supreme Court, he also was one of the greatest trial and appellate lawyers in the history of our Nation. Through his skill, advocacy, and dedication to the cause of civil rights, he led the charge for equality, not only for African Americans, but for all Americans.

Thurgood Marshall was born July 2, 1908 in Baltimore, Maryland. After attending public schools in Maryland, he received his bachelor's degree from

Lincoln University in Pennsylvania and his law degree from Howard University right here in Washington, D.C. where he graduated first in his class.

After handling a variety of private legal cases, Thurgood Marshall was appointed in 1936 as Special Counsel to the NAACP, the National Association for the Advancement of Colored People. Only 3 years later, Marshall founded the NAACP Legal Defense and Education Fund, one of the great protectors of civil rights in our country's history.

I would urge my colleagues commemorating the life of Thurgood Marshall today to cosponsor H. Con. Res. 33, my legislation, which commemorates the 90th anniversary of the founding of the NAACP.

While at the NAACP, Thurgood Marshall won 29 of 32 cases he argued before the United States Supreme Court. Most prominent of Marshall's victories of course was Brown versus Board of Education, that famous 1954 case, in which the Supreme Court struck down the separate but equal policy that was used to justify public school segregation that had been in effect since 1896.

While at the NAACP, Marshall also won important cases against discriminatory poll taxes, racial restrictions in housing, and whites-only primary elections.

In September 1961, after such a distinguished career with the NAACP, President John F. Kennedy appointed Thurgood Marshall as the first African American to sit as a judge on the United States Court of Appeals for the Second Circuit. He was later chosen by President Lyndon B. Johnson as the United States Solicitor General, also the first African American to hold this position.

On June 13, 1967, President Johnson appointed Thurgood Marshall to the Supreme Court. As the first African American Associate Justice, Marshall became known for his heartfelt attacks on discrimination,, unyielding opposition to the death penalty, and support for free speech and civil liberties.

As my colleagues know, the House passed this bill last year. We are considering it again today because it did not come to the floor of the Senate by the end of the session. I am hoping the Senate will immediately take up this bill after the House passes it.

Mr. Speaker, it is important to note the New York State Senate, the New York State Bar Association, and the New York State County Lawyers' Association, of which Marshall was a longtime member, have endorsed this bill. It is bipartisan, strong bipartisan support.

The courthouse at 40 Centre Street in New York has gone unnamed since its construction in 1935. I believe that identifying this courthouse with Justice Marshall would be a fitting commemoration of his life's pursuit of justice and equality under the law. The Thurgood family is delighted to have this important courthouse named after Justice Thurgood Marshall.

I urge my colleagues to offer this tribute to Justice Thurgood Marshall and to support H.R. 130. I just want to thank my colleagues, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New Jersey (Mr. FRANKS), and the gentleman from West Virginia (Mr. WISE), for their cooperation and strong support for this bill. I appreciate their collegiality very, very much.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democratic member on the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Mississippi for yielding me this time.

Mr. Speaker, we gather here in this Chamber and with this bill before us to pay tribute and to honor a giant of the law and of the Constitution. In honoring Thurgood Marshall, we honor and pay tribute to all that is good and great in the history of democracy in America, for he personified what our American war revolution was all about, what the framers of the Constitution intended in writing this great and durable document, that all people are created equal and are entitled to equal justice under the law and in this Constitution.

Thurgood Marshall believed in that theme, believed in that promise, and made his life a crusade to make the promise of the Constitution alive, living, practiced in this democracy.

What we say here cannot add to the glory that is his and to the respect that generations owe him. We can only supplement what was a great, courageous, and inspiring life.

By naming a building, we hope that we in stone, in structure, and in all that goes on inside this great courthouse, perpetuate the ideals that made up the career and the life and the purpose of Justice Thurgood Marshall.

Mr. SHOWS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the chairman of the subcommittee and the ranking member for their attention to this naming bill.

How appropriate it is that the courthouse at Foley Square would be named for the man who sat there as a Second Circuit Judge and went on to the highest court, Thurgood Marshall. Of course the Foley Square courthouse is one of the preeminent courthouses in the United States in part because of some of the notorious cases that have been decided there, but also because of where it stands and what it has meant in history.

So to name a preeminent courthouse after a preeminent lawyer, a preeminent litigator, a preeminent Justice seems just right. In point of fact, Justice Thurgood Marshall was preeminent in so many ways, it is difficult to know now how he will be best remembered.

He spent many years on the Court. He was Solicitor General at an important high point of our history when the government was litigating cases involving race and other matters of signal importance to the constitutional development of our law.

Yet, I do not believe that the Justice will be remembered preeminently as a Justice or as a lawyer. I believe those are too small to encase his memory. I believe he will be remembered for what he did for American law itself. We are at a proud point in American law because the words equality under justice means something.

□ 1230

We did not get to that point, the law did not get to that point by itself. Equality under law was an empty phrase when Marshall began to practice law and when he and his cohorts at the NAACP, later to become the NAACP Legal Defense Fund, began to attack discrimination at its core.

Despite the carnage of the Civil War, the fact is that slavery was replaced by a system of law called Jim Crow. It was that system that Thurgood Marshall set his sights upon. He embarked upon the mission of filling the empty vessel, the words ''equality under law,'' with true meaning. Marshall led a brilliant litigation strategy. Today, ''separate but equal'' is totally discredited, but it took years, gnawing at the roots of that doctrine, to finally overthrow that doctrine with Brown v. Board of Education.

When President Johnson sought to appoint Thurgood Marshall to his two important positions, he faced an uphill battle, and if I may say so, from members of his own party. And yet our law and our courts are richer because that battle was fought, and because Thurgood Marshall fought his battles for our law and for African Americans; ultimately, for all Americans, who now all accept ''equality under law,'' with many more coming forward to claim that right than those who happen to be black.

For lawyers like me, Thurgood Marshall was nothing less than a role model, because there were so few African American lawyers in the 1960s when I came to the bar. He has since become not only a role model for my generation but an American legend in the law. It is most appropriate that he be honored in this way.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 130, to designate the court house on Centre Street in New York City as the ''Thurgood Marshall United States Court House.''

It is particularly auspicious that this legislation appears before the House of Representatives this week when much of the nation will learn, for the first time, of one of Justice Marshall's early cases on behalf of oppressed members of our society.

As a young attorney for the National Association for the Advancement of Colored People (NAACP), Thurgood Marshall went to Treasure Island in San Francisco Bay in September 1944 to observe the largest mutiny trial in the history of our nation. The accused men were sailors who had refused to continue loading highly explosive munitions at the Port Chicago Naval Magazine because a terrific explosion just a few weeks earlier had, without warning or explanation, killed 320 of their colleagues and destroyed this important naval facility. It was the largest home front loss of life of the war.

Marshall was concerned about the Port Chicago courts martial because all the accused men were blacks, men relegated to loading munitions on ships rather than firing them at the enemy solely because they were black. Men who lived in segregated housing, ate in segregated mess halls; men denied the posttraumatic leave typically granted. Indeed, benefits to the survivors of those black men killed in the explosion were reduced from $5,000 to $3,000 when southern senators learned the victims were blacks.

The Navy, dismissing the protests of the NAACP and others over the hypocrisy of asking segregated blacks to fight fascism abroad, denounced their sailors as having ''exhibited the normal characteristics of negroes,'' and prosecuted them for mutiny. Fifty stood their ground and were sentenced to long jail terms, later reduced in the aftermath of the war. Following their convictions, Thurgood Marshall launched an impassioned effort to force the government to rescind the convictions, and he won some concessions: two dozen pieces of evidence were thrown out as tainted, but the convictions stood, and continue to stand today.

The Navy of the 1990s has proved equally resistant to revisiting the Port Chicago convictions. Directed by Congress to re-examine the case in 1992, Secretary of the Navy John Dalton admitted that there was ''no doubt that racial prejudice was responsible for the posting of African-American enlisted personnel to the loading at Port Chicago.'' Then Secretary of Defense William Perry agreed that ''prejudice in the first instance resulted in the assignment of African-American sailors to hard, dangerous work, but segregated them and denied them the dignity accorded to others in uniform.'' Like Dalton, however, Perry refused to overturn the convictions because, they asserted, the pervasive racism in the Navy and at Port Chicago was not documented in the actual trial proceedings.

I wonder how the courts ultimately would have treated Rosa Parks if they had refused to consider the context in which she defied the law and launched the civil rights campaigns of the 1950s. I wonder how history might be different if judicial officers reviewing records of sit-ins at lunch counters did not consider the environment in which those acts of defiance occurred.

The same is true of the Port Chicago case, and Thurgood Marshall knew it over a half century ago. Men who battled to enlist in the Navy to defend their country against fascism and racism were treated like second class citizens because of their race. They got second class jobs, second class training, and they got second class justice.

For decades, virtually all of the surviving Port Chicago ''mutineers'' have suffered their unjustified humiliation in silence, much as they suffered the anguish of official segregation and Navy policies that placed them in extreme risk without even a modicum of training. Bolstered by books and news coverage a decade ago, a few of these men—several now deceased—worked with Members of Congress to secure the Navy reviews and to successfully pass legislation in 1992 creating the Port Chicago National Memorial in California that honors the men who served and died at that facility.

A decade-long effort to secure the exoneration of over 250 black sailors who refused to resume loading the ships is gaining steam. A national law firm, Morrison and Foerster, has taken up the pardon appeal of Mr. Freddie Meeks of Los Angeles, and will hopefully be able to represent additional survivors and the families of those men who passed away without ever knowing that this day of reconsideration was coming.

The media also is finally paying attention to the travesty that followed the tragedy. The History Channel recently broadcast an hour-long show, produced by CBS, and the Learning Channel is set to air its own account on March 30th. NBC will nationally broadcast a made-for-TV movie, produced by actor Morgan Freeman, on March 28 that tells a fictionalized account of the Port Chicago story.

So it is fitting that, as the nation studies the Port Chicago case and the important role Thurgood Marshall played in challenging these unjust convictions, we meet here today to dedicate this building in his memory. Port Chicago was an early, and largely unknown, item in a distinguished legal and judicial career, and Justice Marshall surely deserves the honor we are about to confer on him.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill. This bill designates a United States courthouse in New York City as the ''Thurgood Marshall United States Courthouse.''

Thurgood Marshall worked for not only African Americans but for all Americans to establish and perfect a fundamental structure of individual rights. He succeeded in creating new protections under the law for women, children, prisoners, and the homeless. These groups owe a debt of gratitude to Thurgood Marshall for the increased protections that they enjoy as American citizens. Mr. Speaker even the press had Marshall to thank for an expansion of its liberties during the century.

Marshall was America's leading advocate of civil rights and led a revolution that has left an indelible mark on the American society as a whole. First as an attorney and then as the nation's first African American Justice on the Supreme Court, Marshall worked towards the integration of the races. He believed that through integration equal rights under the law could become a reality for all Americans.

In 1940, the NAACP created the Legal Defense and Education Fund, with Thurgood Marshall as its director and Counsel. During his tenure he coordinated the efforts of the NAACP to end racial segregation. His efforts culminated with the landmark 1954 decision Brown versus The Board of Education, which declared segregation of public schools illegal.

President Johnson would appointment Thurgood Marshall to the Supreme Court of the United States, making Justice Marshall the first African American justice to sit on the Court. As a justice Marshall worked to advance educational opportunity and to bridge the wide gulf of economic inequity between blacks and whites. He became a champion of affirmative action and other race conscious policies as a means to correct the damage from the horrors of racism.

Marshall's work as an attorney and as a justice would provide the framework for improvements in the equal rights of all Americans. President Johnson said at the time of appointing Marshall to the Supreme Court that it was ''the right thing to do, the right time to do it, the right man and the right place.'' I say to you that in naming this Courthouse for Thurgood Marshall this body is using the right name and sending the right message.

Thurgood Marshall's name is synonymous with the struggle for equal rights in America. His legacy as an advocate for equal rights for all Americans is one that should be emulated, remembered and cherished.

Mr. Speaker; I ask my colleagues to support this measure and vote to designate this courthouse as the ''Thurgood Marshall United States Courthouse.''

Mr. CUMMINGS. Mr. Speaker, today, we honor Thurgood Marshall. Marshall was born and raised in the Congressional District I represent—Baltimore City, Maryland—and actually lived in a home which is about eight blocks from where I live now. We both attended Howard University and, more significantly, he was once turned away form the law school I attended and graduated from—the University of Maryland. As such, I am especially proud to honor Thurgood Marshall, as I share a common path with this historic figure.

In designating the Thurgood Marshall U.S. Courthouse in New York City, the nation also honors and praises this man for his civil rights achievements as a lawyer and for reaching the pinnacle of the U.S. justice system as the first African American Supreme Court Justice. I believe, however, that he should be revered most for his courage and independent judiciary and for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices concerning voting, housing, education, and travel. It is an honor to recognize a man whose career is a monument to the judiciary system, and who has inspired others to continue his quiet crusade. I urge support for this legislation.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 130.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY KENNEDY CENTER

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 52) authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

The Clerk read as follows:

H. CON. RES. 52

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY KENNEDY CENTER.

In carrying out its duties under section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j), the John F. Kennedy Center for the Performing Arts, in cooperation with the National Park Service (in this resolution jointly referred to as the ''sponsor''), may sponsor public performances on the East Front of the Capitol Grounds at such dates and times as the Speaker of the House of Representatives and Committee on Rules and Administration of the Senate may approve jointly.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Any performance authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) ASSUMPTION OF LIABILITIES.—The sponsor shall assume full responsibility for all liabilities incident to all activities associated with the performance.

SEC. 3. PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—In consultation with the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate, the Architect of the Capitol shall provide upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for a performance authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the performance.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to a performance authorized by section 1.

SEC. 5. EXPIRATION OF AUTHORITY.

A performance may not be conducted under this resolution after September 30, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey Mr. FRANKS) and the gentleman from Mississippi Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 52, introduced by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania Mr. SHUSTER), and cosponsored by the ranking member, the gentleman from Minnesota Mr. OBERSTAR), authorizes the use of the East Front of the Capitol for performances by the Millennium Stage of the John F. Kennedy Center for the Performing Arts. It is expected the performances are to take place on Tuesdays and Thursdays when Congress is in session, from Memorial Day through September 30, 1999.

The performances will be open to the public, free of admission charge, and the sponsors of the event, the Kennedy Center and the National Park Service, will assume responsibility for all liabilities associated with the event. The Architect of the Capitol will be responsible for some of the expenses associated with the performances. The Architect and the Police Board will make additional arrangements in complete compliance with the rules and regulations governing the use of the Capitol grounds. The resolution expressly prohibits sales, displays and solicitation in connection with the event.

This unique event allows the Kennedy Center to provide leadership in the national performing arts education policy and programs and to conduct community outreach, as provided for in its mission statement. By permitting these performances on the East Front, the Congress is assisting the Kennedy Center in fulfilling its important mission.

Mr. Speaker, I support the resolution, and I urge my colleagues to support it as well.

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

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

Mr. Speaker, I am pleased to support this resolution, which authorizes the use of the Capitol grounds for summer concerts presented by the John F. Kennedy Center. Consistent with other resolutions regarding the use of the Capitol grounds, the concerts will be free of charge and open to the public, and the sponsors will abide by the applicable rules and regulations.

On Tuesdays and Thursdays around lunchtime, the public will be treated with presentations of music, drama and dance by fine local and regional talent. This is a rare opportunity for a wide range of visitors and tourists to enjoy the offerings of the Kennedy Center. The 1998 summer series was a great hit and enjoyed by several hundred visitors, Capitol Hill residents, and hill Staff and Members.

I support House Concurrent Resolution 52 and look forward to the summer program.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota Mr. OBERSTAR), the ranking Democrat on the Committee on Transportation and Infrastructure.

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

The Kennedy Center at the Millennium Stage is truly one of the most remarkable innovations of the center and is the brainchild of the chairman of the center's board of trustees, Jim Johnson, and carried out brilliantly by president Larry Wilker.

The Millennium Stage operates 365 days a year, free to the public, and has entertained over half a million people, visitors to our Nation's Capital who can come to the Kennedy Center, to the Nation's center for the performing arts, and enjoy a free performance of the greatest array of talent that this Nation has to offer. It is an enjoyable, wonderful, uplifting experience for hundreds of thousands of visitors to our Nation's Capital as well as to residents of our Nation's Capital.

The resolution we bring to the House floor today will bring to the Capitol grounds this edition of the Millennium Stage and make it available here in the heart of the Nation's Capital.

It is a great privilege for me to serve, in my capacity as ranking member of the Committee on Transportation and Infrastructure, along with the chairman of our full committee, the gentleman from Pennsylvania Mr. BUD SHUSTER), on the board of trustees of the Kennedy Center. Together, we enthusiastically welcome to the Capitol grounds the Millennium Stage of the John F. Kennedy Center for the Performing Arts.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 52.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 1999 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 50) authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 50

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN THROUGH CAPITOL GROUNDS.

On June 11, 1999, or on such other date as the Speaker of the House of Representatives

and the Committee on Rules and Administration of the Senate may jointly designate, the 1999 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 50 authorizes the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be conducted through the grounds of the Capitol on June 11, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution also authorizes the Architect of the Capitol, the Capitol Police Board and the D.C. Special Olympics, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The sponsor of the event will assume all expenses and liabilities in connection with the event; and all sales advertisements and solicitations are prohibited.

The Capitol Police will be hosting the opening ceremonies for the run starting on Capitol Hill, and the event will be free of charge and open to the public. Over 2,000 law enforcement representatives from local and Federal law enforcement agencies in Washington will carry the Special Olympics torch in honor of 2,500 Special Olympians who participate in this annual event, to show their support for the Special Olympics.

For over a decade the Congress has supported this worthy endeavor by enacting resolutions for the use of the grounds. I am proud to sponsor this resolution this year, and urge my colleagues to support it as well.

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

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

This event needs little introduction. 1999 marks the 31st anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics, which takes place at Gallaudet University in the District of Columbia.

Each year approximately 2,500 Special Olympians compete in over a dozen events, and more than one million children and adults with special needs participate in Special Olympic worldwide programs. The event is supported by literally thousands of volunteers.

The goal of the games is to help bring mentally handicapped individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic Games.

I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics. I urge passage of House Concurrent Resolution 50.

Mr. OBERSTAR. Mr. Speaker, the relay event is a traditional part of the opening ceremonies for the Special Olympics, which take place at Gallaudet University in the District of Columbia.

This year, approximately 2,500 special Olympians will compete in 17 events, and more than one million children and adults with special needs participate in Special Olympics worldwide programs.

The goal of the games is to help bring mentally disabled individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self esteem are the building blocks for these Olympic games. Better health, coordination, and lasting friendships are the results of participation.

D.C. Special Olympics is the sole provider in the District of Columbia of these special services. No other organization provides athletic programs for citizens with developmental disabilities.

I support H. Con. Res. 50 and urge its passage.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 50.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service, as amended.

The Clerk read as follows:

H. CON. RES. 44

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the eighteenth annual National Peace Officers' Memorial Service, on the Capitol Grounds on May 15, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order to honor the more than 160 law enforcement officers who died in the line of duty during 1998.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized by section 1.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 44, as amended, authorizes the use of the Capitol grounds for the 18th Annual Peace Officers' Memorial Service on May 15, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Grand Lodge Fraternal Order of Police, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The Capitol Police will be the hosting law enforcement agency. The sponsor will assume all expenses and liability in connection

with the event. The event will be free of charge and open to the public, and all sales advertisements and solicitations are prohibited.

This service will honor Federal, State and local law enforcement officers killed in the line of duty in 1998. This will be a time to remember our own slain Capitol Hill Police officers, Officers Chestnut and Gibson. It is a fitting tribute to the men and women who gave their lives in the performance of their duties.

Mr. Speaker, I support this measure and urge my colleagues to support it as well.

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

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

Mr. Speaker, House Concurrent Resolution 44 authorizes the use of the Capitol grounds for this most solemn service. I strongly support this resolution which honors these police officers, men and women, who died in the line of duty during 1998. During last year, 152 very brave peace officers from the ranks of State, local and Federal service were killed in the line of duty. Twelve women officers are included in this number.

On average, one law enforcement officer is killed somewhere in America nearly every other day. Thousands of officers are assaulted and about 23,000 are injured.

Mr. Speaker, in 1962, President John Kennedy signed the law establishing National Police Week. May 15 is designated Peace Officers Memorial Day, and the Capitol Hill ceremony will take place on that day.

□ 1245

It is a day during which a grateful Nation will pay tribute to the sacrifice of all peace officers.

Mr. Speaker, I would like to recognize and honor three police officers in my own community who gave their lives in the line of duty. Lloyd Jones, Sheriff of Simpson County; Deputy Sheriff Tommy Bourne, Jefferson Davis County; and Deputy Sheriff J.P. Rutland, also of Jefferson Davis County. These brave men were family men, devoted fathers, dedicated husbands, and community leaders. The Nation's Capitol is an appropriate and fitting place to honor their memory and their noble service. As a caring Nation, we deeply appreciate their sacrifice.

I strongly support and urge passage of House Concurrent Resolution 44.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT) the author of the bill.

Mr. TRAFICANT. Mr. Speaker, I want to thank my distinguished colleague, and I want to thank the chairman, the gentleman from New Jersey (Mr. FRANKS), and the ranking member, the gentleman from West Virginia (Mr. WISE), for bringing this to the floor.

And I want to commend one of the most able staffs in the House who work on this type of business with very little fanfare, Rick Barnett and Susan Brita. We thank them for all their effort, having worked closely with this subcommittee for many years. The great job they do is appreciated.

As a former sheriff, the National Peace Officers' Memorial Day service has special meaning. Number one, the peace officer law enforcement memorial was a by-product of my chief of staff, Paul Marcone, who led the charge to build that.

I want to commend former Presidents Reagan and Bush for their efforts in helping all along the line to create a memorial for the slain law enforcement officers who have given their lives to help our Nation.

The second meaning, and a tragic one to say the least, is the loss of Sonny Litch, deputy sheriff during my term of sheriff, who was literally executed while transporting a prisoner. And til this day, justice I do not believe has been served, because I believe this man should be put to death, and that is an issue for another day.

But the 17th District of Ohio is not foreign to slain officers. And in the names on the Law Enforcement Memorial are the following eight who I would like to pay tribute to:

John R. ''Sonny'' Litch, Jr., my deputy, Mahoning County Sheriff's Office; John A. Utlak of the Niles Police Department; Richard Elton Becker of the Poland Police Department; Charles K. Yates of the Poland Police Department; Ralph J. DeSalle, Youngstown Police Department; Paul Joseph Durkin, Youngstown Police Department; Millard Williams, Youngstown Police Department; and Carmen J. Renda, Jr., Youngstown State University Police; who have died in the line of duty.

In 1998, Mr. Speaker, more than 160 law enforcement officers were killed protecting our citizens, killed in the line of duty. The names of these brave men and women will be engraved on the walls of the National Law Enforcement Officers Memorial. And that is, at least, some semblance of recognition.

For the families here, in paying tribute on the 15th of May, it is an appropriate place for our Capitol to be used for this activity. It is important that, as a Nation, we make a special effort to show the surviving family members that their heroes did not die in vain and will be recognized for their great sacrifice and dedicated service.

So I commend all for helping. And hopefully, these numbers will be greatly reduced, and hopefully we will not lose any officer, but knowing the violence in the United States, we shall. But for those who have passed, we pay great tribute.

This is an appropriate piece of legislation. I ask for an ''aye'' vote.

Mr. Speaker, as the author of the resolution, I rise in strong support of H. Con. Res. 44 which authorizes the use of the U.S. Capitol grounds for the 18th annual National Peace Officers' Memorial Day Service. This very special ceremony is being conducted by the Fraternal Order of Police and their Auxiliary Services. It will be held on May 15 on the West Front of the Capitol.

In 1962 President John Kennedy signed the law establishing National Police Week. While the actual dates change every year, National Police Week is a seven-day period that begins on a Sunday, ends on a Saturday, and includes May 15, which is ''Peace Officers Memorial Day.''

As a former sheriff, the National Peace Officers' Memorial Day Service has special meaning. Unfortunately, I know what it is like to have a colleague killed in the line of duty. During my time as sheriff I lost a deputy, Sonny Litch, who was killed on October 22, 1981 while transporting a prisoner. His name is among the more than 14,000 names engraved on the National Law Enforcement Officers' Memorial here in Washington, D.C.

On May 15 a grateful nation will pay tribute to their sacrifice. I believe that the U.S. Capitol is an appropriate and fitting place to honor their memory and their noble service. It is important that we as a nation make a special effort to show the surviving family members of these heroes that the nation cares about the sacrifice these officers have made.

The service is an opportunity for law enforcement officers to develop close bonds with fellow officers from across the nation. The service also allows the survivors of officers killed in the line of duty to gain strength and comfort from others who have experienced and understand their grief. Everyone leaves that service knowing that law enforcement's service and sacrifice is deeply appreciated by a caring nation.

Once again, I strongly support the resolution and urge its adoption.

Mr. OBERSTAR. Mr. Speaker, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day, and this year the memorial service will be held on the Capitol Grounds on Saturday, May 15th.

There are approximately 700,000 sworn law enforcement officers serving the American public today.

During 1997, 160 peace officers were killed in the line of duty.

In addition, approximately 65,000 officers are assaulted each year, with 23,000 sustaining serious injury. In July 1998, we experienced our officers' sacrifices first-hand when Capitol Police officers Jacob Joseph Chestnut and John Michael Gibson gave their lives in defense of the U.S. Capitol.

It is most fitting and proper to honor the lives, sacrifices, and public service of our brave peace officers.

I urge support and passage of H. Con. Res. 44.

Mr. SHOWS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 44, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 47) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 47

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on July 10, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 47, as amended, authorizes the use of the Capitol grounds for the 58th annual Greater Washington Soap Box Derby qualifying races to be held on July 10, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association, sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds.

The event is open to the public and free of charge; and the sponsor will assume responsibility for all expenses and liabilities related to the event. In addition, sales, advertisements, and solicitations are explicitly prohibited on the Capitol grounds for this event.

The races are to take place on Constitution Avenue between Delaware Avenue and Third Street, Northwest. The participants are residents of the Washington Metropolitan Area and range in ages from 9 to 16. This event is currently one of the largest races in the country, and the winners of these races will represent the Washington Metropolitan Area at the National finals to be held in Akron, Ohio.

I support the resolution and urge my colleagues to join me in supporting it.

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

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

Mr. Speaker, I am delighted to join the sponsor, the gentleman from Maryland (Mr. HOYER), in supporting House Concurrent Resolution 47, and acknowledge the efforts of the gentleman from Maryland (Mr. HOYER), who has been such a champion for his constituents for this event.

House Concurrent Resolution 47 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby. Youngsters ages 9 through 16 construct and operate their own soap box vehicles. On July 10, 1999, these youngsters from the Greater Washington Area will race down Constitution Avenue to test the principles of aerodynamics.

Mr. Speaker, many volunteers donate considerable time supporting the event and providing this family-oriented, fun-filled day. The event has grown in popularity, and Washington is known as one of the outstanding race cities.

Mr. Speaker, I support House Concurrent Resolution 47, and I thank the gentleman from Maryland (Mr. HOYER) for bringing forward the resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. I thank the gentleman from Mississippi (Mr. SHOWS) for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Mississippi and Susan Brita in particular, not because the gentleman from Mississippi is not the most important as the ranking member but Susan Brita has been at this forever. We have worked closely with her and she knows much more about the soap box derby, I think, than anyone else on our side of the aisle. I know on the other side of the aisle there is great knowledge about it. I want to thank the Committee on Transportation and Infrastructure committee for bringing this bill forward.

Mr. Speaker, the soap box derby is a tradition in America. It has become a tradition on Capitol Hill. Because it is Capitol Hill, we need to give authorization. Allowing this to occur on Capitol Hill is an appropriate action that we take every year, because this is the kind of event that makes Americans proud, it gives young people a sense of responsibility and enterprise and it gives them also a sense of competition, all of which will redound to their benefit and redound to the benefit of the Nation.

Again, I thank the committee for reporting this bill out in such a timely fashion, and I thank in particular Susan Brita who does such an extraordinary job for all of us.

Mr. Speaker, for the last eight years, I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race here on the Capitol grounds along Constitution Avenue.

Two weeks ago, I proudly introduced H. Con. Res. 47 to permit the 58th running of the Greater Washington Soap Box Derby, which is to take place on July 10, 1999. This resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out the running of the Greater Washington Soap Box Derby.

In the past, the full House has supported this resolution once reported favorably by the full Transportation Committee. I ask for my colleagues to join with me, and Representatives ALBERT WYNN, CONNIE MORELLA, JIM MORAN, and FRANK WOLF in supporting this resolution.

Each year since 1992, the Greater Washington Soap Box Derby has welcomed over 40 contestants which has made the Washington, DC race one of the largest in the country. Participants range from ages 9 to 16 and hail from communities in Maryland, the District of Columbia and Virginia. The winners of this local event will represent the Washington metropolitan area in the national race, which will be held in Akron, Ohio on July 31, 1999.

The soap box derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility.

These are positive attributes that we should encourage children to carry into adulthood. The young people involved spend months preparing for this race, and the day that they complete it makes it all the more worthwhile.

I would like to thank BOB FRANKS, the chairman of the Public Buildings Subcommittee, and BOB WISE the ranking member for moving this legislation.

Much credit also goes to Chairman SHUSTER and Ranking Member OBERSTAR for being so

supportive over the years. Finally, I would like to recognize Susan Brita who is such an asset to us all at the Public Buildings Subcommittee.

Mr. OBERSTAR. Mr. Speaker, the Soap Box Derby represents the best in ''voluntarism'', as volunteers from across the Greater Washington area, many of them parents of participating children, donate hours of time to provide an opportunity to learn, compete, and share in this family event.

Since 1992, this local event has tripled in size. Approximately 50 youngsters will join in the 58th running of the Soap Box Derby, here in Washington D.C., making this event one of the biggest in the country.

The 1997 super-stock DC winner came in second place at the national race.

Our thanks to the gentleman from Maryland, Mr. HOYER, for his attention to this event, and for his annual sponsorship of this resolution.

I support this resolution.

Mr. SHOWS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 47, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 751, H.R. 130, H. Con. Res. 52, H. Con. Res. 50, H. Con. Res. 44, and H. Con. Res. 47, the measures just approved by the House.

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

There was no objection.

FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 416) to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 416

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Retirement Coverage Corrections Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Applicability.
Sec. 4. Restriction relating to future corrections.
Sec. 5. Irrevocability of elections.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

Sec. 101. Elections.
Sec. 102. Effect of an election to be transferred from CSRS to FERS to correct a retirement coverage error.
Sec. 103. Effect of an election to be transferred from CSRS-Offset to FERS to correct a retirement coverage error.
Sec. 104. Effect of an election to be transferred from CSRS to CSRS-Offset to correct a retirement coverage error.
Sec. 105. Effect of an election to be restored (or transferred) to CSRS-Offset after having been corrected to FERS from CSRS-Offset (or CSRS).
Sec. 106. Effect of election to remain FERS covered after having been corrected to FERS from CSRS-Offset (or CSRS).

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

Sec. 111. Elections.
Sec. 112. Effect of an election to become FERS covered to correct the retirement coverage error.
Sec. 113. Effect of an election to become CSRS-Offset covered to correct the retirement coverage error.
Sec. 114. Effect of an election to become CSRS covered to correct the retirement coverage error.

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

Sec. 121. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously FERS covered instead.
Sec. 122. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS-Offset covered instead.
Sec. 123. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS covered instead.
Sec. 124. Corrected error: situations under sections 121–123.
Sec. 125. Vested employees excepted from automatic exclusion.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

Sec. 131. Elections.
Sec. 132. Effect of an election to be transferred from FERS to CSRS to correct a retirement coverage error.
Sec. 133. Effect of an election to be transferred from FERS to CSRS-Offset to correct a retirement coverage error.
Sec. 134. Effect of an election to be restored to FERS after having been corrected to CSRS.
Sec. 135. Effect of an election to be restored to FERS after having been corrected to CSRS-Offset.
Sec. 136. Disqualification of certain individuals to whom same election was previously available.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

Sec. 141. Automatic transfer to CSRS-Offset.
Sec. 142. Effect of transfer.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

Sec. 151. Elections.
Sec. 152. Effect of an election to be transferred from CSRS-Offset to CSRS to correct the retirement coverage error.
Sec. 153. Effect of an election to be restored to CSRS-Offset after having been corrected to CSRS.

Subtitle G—Additional Provisions Relating to Government Agencies

Sec. 161. Repayment required in certain situations.
Sec. 162. Equitable sharing of amounts payable from the Government if more than one agency involved.
Sec. 163. Provisions relating to the original responsible agency.

TITLE II—GENERAL PROVISIONS

Sec. 201. Identification and notification requirements.
Sec. 202. Individual appeal rights.
Sec. 203. Information to be furnished by Government agencies to authorities administering this Act.
Sec. 204. Regulations.
Sec. 205. All elections to be approved by OPM.
Sec. 206. Technical and conforming amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Provisions to permit continued conformity of other Federal retirement systems.
Sec. 302. Provisions to prevent reductions in force and any unfunded liability in the CSRDF.
Sec. 303. Individual right of action preserved for amounts not otherwise provided for under this Act.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CSRS.—The term ''CSRS'' means the Civil Service Retirement System.

(2) CSRDF.—The term ''CSRDF'' means the Civil Service Retirement and Disability Fund.

(3) CSRS COVERED.—The term ''CSRS covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than those that apply only with respect to an individual described in section 8402(b)(2) of such title.

(4) CSRS-OFFSET COVERED.—The term ''CSRS-Offset covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, that apply with respect to an individual described in section 8402(b)(2) of such title.

(5) EMPLOYEE.—The term ''employee'' means an employee as defined by section 8331 or 8401 of title 5, United States Code, and any other individual (not satisfying either of those definitions) serving in an appointive or elective office or position in the executive, legislative, or judicial branch of the Government who, by virtue of that service, is permitted or required to be CSRS covered,

CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(6) EXECUTIVE DIRECTOR.—The term ''Executive Director of the Federal Retirement Thrift Investment Board'' or ''Executive Director'' means the Executive Director appointed under section 8474 of title 5, United States Code.

(7) FERS.—The term ''FERS'' means the Federal Employees' Retirement System.

(8) FERS COVERED.—The term ''FERS covered'', with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(9) GOVERNMENT.—The term ''Government'' has the meaning given such term by section 8331(7) of title 5, United States Code.

(10) OASDI TAXES.—The term ''OASDI taxes'' means the OASDI employee tax and the OASDI employer tax.

(11) OASDI EMPLOYEE TAX.—The term ''OASDI employee tax'' means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(12) OASDI EMPLOYER TAX.—The term ''OASDI employer tax'' means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI TRUST FUNDS.—The term ''OASDI trust funds'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(14) PERIOD OF ERRONEOUS COVERAGE.—The term ''period of erroneous coverage'' means, in the case of a retirement coverage error, the period throughout which retirement coverage is in effect pursuant to such error (or would have been in effect, but for such error).

(15) RETIREMENT COVERAGE DETERMINATION.—The term ''retirement coverage determination'' means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(16) RETIREMENT COVERAGE ERROR.—The term ''retirement coverage error'' means a retirement coverage determination that, as a result of any error, misrepresentation, or inaction on the part of an employee or agent of the Government (including an error as described in section 163(b)(2)), causes an individual erroneously to be enrolled or not enrolled in a retirement system, as further described in the applicable subtitle of title I.

(17) SOCIAL SECURITY-ONLY COVERED.—The term ''Social Security-Only covered'', with respect to any service, means Government service that constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410), and that—

(A) is subject to OASDI taxes; but

(B) is not subject to any retirement system for Government employees (disregarding title II of the Social Security Act).

(18) THRIFT SAVINGS FUND.—The term ''Thrift Savings Fund'' means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Subject to subsection (b), this Act shall apply with respect to any retirement coverage error that occurs before, on, or after the date of enactment of this Act, excluding any error corrected within 1 year after the date on which it occurs.

(b) LIMITATION.—Nothing in this Act shall affect any retirement coverage or treatment accorded with respect to any individual in connection with any period beginning before the first day of the first applicable pay period beginning on or after January 1, 1984.

SEC. 4. RESTRICTION RELATING TO FUTURE CORRECTIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, any individual who, on or after the date of enactment of this Act, becomes or remains affected by a retirement coverage error may not be excluded from or made subject to any retirement system for the sole purpose of correcting such error.

(b) COORDINATION WITH OTHER LAWS.—

(1) IN GENERAL.—Nothing in this Act shall be considered to preclude any voluntary retirement coverage election made other than under this Act.

(2) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations which may be necessary to apply this Act in the case of any individual who changes retirement coverage pursuant to an election described in paragraph (1).

SEC. 5. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) under this Act by an employee or any other individual shall be irrevocable.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

SEC. 101. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead; or

(2) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2) to remain (or instead become) CSRS-Offset covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(d) DEFAULT RULE.—

(1) IN GENERAL.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(2) CSRS NOT AN OPTION.—Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 102. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) EMPLOYEE CONTRIBUTIONS.—

(A) TRANSFER TO OASDI TRUST FUNDS.—There shall be transferred from the CSRDF to the OASDI trust funds an amount equal to the amount of the OASDI employee tax that should have been deducted and withheld from the Federal wages of the employee for the period of erroneous coverage involved.

(B) RULE IF THERE ARE EXCESS CSRDF CONTRIBUTIONS.—

(i) IN GENERAL.—Any excess amount described in clause (ii) that is attributable to an employee described in subsection (a) shall be forfeited.

(ii) EXCESS AMOUNT DEFINED.—The excess amount described in this clause is, in the case of an employee, the amount by which—

(I) that portion of the employee's lump-sum credit that is attributable to the period of erroneous coverage involved, exceeds (if at all)

(II) the total of the amount described in subparagraph (A) plus the amount that should have been deducted under section 8422 of title 5, United States Code, from the pay of the employee for the period of erroneous coverage involved.

(C) RULE IF LUMP-SUM CREDIT IS LESS THAN TOTAL EMPLOYEE CONTRIBUTIONS TO OASDI AND CSRDF THAT SHOULD HAVE BEEN MADE.—

(i) IN GENERAL.—

(I) SHORTFALL TO BE MADE UP BY AGENCY.—If the amount described in subparagraph (B)(ii)(I) is less than the total amount described in subparagraph (B)(ii)(II), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed, out of amounts otherwise available in the appropriation, fund, or account from which any OASDI employer tax or contribution to the CSRDF (as applicable) may be made, except as provided in subclause (II) or clause (iii)(I).

(II) REDUCTION FOR DEPOSIT DUE.—In any case in which a deposit is required under clause (ii), the amount required to be made up under subclause (I) shall be reduced by the amount of the deposit so required (but not below zero).

(ii) DEPOSIT REQUIREMENT.—

(I) IN GENERAL.—To the extent that the shortfall under clause (i) is due to the any lump-sum credit received by the employee (for which an appropriate deposit under section 8334(d)(1) of title 5, United States Code, has not been made), the employee shall be required to repay an amount equal to the amount of such deposit, except as provided in clause (iii)(I).

(II) TREATMENT AS A DEBT DUE.—If an employee fails to pay the amount required under subclause (I), that amount shall be recoverable by the CSRDF under the same authorities (including to waive a right of recovery) as described in section 114(b)(2). For purposes of any exercise of authority under the preceding sentence, the Director of the Office of Personnel Management shall be considered the head of the agency concerned.

(iii) SPECIAL RULES.—

(I) DEPOSIT FOR FERS DEDUCTIONS NOT MANDATORY.—Nothing in this subparagraph shall, in any situation described in clause (ii), be considered to require any agency make-up payment (or employee repayment) of any portion of the lump-sum credit (beyond any amount necessary in order to permit the transfer described in paragraph (1)(A)) which would be assignable to amounts that should have been deducted under section 8422 of title 5, United States Code, from pay of the employee involved.

(II) AUTHORITY TO MAKE FERS DEPOSIT.—An employee under this section who has received a lump-sum credit (described in clause (ii)(I)) may not be credited, under chapter 84 of title 5, United States Code, with any period of service to which that lump-sum credit relates unless the employee deposits into the CSRDF an amount equal to the percentage of such employee's basic pay (for such period of service) that should have been deducted under section 8422 of title 5, United States Code.

(D) DEFINITION OF LUMP-SUM CREDIT.—For purposes of this paragraph, the term ''lump-sum credit'' has the meaning given such term by section 8331 of title 5, United States Code, except as the context may otherwise indicate.

(E) PROVISIONS RELATING TO THE APPLICATION OF THIS PARAGRAPH IN OTHER SITUATIONS.—

(i) GENERAL AUTHORITY.—To the extent necessary to permit the operation of this paragraph in any situation covered by any other provisions of this Act (which incorporate this paragraph by reference), any necessary technical and conforming amendments to this paragraph not otherwise specifically provided for (such as citations to appropriate provisions of law corresponding to provisions cited in this paragraph) shall be made under regulations which the Office of Personnel Management shall prescribe.

(ii) SPECIAL RULE.—

(I) DEPOSITS NOT PRECLUDED BY FERS RESTRICTION.—Nothing in section 8424(a) of title 5, United States Code, shall, in any situation covered by this Act, prevent the making of any deposit (and crediting, for retirement purposes, of service for the corresponding period of time) to the extent that the deposit relates to the period of erroneous coverage involved.

(II) EXCEPTION.—The preceding sentence shall not apply in any situation in which the employee involved was erroneously FERS covered, and remained FERS covered after the rectification provided for under this Act.

(2) GOVERNMENT CONTRIBUTIONS.—

(A) TRANSFER TO OASDI TRUST FUNDS.—There shall be transferred from the CSRDF to the OASDI trust funds the excess of—

(i) the amount of the OASDI employer tax that should have been paid with respect to the employee for the period of erroneous coverage involved, over

(ii) the amount of the OASDI employer tax that may be assessed under section 6501 of the Internal Revenue Code of 1986 in connection with such employee,

determined in such manner as the Secretary of the Treasury shall by regulation prescribe.

(B) RULE IF CSRDF CONTRIBUTIONS ACTUALLY MADE ARE LESS THAN TOTAL GOVERNMENT CONTRIBUTIONS TO OASDI AND CSRDF THAT SHOULD HAVE BEEN MADE.—

(i) IN GENERAL.—If the total Government contributions to the CSRDF that were made with respect to the employee for the period of erroneous coverage involved are less than the amount described in clause (ii), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed.

(ii) DESCRIPTION OF AMOUNT.—The amount described in this clause is the total of—

(I) the amount required to be transferred under subparagraph (A), plus

(II) the amount that should have been contributed by the Government under section 8423 of title 5, United States Code, for such employee with respect to such period.

(iii) SOURCE OF PAYMENTS.—Any amount required to be paid by an agency under clause (i) shall be payable out of any appropriation, fund, or account available to such agency for making Government contributions to the CSRDF or the OASDI trust funds (as appropriate).

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—

(1) IN GENERAL.—An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf, in addition to any regular employee or Government contributions that would be permitted or required for the year in which the contributions under this subsection are made, an amount equal to the sum of—

(A) the amount determined under paragraph (2) with respect to such employee for the period of erroneous coverage involved;

(B) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(1) of title 5, United States Code, for the period of erroneous coverage involved;

(C) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(2) of title 5, United States Code, for the period of erroneous coverage involved (taking into account both the amount referred to in subparagraph (A) and any contributions to the Thrift Savings Fund actually made by such employee with respect to the period involved); and

(D) an amount equal to lost earnings on the amounts referred to in subparagraphs (A) through (C), determined in accordance with paragraph (3).

(2) AMOUNT BASED ON AVERAGE PERCENTAGE OF PAY CONTRIBUTED BY EMPLOYEES DURING PERIOD OF ERRONEOUS COVERAGE.—

(A) IN GENERAL.—The amount determined under this paragraph with respect to an employee for a period of erroneous coverage shall be equal to the amount of the contributions such employee would have made if, during each calendar year in such period, the employee had contributed the percentage of such employee's basic pay for such year specified in subparagraph (B) (determined disregarding any contributions actually made by such employee with respect to the year involved).

(B) PERCENTAGE TO BE APPLIED.—

(i) IN GENERAL.—The percentage to be applied under this subparagraph in the case of any employee with respect to a particular year is—

(I) the average percentage of basic pay that was contributed for such year under section 8432(a) of title 5, United States Code, by full-time FERS covered employees who contributed to the Thrift Savings Fund in such year and for whom a salary rate is recorded (as of June 30 of such year) in the central personnel data file maintained by the Office of Personnel Management; or

(II) if such average percentage for the year in question is unavailable, the average percentage for the most recent year prior to the year in question that is available.

(ii) PERCENTAGE CONTRIBUTED.—For purposes of clause (i)(I), the percentage of basic pay for each employee included in the average shall be determined by dividing the total employee contributions received into the Thrift Savings Plan account of that employee during such year by the annual salary rate for that employee as recorded in the central personnel data file (referred to in clause (i)(I)) as of June 30 of such year.

(C) LIMITATIONS.—In no event may the amount determined under this paragraph for an individual with respect to a year exceed the amount that, if added to the amount of the contributions that were actually made by such individual to the Thrift Savings Fund with respect to such year (if any), would cause the total to exceed—

(i) any limitation under section 415 or any other provision of the Internal Revenue Code of 1986 that would have applied to such employee with respect to such year; or

(ii) any limitation under section 8432(a) or any other provision of title 5, United States Code, that would have applied to such employee with respect to such year.

(3) LOST EARNINGS.—

(A) IN GENERAL.—Lost earnings on any amounts referred to in subparagraph (A), (B), or (C) of paragraph (1) shall, to the extent those amounts are attributable to contributions that should have been made with respect to a particular year, be determined in the same way as if those amounts had in fact been timely contributed and allocated among the TSP investment funds in accordance with—

(i) the investment fund election that was accepted by the employing agency before the date the contribution should have been made and that was still in effect as of that date; or

(ii) if no such election was then in effect for the employee, the investment fund election attributed to such employee with respect to such year.

(B) INVESTMENT FUND ELECTION ATTRIBUTED.—For purposes of subparagraph (A)(ii), the investment fund election attributed to an employee with respect to a particular year is—

(i) the average percentage allocation of TSP contributions among the TSP investment funds from all sources, with respect to that year, except that the investment fund election attributed to contributions in years prior to 1991 shall be the G Fund; or

(ii) if such average percentage allocation for the year in question is unavailable, the average percentage allocation for the most recent year prior to the year in question that is available.

(C) DEFINITION OF INVESTMENT FUND ELECTION, ETC.—For purposes of this paragraph—

(i) the term ''investment fund election'' means a choice by a participant concerning how contributions to the Thrift Savings Plan shall be allocated among the TSP investment funds;

(ii) the term ''participant'' means any person with an account in the Thrift Savings Plan, or who would have an account in the Thrift Savings Plan but for an employing agency error (including an error as described in section 163(b)(2));

(iii) the term ''TSP investment funds'' means the C Fund, the F Fund, the G Fund, and any other investment fund in the Thrift Savings Plan created after December 27, 1996; and

(iv) the terms ''C Fund'', ''F Fund'', and ''G Fund'' refer to the funds described in paragraphs (1), (3), and (4), respectively, of section 8438(a) of title 5, United States Code.

(4) MAKEUP CONTRIBUTION TO BE MADE IN A LUMP SUM.—

(A) IN GENERAL.—Any amount to which an employee is entitled under this subsection shall be paid promptly by the agency in or under which the electing employee is (as of the date of the election) employed, in a lump sum, upon notification to such agency under subparagraph (B)(ii) as to the amount due.

(B) BOARD FUNCTIONS.—The regulations under paragraph (6) shall include provisions under which—

(i) each employing agency shall be required to determine and notify the Federal Retirement Thrift Investment Board, in a timely manner, as to any amounts under paragraph (1)(A)–(C) owed by such agency; and

(ii) the Board shall, based on the information it receives from an agency under clause (i), determine lost earnings on those amounts and promptly notify such agency as to the total amounts due from it under this subsection.

(5) JUSTICES AND JUDGES; MAGISTRATES; ETC.—The preceding provisions of this subsection shall not apply in the case of any employee who, pursuant to the election referred to in subsection (a), becomes subject to section 8440a, 8440b, 8440c, or 8440d of title 5, United States Code.

(6) REGULATIONS.—The Executive Director of the Federal Retirement Thrift Investment Board shall prescribe any regulations necessary to carry out this subsection.

SEC. 103. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(2) who elects the option under section 101(b)(1).

(b) EFFECT OF ELECTION.—In the case of an employee described in subsection (a), the following provisions shall apply:

(1) Section 102(b) (relating to disposition of contributions to the CSRDF), but disregarding provisions relating to transfers to OASDI trust funds.

(2) Section 102(c) (relating to makeup contributions to the Thrift Savings Fund).

SEC. 104. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(2).

(b) SAME AS IN THE CASE OF AN ELECTION TO RATIFY ERRONEOUS CSRS-OFFSET COVERAGE.—

(1) IN GENERAL.—The effect of an election described in subsection (a) shall be as described in section 101(b)(2), except that the provisions of section 102(b) shall also apply.

(2) APPROPRIATE PERCENTAGES TO BE USED IN DETERMINING EMPLOYEE AND GOVERNMENT CONTRIBUTIONS TO CSRDF.—For purposes of paragraph (1), section 102(b) shall be applied by substituting ''the relevant provisions of section 8334(k)'' for ''section 8422'' and ''section 8423''.

SEC. 105. EFFECT OF AN ELECTION TO BE RESTORED (OR TRANSFERRED) TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to paragraph (2).

(2) NO TRANSFERS FOR AMOUNTS ALREADY PAID INTO OASDI, ETC.—For purposes of paragraph (1), section 102(b) shall be applied in conformance with the following:

(A) NO DOUBLE PAYMENTS INTO OASDI.—To the extent that the appropriate OASDI employee or employer tax has already been paid for the total period involved (or any portion thereof), reduce the respective amounts required by paragraphs (1)(A) and (2)(A)(i) of section 102(b) accordingly.

(B) APPROPRIATE PERCENTAGES TO BE USED IN DETERMINING EMPLOYEE AND GOVERNMENT CONTRIBUTIONS TO CSRDF.—Substitute ''the relevant provisions of section 8334(k)'' for ''section 8422'' and ''section 8423''.

(C) APPROPRIATE LUMP-SUM CREDIT TO BE USED.—The appropriate lump-sum credit to be used under this subsection shall be determined in accordance with regulations to be prescribed by the Office of Personnel Management.

(D) PROVISIONS TO BE APPLIED WITH RESPECT TO THE TOTAL PERIOD INVOLVED.—Substitute ''total period involved (as defined by section 105)'' for ''period of erroneous coverage involved''.

(c) DISPOSITION OF EXCESS TSP CONTRIBUTIONS.—

(1) GOVERNMENT CONTRIBUTIONS.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the total period involved (including any earnings thereon) shall be forfeited. For the purpose of section 8437(d) of title 5, United States Code, amounts so forfeited shall be treated as if they were amounts forfeited under section 8432(g) of such title.

(2) EMPLOYEE CONTRIBUTIONS.—The election referred to in subsection (a) shall not be taken into account for purposes of any determination relating to the disposition of any employee contributions to the Thrift Savings Fund, attributable to the total period involved, that were in excess of the maximum amount that would have been allowable under applicable provisions of subchapter III of chapter 83 of title 5, United States Code (including any earnings thereon).

(d) DEFINITION OF TOTAL PERIOD INVOLVED.—For purposes of this section, the term ''total period involved'' means the period beginning on the effective date of the retirement coverage error involved and ending on the day before the date on which the election described in subsection (a) is made.

SEC. 106. EFFECT OF ELECTION TO REMAIN FERS COVERED AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(2).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to the same condition as set forth in section 105(b)(2)(A).

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—Section 102(c) shall apply, except that an agency shall receive credit for any automatic or matching Government contributions and any lost earnings paid by such agency as part of any corrections process previously carried out with respect to the employee involved.

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

SEC. 111. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be FERS covered as well;

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered as well; or

(C) in the case of an error described in subsection (a)(3), to be CSRS covered instead; or

(2) to remain Social Security-Only covered.

(c) CORRECTED ERROR.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in paragraph (2).

(2) POLICY.—Under the proposal, any employee with respect to whom the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(3) JOINT ACTION.—This subsection shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

(d) DEFAULT RULE.—In the case of any employee to whom subsection (b) applies, if the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 112. EFFECT OF AN ELECTION TO BECOME FERS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(1) who elects the option under section 111(b)(1)(A).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of title 5, United States Code; and

(2) the Government contributions that should have been paid for the period of erroneous coverage involved under section 8423 of title 5, United States Code.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—Section 102(c) shall apply in the case of an employee described in subsection (a).

SEC. 113. EFFECT OF AN ELECTION TO BECOME CSRS-OFFSET COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(2) who elects the option under section 111(b)(1)(B).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(2) the Government contributions that should have been paid under section 8334 of title 5, United States Code, for the period of erroneous coverage involved.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—

(1) IN GENERAL.—Makeup contributions to the Thrift Savings Fund shall be made by the employing agency in the same manner as described in section 102(c) (but disregarding subparagraphs (B) and (C) of paragraph (1) thereof, and the other provisions of section 102(c) to the extent that they relate to those subparagraphs).

(2) APPROPRIATE PERCENTAGES, ETC. TO BE USED.—For purposes of paragraph (1), section 102(c) shall be applied—

(A) by substituting ''section 8351(b)'' for ''section 8432(a)'' and by substituting ''CSRS covered and CSRS-Offset covered'' for ''FERS covered'' in paragraph (2)(B)(i) thereof; and

(B) by substituting ''section 8351(b)(2)'' for ''section 8432(a)'' in paragraph (2)(C)(ii) thereof.

SEC. 114. EFFECT OF AN ELECTION TO BECOME CSRS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(3) who elects the option under section 111(b)(1)(C).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(B) the Government contributions that should have been paid under such section for the period of erroneous coverage involved.

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Secretary of the Treasury, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation account from which the amount involved was originally paid.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—In the case of an employee described in subsection (a), makeup contributions to the Thrift Savings Fund shall be made in the same manner as described in section 113(c).

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

SEC. 121. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is FERS covered instead.

(b) AUTOMATIC EXCLUSION FROM FERS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is FERS covered.

(c) DISPOSITION OF EMPLOYEE CONTRIBUTIONS TO THE CSRDF.—There shall be paid to the employee, from the CSRDF, any lump-sum credit to which such employee would be entitled under section 8424 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—

(1) GOVERNMENT CONTRIBUTIONS.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the period of erroneous coverage involved (including any earnings thereon) shall be forfeited in the same manner as described in section 105(c).

(2) EMPLOYEE CONTRIBUTIONS.—Notwithstanding any other provision of this section or any other provision of law, any contributions made by the employee to the Thrift Savings Fund during the period of erroneous coverage involved (including any earnings thereon) shall be treated as if such employee had then been correctly covered.

SEC. 122. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS-Offset covered instead.

(b) AUTOMATIC EXCLUSION FROM CSRS-OFFSET.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS-Offset covered.

(c) DISPOSITION OF EMPLOYEE CONTRIBUTIONS TO THE CSRDF.—There shall be paid to the employee, from the CSRDF, the lump-sum credit to which such employee would be entitled under section 8342 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 123. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS covered instead.

(b) AUTOMATIC EXCLUSION FROM CSRS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS covered.

(c) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—In the case of an employee described in subsection (a), section 102(b) shall apply.

(2) IRRELEVANT PROVISIONS TO BE DISREGARDED.—For purposes of paragraph (1), section 102(b) shall be applied disregarding the provisions of paragraphs (1)(B)(ii)(II) (to the extent they relate to amounts that should have been deducted under section 8422 of title 5, United States Code) and (2)(B)(ii)(II) thereof.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 124. CORRECTED ERROR: SITUATIONS UNDER SECTIONS 121 THROUGH 123.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in subsection (b).

(b) POLICY.—Under the proposal, any employee with respect to whom the applicable retirement coverage error (referred to in section 121, 122, or 123, as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(c) JOINT ACTION.—This section shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

SEC. 125. VESTED EMPLOYEES EXCEPTED FROM AUTOMATIC EXCLUSION.

(a) IN GENERAL.—Nothing in this subtitle shall, by reason of any retirement coverage error, result in the automatic exclusion of any employee from FERS, CSRS-Offset, or CSRS if, as of the date on which notice of such error is given (in accordance with section 201), such employee's rights have vested under the retirement system involved.

(b) VESTING.—For purposes of this section, vesting of rights shall be considered to have occurred if the employee has (by the date as of which the determination is made) completed at least 5 years of civilian service, taking into account only creditable service under section 8332 or 8411 of title 5, United States Code.

(c) ELECTIONS.—

(1) ERRONEOUSLY FERS COVERED.—Any employee affected by an error described in section 121 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 121; or

(B) to remain FERS covered.

(2) OTHER CASES.—Any employee affected by an error described in section 122 or 123 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 122 or 123 (as applicable); or

(B) to remain (or instead become) CSRS-Offset covered.

(d) EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO CSRS-OFFSET.—In the case of an employee affected by an error described in section 123 who elects the option under subsection (c)(2)(B), the effect of the

election shall be the same as described in section 104.

(e) DEFAULT RULE.—If the employee does not make any election within the 6-month period beginning on the date on which the appropriate notice is given to such employee, the option under paragraph (1)(B) or (2)(B) of subsection (c), as applicable, shall be deemed to have been elected as of the last day of such period. Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(f) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error to which the election relates.

(g) SPECIAL RULE IN CASE OF DISABILITY.—If, as of the date referred to in subsection (a), the employee is entitled to receive an annuity under chapter 83 or 84 of title 5, United States Code, based on disability, or compensation under subchapter I of chapter 81 of such title for injury to, or disability of, such employee, subsections (a) and (b) shall be applied by substituting (for the date that would otherwise apply) the date as of which entitlement to such annuity or compensation terminates (if at all).

(h) NOTIFICATION.—Any notice under section 201 shall include such additional information or other modifications as the Office of Personnel Management may by regulation prescribe in connection with the situations covered by this subtitle, particularly as they relate to the consequences of being vested or not being vested.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

SEC. 131. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) FERS covered instead; or

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) FERS covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be CSRS covered instead; or

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2)(A) in the case of an error described in subsection (a)(1), to remain CSRS covered; or

(B) in the case of an error described in subsection (a)(2), to remain CSRS-Offset covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 132. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option available to such employee under section 131(b)(1)(A).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the excess of—

(A) the amount by which—

(i) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code, exceeds

(ii) the amount that was actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of such title (and not refunded), over

(B) the amount by which—

(i) the amount of the Government contributions actually made under section 8423 of such title with respect to the employee for the period of erroneous coverage involved, exceeds

(ii) the amount of the Government contributions that should have been made under section 8334 of such title with respect to the employee for the period of erroneous coverage involved.

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(c) DISPOSITION OF EXCESS TSP CONTRIBUTIONS.—Section 105(c) shall apply in the case of an employee described in subsection (a).

SEC. 133. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option available to such employee under section 131(b)(1)(B).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 105.

SEC. 134. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 102.

SEC. 135. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS-OFFSET.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 103.

SEC. 136. DISQUALIFICATION OF CERTAIN INDIVIDUALS TO WHOM SAME ELECTION WAS PREVIOUSLY AVAILABLE.

Notwithstanding any other provision of this subtitle, an election under this subtitle shall not be available in the case of any individual to whom an election under section 846.204 of title 5 of the Code of Federal Regulations (as in effect as of January 1, 1997) was made available in connection with the same error pursuant to notification provided in accordance with such section.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

SEC. 141. AUTOMATIC TRANSFER TO CSRS-OFFSET.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

(b) UNCORRECTED ERROR.—If the error has not been corrected, the employee shall be treated in the same way as if such employee had instead been CSRS-Offset covered, effective retroactive to the effective date of such error.

(c) CORRECTED ERROR.—If the error has been corrected, the correction shall (to the extent not already carried out) be made effective retroactive to the effective date of such error.

SEC. 142. EFFECT OF TRANSFER.

The effect of a transfer under section 141 shall be as set forth in regulations which the Office of Personnel Management shall prescribe consistent with section 104.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

SEC. 151. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who

should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has not been corrected, the employee affected by such error may elect—

(1) to be CSRS covered instead; or

(2) to remain CSRS-Offset covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain CSRS covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 152. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO CSRS TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(b)(1).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the amount by which—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code (by virtue of being CSRS covered), exceeds

(B) any amounts actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under such section (pursuant to CSRS-Offset coverage).

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(3) DEPOSIT TO BE BASED ON AMOUNT OF REFUND ACTUALLY RECEIVED.—For purposes of applying sections 8334(d)(1) and 8339(i) of title 5, United States Code, in the case of an employee described in subsection (a) who has received a refund of deductions that are attributable to a period when the employee was erroneously CSRS-Offset covered, nothing in either of those sections shall be considered to require that, in order to receive credit for that period as a CSRS-covered employee, a deposit be made in excess of the refund actually received for such period, plus interest.

SEC. 153. EFFECT OF AN ELECTION TO BE RESTORED TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(c)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—In the case of an employee described in subsection (a), the provisions of section 102(b) shall apply, except that, in applying such provisions—

(1) ''the applicable provisions of section 8334'' shall be substituted for ''section 8422'' in paragraph (1)(B)(ii)(II) thereof; and

(2) ''the applicable provisions of section 8334'' shall be substituted for ''section 8423'' in paragraph (2)(B)(ii)(II) thereof.

Subtitle G—Additional Provisions Relating to Government Agencies

SEC. 161. REPAYMENT REQUIRED IN CERTAIN SITUATIONS.

(a) IN GENERAL.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this Act unless repayment of the amount so received by such individual is waived in whole or in part by the Office of Personnel Management, and any amount not waived is repaid.

(b) REGULATIONS.—Any repayment under this section shall be made in accordance with regulations prescribed by the Office.

SEC. 162. EQUITABLE SHARING OF AMOUNTS PAYABLE FROM THE GOVERNMENT IF MORE THAN ONE AGENCY INVOLVED.

The Office of Personnel Management shall by regulation prescribe rules under which, in the case of an employee who has been employed in or under more than 1 agency since the date of the retirement coverage error involved (and before its rectification under this Act), any contributions or other amounts required to be paid from the then current employing agency (other than lost earnings under section 163(a)(2)) shall be equitably allocated between or among the appropriate agencies.

SEC. 163. PROVISIONS RELATING TO THE ORIGINAL RESPONSIBLE AGENCY.

(a) OBLIGATIONS OF THE ORIGINAL RESPONSIBLE AGENCY.—

(1) EXPENSES FOR SERVICES OF FINANCIAL ADVISOR.—The Office of Personnel Management shall by regulation prescribe rules under which, in the case of any employee eligible to make an election under this Act, the original responsible agency (as determined under succeeding provisions of this section) shall pay (or make reimbursement for) any reasonable expenses incurred by such employee for services received from any licensed financial or legal consultant or advisor in connection with such election.

(2) SPECIAL RULE.—Such regulations shall also include provisions to ensure that, to the extent lost earnings under the Thrift Savings Fund are involved in connection with a particular error, the original responsible agency shall pay (or reimburse any other agency that pays) any amounts to the Thrift Savings Fund representing lost earnings with respect to such error.

(b) ORIGINAL RESPONSIBLE AGENCY DEFINED.—For purposes of this Act, the term ''original responsible agency'', with respect to a retirement coverage error affecting an employee, means—

(1) except in the situation described in paragraph (2), the agency determined by the Office of Personnel Management to have made the initial retirement coverage error (including one made before January 1, 1984); or

(2) if the error is attributable, in whole or in part, to an erroneous regulation promulgated by the Office of Personnel Management, such Office.

(c) PROCEDURES FOR IDENTIFYING THE ORIGINAL RESPONSIBLE AGENCY.—

(1) IN GENERAL.—For purposes of this section, the original responsible agency, in any situation to which this section applies, shall be identified by the Office of Personnel Management in accordance with regulations which the Office shall prescribe.

(2) FINALITY.—A determination made by the Office under this subsection shall be final and not subject to any review.

(d) IF ORIGINAL RESPONSIBLE AGENCY NO LONGER EXISTS.—If the agency which (before the application of this subsection) is identified as the original responsible agency no longer exists (whether because of a reorganization or otherwise)—

(1) the successor agency (as determined under regulations prescribed by the Office) shall be treated as the original responsible agency; or

(2) if none, this section shall be applied by substituting the CSRDF for the original responsible agency.

(e) SOURCE OF PAYMENTS IF ERROR DUE TO ERRONEOUS OPM REGULATIONS.—In any case in which the Office of Personnel Management is the original responsible agency by reason of subsection (b)(2), any amounts payable from the Office under this section shall be payable from the CSRDF.

TITLE II—GENERAL PROVISIONS

SEC. 201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations under which Government agencies shall take such measures as may be necessary to ensure that all individuals who are (or have been) affected by a retirement coverage error giving rise to any election or automatic change in retirement coverage under this Act shall be promptly identified and notified in accordance with this section.

(b) MATTER TO BE INCLUDED IN NOTICE TO INDIVIDUALS.—Any notice furnished under this section shall be made in writing and shall include at least the following:

(1) DESCRIPTION OF ERROR.—A description of the error involved, including a clear and concise explanation as to why the original retirement coverage determination was erroneous, citations to (and a summary description of) the pertinent provisions of law, and

how that determination should instead have been made.

(2) METHOD FOR RECTIFICATION.—How the error is to be rectified under this Act, including whether rectification will be achieved through an automatic change in retirement coverage (and, if so, the time, form, and manner in which that change will be effected) or an election.

(3) ELECTION PROCEDURES, ETC.—If an election is provided under this Act, all relevant information as to how such an election may be made, the options available, the differences between those respective options (as further specified in succeeding provisions of this subsection), and the consequences of failing to make a timely election.

(4) ACCRUED BENEFITS, ETC.—With respect to the (or each) retirement system by which the individual is then covered (disregarding the Thrift Savings Plan), and to the extent applicable:

(A) A brief summary of any benefits accrued.

(B) The amount of employee contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(C) The amount of any Government contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(5) THRIFT SAVINGS FUND.—With respect to the Thrift Savings Fund, the balance that then is (or would be) credited to the individual's account depending on the option chosen, with any such balance to be shown both in the aggregate and broken down by—

(A) individual contributions;

(B) automatic (1 percent) Government contributions; and

(C) matching Government contributions,

including lost earnings on each and the extent to which any makeup contributions or forfeitures would be involved.

(6) OASDI BENEFITS.—Such information regarding benefits under title II of the Social Security Act as the Commissioner of Social Security considers appropriate.

(7) OTHER INFORMATION.—Any other information that the Director of the Office of Personnel Management may by regulation prescribe after consultation with the Executive Director of the Federal Retirement Thrift Investment Board and such other agency heads as the Director considers appropriate, including any appeal rights available to the individual.

(c) COMPARISONS.—Any amounts required to be included under subsection (b)(4) shall, with respect to the respective retirement systems involved, be determined—

(1) as of the date the retirement coverage error was corrected (if applicable);

(2) as of the then most recent date for which those benefits and amounts are ascertainable, assuming no change in retirement coverage; and

(3) as of the then most recent date for which those benefits and amounts are ascertainable, assuming the alternative option is chosen.

(d) PAST ERRORS.—All measures required under this section shall, with respect to errors preceding the date specified in section 204(e) (relating to the effective date for all regulations prescribed under this Act), be completed no later than December 31, 2001.

SEC. 202. INDIVIDUAL APPEAL RIGHTS.

(a) IN GENERAL.—An individual aggrieved by a final determination under this Act shall be entitled to appeal such determination to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

(b) NOTIFICATION APPEALS.—The Office of Personnel Management shall by regulation establish procedures under which individuals may bring an appeal to the Office with respect to any failure to have been properly notified in accordance with section 201. A final determination under this subsection shall be appealable under subsection (a).

SEC. 203. INFORMATION TO BE FURNISHED BY GOVERNMENT AGENCIES TO AUTHORITIES ADMINISTERING THIS ACT.

(a) APPLICABILITY.—The authorities identified in this subsection are:

(1) The Director of the Office of Personnel Management.

(2) The Commissioner of Social Security.

(3) The Executive Director of the Federal Retirement Thrift Investment Board.

(b) AUTHORITY TO OBTAIN INFORMATION.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this Act. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) LIMITATION; SAFEGUARDS.—Each of the respective authorities under subsection (a)—

(1) shall request only such information as that authority considers necessary; and

(2) shall establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 204. REGULATIONS.

(a) IN GENERAL.—Any regulations necessary to carry out this Act shall be prescribed by the Director of the Office of Personnel Management, the Executive Director of the Federal Retirement Thrift Investment Board, the Commissioner of Social Security, the Secretary of the Treasury, and any other appropriate authority, with respect to matters within their respective areas of jurisdiction.

(b) MATTERS TO BE INCLUDED.—The regulations prescribed by the Director of the Office of Personnel Management shall include at least the following:

(1) FORMER EMPLOYEES, ANNUITANTS, AND SURVIVOR ANNUITANTS.—

(A) IN GENERAL.—Provisions under which, to the maximum extent practicable and in appropriate circumstances, any election available to an employee under subtitle A, B, D, or F of title I shall be available to a former employee, annuitant, or survivor annuitant.

(B) SUBTITLE C SITUATIONS.—Provisions under which subtitle C of title I shall apply in the case of a former employee.

(C) SUBTITLE E SITUATIONS.—Provisions under which the purposes of this paragraph shall be carried with respect to any situation under subtitle E of title I.

(2) FORMER SPOUSES.—Provisions under which appropriate notification shall be afforded to any former spouse affected by a change in retirement coverage pursuant to this Act.

(3) PROCEDURAL REQUIREMENTS.—Provisions establishing the procedural requirements in accordance with which any determinations under this Act (not otherwise addressed in this Act) shall be made, in conformance with the requirements of this Act.

(4) AUTHORITY TO MAKE ACTUARIAL REDUCTION IN ANNUITY BY REASON OF CERTAIN UNPAID AMOUNTS.—Provisions under which any payment required to be made by an individual to the Government in order to make an election under this Act which remains unpaid may be made by a reduction in the appropriate annuity or survivor annuity. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the amount so required.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''annuitant'' means any individual who is an annuitant as defined by section 8331(9) or 8401(2) of title 5, United States Code; and

(2) the term ''former employee'' includes any former employee who satisfies the service requirement for title to a deferred annuity under chapter 83 or 84 of such title 5 (as applicable), but—

(A) has not attained the minimum age required for title to such an annuity; or

(B) has not filed claim therefor.

(d) COORDINATION RULE.—In prescribing regulations to carry out this Act, the Director of the Office of Personnel Management shall consult with—

(1) the Administrative Office of the United States Courts;

(2) the Clerk of the House of Representatives;

(3) the Sergeant at Arms and Doorkeeper of the Senate; and

(4) other appropriate officers or authorities.

(e) EFFECTIVE DATE.—All regulations necessary to carry out this Act shall take effect as of the first day of the first month beginning after the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 205. ALL ELECTIONS TO BE APPROVED BY OPM.

Notwithstanding any other provision of this Act, no election under this Act (other than an election by default) may be given effect until the Office of Personnel Management has determined, in writing, that such election is in compliance with the requirements of this Act.

SEC. 206. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENT RELATING TO LIMITATION ON SOURCES FROM WHICH CONTRIBUTIONS TO THE THRIFT SAVINGS FUND ARE ALLOWED.—Section 8432(h) of title 5, United States Code, is amended by striking ''title.'' and inserting ''title or the Federal Retirement Coverage Corrections Act.''.

(b) DESCRIPTION OF AMOUNTS COMPRISING THE THRIFT SAVINGS FUND.—Section 8437(b) of title 5, United States Code, is amended by striking ''expenses).'' and inserting ''expenses), as well as contributions under the Federal Retirement Coverage Corrections Act (and lost earnings made up under such Act).''.

(c) ADMINISTRATIVE EXPENSES.—

(1) THRIFT SAVINGS PLAN.—Section 8437(d) of title 5, United States Code, is amended by inserting ''(including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter)'' after ''this subchapter''.

(2) CSRS, CSRS-OFFSET, FERS.—Section 8348(a)(2) of title 5, United States Code, is amended by striking ''statutes;'' and inserting ''statutes (including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter);''.

(3) MSPB.—Section 8348(a)(3) of title 5, United States Code, is amended by striking ''title.'' and inserting ''title and the Federal Retirement Coverage Corrections Act.''.

TITLE III—OTHER PROVISIONS

SEC. 301. PROVISIONS TO PERMIT CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—The Secretary of State shall issue regulations to provide for the application of the provisions of this Act in a like manner with respect to participants, annuitants, or survivors under the Foreign Service Retirement and Disability System or the Foreign Service Pension System (as applicable), except that—

(1) any individual aggrieved by a final determination shall appeal such determination to the Foreign Service Grievance Board instead of the Merit Systems Protection Board under section 202; and

(2) the Secretary of State shall perform the functions and exercise the authority vested in the Office of Personnel Management or the Director of the Office of Personnel Management under this Act.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

SEC. 302. PROVISIONS TO PREVENT REDUCTIONS IN FORCE AND ANY UNFUNDED LIABILITY IN THE CSRDF.

(a) PROVISIONS TO PREVENT REDUCTIONS IN FORCE.—

(1) LIMITATION.—An agency required to make any payments under this Act may not conduct any reduction in force solely by reason of any current or anticipated lack of funds attributable to such payments.

(2) ALTERNATIVE REQUIRED.—In the circumstance described in paragraph (1), any cost savings that (but for this subsection) would otherwise be sought through reductions in force shall instead be achieved through attrition and limitations on hiring.

(b) PROVISIONS TO PREVENT UNFUNDED LIABILITY.—

(1) IN GENERAL.—For purposes of section 8348(f) of title 5, United States Code, any unfunded liability in the CSRDF created as a result of an election made (or deemed to have been made) under this Act, as determined by the Office of Personnel Management, shall be considered a new benefit payable from the CSRDF.

(2) COORDINATION RULE.—Paragraph (1) shall not apply to the extent that subsection (h), (i), or (m) of section 8348 of title 5, United States Code, would otherwise apply.

SEC. 303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS ACT.

Nothing in this Act shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this Act).

The SPEAKER pro tempore (Mr. BASS). Pursuant to the rule, the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

GENERAL LEAVE

Mr. SCARBOROUGH. 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. 416, as amended.

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

There was no objection.

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

Mr. Speaker, the bill before the House, the Federal Retirement Coverage Corrections Act, is critically important to thousands of Federal employees. It has strong bipartisan support, and it is substantially similar to legislation the House passed in Congress last year. The Senate, however, did not act on that bill.

I want to begin by thanking my distinguished ranking member of the Subcommittee on Civil Services, the gentleman from Maryland (Mr. CUMMINGS), for his leadership on this very important issue. I know he is truly dedicated to bringing real relief to the victims of these errors.

I also want to thank my good friend the gentleman from Florida (Mr. MICA), who brought this problem to light and sponsored the legislation which actually passed this House in the 105th Congress.

I also commend the distinguished gentlewoman from Maryland (Mrs. MORELLA) and the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for their leadership on this very important issue.

I also want to thank the distinguished chairman and ranking member of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), for their support.

Mr. Speaker, let me explain why it is so important for the House to again pass this bill. An estimated 1,000 Federal employees have been placed in the wrong retirement system because Federal agencies have made mistakes. The vast majority of these errors involve assignments to the Civil Service Retirement System or the Federal Employees Retirement System, generally referred to as FERS, but other agency mistakes wrongly excluded some employees from both retirement systems. Still others were enrolled in retirement when they did not qualify at all.

Now, when these errors are discovered, and not all of them have yet been discovered, current law requires that agencies move employees into the proper retirement system. But unfortunately, the corrections themselves sometimes prove to be harmful, especially to employees who are moved from the Civil Service Retirement System into FERS.

Now, unlike the Civil Service Retirement System, which is a stand-alone system, FERS consists of three components: Social Security; the FERS defined benefit; and the Thrift Savings Plan, or TSP. Without adequate TSP accounts, employees will not have an adequate retirement income. But current correction procedures do not replenish the victim's TSP. As a result, unless this Congress acts again, the victims of these errors will unfairly bear the burden of their own government's mistakes.

H.R. 416 provides a comprehensive solution to all of these problems. It rests on a few simple, straightforward principles. This bill recognizes that most victims of agency errors have a legal right to participate in one of the Federal retirement systems. Therefore, each of these victims should have the opportunity to elect placement in that system. They also have the right to receive a benefit that is comparable to what they would have earned in the absence of the Federal Government's error. Victims should also have the choice to remain in the system in which they were mistakenly placed.

Mr. Speaker, every victim should have a realistic opportunity to the retirement correction that best addresses their unfortunate circumstances. Therefore, this legislation will provide relief that will make the relief whole.

In fashioning the make-whole provisions in this bill, our subcommittee was guided by IRS requirements for private-sector employees facing comparable retirement errors. IRS procedures place the burden of employee make-whole relief on the employer, and not the employee.

The importance of this make-whole relief cannot be overemphasized. Without it, the choices offered by this bill would be nothing but a cruel hoax for many employees. Many lower-income employees and those who have been in the wrong system for a lengthy period of time would be especially hard hit.

This legislation also protects the integrity of Social Security Trust Funds. The amended bill before the House today does not, however, include certain amendments to the Social Security Act and tax provisions that were in the bill reported out by the Committee on Government Reform.

□ 1300

Although desirable, these provisions were removed to expedite passage of this legislation in the House and to also facilitate the bill's consideration in the Senate. I will continue to work with my colleagues in the Senate to restore these provisions in the final legislation.

Mr. Speaker, H.R. 416 is critically important to Federal employees who have been victimized by these errors. I urge all Members to vote for it.

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

Mr. CUMMINGS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to congratulate the gentleman from Maryland (Mr. CUMMINGS) and thank the gentleman from Florida (Mr. SCARBOROUGH) who explained this bill. It is hard for me to thank Mr. Nesterczuk, but I want to do that—I say that facetiously—for his efforts on this legislation as well. This obviously is a position that our Federal employees found themselves in not through their own fault but through the administrative oversight of their employer. Obviously we ought to act to make them whole. I appreciate the action of the committee.

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

Mr. Speaker, I am pleased that the Subcommittee on Civil Service has moved quickly to schedule floor action on H.R. 416, the Federal Retirement Coverage Corrections Act. Though this bill passed the House during the 105th Congress, the Senate failed to act on it or its own bill, S. 1710, before adjournment. By moving expeditiously this year, we can get the bill through the House and have ample time left to work with the Senate to enact legislation that will bring relief to the hundreds of Federal employees who find themselves in the wrong retirement system. I want to give special thanks to the gentleman from Florida (Mr. SCARBOROUGH), the chairman of our subcommittee, for making sure that this bill came to the floor as fast as it has and for the bipartisan manner of cooperation that we have experienced.

This is a complex bill that up to now has included essential Social Security and tax provisions that fall within the jurisdiction of other committees. Unfortunately, these provisions cannot go forward at this time. Nonetheless, the gentleman from Florida and I have elected to bring the core of the bill to the floor now and will continue to work with our colleagues on the Committee on Ways and Means and the Senate Finance and Governmental Affairs Committees to iron out the differences between us.

Few things in life are more important to a working person than having an adequate and secure retirement plan in place to provide for their future or that of their loved ones. When a worker's retirement security is jeopardized by an employer's administrative error, tremendous emotional and financial pain can result, unless a remedy is available that assures its prompt and fair correction and avoids economic harm.

The Office of Personnel Management has a web site that explains the rationale for the Federal Government's establishment of the Civil Service Retirement System. It states, and I quote, ''A strong retirement system is a significant part of the attraction to work for an employer, and the Civil Service Retirement System has allowed the Federal Government to attract and retain a professional and dedicated workforce.''

The web site also conveys the words of a chairman of the former Civil Service Commission who noted that our retirement system should operate, and I quote, ''for the mutual benefit of the government and employees, contributing more effectively than ever to good government, to good working conditions, and to happy retirements.''

Employees caught in the wrong retirement system are far from happy. In 1997, the Subcommittee on Civil Service heard the testimony of four Federal employees who had been the victims of enrollment errors made by their employing agencies. In each case, the employee was initially placed in the Civil Service Retirement System, then years later informed that they should have been placed in the Federal Employees Retirement System. Afforded no recourse or options, these employees were dumped into FERS and confronted with the need to make thousands of dollars of retroactive payments into a newly established Thrift Savings Account.

I have seen the hurt and the pain this problem has caused. Let me put a real face on the issue for my colleagues. The Federal Times, a trade newspaper for Federal employees, recently featured Michael Garcia, acting chief information officer at the Minority Business Development Agency. Mr. Garcia's story provides a clear example of how your life can change when you are placed in the wrong retirement system. Mr. Garcia planned to retire in July 2000 at the age of 57. But like an estimated 18,000 other employees, his plans to retire are now uncertain because of a mistake his former agency made when it hired him 14 years ago. Garcia's former agency placed him in FERS when it opened in 1987. Garcia should have been placed in the older of the two retirement systems, CSRS. When the error was detected in 1993, he was moved to FERS. FERS participants can invest up to 10 percent of their salaries in the thrift plan, which includes a stock fund. The government matches their contributions up to 5 percent. Under current law, once an error is discovered, agencies are not allowed to leave employees in the system they thought they were in. Many who were moved to FERS late into their careers cannot afford to make up their missed investments with a lump sum payment. Garcia had been willing to borrow money to pay a lump sum. He said that he could never make up for the lost years with incremental catch-up contributions.

In the article, Mr. Garcia is quoted as saying, ''They were negligent. I'm just fed up.'' His agency was negligent, and he should be fed up. Why should he have to borrow money for a mistake not of his own making?

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

Mr. SCARBOROUGH. Mr. Speaker, I yield myself 3 minutes.

I want to thank the ranking member again. The gentleman from Maryland (Mr. CUMMINGS) is obviously gifted and a very articulate spokesman for the issues that are important to him. I certainly have enjoyed working with him on this issue and other issues even in the last session like the Hunter-Scott bill and certainly expect a very productive session this year.

I wanted to also, like the gentleman from Maryland, cite a few real-life examples of how the inequities of the current law inflicts damage upon Federal employees and their ability to provide for themselves, for their retirement and even their children's future.

I want to start by citing one example. It is a situation described by the American Foreign Service Association. For about 10 years, a foreign service officer was erroneously enrolled in the wrong system. Now, when the error was discovered, he was told that he was going to have to contribute between $65,000 and $70,000 in catch-up payments to his TSP account. In addition to that retroactive contribution, they also said he would also have to keep up current contributions to his TSP. Mr. Speaker, few Federal employees, few Americans, could afford to meet those kind of burdens without great sacrifices. I think most of us would be forced actually to be put in a position where we would have to choose whether we were going to contribute to our own retirement or take care of such things as our children's education. It is a choice we should not put our Federal employees in.

The experience of two workers at the Portsmouth Naval Shipyard in Maine also demonstrate the difficulties faced by thousands of other employees. One example is a 60-year-old who had been planning to retire at the age of 62. He learned that he owed back Social Security taxes of $10,000 and would have to contribute $600 a month to TSP for the rest of his working career, because the agency placed him in the wrong Federal retirement system. Now, because of the agency's mistake, he was told he would also have to work until the age of 65. The other example is an employee who is in his mid 40s and owes more than $10,000 in back Social Security taxes. Only by jeopardizing his ability to pay for his son's college education will he be put in a position to establish an adequate TSP account.

Mr. Speaker, forcing innocent victims of the Federal Government's mistake to make a Hobson's choice between their own retirement security and their children's education is intolerable. Yet that is what is happening today and it is what will continue to happen unless Congress includes adequate make-whole relief. Without such make-whole relief, most employees will have no real choice at all. They will be forced into one system or another. That is why the make-whole relief in H.R. 416 is so imperative to this bill.

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

Mr. CUMMINGS. Mr. Speaker, I was very pleased to hear the gentleman from Florida put a face on the issue because I think that is very, very important that we do that. It is interesting that he cited a story from Maine.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maine (Mr. ALLEN), one of the hardest working members of our subcommittee.

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 416, the Federal Retirement Coverage Corrections Act. I want to commend both the chair of the subcommittee the gentleman from Florida (Mr. SCARBOROUGH) and the ranking member the gentleman from Maryland (Mr. CUMMINGS) for their determination to

bring this bill to the floor at this time. The bill would provide relief to Federal employees who through no fault of their own were placed in the wrong Federal retirement plan. Some Federal agencies mistakenly placed thousands of Federal employees into the Civil Service Retirement System, or CSRS, when the employees should have been placed in the Federal Employees Retirement System, FERS. Often this error has not been discovered until an employee is on the verge of retirement. Once discovered, the employee faces a severe erosion of his retirement security.

I am going to come back to the two employees that the gentleman from Florida mentioned who work at the Portsmouth Naval Shipyard in Kittery, Maine. They were very surprised to discover this error, and they face a serious deterioration of their retirement reserves unless Congress passes this bill. These two employees were placed in CSRS 14 years ago but only recently did they discover that they should have been placed in FERS. Once they learned that, they were then required involuntarily to switch from FERS to CSRS, and, since they had not been making their Social Security payments, all their CSRS resources were transferred to Social Security to make up for what they would otherwise have been paying in FICA taxes. For one of the men, his $30,000 CSRS investment was all used to pay so-called back FICA taxes. Furthermore, these employees will likely have to pay FICA tax not withheld for overtime, awards and other compensation for which they had legitimately not paid FICA tax because they were in CSRS which did not require it. This may total another $10,000 to $15,000.

Finally, the FERS plan consists of three components, Social Security, a small defined benefit plan, and a Thrift Savings Plan contribution plan. Consequently, these employees will need to make substantial catch-up contributions to the Thrift Savings Plan if they want any sort of nest egg for retirement. These heavy TSP contributions and FICA tax payments quickly consume the paychecks of these employees. As a result, one employee will delay his retirement by 3 years and the other may have trouble financing his child's college education.

□ 1315

Mr. Speaker, H.R. 416 will offer vital relief to these employees by making the agency responsible for their mistakes. The agency made the mistakes; the agency should be responsible. The bill requires the agency to make up both the agency's and the employee's lost contributions to the TSP.

These hard-working employees do not deserve to have their retirement plans wiped out by a employer's mistake. H.R. 416 offers relief for a problem they did not cause.

I want to thank both the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) for their work on this and leadership on this issue, and I urge my colleagues to support the bill.

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

Mr. Speaker, a little earlier I mentioned Mr. Garcia, and Mr. Garcia had been placed, of course, in the wrong retirement system, and like numerous other federal employees, he had been forced to rearrange his life and his financial plans to address this problem.

Many without financial means have had to work beyond their retirement dates to build a full annuity. The Federal Retirement System was created to prevent just that, employees working into what should be their golden years, the years they rest, the years they travel, the years they take time out to spend with their grandchildren. The Federal Retirement Coverage Corrections Act would essentially permit those who have been the victims of an enrollment error to remain in the retirement system they were mistakenly placed in or to be covered by the system they should have been in. It would also hold the government financially responsible for making whole an effected employee's thrift savings account. Together these provisions would end the harm now being done by the existing rules governing the correction of these errors. To address my concern that the unanticipated costs of making an employee whole might cause agencies to rif its employees, I included a provision in the bill requiring that offsetting savings be realized through attrition and limitations on hiring.

There has been much debate over the cost to the government of making effected employees whole. The IRS Code requires that private sector employers bear the cost of correcting retirement errors. The Senate bill leaves it to the victimized employee to come up with the money to make themselves whole. That simply is not right. Our approach mirrors the private sector and is the fairest way to handle these problems. The longer it takes to enact this legislation, the more it is going to cause all effected parties. Federal employees who are in the wrong retirement system should not have to spend another year worrying about a problem that their agency created for them.

Mr. Speaker, I am committed to working with the Senate to reach agreement on the legislation that addresses all parties' concerns. These employees are waiting for us to act. Let us do so today, and again I want to thank the gentleman from Florida (Mr. SCARBOROUGH) and all the members of our subcommittee, our chairman, the gentleman from Indiana (Mr. BURTON), our ranking member of our full committee, the gentleman from California (Mr. WAXMAN).

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

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

Mr. Speaker, thousands of Federal employees, retirees and their families whose lives have been disrupted by bureaucratic errors are going to look again to this Congress to fix this problem. Many of them have suffered emotionally as well as financially, and I think it is time that we enact meaningful and fair relief during this Congress.

Mr. Speaker, H.R. 416 is strongly supported by the following employee organizations:

The American Federation of Government Employees,

The American Foreign Service Association,

The Federal Managers Association,

The Federally Employed Women,

The International Brotherhood of Boilermakers,

The National Association of Government Employees,

The National Federation of Federal Employees,

The Seniors Executives Association, and

The Social Security Managers' Association.

This is a bill that needs to pass in the best interests of every single Federal employee. It is the right thing to do, it is fair, and it is time that this House and, hopefully, this Senate, will step forward and do what is right.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and pass the bill, H.R. 416, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 434

Mr. SHOWS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 434.

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

There was no objection.

SENSE OF HOUSE REGARDING FAMILY PLANNING PROGRAMS

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 118) reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs.

The Clerk read as follows:

H. RES. 118

Whereas the United Nations General Assembly has decided to convene a special session from June 30 to July 2, 1999, in order to review and appraise the implementation of

the Programme of Action of the International Conference on Population and Development;

Whereas chapter II of the Programme of Action, which sets forth the principles of that document, begins: ''The implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights.'';

Whereas section 7.12 of the Programme of Action states: ''The principle of informed [consent] is essential to the long-term success of family-planning programmes. Any form of coercion has no part to play.'';

Whereas section 7.12 of the Programme of Action further states: ''Government goals for family planning should be defined in terms of unmet needs for information and services. Demographic goals . . . should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients.''; and

Whereas section 7.17 of the Programme of Action states: ''[g]overnments should secure conformity to human rights and to ethical and professional standards in the delivery of family planning and related reproductive health services aimed at ensuring responsible, voluntary and informed consent and also regarding service provision'': Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) no bilateral or multilateral assistance or benefit to any country should be conditioned upon or linked to that country's adoption or failure to adopt population programs, or to the relinquishment of that country's sovereign right to implement the Programme of Action of the International Conference on Population and Development consistent with its own national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights;

(2)(A) family planning service providers or referral agents should not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(B) subparagraph (A) should not be construed to preclude the use of quantitative estimates or indicators for budgeting and planning purposes;

(3) no family planning project should include payment of incentives, bribes, gratuities, or financial reward to any person in exchange for becoming a family planning acceptor or to program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(4) no project should deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any person's decision not to accept family planning services;

(5) every family planning project should provide family planning acceptors with comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method;

(6) every family planning project should ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and

(7) the United States should reaffirm the principles described in paragraphs (1) through (6) in the special session of the United Nations General Assembly to be held between June 30 and July 2, 1999, and in all preparatory meetings for the special session.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 118.

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

There was no objection.

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

This bill reaffirms the principles of the program of action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs. Mr. Speaker, I want to commend my good friend and colleague, the gentleman from Kansas (Mr. TIAHRT), for authoring this sense of the Congress resolution to affirm the voluntary family planning language that was adopted during House consideration of the fiscal year 1999 foreign operations appropriations legislation and later included as part of the Omnibus Appropriation Act of 1998.

As my colleagues know, the United Nations General Assembly will convene a special session from June 30 to July 2 of this year in order to review and appraise the implementation of the program of action of the International Conference on Population and Development. This resolution sends a message to that conference that it is the belief of the United States Congress that all family planning programs should be completely voluntary, avoid numerical targets and provide recipients complete information on methods and generally respect individual values and beliefs as well as national laws and development priorities.

Mr. Speaker, again I want to compliment my colleague from Kansas for offering this legislation. It is a timely resolution, it is well drafted, and it deserves the support of this House. I urge adoption of the resolution.

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

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

Over a year ago we had a debate on U.S. funding for family planning. Frankly, I was sad to see that a number of Members voted against that. About 17 of the original cosponsors of this resolution today, of the 23 Members who cosponsored this resolution, voted against the funding for AID to do family planning work. So I am happy to see them here today moving the abortion debate out of the family planning debate, and what is happening through the years all too often is people who oppose abortion end up opposing the funding for family planning, and it always confused me in the sense that, if we want to reduce the chances of abortion, make sure good family planning is available.

Mr. Speaker, there is nothing we can do for child survival, for the quality of life of especially some of the poorest countries, to make sure we maintain our leadership role in supporting family planning, and I am, frankly, hopeful by this resolution that we will see more cooperation on family planning and separate it from the debate on abortion. Some of us, like myself, are pro-choice and we think that that is obviously a woman has a right to decide with her doctor. We do not believe government ought to interfere with that. But if we can get an agreement on the family planning funds, we could certainly reduce the need for lots of abortions, and it is an area that we agree on.

Now, frankly, if I had written this resolution, I would have included other provisions than were included, but this resolution was written by the Republican majority. But for those of us on our side of the aisle, I think I speak for most of us that we want to make sure that child survival is increased and the space and number of children a mother has has a direct impact on child survival.

Mr. Speaker, voluntary family planning is at the heart of our program, and the folks at AID have done a great job historically in trying to lead that effort.

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

Mr. CHABOT. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise in support of House Resolution 118, and I want to thank the gentleman from Ohio (Mr. CHABOT) for yielding to me.

I have introduced this resolution in anticipation of the meetings being held at the United Nations this week to prepare for the 5-year review of the progress made since 1994 International Conference on Population and Development which was held in Cairo. The language of this resolution represents a compromise between myself and Population Action International. It is supported by Zero Population Growth, and it mirrors the language of the amendment I offered last year to the Fiscal Year 1999 Foreign Operations Appropriations Act. As my colleagues may recall, that language laid out the definition for ''voluntary'' in a context of U.S. funded family planning programs. That amendment was offered in the wake of disturbing news stories that spoke of women being forced to participate in family planning programs and

in some instances were sterilized against their will, as my chart indicates.

Here we have several stories that were covered by the New York Times, the Wall Street Journal, the Miami Herald and the Sacramento Bee talking about occurrences in Peru where women were forced into sterilization.

The voluntary family planning amendment I offered last year was adopted on a voice vote and later enacted into law as part of last year's Omnibus Appropriation Act. While the voluntary family planning amendment enacted into law last year prevents U.S. dollars from being spent in family programs that are not administered in a voluntary manner, many programs worldwide still employ these same methods of coercion, incentives, bribes and quotas. For example, in Indonesia family planning clinics rely on threats and intimidation to bring women into their clinics. In Mexico hundreds of forced sterilizations have been documented, and medical personnel have been fired for their refusal to perform sterilizations. In addition, women refusing sterilization have been denied medical treatment. In Peru, as we said earlier, family planning programs use coercion, misinformation, quotas and sterilization for food efforts.

These terrible violations of human rights are the reason I have introduced House Resolution 118. The resolution reaffirms the emphasis that the U.S. has taken on giving women a choice and stating that it is Congress' belief that all family planning programs should be completely voluntary, that they should avoid numerical targets and provide recipients with complete information on the methods, including telling recipients whether the methods are experimental, and I think we can all agree that we should respect individual values and beliefs as well as national laws and development priorities.

Mr. Speaker, it is my hope that the House will adopt this resolution and send a strong message to the United Nations that we believe every family planning program in the world should be carried out in a truly voluntary manner as described by the definition added to the Omnibus Appropriations Act last year. I would ask my colleagues to please support House Resolution 118.

[From the New York Times, Feb. 15, 1999]

USING GIFTS AS BAIT, PERU STERILIZES POOR WOMEN

(By Calvin Sims)

LIMA, PERU, FEB. 14—For Magna Morales and Bernadina Alva, peasant Andean women who could barely afford to feed their families, it was a troubling offer but one they found hard to refuse. Shortly before Chirstmas, Government health workers promised gifts of food and clothing if they underwent a sterilization procedure called tubal ligation.

The operation went well for Mrs. Alva, 26, who received two dresses for her daughter and a T-shirt for her son. But Mrs. Morales, 34, died of complications 10 days after the surgery, leaving three young children and a husband behind. She was never well enough to pick up the promised gifts, and the family was told it could not sue the Government over her death because she had agreed to the procedure.

''When you don't have anything and they offer you clothes and food for your kids, then finally you agree to do it,'' said Mrs. Alva, a neighbor of Mrs. Morales in the northern village of Tocache. ''Magna told them that her husband was against the idea, but they told her, 'Don't worry, we can do it right now, and tonight you will be back home cooking and your husband will never realize what happened.'''

Tales of poor women like Mrs. Morales and Mrs. Alva being pressed and even forced to submit to sterilization operations that have left at least two women dead and hundreds injured have emerged from small towns and villages across Peru in recent weeks in what women's groups, politicians and church leaders here say is an ambitious Government family planning program run amok.

Critics of the program, which was begun in 1995, charge that state health care workers, in a hurry to meet Government-imposed sterilization quotes that offer promotions and cash incentives, are taking advantage of poor rural women, many of whom are illiterate and speak only indigenous Indian languages.

The critics, who include many of the program's early supporters, say the health workers are not telling poor women about alternative methods of contraception or that tubal ligation is nearly always irreversible. They also charge that many state doctors are performing sloppy operations, at times in unsanitary conditions

''They always look for the poorest women, especially those who don't understand Spanish,'' said Gregoria Chuquihuancas, another Tocache resident. ''They make them put their fingerprint on a sterilization paper they don't understand because they can't read. If the women refuse, they threaten to cut off the food and milk programs.''

While it remains unclear whether such actions were sanctioned by the Government or were the work of overzealous health workers—the Government denies there are sterilization quotas, though it acknowledges goals for budgetary purposes—independent investigations by members of the Peruvian Congress, the Roman Catholic Church, local journalists and a United States Congressional committee have chronicled dozens of cases of abuse.

''The Government's program is morally corrupt because nurses and doctors are under pressure to find women to sterilize, and the women are not allowed to make an informed decision,'' said Luis Solari, a medical doctor who advises the Peruvian Episcopal Conference, which speaks for the country's Catholic bishops.

''No one has the right to intervene in people's life this way,'' Dr. Solari said. ''It's criminal.''

From its inception, Catholic church leaders have vigorously opposed the family planning campaign because it promotes artificial forms of birth control, which the church disavows. Augusto Cardinal Vargas Alzamora of Lima has warned Catholics that they will be committing a ''grave sin'' if they resort to sterilization. Tubal ligation is still only the third most practiced form of contraception in Peru, after abstinence and the I.U.D., family planning officials say. Abortion is illegal.

The Government has vehemently rejected charges that it is conducting a campaign to sterilize poor women and says that all its sterilization operations are done with the patient's consent, as required by law.

Health Ministry officials, who spoke on condition of anonymity, said that in the last year the program had suffered from ''lapses in judgment'' by individual health care workers and doctors, who had been reprimanded. But the officials said that such cases were isolated incidents that had been blown out of proportion.

Reached on his cellular telephone, Deputy Health Minister Alejandro Aguinaga, who oversees the program, said he did not wish to speak with The New York Times.

Three years ago, when President Alberto K. Fujimori announced plans to promote birth control as a way to reduce family size and widespread poverty in Peru, family planning experts, feminists and even many opposition politicians expressed broad support for the initiative. But the mounting criticism of the sterilization has tarnished the image of the family planning program, one of the most ambitious in the developing world.

In 1997, state doctors in Peru performed 110,000 sterilizations on women, up from 30,000 in 1996 and 10,000 in 1995. Last year they also performed 10,000 free vasectomies on men, a slight increase over 1996. However, women remain the main focus of the Government's program because men are less likely to agree to sterilization, on the mistaken ground that the procedure could impair their virility.

Health Ministry officials estimate that the 1997 sterilizations will result in 26,000 fewer births in 1998. This is good news, they say, in a country where the fertility rate—the average number of children born per woman—is 3.5, compared with 3.1 for Latin America in general and 2 for the United States.

The rate is 6.2 children for Peruvian women who have little or no education and 7 children for those who live in rural areas. That compares with a rate of 1.7 children for women who have at least some college education and 2.8 for urban residents of all educational levels.

Concern over reports of forced sterilization has led to an investigation by the United States Congressional Subcommittee on International and Human Rights Operations, which is seeking to determine if money from the United States Agency for International Development was used in the Peruvian Government's campaign.

Officials in Washington said in a telephone interview that the agency had no role in the Peruvian Government's family planning program. They said that money and training for family planning services went directly to nongovernmental agencies in Peru that have no connection with the Government's program.

The officials said that they had deliberately taken steps to disassociate the agency from the Peruvian Government's family planning program after it became clear that, while well intentioned, it was too hurried and ambitious to avoid the pitfalls that it has now encountered.

Joseph Rees, the subcommittee's chief council, said that after a recent fact-finding mission to Peru he was convinced that no United States money was directly used to finance the Peruvian Government's campaign.

But he expressed concern that some money may have trickled through in the form of infrastructure, management or training support. Because some United States-sponsored food programs are operated from the same Peruvian Government medical posts that administer family planning in rural areas, Mr. Rees said that it was possible that some of this food could have been used to bribe women to undergo sterilizations.

''The bottom line here is whether the Peruvian Government is more interested in doing family planning or population control and whether the United States wants to risk being associated with a program where that notion is so far unclear,'' Mr. Rees said.

Meanwhile, despite the reported abuses, the number of women undergoing sterilization in Peru has remained steady. Preliminary figures for January indicate that at least 10,000 women underwent free tubal ligations by state doctors.

The opposition Renovación Party, a conservative group that has always objected to the program, says it has collected more than 1,000 complaints from women who say they were either injured by Government sterilization or pressured into agreeing to the operation.

Arturo Salazar, a Renovación congressman, said the Fujimori Government had given no thought to the long-term effect of so many sterilizations, which if left unchecked, he said, will severely diminish Peru's rural population, deprive the nation of security on its frontiers and impede economic development in the countryside.

But those issues are of little concern to Martha Eras, also of Tocache, who is struggling to care for her new baby girl, who was born in August despite the Government-sponsored sterilization that Mrs. Eras voluntarily underwent eight months earlier. It appears that the doctor was in such a hurry that he did not check to see if Mrs. Eras was pregnant.

''My husband joked that it was immaculate conception,'' she said.

[Excepts from Population Research Institute Review]

PRI Petitions for Norplant Withdrawal

(By David Morrison)

On 24 July 1994 Wyeth-Ayerst itself promulgated a revised and greatly expanded set of guidelines for doctors and clinics involved in the sale and insertion of Norplant. These new guidelines went far beyond those which had originally been issued, mentioning no fewer than 23 new, separate adverse health conditions related to Norplant, including pseudo tumor cerebri, stroke, arm pain and numbness. Unfortunately this new information on adverse health conditions is alleged not to have been provided to the hundreds of thousands of women currently using Norplant, nor, it is further alleged, were physicians or clinics required to inform prospective Norplant users of this new information.

Sterilization in India

Kathy Rennie, Bloomington, IL

Recently, I was able to spend seven weeks in India and was so surprised at what I learned. I was able to spend some time in a small village where the people were very poor and was appalled to learn that all the women had been sterilized. These were young women with one or two children. When I inquired further about this, I was told that the government had paid them a large sum of money to be sterilized.

These women felt they had no choice but to take the money because they were so poor and they felt as if they were doing their duty to lower the population.

Norplant Alleged To Cause Blindness—Abuse of Women in Bangladesh and Haiti Documented

The side effects of having five-cylinders of synthetic progesterone implanted into one's arm were supposed to be minimal and to only occur in a few women. While Planned Parenthood Federation of America, in its fact sheet on Norplant, mentions ''irregular menstruation . . . headaches, and mood changes'' as ''possible side effects,'' another PPFA publication, Norplant and You, suggests that ''bleeding usually becomes more regular after nine to 12 months'' and ''[u]sually there is less blood loss with Norplant than with a normal period.''

Norplant Linked to Blindness?

Nothing in the Population Council literature about Norplant describes the horrors Patsy Smith, a mother in Houston, Texas, experienced:

''Three months after having Norplant inserted I started getting horrible headaches . . . like somebody was just grabbing my head and just squeezing it together as tight as can be squeezed; like someone had put a bomb in there and it was going to go off. I'd noticed that [my vision] being kind of blurry and after the months it got a little bit more blurry and things started looking like they were on top of each other.'' [1]

Although headaches are listed among the possible side effects for Norplant, the severity of the pain and the worrisome blurring of her vision led Patsy to visit noted neuro-opthalmologist Dr. Rosa Tang, who admitted her to a Texas hospital where she came to understand the seriousness of her condition

Patsy has a condition called pseudo-tumor cerebri, where increased fluid pressure in the brain crushes the optic nerve. The damage in Patsy's case is severe; blindness in one eye and partial blindness in the other. Another such episode could take away her sight entirely.

In reviewing Patsy's medical history Tang came to suspect that Patsy's condition was related to the use of Norplant. She wrote to all the other eye specialists in Texas to ask if any of their patients on Norplant had exhibited similar symptoms. Over 100 cases were brought to her attention, including 40 women with blurred vision and eight women with conditions identical to Patsy's. The numbers startled Dr. Tang:

''It was very surprising for me because I had not seen any reports in the literature at this time of such a link between Norplant and pseudo-tumor cerebri and I was surprised of the fact that there were so many patients that seemed to be having the condition related to Norplant. I think that there is enough out there that there is a possibility of a link between the two [and] that a larger-scale study should be done if Norplant is to be continued.''

If something as serious as pseudo-tumor cerebri was a possible side-effect of the implant, why weren't women being told? Why wasn't Wyeth-Ayerst, the company which produces Norplant for the Population Council, required to list this condition among the possible side-effects? Norplant is the result of almost 25 years of Population Council research. It has been tested on women in developing countries almost continuously since 1972. Surely something as serious as pseudo-tumor cerebri would have shown up during these lengthy and presumably rigorous trials. But how rigorous were the trials? Were they scientifically valid at all? Until recently no one was asking these questions. No one had heard of what had happened in trial sites such as Bangladesh and Haiti.

* * * * *

The Trial of the Poor

The Norplant trial carried out in the slum areas near Dhaka, Bangladesh, according to recent reports, as anything but objective and rigorous. In fact, women were enrolled in the trial without their knowledge or consent. Dr. Nasreen Huq, a physician who works with several non-governmental organizations in the poorer areas of Bangladesh, states:

''Participation in a clinical trial requires that the person who is participating in that trial understand that it is a trial, that the drug they are testing out is still in experimental stages. This requires informed consent. This was categorically missing.''

Akhter reported that women who took Norplant ''. . . fainted quite often, you know, which was not the case before.'' Other women complained that ''[the family planners] were telling us we were supposed to be very happy after taking this Norplant, but why our life is like hell now?'' Not only were these adverse side-effects not noted, desperate cries from the women to have the implants removed were simply ignored according to several women:

''In 6 months [I went to the clinic] about 12 times. Yes, about 12 times, I went to the clinic and pleaded 'I'm having so many problems. I'm confined to bed most of the time. Please remove it.' My health broke down completely. I was reduced to skin and bone. I had milk and eggs when I could, but that did me no good.''

''I felt so bad, my body felt so weak, even my husband told me it was all very inconvenient . . . [My husband] says he'll get another wife tomorrow. I told the doctors. 'Please take it out, I'm having so many problems . . . I felt like throwing myself under the wheels of a car.''

Many women found their way out of the trial blocked for lack of funds:

''I went to the clinic as often as twice a week. But they said. 'This thing we put in you costs 5,000 takas. We'll not remove it unless you pay this money.' Of course I feel very angry. I went to several other doctors and offered them money to take those things out, but they all refused. I went to three or four of them and they said these can only be taken out by those who put them in. They said that if they tried they might go to jail.''

''One woman, when she begged to remove it, said 'I'm dying, please help me get it out.' They said 'OK, when you die you inform us, we'll get it out of your dead body,' so this is the way they were treated. In a slum area people are living in a very small, like 5 feet by 7 feet where at least five family members are living and these women are working outside. The most important resource they have is their own healthy condition.''

''We have . . . information where these women have told us that they have sold their cow or the goat which was the only asset they had for treatment because she had to get well, otherwise the family can't survive, so in order to save her, they had to, you know, sell the cow or if they didn't want to treat her then she suffered, so the family was suffering either way. In every sense these people were totally torn. Their economic condition was torn, their family happiness was totally gone.''

''I couldn't see. I couldn't look at things at a distance. I had trouble focusing. You know in the village we light oil lamps. I couldn't look at them. They looked like the sun, as red and large as the sun. If I looked into the distance, my eyes would water . . . If I went out of doors, my eyes became absolutely dark. I couldn't see anything at all as if my eyes had become affected by blindness.''

The 1993 report on the Bangladesh trial contained no hint of these problems. It blandly stated that: ''Norplant is a highly effective, safe and acceptable method among Bangladeshi women,'' claiming that less than 3 percent reported significant medical problems. The report did not mention women being denied removal of the implants or the problems with vision.

Haitian horror detailed similar problems were reported iN Haiti's Cit, Soleil (City of the Sun) by medical anthropologist Catherine Maternowska.

[1] All quotes in this story come from The Human Laboratory, a documentary produced by the British Broadcasting Corporation's Horizon series and aired in Britain on 8 November 1995.

GLOBAL MONITOR: POPULATION CONTROL'S QUESTIONABLE ETHICS

(By Ruth Enero)

But what exactly is all the fuss about? To begin with the so-called anti-pregnancy vaccine, Australia introduced this type of drug in 1986. The intent was to trigger a given woman's body into producing antibodies to hCG (human chorionic gonadotropin), a hormone essential to pregnancy. Because the drug affects the immune system, it poses health risks, including damage to pituitary and thyroid glands, inappropriate immune responses, possible infertility, and more. Women can't remove this vaccine or stop its effects once they've been given it. Violations of medical ethics regarding the use of this drug on Indian women were documented in 1993, including blatant disregard for informed consent. The 1992 Nov/Dec issue of Ms. relates that in 1951 India was the first country in the world to launch an official family planning program. India received a major component of its anticipated social change by testing contraceptives that were financed largely by the U.S. Indian women participated in the testing of (among other drugs) implants of (two rod) Norplant 2 and (five rod) Norplant. Most were not aware they were participating in an experiment. For these women, there were no cautions about Norplant's carcinogenicity and other side effects. Partly because drug studies seek long-term data, women who developed medical problems (hemorrhagic bleeding, dizziness, weight gain, heart problems) from their implants found that early removal was not part of their ''free'' care.

QUINACRINE IN INDIA

Dr. Biral Mullick has begun sterilizing women from Calcutta and surrounding villages with quinacrine, even though the World Health Organization and female health groups warn that the method is unapproved and risky. According to the Sunday Times of India, poor women in Calcutta are initially lured into trying the procedure because of its afforability—the paper quotes a price of 35 rupees—and relative ease of use. ''What these women do not know,'' the Times reports, ''is that they are guinea pigs being used to test the efficacy of the drug; that they have been subjected a method not approved by any drug regulatory agency in the world.''

According to Puneet Budim, an Indian gynecologist, none of these women in Mullick's and other clinics in the country are told they are part of a trial or what the risks might be. She alleges that they come into the clinics looking for a Copper T intrauterine device but walk out burned by the acid the tablets create when inserted into the womb. ''Scores of private doctors and NGO's across the country, including a prominent doctor politician from Delhi, are involved in this unethical practice,'' Budim said. ''It's a very disturbing development.'' (The Sunday Times of India, 16 March 1997.)

CUTTING THE POOR: PERUVIAN STERILIZATION PROGRAM TARGETS SOCIETY'S WEAKEST

(By David Morrison)

When the first sterilization campaign arrived in their little town of La Legua, Peru, Celia Durand and her husband Jaime were unsure they wanted to participate. Although they had discussed Celia's having the operation in the past, and had even researched its availability, they had begun to hear rumors about women damaged and even killed during the campaigns and Celia had decided she didn't want to be sterilized that way. Maybe sometime later she would do it; maybe in a hospital. Certainly not in the little medical post down one of La Legua's bare earth streets, with its windows opened wide to the dust, insects, and the smells from the pigs and other animals rooting and defecating the nearby streets and yards.

But then the campaign began and the Ministry of Health ''health promoters'' began to work her neighborhood. Going door to door, house to house, they repeatedly pressed the sterilization option. Interviewed later, her husband Jaime would recall the singular nature of the workers' advocacy. They wouldn't offer Celia any other contraceptive method, he reported. It was sterilization, nothing else. Many of the conversations centered around minimizing Celia's fears about having the procedure during the campaign. ''Do it now,'' they said. ''You may have to pay [to have it done] later.'' Other lines of argument included how ''easy,'' ''safe,'' and ''simple'' the procedure would be. And the workers persisted. Again and again they came to the family's home, refusing to accept 'no' for an answer, until finally Celia gave in and made an appointment. On the afternoon of July 3, 1997, she agreed, she would have the procedure.

Her mother, Balasura, worried and the two even quarreled about it. ''Don't go, daughter, there is always time later.'' Balasura remembers saying. But Celia wanted the daily visits to end and, besides, the health workers emphasized the procedure's easy nature. ''Don't worry, mama, I will be back in a couple of hours,'' she said as she left. That was the last time her mother saw her alive. Sometime during the procedure at the medical post, the surgeon caused enough damage to Celia that she slipped into a coma. Medical staff put off frantic visits from Celia's brother-in-law, mother and husband, finally moving her entirely out of the post and into a larger clinic in nearby Piura. It did no good. Celia died without every regaining consciousness.

Celia's story is just one of many which have resulted from a nationwide campaign which aggressively targets poor, working class and lower middle class women for surgical sterilization in often filthy circumstances and without adequately trained medical personnel. Although estimates of how many women may have been hurt in these campaigns are difficult to tabulate, a survey of reports about women who have suffered some injury, indignity, or coercion reveals a pattern stretching across Peru's length and breadth. Methods of coercion have included repeated harassing visits until women consent, verbal insults and threats, offers of food and other supplies made conditional upon accepting sterilization and making appointments for women to have the procedure before they have agreed to do so. Further, none of the Peruvian women interviewed by a PRI investigator reported having been adequately informed as to the nature, permanence, possible side-effects or risks of the procedure. ''All they told her was how easy it was,'' Jaime said later. ''No more.''

* * * * *

CAMPAIGN BACKGROUND

According to both high-and-low level Peruvian sources, the Ministry of Health's family planning program was a mostly quiet and somewhat moribund affair prior to 1995. ''It was just one of those things [the ministry] did,'' recalled one former high level official who served in the MOH when the sterilization campaign began. ''They would give their pills, maybe make some IUD's and give some shots and that was it.'' Everything changed, sources agree, when the Peruvian legislature changed the National Population Control Law to allow sterilization as a means of family planning.

According to Peruvian legislators, the Fujimori administration used a mixture of pressure and dirty tricks to change the law. Long-standing supporters of Fujimori, even if they did not want to vote in favor of a broad sterilization mandate, were told they had to support the administration or face political reprisal.

2. Using incentives to fill sterilization quotas

As with women in India, Bangladesh and Pakistan, Peruvian women also reported being offered food, clothing and other things for themselves or for their children as a condition or an inducement to sterilization. Ernestina Sandoval, poor and badly in need of assistance after a string of weather problems cost first her husband's livelihood and eventually her home, reported being offered food in a government hospital but then being told in order to qualify for the food she would have to accept a sterilization. ''They told me I had to bring a card from the hospital saying I had been ligated,'' she told a PRI investigator. ''If I didn't agree to do this they wouldn't give me anything.'' Maria Emilia Mulatillo, another woman, reported that her daughter's participation in a program that supported children of low birth weight was made conditional upon her acceptance of a sterilization procedure. Likewise, Peruvian papers like El Comercio and La Republica have published stories of how ''health promoters'' have been paid or rewarded with special prizes if they manage to bring more than their quota of women for the procedure.

3. Lack of informed consent

None of the over thirty sterilized Peruvian women whom a PRI investigator interviewed, which included a number of women who said they were happy they had the procedure, reported having given anything like informed consent. None of them were told of the procedure's possible side effects, particularly when performed under the time and other constraints that mark the campaigns. None were told of the risks. Universally what the women reported was being told over and over again about the procedure's eventual benefits, speediness and ease. But, as critics have pointed out, merely being told one set of facts about a potential medical procedure cannot be considered as having been adequately informed about the procedure.

4. Sterilization the only method offered

Although supposedly committed to offering Peruvian women a wide-range of family planning choices, including sterilization, PRI's investigation found that the government sterilization campaigns were single-minded. None of the women sterilized in the campaigns that we interviewed (as opposed to those sterilized, for example, in hospitals) reported being offered any options other than sterilization. Most were adamant on that point because, like Celia Durand, they were unsure if they wanted to be sterilized at all and would have welcomed a chance to take another option. Several women, particularly those who had already begun in other government family planning programs like those using Depo-Provera (which must be injected every three months), told of being instructed to have the sterilization procedure because their current program was being curtailed. Later, when asked directly about why women were pulled off Depo-Provera and pressured to accept sterilization, Dr. Eduardo Yong Motta, former Minister of Health and now President Fujimori's health advisor, replied that ''Depo costs too much,'' and that the Ministry had a problem with a method which a ''woman might forget'' or decide that she no longer wanted.

5. Medical histories not taken and post-operative care inadequate

None of the women sterilized in the campaigns that PRI interviewed reported having had any medical history taken prior to undergoing the sterilization procedure. This means that no one sat down with the women before the surgery to find out if any were experiencing medical conditions that might, in another circumstance, delay surgery. This is particularly important in light of the fact that the medical team was assembled and brought into a local area especially for the campaign. Familiar medical staff sterilized none of the women interviewed and thus, in some cases, no one was able to stop surgeries from proceeding in incidents where women were pregnant, menopausal or suffering from possibly complicating conditions. Post-operative care, particularly in cases leading to serious complications and even death, was sorely lacking. It was not uncommon for a woman to be rapidly sterilized in an unhygenic theatre in an afternoon and then sent home, feverish or still in pain, a few hours later.

THE OVRETTE PROGRAM IN HONDURAS: DID USAID ENDANGER HONDURAN CHILDREN WITH AN UNAPPROVED DRUG?

The Committee carried out an exhaustive investigation and discovered that the Health Ministry had issued a document entitled ''Strategy for Introducing Ovrette.'' This document stated: ''In order to avoid any misunderstandings which might jeopardize the distribution and harm family planning objectives, these instructions shall be implemented: 1) suppression of all literature from the boxes of medication at the central warehouse (prior to regional distribution) . . .''

In the Ovrette case in Honduras,USAID has been party to a flagrant violation of human rights through the imposition of a coercive and experimental population control program, has violated several Honduran laws and the constitutional rights of information, and has acted to the detriment of the health of Honduran mothers and children. The Ovrette incident should be thoroughly investigated in order to prevent such an imposition which can harm future generations not only in Honduras, but also in many other countries where such programs are implemented.

A DOCTOR SPEAKS OUT: WHAT HAPPENED TO MEDICINE WHEN THE CAMPAIGN BEGAN?

(Statement of Dr. Hector Chavez Chuchon)

My name is Hector Hugo Chavez Chuchon, and I am the president of the regional medical federation of Ayacucho, Andahuaylas, and Huancavelica in the Republic of Peru. This areas is the poorest in the country. I do not belong to any political group, and hope that the Peruvian government has as much success as possible in its enterprises. But, at the same time, I have the moral obligation to come forward and denounce wrongs there, where they are done.

I'd like to describe my work since the start of the tubal ligation and vasectomy sterilization campaign. There are approximately 200 doctors in my region. Some of them have come to declare and demand that the federation step forward to defend and to protest the ''inhumane,'' massive, and expanding sterilization campaign, a campaign which imposes quotas on medical personnel. As proof of these quotas, I have this document which is available in the information packet that you have. These doctors do not like the way in which people are brought in for these surgical procedures, where information is poor, incomplete, and generally deficient. Also, the places where these operations are performed are, for the most part, unsuitable, and the personnel often insufficiently trained.

The Ministry of Health denies that there are campaigns and quotas referring to sterilizations, and absolves itself of its responsibility, without taking into account, among other things, that the doctors work under their orders. Doctors work under pressure from their superiors, are given quotas and submitted to other more subtle forms of pressure. It is also true that doctors work under very unstable employment conditions, and could easily lose their posts.

I would like to have the people of the United States understand what their government is doing in Peru. My country is very large, and we do not have more than 25 million inhabitants, which in no way calls for a brutal birth control campaign, especially not one of sterilization. The facts show that prosperous countries like Japan have a high population density. Even though they are geographically much smaller, and lack the natural resources of my country, they live prosperously. So, we can see that the most important thing for a country is its human resources, which can generated wealth and well-being. Therefore, I would like especially to say that if you want to help my country, do so by investing in education and job creation, and not using these millions of dollars for population control programs.

''PRACTICALLY BY FORCE''

(Statement of Avelina Nolberto)

As a poor mother of five underage children and separated from my husband who also lives in the city of Andahuaylas, I wash clothes to support myself and the children. During my work activities I got to know an obstetrician who works in the Social Security hospital of Ayacucho. I confided in her about the problems I had run into with my husband. Then she spoke to me about tubal ligation and, of course, I was against it, but after so many demands she convinced me, adding that my husband could come back at any moment and would once gain fill me with children.

So on 16 October 1996 a worker, the sister of the obstetrician, arrived at my house telling me that it was free and I should take advantage of the opportunity since specialists from the Social Security hospital in Lima had arrived. I resisted, saying that I had to go to the market to cook lunch for my small children who were studying in school. I went to the market and stayed a long time. Upon my return I found her outside my house and she intercepted me saying that I was already scheduled for a ligation and that they would take me by taxi. That is how I arrived at the hospital practically against my will without any of my girls going in with me. This lady took charge of all the business in the hospital. This was the way I had the surgical intervention of a tubal ligation.

After the operation I was not able to recover. My stomach swelled and I had the sensation that all my intestines were burning. I could not expel intestinal gas. It was three in the afternoon on October 17, 1996. Then I began to worry because I entered the hospital totally healthy. When I went to the obstetrician to complain about my state of affairs, she became very insolent and said that she had nothing to do with this, and she had the audacity to tell me, ''Don't be bothering me, as if I had dragged you in.'' After that, my children came searching for me desperately when they did not find me home. They found me in the hospital and that is how I left still very sick.

In the night of October 17, 1996 I had terribly strong colic and my entire stomach swelled with a terrible burning sensation that I could not stand. So when I woke up, my oldest daughter took me back to the Social Security hospital where they intervened on me again on October 18, 1996. When my family started to inquire about my health status, what was the problem I really had, no one could tell them anything concrete. When I was supposed to be asleep I heard the nurses whispering among themselves that when they operated to do the ligation they had cut my intestines. I was not able to recuperate so they tried again on November 10, 1996, but my condition kept deteriorating so they decided to send me on November 15, 1996 to the Social Security hospital of Lima at my daughter's insistence. There they did a complete cleaning of my intestines because a greenish liquid had formed and the doctor told me that I had septicemia. I left there on December 12, 1996 returning to my city without medicines to continue my treatment.

The doctors treating me refused to give me medicines when I asked because I have no insurance.

From that time I have not been able to recover, and given my precarious financial situation, I had to return to my husband so that he could look after the children. I still cannot go back to work like before. Relapsing again, I went to the hospital Maria Auxiliadora de San Juan de Miraflores in Lima on November 4, 1997. I stayed there to be treated for what the doctor said was a perforated intestine. This was very expensive and I owe the hospital but do not have the ability to pay them back or to continue my treatment because of the expensive medicines needed. I am desperate from this situation. I cannot work to support my younger children. My oldest daughter, 20 years old, is studying and doing domestic work and is supporting me as much as she can. Now I am staying in the house where she works and the lady here has very kindly agreed to receive me with my young girls of 7 and 11 years old, and I have been given a great deal of help to recuperate.

FAMILY PLANNING BY THE NUMBERS: QUOTAS HAVEN'T GONE AWAY, THEY HAVE MERELY CHANGED THEIR NAME

(By David Morrison)

Although officials with the US Agency for International Development deny the practice, current documents and training programs indicate that the Agency still uses quotas to evaluate so-called ''family planning program.''

WHY ALL THIS MATTERS

This entire issue can seem like mere numbers on a page until a situation like that of Peru appears. Then it becomes clear what USAID's continuing reliance on quotas has wrought. Hundreds of thousands of women in Peru and elsewhere have had to confront workers from government and other organizations who view them not as human being but rather as numbers to be entered into a report or a means of filling a quota.

REFUGEE POP CONTROL ADVANCES: DESTRUCTIVE GUIDELINES REMAIN IN PLACE DESPITE ALTERATIONS

(By Kateryna Fedoryka)

As human rights activists and humanitarian aid workers contend against the tide, the United Nations moves closer to promulgating guidelines that would subject refugee women to clinically irresponsible and dangerous procedures of fertility regulation and abortion. Scheduled for completion in April, UNHCR guidelines for ''Reproductive Health in Refugee Situations'' has been the center of a protracted struggle between the UNHCR, concerned NGOs, and US Congressman Chris Smith.

Initial drafts of the guidelines called for the introduction of a specifically reproductive health component into the emergency

health care kits for refugee camps. Concern first arose among NGO participants in the preliminary drafting sessions when it became evident that the reproductive health kits were to include the so-called 'emergency contraceptive pill' (ECP), and a manual vacuum aspirator for use in early-term abortions. Objections centered on poor general hygiene, unskilled practitioners, and the lack of all but the crudest of operating facilities, which make safe and responsible administration and management of such procedures virtually impossible.

Following promulgation by the UNHCR, there will be a waiting period before the guidelines are submitted to the WHO, which has final oversight for medical operations in refugee camps. If signed into policy by the WHO, the regulations will go into effect immediately. Conditions in refugee camps will render impossible any attempt to prevent abuse. Population control will be imposed on poor refugees.

The aborting of refugee women under the euphemisms of ''emergency contraception'' and ''uterine evacuation,'' as well as the maternal deaths that are an inevitable result of carrying out these procedures in unsanitary and inadequate medical conditions, will undoubtedly reduce the numbers of ''vulnerable peoples'' suffering in refugee camps. If the present efforts to halt ratification of these guidelines do not succeed, there will in fact be no more place of refuge for those who have until now been able to turn to the international community in their moments of greatest need.

AIDING A HOLOCAUST: NEW UNFPA PROGRAM DESIGNED TO TIDY UP ONE-CHILD HORROR

(By Steven W. Mosher)

The United Nations Population Fund's (UNFPA) love affair with China's ruthless one-child policy continues. Despite overwhelming evidence of massive human rights violations stretching back two decades—and in violation of its own charter—the UNFPA has just quietly embarked upon a new $20 million program in China to assist its so-called ''family planning program.''

The program, which will be carried out in 32 Chinese counties, is being billed as an effort to replace direct coercion with the more subtle forms of pressure that the UNFPA commonly employs to stop Third World families from having children. Beijing has signed off on the four-year experiment. In the delicate phrasing of Kerstin Trone, UNFPA program director, ''The Government of China is keen to move away from its administrative approach to family planning to an integrated, client-centered reproductive health approach . . .''

As well it might. For except within the population control movement itself, which continues to celebrate China's forceful approach, the one-child policy has become a byword for female infanticide, coerced late-term abortions, forced sterilization/contraception, not to mention a host of other horrific abuses that rival in sheer barbarity the worst of Nazi Germany.

Recent examples of such abuses abound. In the August 1997 edition of Marie Claire magazine, for instance, we find a report that China has ''implemented [its] harsh birth control policy'' in Tibet, including ''forced abortions and sterilizations of Tibetan 'minority' women.'' Tibetan families are allowed one child in urban areas, two in rural areas. ''Excess births'' are illegal. As throughout China, it is legal to kill such ''illegal'' Tibetan babies in utero for the entire nine months of pregnancy, even as they descend in the birth canal. In sparsely populated Tibet, such a ''family planning'' program may properly be called genocidal.

Then, as reported in a previous issue of the Review, there is China's latest weapon in the war it is waging on its own people: Mobile abortion vans, each of which will be equipped with operating table, suction pumps, and . . . body clamp. According to Chinese officials, the government has plans to make 600 such vans to travel around the countryside doing abortions. Presumably such vehicles will be banned from the 32 counties in which the UNFPA will be responsible for keeping the birth rate down with its ''integrated approach,'' but who can be sure?

Nafis Sadik, the Executive Director of the UNFPA, has let it be known that the Chinese government has agreed to suspend the one-child policy in the 32 counties during the four-year experiment. In her words, ''In the project counties couples will be allowed to have as many children as they want, whenever they want, without requiring birth permits or being subject to quotas.''

Whatever the truth of this statement, it is by itself a remarkable admission. For it has been the steadfast position of the Chinese government—and the UNFPA itself—that the one-child policy does not rely upon birth quotas and targets, nor does it require parents to obtain birth permits prior to having children. Targets and quotas, it should be noted, were banned by the Cairo population conference because they always lead to abuses.

But lest the Chinese people living in these counties take their newfound freedom to have children seriously, the Chinese government has retained the right to use economic pressure. Sadik: ''[T]hey may still be subject to a ''social compensation fee'' if they decide to have more children that [sic] recommended by the policy.'' In other words, overly procreating parents will be fined into submission. That's hardly reproductive freedom.

And what of the ill-favored people in China's 2000 other counties? Counties where—we have it on the authority of Nafis Sadik herself—birth targets and quotas will continue to be imposed in defiance of world opinions. Counties where parents, on pain of abortion, must obtain birth permits for children prior to conceiving them. Counties where mobile abortion vans roll up and down rural roads, snuffing out the lives of wanted children while their mothers lie helpless in body clamps. And counties in oppressed Tibet, whose sparse populations of nomadic herdsmen are about to be further depleted by ''family planning.''

The Founding Charter of the UNFPA says ''couples have the right to decide the number and spacing of their children.'' The Executive Director of that organization has now admitted that China's population-control dictators deny that right. Until that changes, until China abandons the whole oppressive apparatus of targets, quotas, and birth permits, the UNFPA should get out—and stay out—of China.

FROM THE COUNTRIES: AGING JAPANESE; BIRTH-CONTROL TRAINS AND STERILIZATIONS EVERYWHERE—JAPANESE TO BE WORLD'S OLDEST

Meanwhile, more than 16,500 handicapped Japanese women were involuntarily sterilized with government approval during the period from 1949 to 1995, government officials now have admitted. However, unlike other nations whose own sterilization agendas have recently come to light, Japan does not plan to apologize, offer compensation to the victims, or conduct an investigation.

Japan legalized sterilization in 1948 (while under American occupation) as a means of improving the race through control of hereditary factors. The law, which was revoked only last year, allowed doctors to sterilize people with mental or physical handicaps without their consent, after obtaining the approval of local governments.

(Sources: ''Japan braces for life as world's oldest nation,'' Associated Press, 11 December and ''Japan acknowledges sterilizing women,'' The Washington Post, 18 September, A 26.)

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AUSTRALIAN STERILIZATIONS

Surgeons in Australia's public health system have illegally sterilized more than 1,000 retarded women and girls since 1992, a government-commissioned report said.

The chief justice of Australia's family court, Alastair Nicholson said, ''The research points to an irresistible conclusion that doctors are performing unlawful sterilizations on girls and young women with disabilities.''

In 1992, Australia's High Court made such sterilizations illegal if they were not medically required, unless a court or tribunal granted permission. Since then, such permission has been granted only 17 times, the report for the federal Human Rights and Equal Opportunity Commission said. However, at least 1,045 women and girls were sterilized during that period, the commission said. The government Health Ministry called the figure ''overstated,'' claiming that the true number of cases was only ''one-fourth or one-fifth that.''

(Source: The Washington Post, 16 December, A22.)

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AUSTRIAN STERILIZATIONS

The Austrian Ministry of Justice, following allegations by member of parliament Theresia Haidlmayr that thousands of women in mental institutions were being forcibly sterilized, promised on 28 August to curtail the rights of parents to authorize the sterilization of their handicapped children.

The judiciary's action was also in response to rumors in medical circles that Ernst Berger of the Rosenhugel Psychiatric Hospital for the Young in Vienna, was preparing a paper which would examine the questionable due process involved in the forced sterilization of young handicapped children in Austria. Berger's paper includes a case study of a 16-year-old mentally handicapped girl who was sterilized 4 years ago on the authority of her father, who was later found to have been sexually abusing her.

The administrative processing of such sterilizations, said Berger, ''had a professionally unsound cynical character differing only superfically from the forced measures legitimized by the the [Nazi] laws to prevent hereditarily ill future generations.

(Source: The Lancet, 6 September, 723.)

CHINESE UNVEIL ''MOBILE ABORTION CLINICS''

Delegates to the 23rd annual meeting of the International Union for the Scientific Study of Population (IUSSP) were treated to a macabre sight during their 11–17 meeting in Beijing. Chinese government officials drove one of the brand new ''mobile abortion clinics'' up to the parking lot of the building where the conference was being held. Delegates leaving their session were able to stop by the van's open rear doors and behold its small bed, suction pumps and body clamps up close.

''We plan to make 600 of these buses to travel around the countryside,'' said Zhou Zhengxiang,'' the ''vice general manager'' of the van's manufacturing company.

Human Rights advocates fear that the mobile clinics represent a further escalation in China's war against its own people's fertility, a war which has been characterized by

forced abortion, sterilization and IUD insertion.

''I think the need for body clamps in this thing speaks for itself,'' said Steven Mosher, President of the Population Research Institute. ''Women doing something voluntarily do not need to be held down with clamps.''

Chinese government officials, as usual, denied the practice of forced abortion in the countryside, but this time their denials flew in the face of more candid admissions by the Chinese government from only a few months ago.

The news of 600 mobile abortion clinics may indicate a split policy on population control in China.

THE DISASSEMBLY LINES, PART II: INDIAN WOMEN STERILIZED UNDER INDUSTRIAL CONDITIONS

(By James A. Miller)

AIR PUMPS AND ERRORS

The all-too-common primitive conditions at the camps were reported: air pumps for pneumoperitoneum, bricks to elevate the operating tables, gowns changed only at rest breaks, the lack of an anesthetist as part of the surgical team, the inadequate ''sterilization'' of instruments, the non-monitoring of patients' pulse and blood pressure during surgery, and the ignoring of regulations concerning the number of sterilizations to be performed per surgical team per day.

The report noted that the ''government sponsored campaign to meet [quota] targets set for each state by end of the fiscal year . . . [led to] a uniformly high risk of deaths in camps [during the] campaign season and a markedly reduced risk in the balance of the year.'' Another factor contributing to ''unsatisfactory outcomes'' was the ''speedy completion of the sterilizations . . . by the surgical teams who are anxious to return to their home base.''

Although one could go on and on in like vein, perhaps the best overall summation of what is really going on in India's sterilization camps was the devastating reply of two Indian physicians to a glowing Lancet editorial endorsing the camps.

The doctors noted that in some cases ''a bicycle pump [was] being used to create a pneumoperitoneum'' for laparoscopic sterilization—a grim symbol of how medical standards have been lowered in the zeal to meet national sterilization targets.''

They wrote of laparoscopes being ''reused after a quick wash,'' of ordinary, non-sterile ''air (not carbon dioxide)'' being used to create a pneumoperitoneum, of the ''high incidence of uterine perforations,'' of complications which ''are rife'' and a ''case fatality rate as high as 70 per 100,000.'' [See above] They condemned the system in which ''local authorities are under pressure to achieve set targets and the doctors are paid on a case basis,'' while ''inducements (cash or otherwise) are routinely sanctioned to candidates for sterilization and the motivator is similarly rewarded.''

Under such conditions, the doctors declared, ''informed consent is certainly not obtained.''

POST DOCUMENTS INDIAN HORROR

PRIZES

In the yard outside the sterilization center were ''tables of prizes for the government workers who had brought in the most women. Three patients won the worker a wall clock, 5 a transistor radio, 10 a bicycle and 25 a black-and-white television.''

At another camp in neighboring Saharanpur, the reporter noted that prior to the sterilization, blood samples were taken by a medical assistant who ''pricked each woman's finger—using the same needle on all the women. . . .''

But how voluntary have been the individual decisions made by these millions to submit to being sterilized? During the 1970s, several million Indian men were forcibly vasectimized. Now, critics of India's sterilization program say it is still ''inhuman because it relies on quotas, targets, bribes and frequently coercion. . . .''

These critics note that most of the women who are sterilized are poor and illiterate, and have been ''lured to the government sterilization clinics and camps with promises of houses, land or loans by government officials under intense pressure to meet sterilization quotas.''

V.M. Singh, a legislator from the State of Uttar Paradesh, declared that ''[e]very single thing in my district leads to one wretched thing: Will the woman be sterilized?'' Singh explained that ''[p]eople are told if they want electricity, they will have to be sterilized. If they want a loan, they have to be sterilized.''

Singh, who has complained about the situation to the state government, said that officials in his district and others along the border with Nepal, in order to meet their quotas, often ''resort to bribing Nepalese women to travel to India for sterilizations.''

The Post noted that the pressure for sterilization is especially acute in India's poor northern states, which ''impose sterilization quotas on virtually every government employee in the district, from tax collectors to schoolteachers. If they don't meet the quota, they don't get paid,'' explained V.M. Singh.

For most village women, months of negotiation precede the trip from their simple mud huts to the stained sheets of the makeshift operating table. The discussions do not begin with medical personnel, however. Rather, it usually begins with a local government bureaucrat, the ''motivator'' who will be paid for each woman he can deliver, telling the husband that ''if his wife undergoes a sterilization she will receive 145 rupees (about $4.60) and the family may qualify for materials for a new house, or a loan for a cow, or a small piece of land.'' And so another woman is off to a sterilization camp where she too can wind up on the ''recovery room'' floor.

THE DISASSEMBLY LINES; INDIAN WOMEN STERILIZED UNDER INDUSTRIAL CONDITIONS

(By James A. Miller)

Editor's note: Population control is literally and figuratively dehumanizing. In India, thousands of women are being herded into mass sterilization camps, where surgeons mutilate their reproductive organs in assembly line-fashion under unsanitary conditions, sometimes using bicycle pumps as medical instruments, and where mortality rates reach as high as 500 per 100,000 sterilizations. This article, the first of two parts, focuses on one such sterilization camp in Kerala, India.

Written consent was obtained at this time and the women were seen affixing their signatures to some printed forms. However, very little about the sterilization procedure was explained to them, nor were any alternative options offered.

On average, it took just four to five minutes for the completion of this three-stage procedure. Since three women were going through the different stages simultaneously, the total time taken for all 48 women was just 128 minutes—i.e., two hours and eight minutes. The surgeon thus spent an average of only two minutes and 40 seconds per sterilization.

The linen on the three makeshift operating beds was never changed during the course of the day's surgeries. Moreover, the surgeon never once changed his gloves during the course of the 48 surgical procedures he performed. Unfortunately, this disregard for aseptic conditions is quite common in the Indian sterilization camps and has been reported often through the years.

POST-OPERATIVE CARELESSNESS

All of women who were sterilized had to walk by themselves back to hall, which now served as the post-operative ward. They lay on the nine available cots, usually two per cot. The rest were accommodated on bed sheets spread out on the unswept floor, five women per sheet.

As each woman lay down on a cot or a sheet, a nurse sprayed the area around the abdominal incisions with an antiseptic and dressed the small wounds. The women were provided with an antibiotic and a pain killer and were instructed to contact the local JPHN in case of any problems. No doctor examined or counseled the women after surgery.

As the number of women of women who had been operated on increased, the available space in the hall begin to shrink. The last of the women had to lie on a bed sheet at the entrance to the bathroom, which was being used extensively by the women and their attendants. Extensive seepage from this overused bathroom barely missed the feet of the women lying on the bed sheet near it.

While the operations were proceeding, the District Medical Officer (DMO) came to inspect the hospital. He condemned certain items of equipment which were being used. The JPHNs and JHIs at the camp took the opportunity to inform the DMO about the problem of non-payment of incentive money to their clients during the previous months. (An incentive payment of 145 Rs is paid to sterilization acceptors.) The JPHNs and JIHIs knew that the people they served were upset that the incentive payments had not been immediately disbursed, and they were worried that as word spread in the community they would find it difficult to ''motivate'' future clients.

The surgeon and his team left the camp by 3:45 p.m., shortly after completion of the operations. Most of the JPHNs and JHIs also left the camp immediately, leaving the women and their attendants to fend for themselves. By 4:30 p.m., many of the women began leaving the premises, although they could barely walk; none of them were permitted to stay in the building beyond 5 p.m.

DARK AND DIRTY BUSINESS

As for the operating theatre, sometimes the ''flooring was dusty and unclean [and] the lighting . . . was very poor. . . .'' At many places the artificial light which was available was ''insufficient and uncertain because of drop[s] in voltage or power out[ages].'' Nonetheless, at some of the camps the surgeons operated ''round the clock through day and night with very scanty light—only one torch for two tables or so.''

Usually there was a shortage of linen required for the numbers of women to be operated on, and the sterilization of instruments and linen was inadequate. Often the local nursing staff who assisted the operations seemed to be ''assisting for the first time,'' which in fact was the case, as subsequent inquiry discovered. Moreover, the pre-operative preparation of the patients was so unsatisfactory that some of the women had apparently eaten recently and/or had not properly evacuated themselves, resulting in some even voiding on the operating table, causing a postponement in their sterilization.

Although the team of observers found the Kerala camp conditions ''appalling,'' they

were ''not as bad as elsewhere in the country.''

In many instances the sterilization camps were conducted in makeshift locations without even a thought to aseptic conditions. School classrooms have been used without any effort to disinfect them, and ''rusted, broken down tables draped with soiled rubber sheets have been used as operating tables.'' Surgeries have been performed with ''just one bucket of water for the surgeons to 'disinfect' their hands before operating.'' The same syringe has been used on all the clients.

WITH FRIENDS LIKE THESE: FERTILITY REDUCTION FAILS TO MAKE BANGLADESH RICH

(By Jacquelin Kasun)

The government does well to take very seriously what Messrs. Merrill and Piet say; according to US law, countries which receive US foreign aid must take steps to reduce their rate of population growth.

And the evidence suggests that the country is making a good faith effort in this regard. Fifty-three thousand family planning workers provide doorstep delivery of birth control services. Although the law restricts abortion to the saving of the mother's life, ''menstrual regulation''—removal of the womb's contents without a prior test for pregnancy—is widely available, often performed by person with only ''informal'' training. The press also reports that government doctors perform illegal abortions in clinics without anesthesia or sanitation.

The government pays women about $3 each, plus a new saree, to be sterilized. Men receive $4 plus a new lungi. The Sun reports that the numbers go up just before the rice harvest, probably because people are hungriest then. The Sun also reported that women's sterilizations were being performed with quinacrine, which severely burns the fallopian tubes. The women are unaware of the risks until they suffer the consequences.

An aid-dependent poor country whose people are mostly illiterate, Bangladesh is an ideal place to test birth control methods. Eager grant seekers in the United States can support their research and their professional advancement by doing experiments in Bangladesh. Local women's rights groups, such as UBINIG and its intrepid leader Fairda Akhter, give evidence that Norplant providers refuse to remove the implant even when the women suffer debilitating side effects. Losing subjects from the sample spoils the results of the research. Removing implants also uses resources that could be used to insert them and meet the quotas.

CHINESE ADMIT POLICY IS COERCIVE

Urban couples generally comply with the policy, the article reports, because they pay high fines and risk losing important benefits by having more than one child. In the countryside, where most Chinese live, enforcement is more difficult, the article maintains.

Rural officials are responsible for meeting family planning quotas. Some take bribes to neglect to report births. Some resort to terror and force to make sure the rules are followed. 'It would be better to have blood flow like a river than to increase the population by one' reads one rural slogan, according to a report by the Chinese newspaper International Trade News.

Women must get regular checkups and certificates to prove they are not pregnant. Those with unauthorized pregnancies are ordered to have abortions, the article reported.

The article declared that the highest birth rates are in China's poorest counties, where farmers still need their children's labor and rely on their support in old age. Those who have extra children are fined, but some are unable or unwilling to pay.

In many areas, the article declared, officials are turning to economics to help make their arguments. ''If you want to get rich have fewer kids and raise more pigs,'' says one sign painted on a wall.

FROM THE COUNTRIES: QUINACRINE IN INDIA, ESTONIANS DECLINE, MORE CONDOMS FOR UGANDA, QUINACRINE IN INDIA

Thousands of illiterate women in India and Bangladesh have been used as ''guinea-pigs'' without their knowledge in unauthorized trials of quinacrine, a derivative of quinine used to perform chemical sterilization by scaring and burning a women's fallopian tubes.

Although the ''Q method'' is illegal in India and has ''no medical sanction'' in Bangladesh, more than 10,000 women have been sterilized with quinacrine by a single medical practitioner in India's West Bengal state alone, with similar trials going on in Mumbai, Bangalore and Baroda; in Bangladesh's southeastern Chittagong district more than 5,000 women have been sterilized with quinacrine. In a documentary film on the ''Q Method,'' a doctor at Delhi's Lady Hardinge Medical College admitted using quinacrine on women in Delhi.

A group of doctors under the aegis of the Contraceptive and Health Innovations Project (CHIP) in Karnataka, South India, completed a quinacrine sterilization trial on 600 women in July 1996, and are currently involved in a 2-year project Ato sterilize 25,000 women.

Health activists claimed that the U.S. Agency for International Development has ''funded quinacrine supplies to India,'' along with a ''zealous population control at any cost'' international lobby. Since the quinacrine method requires no surgery or anesthetic, and no real follow-up, and costs only one dollar per case, it has become a favorite weapon for such groups.

TOO MANY PEOPLE? NOT BY A LONG SHOT

(By Steven W. Mosher)

The most notorious example is China, where for a decade and a half the government has mandated the insertion of intrauterine devices after one child, sterilization after two children, and abortion for those pregnant without permission.

Btu the use of force in family-planning programs is not limited to China. Doctors in Mexico's government hospitals are under orders to insert IUDs in women who have three or more children. This is often done immediately after childbirth, without the foreknowledge or consent of the women violated.

Perhaps the practice in Peru, where women are offered 50 pounds of food in return for submitting to a tubal ligation, cannot properly be called coercive. Still, there is something despicable about offering food to poor, hungry Indian women in return for permission to mutilate their bodies. And the potential for direct coercion is ever present, given that Peruvian government doctors mut meet a quota of six certified sterilizations a month or lose their jobs.

THIRD WORLD POPULATION GROWTH: FIRST WORLD BURDEN?

(By Steven W. Mosher)

At the time the NSC report was written, India was in the middle of its infamous ''compulsuasion'' campaign. Although this strange word was an amalgam of compulsion and persuasion, the emphasis was definitely on the former. No longer was our congenial Indian villager merely to be given boxes of contraceptives with which to build temples. Instead, he was to be sterilized. Governments officials were assigned vasectomy quotas, and denied raises, transfers and even salaries until they had sterilized the requisite number of men.

At the same time it was privately commending India's programs, the NSC strongly cautioned against public praise. ''We recommend that US officials refrain from public comment on forced-paced measures such as those currently under active consideration in India . . . [because that] might have an unfavorable impact on existing voluntary programs.''

STATEMENT OF M. GRACIELA HILIARIO DE RANGEL OF MEXICO

My name is Maria Graciela Hilario de Rangel. I am from the city of Morelia. I have had IUD's placed into me twice. The first time was ten years ago, when one was placed in me before I was released from the clinic. I later had it removed.

The second one was placed in me eight months ago after the birth of my baby. On this occasion, I repeatedly told the doctor that I did not want the device placed in me. He did not pay any attention to me and ignored my protests. He placed the device in me anyway.

Afterwards, the chief physician of the clinic told me he accepted responsibility for this act. I could place a complaint after I left the clinic, he said, but that his actions were protected by law. He did not tell me which law or when it was issued. I asked him for his name and he replied that he was Doctor Ildefornso Ramos Aguilar and that his office was in Morelia. He insisted that his doctors were authorized by law to place the devices and that the reason was to ''protect'' women.

I had the IUD removed 40 days later, but only after great difficulty. I went to the clinic several times, asking to have it removed, but each time I was sent away under the excuse that they did not thave the proper personnel to do it, or did not have the right instruments, or they had too many patients, or some other excuse. I finally told them I would not leave the clinic until they removed it. Only then did they remove it. I did not file a complaint against the clinic because the chief physician had told me that their actions were protected by law.

FAMILY PLANNING: POPULATION CONTROL IN DRAG

(By David Morrison)

Later that decade, according to the US Agency for International Development, the military government of Bangladesh employed soldiers to round up women for IUD insertions, besides threatening to withhold schoolteachers' wages unless they began using contraception.

In the eighties, according to a British Broadcasting Corporation documentary, another US-funded ''family planning'' organization used US tax dollars to mislead Bangladeshi and Haitian women about Norplant's side-effects prior to insertion. Then, when the women became seriously ill, removal was refused.

During the same decade targets became common. Twenty-five countries, ranging from the Philippines to El Salvador, set monthly quotas for numbers of sterilizations. As they invariably do, these quotas led to US women being sterilized without their consent or under false pretenses as workers scrambled to meet them. In Bangladesh, women whose families were driven from their homes by flooding were told they would not receive international humanitarian assistance until they submitted to sterilization.

During the nineties, right to the present day, some Mexican government hospitals, according to sworn depositions collected by

human rights activist Jorge Serrano, routinely sterilize or insert IUDs into women delivering their second or third child without their foreknowledge or consent, and (sometimes) even over their objections, immediately after giving birth. With the uterus expanded from childbirth, it is impossible to correctly size an IUD, which can embed in the uterine walls as the womb contracts. Then there is the well documented horror of forced abortion and sterilization promoted by the Chinese ''one-child'' policy, and supported by ''family planners'' like the United Nations Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF).

Sri Lankan Population Atrocities

In the Indian Ocean island state of Sri Lanka, female plant workers are being forced to undergo sterilization at government run clinics by health workers who are ''concerned only with meeting official [population] targets.''

Researcher Padma Kodituwakku of the Colombo-based ''Women and Media Collective,'' produced the study which discovered the ''dark side'' to the government's program to keep the country's birth rate in check. Each of the sterilized women was paid 500 Rupees—US $12.50—to undergo the surgery, ''ligation and resection of the [fallopian] tube.''

Kodituwakku's research revealed that the predominately Sinhalese speaking health workers used ''subtle coercions'' to force minority Tamil-speaking women to agree to the operation to foil the birth of their third child. In every case investigated the woman was made to feel guilt for having so many children; they were ''ignorant and irresponsible breeders'' whose reproduction needed to be curbed.

Bad Blood in the Philippines? Possibly Tainted Vaccine May Be Tip of the Iceburg

(By David Morrison)

Philippine women may have been unwittingly vaccinated against their own children, a recent study conducted by the Philippine Medical Association (PMA) has indicated.

The study tested random samples of a tetanus vaccine for the presence of human chorionic gonadotropin (hCG), a hormone essential to the establishment and maintenance of pregnancy.

The PMA's positive test results indicate that just such an abortifacient may have been administered to Philippine women without their consent.

Individual women who have lost children to miscarriage after accepting the anti tetanus vaccine have already been found to have antibodies to hCG. Dr.Vilma Gonzales had two miscarriages after receiving the tetanus vaccine and became suspicious. She had her blood tested for anti-hCG antibodies and found, to her great sorrow, that these were present ''in high levels.'' As she later told a British Broadcasting reporter:

''Women should have been told that the injection would cause miscarriage and, in the end, infertility. The Department of Health should have asked beforehand, so that only those who didn't want to have children had the injection. I really hope and pray to God that I will still have a baby and get a normal pregnancy. And I am still hopeful that the Department of Health will find an antidote to the antibodies as well.''

The possibility that Philippine women were being covertly dosed with an abortifacient vaccine got widespread attention after Human Life International, an international pro-life group, reported on peculiar tetanus vaccination programs in the Philippines, Mexico and Nicaragua.

Current WHO-funded research in the United States, according to a leading researcher, has ''moved on'' from tetanus to diphtheria as the antigen link. For even greater efficiency and wider reach, the possibility of doing away with the antigen link altogether is also being explored.

But from the point of view of numerous Filipinas, the most disturbing allegation against Talwar is that he has, in the past, tested his abortifacient vaccines on women without first testing them on animals. Both Indian researchers and WHO officials are on record as declaring that such abuses have occurred. Their testimony has helped fire opposition to the vaccine, especially on the part of women's groups.

Mexican Sterilizations

More than 300 Mexican women have documented their experiences with forced sterilization at the hands of Mexican population controllers, and an activist group claims to have gathered evidence of ''thousands'' more.

''Women are being trampled. Their rights are being trampled,'' said Jorge Serrano Limon, director of Pro-Vida, the Mexican group which has been investigating the issue.

''Sterilizing our population against its will is a complete violation of human rights,'' he said. ''We want to make an anguished appeal to the President to stop this genocide,'' he said. ''We can't let it happen that after these campaigns we are going to have a sterile Mexico.''

Pro-Vida held a press conference in Mexico City at which Rocio Garrido, a woman from the Puebla State, told of how she had been threatened with sterilization when she went to the hospital to deliver a baby.

Rocia reported that she later discovered an Intra-Uterine Device had been inserted into her womb without her consent. Hospital records back up her account. More than 40 other women from Puebla state sued the state health institute earlier this year for allegedly planting IUDs in them without their consent or knowledge. Some claimed to have been infected during the unauthorized procedures.

A spokesman for the Mexican Ministry of Health denied any government campaign to force women to be sterilized. (Mexico forcibly sterilizing, Reuters, 11 October 1996.)

Burn, Baby, Burn: Quinacrine Sterilization Campaign Proceeds Despite Risks

(By David Morrison)

This interpretation is supported by the coercion and dissembling that has surrounded quinacrine trials to date.

The largest clinical trial of the drug has taken place in Vietnam—a nation governed by a one-party dictatorship which is currently making a concerted push to lower the birth rate. Did Vietnamese women participate voluntarily in clinical trials, or were they coerced? There are allegations, made in a Vietnamese language publication called The Woman, that at least 100 of the participants in the Vietnamese study had quinacrine inserted without their knowledge during pelvic examinations. Faced with these and many other charges this study was suddenly halted in 1993.

There are also credible reports that ever-growing numbers of women are being sterilized without any standard drug trial protocol at all.

In Pakistan, for example, a Dr. Altaf Bashir of the Mother and Child Welfare Association in Faisalabad has reported sterilizing women with quinacrine at the rate of 100 a month. Most of the women were found in ''street camps'' or were otherwise tracked down and ''motivated'' by Bashir's staff.

Because so many women did not return to the clinics for the second insertion of the drug Bashir took up a single insertion approach, even though much of the available research so far argues against a single insertion being sufficient to cause complete sterility. An independent nurse practitioner who observed Bashir's work had this to say about it:

''Some patients are recruited at 'street camps' and given little information or time to fully understand and think about the implications of this type of procedure. Patients receiving treatment at regular clinic facilities receive a bit more information, but are not informed that this method has not been formally sanctioned for use in Pakistan. Insertions are primarily conducted by lady health workers (not doctors) with limited clinical skills necessary to rule out any underlying pathology. Essentially no follow up of these patients is conducted. The patient is told to 'return if she has any problems.' Those that don't return are assumed to have no problems, no pregnancies, etc. There is no mechanism established for follow up of these patients.''

The Case of the Dalkon Shield

(By James A. Miller)

Government officials, A.H. Robins executives and Pathfinder Fund administrators (among others) conspired in the early 1970's to dump hundreds of thousands of dangerous unsterilized contraceptive devices—unmarketable in the United States—into the developing world, according to a recent analysis of government and other documents. These devices were Dalkon Shields.

Robins' international marketing director wrote to USAID to interest it in placing ''this fine product into population control programs and family planning clinics throughout the Third World.'' The deal was sweetened with a special discount: the company offered USAID the Shield in bulk packages, unsterilized, at 48 percent off the standard price!

One of the greatest hazards associated with the use of any IUD is the possibility of introducing bacteria into the uterus. Accordingly, all IUDs sold in the United States come in individual sterilized packages, with a sterile, disposable inserter for each device. The sale of non-sterile IUDs would be highly irregular in the United States, and would probably result in product liability suits.

Careful to preserve its image and to protect itself legally, Robins emphasized that USAID could not distribute the nonsterile Shields in the United States. A January 1973 Robins memo declared that the nonsterile form of Shields ''is for the purpose of reducing price . . . [and] is intended for restricted sale to family planning/support organizations who will limit their distribution to those countries commonly referred to as 'less developed.'

Robins expected practitioners in such countries to sterilize the Shields by the old-fashioned method of soaking them in a disinfectant solution, a procedure which, in the U.S., would border on malpractice. Moreover, Robins provided only one inserter for every 10 Shields, thus greatly increasing the possibility of infection.

Robins included only one set of instructions with every 1,000 Shields, and those were printed in just three languages, English, French and Spanish. Although the devices were destined for distribution in 42 countries, many of them Moslem and Asiatic, it is highly unlikely that they were read by more than a small number of people.

When USAID officials asked whether Dalkon Shields could be safely inserted by staff workers of remote family planning clinics, who would not have had the benefit of an American medical education, Robins replied

that was no problem. This was not what the company had argued in the U.S., where it customarily countered reports of adverse medical reactions by blaming unqualified personnel, such as the occasional general practitioner, for inserting the device.

Ravenholt approved the deal. Hundreds of shoe box-sized cardboard cartons, each filled with 1,000 unsterilized Dalkon Shields paid for by the U.S. Treasury, left the America's shores bound for clinics in Paraguay, El Salvador, Thailand, Israel and 38 other countries. The big Dalkon dump was on.

Altogether, USAID purchased and shipped more than 700,000 Dalkon Shields for use in the Third World. Slightly more than half of the Shields went to IPPF. The rest were provided to the Pathfinder Fund, the Population Council, and Family Planning International Assistance, all of whom were major grant recipients of USAID.

Although records are sparse and incomplete, Pathfinder's annual reports for fiscal years 1973 and 1974 disclose that it distributed at least 37,602 Dalkon Shield IUDs into the following countries: Indonesia (500), Kenya (5,000), Nigeria (1,000), Tunisia (5,200), Dominican Republic (4,000), El Salvador (2,000), Haiti (350), Jamaica (1,000), and Venezuela (5,000): Israel (500), Senegal (200), Indonesia (500), Tunisia (7,500), Mexico (1,152), Brazil (1,200), Chile (1,500), and Colombia (1,000).

Substantial but unknown quantities of Shields were also shipped by Pathfinder to India, Paraguay, Egypt, Singapore, and Thailand. Since the Dalkon dump of the early 1970's passed without notice, there is reason to be concerned that similar incidents could happen in the future, perhaps with Norplant.

''MARIA GARCIA'': I HAVE WITNESSED MANY ABUSES

I am a medical professional who has worked in Mexican hospitals for several years. I am here today to tell you about the devastating results of U.S. family planning funding sent to Mexico.

Here in the United States, family planning is voluntary. But in Mexico, it is often literally forced on vulnerable women. I have witnessed many abuses.

One common practice I have seen is coerced IUD insertion. This occurs when a woman is about to have a baby. When she comes to the hospital, she is separated from her husband. She is not allowed to see him from the time of the initial exam until she is discharged six hours after delivery.

At the time of her initial exam, doctors ask ''Que vas a hacer para que no te embarasas otra vez?'' ''What are you going to do so you don't become pregnant again?'' If she answers, ''I plan to have more children'' or ''I plan to use the Billings Ovulation Method,'' this is not acceptable. The doctors will continue to harass her throughout her labor and delivery until she says that she agrees to use contraception or have a tubal ligation.

If she says that she is willing to use contraception or have a tubal ligation, this is noted in her medical chart so that medical personnel can reinforce her statement throughout her stay.

If she says ''I don't know,'' she is offered two choices: an intrauterine device, known as an IUD, or sterilization. No other options are given.

None of the risks and complications of these two methods are explained to her. Therefore the patient who agrees cannot be said to have given her ''informed consent.''

The patient is also not asked her gynecological history. A history of repeated Population Research Institute Review 10 March/April 1997 vaginal infections, multiple sex partners, etc., are contraindications to the use of an IUD. But since there is no history taken these women are given IUDs regardless.

If a woman refuses to submit to either an IUD insertion or a tubal ligation, a steady stream of medical personnel, including doctors, nurses, and even social workers, pressures her to choose one of the two options. This pressure steadily increases as the time of the delivery approaches.

All this pressure occurs at a time when the woman is extremely vulnerable. The pain of labor she is experiencing weakens her resistance. I have seen women refuse to accept an IUD or sterilization four or five times during early stages of labor, only to give in when the pain and the pressure becomes too intense. In this way the woman is subjected to a form of torture, without actually having to torture her.

Any women in the audience who have gone through labor will agree that this practice is inhuman. Labor is not the time to be coerced into making possibly irreversible decisions about childbearing, especially when the husband cannot participate.

The more children a woman has, the more she will be pressured to submit to sterilization. After the third child, the pressure to accept tubal ligation is very intense.

Why are the IUD and sterilization the only options offered to women? Because these are once-and-done procedures. They do not require the continuing voluntary participation of the women in question. No further visits to the doctor are required.

The complaints of Mexican women suffering from IUD side effects are frequently ignored. Requests for removal are dismissed. Recently, a woman came to a clinic where I was working to ask that her IUD be removed. It had been inserted the previous month after the birth of her baby. The doctor in charge told her that the pain and abnormal bleeding that she was experiencing would disappear within several months. He refused to remove the IUD or even examine her. She came back the following week, begging to have it removed. I took it upon myself to remove it. Infection was already apparent. This woman is now faced with the possibility of further complications such as adhesions, pelvic inflammatory disease, or sterility serious side effects that may not be discovered until later, if ever.

Women have also been refused medical treatment unless they allow themselves to be sterilized. I recently saw a pregnant woman with a painful umbilical hernia. When she came to the hospital to deliver her baby, she wanted her hernia fixed at the time of delivery. The attending doctor refused to fix the hernia unless she agreed to have a tubal ligation. In other words, the threat of withholding medical attention was used to coerce her assent. The woman insisted that her husband did not want her to be sterilized. The doctor replied that her husband would never know. This conversation occurred in the delivery room just minutes before her baby was born. Can you imagine her dilemma? Despite her desire for more children, she agreed to be sterilized in order to receive much needed medical care.

What makes doctors and other medical personnel willing to violate women's rights and engage in substandard medical practices? Because they risk losing their jobs if they don't conform. Those who refuse to perform tubal ligations or involuntary IUD insertions are fired.

DR. STEPHEN KARANJA: HEALTH SYSTEM COLLAPSED

Our health sector is collapsed. Thousands of the Kenyan people will die of malaria whose treatment costs a few cents, in health facilities whose stores are stocked to the roof with millions of dollars worth of pills, IUDs, Norplant, Depoprovera, most of which are supplied with American money.

Special operating theatres fully serviced and not lacking in instruments are opened in hospitals for sterilization of women and some men. In the same hospitals, emergency surgery cannot be done for lack of basic operating instruments and supplies. Most of the women are sterilized without even knowing it is final. Some with only one child. Some are induced with financial assistance to accept sterilization. Horrified sterilized women now trot from hospital to hospital looking for reversal of the tubal ligation. This is breaking marriages especially when the single child or two succumb to the myriad tropical diseases with easy treatment that is not available.

Millions of dollars are used daily to deceive, manipulate and misinform the people through the media about the perceived good of a small family—while the infant mortality rate skyrockets. Some of this money is not used to educate people on basic hygiene, proper diet or good farming methods that would be useful development, but it appears that the aim of population controllers is to decimate the Kenyan people.

I am a practicing gynecologist in Kenya and I would like to share with you facts about some of the patients I see daily:

A mother brought a child to me with pneumonia, but I had not penicillin to give the child. What I have in the stores are cases of contraceptives.

Malaria is epidemic in Kenya. Mothers die from this disease every day because there is no chloroquine, when instead we have huge stockpiles of contraceptives. These mothers come to me and I am helpless.

I see women coming to my clinic daily with swollen legs—they cannot climb stairs. They have been injured by Depoprovera, birthcontrol pills, and Norplant. I look at them and I am filled with sadness. They have been coerced into using these drugs. Nobody tells them about the side effects, and there are no drugs to treat their complications. In Kenya if you injure the mother, you injure the whole family. Women are the center of the community. The wellbeing of the family depends on the wellbeing of the mother.

Why do you not stop this money being used for contraceptives and use it instead to provide clean water, good prenatal and postnatal care, good farming methods and rural electrification. Do the American people know that the millions of dollars spent for population control are used in the ways I have described? Why does your government not deal directly with our government but instead uses a third party like IPPF, which has no respect for the values of our people and our laws?

USAID is the single biggest supporter and promoter of population control in Kenya. The programs it funds are implemented with an aggressive and elitist ruthlessness. In Kenya the target are always the poor and the illiterate who are pressured and tricked into using dangerous drugs which are often banned in the west, or who are sterilized during childbirth without either their knowledge or consent.

If the funds you use to kill, maim, subjugate, dominate and break us to nothingness were used to cultivate our extraordinary resources, Kenya alone could feed more than half the African continent. Dear Americans, you cannot build your own security on the insecurity and degradation of others. You cannot build your own wealth on the poverty and destitution of people in the least developed nations.

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[From the Wall Street Journal, Feb. 27, 1998]

IN PERU, WOMEN LOSE THE RIGHT TO CHOOSE MORE CHILDREN

(By Steven W. Mosher)

When a government team held a ''ligation festival'' to register women for sterilization in La Legua, Peru, Celia Durand resisted.

According to Mrs. Durand's now-widowed husband, Jaime, the 31-year-old mother of three was appalled at the pressure tactics government health workers used to induce women to have tubal ligations. Not only did they go house-to-house to round up candidates, but they paid repeated visits to those who refused to comply. Mr. Durand says they reassured his wife that the operation was ''simple and quick,'' adding that she could ''go dancing the same night.''

Even though Mrs. Durand knew that the local health station was equipped with little more than an examination table, pressure from government health workers finally wore her down. On July 4, 1997, she reluctantly underwent surgery. Two weeks later she died from complications.

Celia Durand was part of a massive sterilization campaign by the government of President Alberto Fujimori. It is a classic case of the conflicts of interest and potential for ethical violations inherent in a government sponsored ''family planning'' program. What was originally sold to Peruvians as an altruistic program aimed at helping poor Peruvian women has evolved into an orchestrated attempt to control reproduction and to meet a goal of fewer Indian children in the countryside.

In June 1995 Mr. Fujimori announced that his government would ''disseminate thoroughly the methods of family planning to everyone'' in order to make ''the women of

Peru . . . owners of their destiny.'' What has happened since belies Mr. Fujimori's feminist sentiments.

Until October 1995, even voluntary sterilization was illegal in Peru. With Mr. Fujimori's backing, the Peruvian Congress legalized it. Soon the Ministry of Health, then headed by Eduardo Yong Motta, made sterilization its main method of ''family planning.''

In a Jan. 29 interview with David Morrison of the Population Research Institute, Dr. Yong Motta, now President Fujimori's health adviser, defended the practice of sterilizing women even if they had previously been using other contraceptives such as the injectable Depo-Provera. ''Depo costs too much,'' Dr. Yong Motta said. ''In addition. . . . a women might forget to come in for her shot or might not want to.'' (emphasis added)

By spring 1996 the Ministry of Health had set national targets for sterilizations, and health workers were being given individual quotas. The ministry has been aggressively targeting poor women in rural areas—which in practice means those of Indian or mixed descent—for sterilization. The medical director of the Huancavelica region, for instance, ordered in a written communiqué that ''named personnel have to get 2 persons for voluntary surgical sterilization per month.'' According to this directive. ''At the end of the year thee will be rewards for the site that has . . . the greatest effort to bring in people.''

To meet these targets, mobile sterilization teams travel throughout the countryside, holding ''ligation festivals'' and practicing the kind of coercion that Celia Durand experienced. In many areas health workers receive a bonus for each additional procedure, while they can lose their jobs if they fail to meet their quotas. As the Huancavelica directive notes, ''At the end of the year each person will be evaluated by the numbers of patients captured.''

Dr. Yong Motta openly defends quotas. ''Of course the campaign has targets. . . . [Success is measured] through many methods, including numbers of acceptors verus nonacceptors.'' He admits the dangers of setting targets, but insists that ''the campaign has been a success.''

That Peruvian medical workers under heavy pressure to meet sterilization quotas should resort to coercion is hardly surprising. Knowing full well this danger, the 1994 Cairo Population Conference condemned the use of quotas or targets in birth control campaigns, an admonition Mr. Yong Motta and other Peruvian officials have now admitted ignoring.

Coercion takes various forms. First, there are repeated visits to the homes of holdouts. As one woman in La Quinta remarked, the workers came ''day and night, day and night, day and night to urge me to undergo the operation.''

Various bribes and threats are also employed. According to interviews in villages and press accounts in El Commercio, hungry women are offered the opportunity to participate in food programs, including programs supported by the U.S., if they agree to sterilization. Women already participating in food programs have been threatened with expulsion.

Rural women report that no mention is made of sterilization's health risks. Nor are they given the opportunity to choose alternative methods of family planning; indeed, women using contraceptives have been refused additional supplies. There have even been sterilizations performed on women without their consent, often during the course of other medical procedures. Victoria Espinoza of Piura has testified before a U.S. congressional committee that doctors at a government hospital told her she was sterilized—without warning or permission—during a Caesarean delivery. Her baby later died.

Dr. Yong Motta attempts to defend the pressure tactics. ''If the Ministry of Health did not do the campaign house-to-house, people would not come,'' he asserts. As far as the repeat visits are concerned, ''It was a doctor's responsibility to convince the patient into doing what was best and having [a tubal ligation]. Women in Peru have many children.''

The U.S. has some responsibility for all this. It has been pushing population control in Peru for three decades. As congressional staffer Joseph Rees remarks, ''We have enriched, encouraged, and thus emboldened the Ministry of Health to take decisive action where population growth was concerned.''

Dr. Yong Motta is more blunt, saying that the U.S. Agency for International Development ''is disqualified from objecting [to the sterilization campaign] because they have been helping in the family planning program from the first.''

To understand how oppressive and intrusive Peru's family-planning program is, imagine how you'd feel if someone from the Department of Health and Human Service showed up on your doorstep bearing contraceptives—let alone an order to report for sterilization. Not all government-sponsored family planning programs are this coercive. But there is an element of intrusiveness common to them all. Instead of making poor women in Peru ''owners of their destiny,'' Mr. Fujimori's birth control campaign paternalistically decides their reproductive destiny for all time.

STERILIZATION HORROR STORIES

Bangladesh—Women receiving sterilization and contraception were offered payment incentives of $3 each, plus a new saree. The government also pays incentives to providers for signing up women. Women consent to sterilization out of desperation for food. USAID endorses coercive incentives.

Honduras—USAID funds help implement coercive program for experiments with Ovrette, an unapproved contraceptive bill. Warnings about the experimental drug's side effects on nursing mothers were hidden from the women in the program.

India—Family planning programs depend on quotas, targets, bribes and coercion. USAID funds sterilizations using Quinacrine which is illegal in India and scars/burns the fallopian tubes. Conditions are miserable at the USAID funded sterilization camps, there are primitive, unsanitary conditions and appalling mortality rates.

Indonesia—Family planning clinics rely on threats and intimidation to bring women into the clinics. Studies have shown that IUDs are inserted at gunpoint. The programs employ life-threatening denials of treatment and follow up care and offer an informed consent.

Kenya—Women are coerced into Norplant implantation and sterilization. Sterilized women are denied health care for debilitating complications. USAID is the biggest supporter of population control in Kenya.

Mexico—Hundreds of forced sterilizations are documented. Medical personnel are fired for their refusal to perform sterilizations. Women refusing sterilization are denied medical treatment.

Peru—Family planning programs are coercion, misinformation and quotas and sterilization-for-food efforts. Medical personnel must meet sterilization quotas and surgical staff are insufficiently trained and work under poor conditions. USAID sponsors family planning billboards signaling to Peruvian women that the family planning methods employed are U.S. sanctioned.

Phillipines—USAID targets local governments with quotas as a condition for funding and encourages pharmaceutical companies to push contraceptives on unsuspecting Filipinos. Women are secretly injected with abortifacient while receiving tetanus vaccines.

TEXT FROM EMAILED ARTICLES AND OTHER TEXTUAL EXCERPTS

[From the Latin American Alliance for the Family—Press Release, Feb. 11, 1998]

U.S. GOVERNMENT ASKED TO WITHDRAW POPULATION CONTROL FUNDS FROM PERU FOLLOWING REPORTS OF MASSIVE HUMAN RIGHTS ABUSE

Amid ever-increasing evidence documenting coercive government population control efforts and sterilization campaigns in Peru, the Latin American Alliance for the Family (ALAFA) has called for the U.S. government to withdraw its financial support for Peru's population control efforts which have resulted in the deaths and injury of numbers of Peruvian women, mostly in very poor areas of the country.

Daniel Zeidler, director of the U.S. office of the Latin American Alliance for the Family, an international advocacy organization, following its own investigative efforts in Peru, said ''Peru's population program is seriously violating human rights by pressuring and coercing poor women to be sterilized. Reports and testimonies abound of women being offered food in exchange for agreeing to be sterilized, health workers being pressured to reach government sterilization goals, women being sterilized without their consent or without full knowledge of the implications.''

Numbers of women have died following sterilization procedures. Many women complain that after receiving a free sterilization they suffer serious medical complications and many times are not treated or are told by representatives of the same health system that gave them a free sterilization that the women must buy expensive medications that they cannot afford.

Medical experts have stated that the deaths and complications are due primarily to the poor sanitary and medical conditions under which these operations are performed.

Feminist and campesino leaders as well as Church and human rights leaders within Peru have denounced these campaigns.

Recently, a prestigious independent Peruvian human rights watchdog organization, the ''People's Defender'' recognized the validity of the human rights abuses and called upon the government to immediately reform the program.

The Peruvian government has denied the existence of a sterilization campaign and has minimized the complications, but has indicated it will make changes if necessary.

The involvement of US funds in Peru's population control programs is currently being investigated by Congress. The chief staff person of the U.S. House of Represenттives subcommittee on International Operations and Human Rights, Joseph Rees, recently returned from Peru following a fact-finding mission in January. Rees met with feminist, human rights, religious and governemnt leaders as well as interviewing numbers of victims. His official report to the subcommittee, issued February 10, 1998, was critical of USAID's involvement in Peru's family planning programming and recommends that the U.S. ''discontinue all direct monetary assistance to the Government of Peru family planning programs until it is clear that the sterilization goals and related abuses have stopped and will not resume.''

The report also calls for the U.S. to ''discontinue in-kind assistance'' which might directly or indirectly facilitate the sterilization campaigns, and to ''publicly'' disassociate itself from the campaigns.

Zidler called on all those interested in human rights to contact both Congress and the President to urge them to publicly denounce these abuses to the government of Peru and to immediately suspend US populatin funds to Peru.

FACT SHEET NO. 1

SOME OF THE DEATHS RESULTING FROM STERILIZATIONS

Case of Juana Gutierrez Chero (La Quinta, Piura, Peru)—died at home approximately 10 hours after being sterilized; according to her husband she did not want to be sterilized, but the health workers kept coming to their house repeatedly to encourage her to be sterilized. Once she even hid from them. They came for her one day after her husband had left for work. They sent her home shortly after the operation. When her husband returned from work he found her very ill and in bed; he went off to the clinic to see if he could get help, but no one was there; Juana died that night at home about 2 am. (Testimony on video)

Case of Celia Ramos Durand (La Legua)—died about two weeks after undergoing a sterilization to which both she and her husband consented after being told it was a simple operation. According to the family, when she didn't return home from the clinic, the family went to look for her and were told she had been transferred to a hospital. They later found out she had gone into a coma as a result of the operation. (Testimony on video.)

Case of Magna Morales Canduelas (Tocache)—died 12 days after being sterilized. (El Comercio, Dec. 19, 1997)

Case of Alejandrina Tapia Cruz (Cajacay)—died one week after a sterilization operation. (La Republica, Dec. 7, 1997)

Case of Reynalda Betalleluz (Huamanga)—died day after sterilization (La Republica, Dec. 30, 1997)

Case of Josefina Vasquez Rivera (Paimas)—died day after sterilization (La Republica, Dec. 30, 1997)

STERILIZATION WITHOUT KNOWLEDGE OR CONSENT

Example: Case of Victoria Espinoza (Piura). Sterilized following a C-section. Baby also died. (Testimony on video)

FREE STERILIZATIONS, BUT PATIENT MUST PAY FOR COMPLICATIONS

Numbers of newspaper articles reported that women who suffered physical complications were required to pay for their medications. Many reported there was no follow-up by health workers.

FOOD IN EXCHANGE FOR STERILIZATIONS

Example: Case of Ernestina Sandoval (Sullana). She had been told by health workers that she could get free food by going to the local hospital. When she got there, she was told she had to be sterilized in order to receive the food. She refused. She was told she could get the food this month, but that next month she should not come back unless she was sterilized. (Testimony on video) Similar accounts of offering food in exchange for sterilizations have been reported in press accounts.

UNDERWEIGHT CHILD WITHDRAWN FROM GOVT. FOOD PROGRAM BECAUSE MOTHER REFUSED TO BE STERILIZED

Example: Case of Maria Emilia Mulatillo (Sullana). Her 2 year-old daughter was participating in a government food program, but after about two months, Maria was told she should be sterilized. She said she didn't want to be, yet the pressure on her continued, till finally she was told if she didn't get sterilized her child would be withdrawn from the program. She still refused to be sterilized and her child was then withdrawn from the program. (Testimony on video)

In order to get women to accept sterilization, health workers told women their contraceptive would no longer be available and they should get sterilized. (La Quinta)

YOU CAN'T LEAVE THE HOSPITAL UNLESS YOU'RE ON BIRTH CONTROL

Example: Case of Blanca Zapata Aguirre (Sullana). After giving birth she was told she had to have some type of birth control. She said she didn't want anything, but she was given a shot when she was sleeping. She was later told it was for birth control. (Testimony on video) Peru's government manual ''Reproductive Health and Family Planning 1996–2000'' calls for 100% birth control usage by women who have just given birth.

Charges of health workers go house to house, and then back, and back again pushing sterilization are common.

Health workers are reportedly pressured to meet their goals.

Some Health workers received 15–30 soles per sterilized woman (US $6–$12) according to Giulia Tamayo of Flora Tristan feminist organization. (La Republica, Dec. 30, 1997)

FACT SHEET NO. 2

LOTS OF NEWS COVERAGE IN PERU

16 major newspaper articles including numbers of investigative reports over a period of about one month (mid-Dec '97 to mid Jan '98) in the major newspaper EL COMERCIO. Other major newspapers also had significant coverage.) ALAFA has copies of many of these articles. It is impressive just to see the quantity of articles written.

SELECTED NEWSPAPER HEADLINES FROM EL COMERCIO, DEC., '97–JAN., '98

''Nurses Deceived Women in Order to Sterilize Them'' (El Comercio, Jan. 26, 1998).

''Widowers Were Paid Not to Denounce Deaths of Sterilized Wives'' (El Comercio, Jan. 24, 1998).

''Woman hospitalized for 3 months due to infection caused by sterilization'' (El Comercio, Dec. 24, 1997).

''They sterilized woman who was one month pregnant'' (El Comercio, Dec. 23, 1997).

''Woman received clothes for her children in exchange for sterilization'' (El Comercio, Dec. 23, 1997).

''Food Programs Used to Get Women to be Sterilized'' (El Comercio, Dec. 20, 1997).

''They Deceived Me'' (Nurse comes to woman's house after husband had left for work and told the woman that her husband had said she should be sterilized; woman refused to believe it, and refused to go; when her husband returned he denied he had told the nurse that.) (El Comercio, Dec. 20, 1997).

''Children of Woman Who Died Following a Tubal Ligation Are in Total Abandon'' (El Comercio, Dec. 19, 1997).

''Magna Morales Wasn't Sure, But the Donated Food Convinced Her'' (El Comercio, Dec. 19, 1997) (Magna Morales died 12 days later following her sterilization.)

SOME OF THE INTERNATIONAL COVERAGE

LeMonde.
Miami Herald,
Assoc. Press.
France Press(?).
Radio Nederland.
BBC.

[From World, Feb. 20, 1999]

IT TAKES MORE THAN A VILLAGE TO DEPOPULATE ONE

SPECIAL REPORT FROM INSIDE KENYA'S TWO-CHILD POLICY: CONTRACEPTIVE FAMILY PLANNING AND ABORTION ADVOCACY MARK THE KIND OF ''RELIEF'' INTERNATIONAL RELIEF ORGANIZATIONS ENERGETICALLY IMPORT TO EAST AFRICA

(By Mindy Belz)

A large, dusty sign hovering over the used-clothing stalls of Kenyatta Market reads, ''Marie Stopes International—family planning/laboratory services, maternal health, counseling services, curative services, gynecological consultation.'' Steps beckon to a second-floor clinic. It offers extended hours, six days a week, and the door is always open.

Inside, an American woman can inquire about receiving an abortion, if she will be discreet. ''Do you have all forms of family planning here, or do you refer patients to a hospital or somewhere else?''

''Yes, all forms,'' replies a friendly African receptionist.

''If a person were pregnant, but wasn't sure she could go through with it . . .''

''You have to just say what it is you want,'' the receptionist interjects, leaning into the counter and lowering her voice.

''Could a pregnancy be terminated or would that have to be done somewhere else?''

''It can be done here.''

Never mind that abortion in Kenya is illegal. Overseas charity organizations like the British organization Marie Stopes are the van-guard in changing Kenya's cultural reticence to killing unborn babies and limiting family size. They use enticing come-ons promoting ''maternal health'' and ''comprehensive family planning.'' In East Africa and other developing regions of the world, they receive outsized budgets from multilateral agencies in the name of empowering women, improving health conditions, and preserving the environment.

At the behest of the UN Family Planning Association (UNFPA) and international groups including Marie Stopes, the International Planned Parenthood Federation (IPPF), and others, Kenya is embarking on an aggressive family planning program. The UNFPA was denied funding by the United States from 1985 until 1993 for support of China's coercive one-child policy. Its allocation from Washington restored in 1993 by the Clinton administration, the UNFPA is in the middle of a five-year, $20 million program to control Kenya's population. Not content with the dramatic reduction in Kenya's birth rate—which modern contraceptives already have achieved (from 8 children per woman in 1979 to just over 4 children per woman today)—the UNFPA and others are looking to reduce fertility further, to 2 children per woman by 2010.

''We have a two-child policy except in law,'' said Margaret Ogola, a Nairobi physician. ''Practically the only kind of health care you get in this country centers on reproductive health and family planning.''

UNFPA papers refer to a ''decentralized'' national population policy driven by the Kenyan government's National Council for Population and Development. But local direction is not the case, according to Dr. Ogola, who, as a representative for Kenya's Catholic Secretariat, is involved in regular consultations with NCPD. Funding for the NCPD, as for all Kenya's population projects, begins with funding from UNFPA, the World Bank, the World Health Organization, and overseas developers like the State Department's U.S. Agency for International Development (USAID).

From those sources also flow grant and contract awards to groups like Marie Stopes

and to Kenya's IPPF affiliate, Family Planning Association of Kenya (FPAK). USAID does not list Marie Stopes as one of its beneficiaries, but FPAK received direct funding by USAID until 1997, according to FPAK director Stephen K. Mucheke. Mr. Mucheke told WORLD, ''We work in collaboration with other organizations, and sometimes we may be funded by the same donor that is funded by USAID. We share the same implicit plans.''

A little noticed amendment to last year's congressional budget bill should have put U.S. funding for UNFPA's quota-based program out of bounds. The Tiahrt amendment forbids U.S.-funded family planning programs from setting targets or quotas for number of births, sterilizations, or contraceptive prevalence.

Abortion, according to Mr. Mucheke, ''is happening down the street. . . . From an official point of view, I am not supposed to say that there are groups like Marie Stopes performing abortions. What I would say is, if you want to know about products and procedures, ask a consumer.''

In the UN lexicon, so-called private groups like FPAK are referred to as NGOs, or nongovernmental organizations. The NGO consensus holds that most of the problems in the developing world can be solved with more contraceptives. Private pharmaceutical companies also get a piece of the action by contracting with NGOs and government agencies to supply the contraceptives. Groups like IPPF, which cried foul when U.S. judges tried to force Norplant on convicted drug users and child abusers, don't have a problem when it is women in the developing world under not government coercion, but their persuasion.

Common among NGOs, particularly in controversial issues involving family planning, is a practice of ''stripping off'' portions of a large grant to other organizations, in effect subcontracting services in a way that makes following the money a challenge. More common, contraceptive programs reside in programs with blander names.

Thus, even when the Christian relief organization World Vision surveyed its health officers worldwide on family planning issues last year, it found: ''All responding NOs [national offices] are engaged in some type of family planning—related activity, either as a straightforward family planning or reproductive health project or buried within child survival, maternal health or women's health activities.''

As a result of the contraceptive campaign, Nairobi residents are streetwise about birth control. Women who wear Norplant are teased on city buses for the ''battery pack''; the six-capsule implant, just inside a women's upper arm, is revealed when a woman reaches for an overhead strap during crowded commutes.

Shoppers at Kenyatta, a busy nexus between the slum area of Kibera and lower-to-middle class neighborhoods near the downtown area, know where to go for an abortion. They know about the ''copper T'' and ''the loop,'' two different kinds of IUDs. And, like people everywhere, they dismiss much-touted condoms as impractical.

Even Christian women looking for inexepensive, safe, and acceptable contraceptives may be unknowingly referred to Marie Stopes, because it has been known to do some procedures, like tubal ligation, free of charge. The London-based organization gained a reputation for increasing the availability of both sterilization and abortion services in Bosnia and Croatia, countries that now report negative fertility rates.

In addition to performing actual abortions, Marie Stopes and other clinics, along with up to 90 percent of private OB-GYNs, peddle an abortifacient procedure called ''menstrual regulation.'' Similar to what is known in the United States as dilation and curettage (D&C), in Kenya menstrual regulation can be performed as an office or clinic procedure. It is done when a woman misses a menstrual period but without benefit of a pregnancy test. No one knows how many abortions result from menstrual regulation. Even without that tally, in Kenya, according to UN statistics, ''40 percent of all documented schoolgirl pregnancies terminate in abortion.''

But none of it means that women who need help are well informed, according to Stephen Karanja, a long-time Nairobi gynecologist. Dr. Karanja, a Roman Catholic, served as secretary of the Kenya Medical Association and has practiced obstetrics and gynecology at Kenyatta National Hospital, Nairobi's largest public facility, as well as at Mather Hospital, a smaller, private, and Catholic facility. Dr. Keranja helped organize the city's Family Life Counseling Center and has been an activist in upholding Kenya's law banning abortion. In 1992 he opened a clinic at Kenyatta Market—50 yards from the entrance to Marie Stopes. He named it St. Michael's, in honor of the patron saint that does battle with forces of evil.

Most of the women Dr. Karanja sees at St. Michael's have been given no information and little follow-up in connection with the methods of birth control they are using. Last year at the clinic, he removed approximately 200 IUDs.

''Word of mouth has spread, and when women begin to have problems with IUDs, someone tells them to go to 'that crazy man on the hill and he will remove it,'" he said.

He keeps a sampling of those reclamations in a screwtop jar, and when he wants to give a graphic depiction of how women are served by Nairobi birth control providers, he spills the jar's contents across his desk. To a trained medical eye, the devices are throwbacks, copper coiled or loop-shaped IUDs that were taken off the U.S. market at least five years ago. The T-shaped devices had an extremely high failure rate; another IUD, copper 385, contained enough copper wire to be deadly toxic to a developing, tiny unborn child.

Dr. Karanja's patients tell him, in most cases, that the birth-control clinics that inserted the devices are not willing to remove them. ''The services encouraged for poor women are those that are not repetitive,'' he said. ''They are not something the women can decide themselves to change.''

Catholics and evangelical Protestants disagree on where to draw the line on contraceptives. Both, however, see the pitfalls of a national family planning plan. ''In our culture, that is why the message and the messenger have to go together. The church is still custodian of morality in Africa. These are deep-seated issues, and people need to be able to trust the messenger,'' said Peter Okaalet, Africa director of MAP International, a Christian medical relief group based in Brunswick, Ga.

''NGO work has come into acceptance because the government has let us down,'' Mr. Okaalet told WORLD. ''We talk about Kenya as a country with 10 millionaires and 10 million beggars. With half the population living below the poverty line, NGOs are perceived as an answer.''

Dr. Ogola agrees: ''No individual, not even combined force of the churches—and it is a force to be reckoned with in this country—can compete with the massive propaganda and funding. The government has to wake up to the fact that its people are important and its policies have to be home-grown.

''We have to tell the government to resist. That is very hard when the government is broke and the donors are offering millions for family planning.''

□ 1330

Mr. CHABOT. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of House Resolution 118, a resolution to reaffirm that this Congress is committed to the principle that all family planning, both in the United States and, as we are addressing in this resolution, abroad should be voluntary.

It is critical that we affirm this commitment to voluntary family planning because even this week there is a gathering at the United Nations to discuss a 5-year review of family planning and population development progress since the same Cairo conference 5 years ago.

Since this conference 5 years ago, we have heard some disturbing accounts of women around the world becoming victims of coercion by agents of the United Nations. These women's choices are being limited against their will.

Is this what so-called population control advocates really want, to tell these women, many of whom are poor and scared, that they can never again bear more children? Well, we have seen the evidence, and that is why it is important for Congress to speak up about this today.

For instance, in Peru, what has population control come to mean? Education? Money to buy clean sanitary medical conditions? Even lessons about potential contraception?

No. Instead, population control and family planning has come to mean forced, mandatory and coerced sterilization of poor Peruvian women.

Have these women chosen such paths for their reproductive futures? Have they been able to discuss options with their husbands and families?

No. Without notification and without consent, the international community has strayed from voluntary family planning and is instead actively pursuing targets and quotas and deciding for poor women what is best for them.

In Peru, as in many other locations around the globe, this has resulted in sterilizations, sterilizations in filthy, primitive conditions, just to meet a mandated quota.

Similarly, in the BBC documentary ''The Human Laboratory,'' women told their stories about how U.S. taxpayer dollars were being used for family planning in Bangladesh, in Haiti. One woman begged to have a Norplant removed. She said, quote, ''I am having so many problems. I am confined to bed most of the time. Please remove it. My health broke down completely.'' She eventually resorted to pleading, ''I am dying, please help me get it out.''

Here was the response. The clinic worker told her, quote, okay, when you die, you inform us and we will get it out of your dead body, end quote.

Many other women have complained of severe bleeding, blindness, migraine

headaches. According to Farida Akhter, executive director of the Research for Development Alternatives in Bangladesh, quote, it is cheaper to use Third World women for such birth control experimental devices and methods than to use an animal in the laboratory in the West, end quote.

Through such grossly unjust experimentation, poor women have been robbed of the most important resource they have, their own healthy bodies. A woman's health is key to the survival of her entire family in many of these countries, and this must come to an end.

In the name of population control and under the guise of family planning, America and the United Nations have exported horror to women abroad. And our family planning advocates call this progress?

Mr. Speaker, we should be calling it by the most descriptive and accurate term that it is: Slavery.

I urge my colleagues to join in support of the Tiahrt resolution today. Reaffirm that all family planning programs should be completely voluntary. Help maintain the dignity of women around the world.

Mr. GEJDENSON. Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, we would urge adoption of the resolution. I think it is a very good resolution. I want to again thank the gentleman from Kansas (Mr. TIAHRT) for proposing it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I join my colleagues in support of House Resolution 118, which reaffirms the principles of the Programme of Action of the International Conference on Population and Development. This Programme of Action addresses the sovereign rights of countries and the rights of informed consent in family planning programs.

This resolution states that all family planning programs should be voluntary and completely informative on the various planning methods. Informed consent and voluntary participation are essential to the long-term success of any family planning program.

Family planning programs are an essential part of reproductive health care. Each year an estimated 600,000 women die as a result of pregnancy and childbirth most in developing countries, where pregnancy and giving birth are among leading causes of death for women of childbearing age.

With the current world population at over 5 billion and growing, we must support international family planning programs. Women in under-developed countries must have access to information that will allow them to make informed reproductive health decisions concerning contraception and the spacing of their children.

In supporting this Programme of Action, we support international reproductive health services and the sovereign right of other countries to make decisions concerning the well-being of their citizens.

Mrs. LOWEY. Mr. Speaker, I am pleased that the resolution we are debating today quotes from the Programme of Action of the International Conference on Population and Development. As many of my colleagues know, the ICPD met in 1994 and reached a consensus on a 20-year Programme of Action that makes an unprecedented commitment to women's rights and concerns in international population and development activities.

I applaud my colleagues for supporting the implementation of the Programme of Action. But since the authors of this resolution left out a good portion of the Programme. I'd like to fill in our colleagues about the rest of it, because it also deserves our strong support.

The Programme of Action calls for universal access to a full range of basic reproductive health services. It also calls for specific measures to foster human development, with particular attention to the social, economic, and health status of women. It supports integrating voluntary family planning activities with other efforts to improve maternal and child health to make the most effective use of our limited resources.

The resolution we are debating here today discusses the need to respect the religious and cultural realities of the countries in which we fund family planning activities. I agree. I also believed that we need to respect the rights of women around the world to make free and informed choices about their own reproductive health. And we need to help educate women and men to ensure that they have the information and resources they need to stay strong and healthy and to nurture healthy children.

In addition to supporting the portions of the Programme of Action included in the resolution we are debating today, the United States also must live up to the financial commitments it made at the ICPD.

To reach the Programme's year 2000 goal of providing $17 billion for international family programs worldwide—one-third of which would come from donor countries like the United States—the United States would have to triple its international family planning assistance.

Mr. Speaker, I am pleased that the authors of this resolution support the ICPD's Programme of Action. Now I look forward to working with them to implement all aspects of the Programme.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, House Resolution 118.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING HUMAN RIGHTS IN CUBA

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 99) expressing the sense of the House of Representatives regarding the human rights situation in Cuba, as amended.

The Clerk read as follows:

H. RES. 99

Whereas the United Nations Commission on Human Rights in Geneva, Switzerland, is an international mechanism to express support for the protection and defense of the inherent natural rights of humankind and a forum for discussing the human rights situation throughout the world and condemning abuses and gross violations of these liberties;

Whereas the actions taken by the United Nations Commission on Human Rights establish precedents for further courses of action and send messages to the international community that the protection and promotion of human rights is a priority;

Whereas the Universal Declaration of Human Rights which guides global human rights policy asserts that all human beings are born free and live in dignity with rights;

Whereas international human rights organizations, the Inter-American Commission on Human Rights, and the Department of State all concur that the Government of Cuba continues to systematically violate the fundamental civil and political rights of its citizens;

Whereas it is carefully documented that the Government of Cuba propagates and encourages the routine harassment, intimidation, arbitrary arrest, detention, imprisonment, and defamation of those who voice their opposition against the government;

Whereas the Government of Cuba engages in torture and other cruel, inhumane, and degrading treatment or punishment against political prisoners including the use of electroshock, intense beatings, and extended periods of solitary confinement without nutrition or medical attention, to force them into submission;

Whereas the Government of Cuba suppresses the right to freedom of expression and freedom of association and recently enacted legislation which carries penalties of up to 30 years for dissidents and independent journalists;

Whereas religious freedom in Cuba is severely circumscribed and clergy and lay people suffer sustained persecution by the Cuban State Security apparatus;

Whereas the Government of Cuba routinely restricts workers' rights including the right to form independent unions;

Whereas the Government of Cuba denies its people equal protection under the law, enforcing a judicial system which infringes upon fundamental rights while denying recourse against the violation of human rights and civil liberties;

Whereas in recent weeks the Government of Cuba has carried out a brutal crackdown of the brave internal opposition and independent press, arresting scores of peaceful opponents without cause or justification;

Whereas the internal opposition in Cuba is working intensely and valiantly to draw international attention to Cuba's deplorable human rights situation and continues to strengthen and grow in its opposition to the Government of Cuba;

Whereas at this time of great repression, the internal opposition requires and deserves the firm and unwavering support and solidarity of the international community;

Whereas the Congress of the United States has stood, consistently, on the side of the Cuban people and supported their right to be free: Now therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the repressive crackdown by the Government of Cuba against the brave internal opposition and the independent press;

(2) expresses its profound admiration and firm solidarity with the internal opposition and independent press of Cuba;

(3) demands that the Government of Cuba release all political prisoners, legalize all political parties, labor unions, and the press, and schedule free and fair elections;

(4) urges the Administration, at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, to take all steps necessary to secure international support for, and passage of, a resolution which condemns the Cuban Government for its gross abuses of the rights of the Cuban people and for continued violations of all international human rights standards and legal principles, and calls for the reinstatement of the United Nations Special Rapporteur for Human Rights in Cuba;

(5) declares the acts of the Government of Cuba, including its widespread and systematic violation of human rights, to be in violation of the charter of the United Nations and the Universal Declaration of Human Rights;

(6) urges the President to nominate a special envoy to advocate, internationally, for the establishment of the rule of law for the Cuban people; and

(7) urges the President to continue to actively seek support from individual nations, as well as the United Nations, the Organization of American States, the European Union, and all other international organizations to call for the establishment of the rule of law for the Cuban people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

(Ms. ROS-LEHTINEN asked and was given permission to revise and extend her remarks.)

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 99.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 99, a resolution detailing the systematic violations of human rights by the Castro regime; a resolution rendering our unwavering support to the dissidence and internal opposition in Cuba; a resolution that restates the U.S. commitment to freedom, to democracy in Cuba; a resolution which calls for further U.S. and international resolve against the oppression and subjugation of the Cuban people.

As the U.S. delegation begins its work in Geneva for the 55th session of the United Nations Human Rights Commission, Mr. Speaker, it is imperative that they be empowered by the passage of this resolution, which is a bipartisan effort and a bipartisan message that the United States Congress cannot be silent on this issue and will not tolerate the abuses inflicted by the Castro regime against its own citizens.

This message we hope will be heard and received by the international community as a call to action against the deplorable human rights situation in Cuba. There is never a wrong time to condemn abuses inflicted upon our fellow human beings. It is always correct to speak out against injustice. There is never a wrong time to underscore the plight of hundreds of thousands of political prisoners or to underscore widespread cases of torture, of executions, of disappearance, of intimidation, of persecution, of forced exile throughout the four decades that Cuba has been under the brutal totalitarian dictatorship.

It is not only our moral obligation but the duty of the United States as a global leader and a vanguard of democracy.

My dear colleagues, the Castro regime has not changed. Let us not allow ourselves to be fooled by the facade created by the regime and its apologists. As Juan Tellez Rodriguez, independent Cuban journalist for the Freedom Agency, said earlier this year, ''The government in Havana continues to close itself off to the world. It insists on its closed, oppressive political system. It does not even open up to its own people who suffer and die slowly.''

Indeed, it seeks to silence the independent voices on the island because it realizes the power of the human spirit, of what individuals can accomplish when they are able to exercise their natural rights.

He goes on to say the Castro regime understands all too well the meaning of President Ronald Reagan's words when he said, ''No arsenal and no weapon in the arsenals of the world are so formidable as the will and moral courage of free men and women.''

So the Castro regime continues to use any method, any strategy, any action to stifle freedom of expression in an attempt to undermine the Cuban people's struggle for liberty and democracy in their island nation.

One of the most recent examples illustrating the repressive nature of the Castro dictatorship is the imprisonment, the trial and the sentencing of Cuba's best known dissidents, and they appear for our colleagues in the posters right in front of the well. Marta Beatriz Roque Cabello, Felix Bonne Carcases, Rene Gomez Manzano and Vladimiro Roca Antunez. These four brave Cubans were arrested in 1997 after petitioning the regime for immediate reforms and publishing a pamphlet entitled ''The Homeland Belongs to Us All,'' whereby they describe their hopes for a free and democratic Cuba.

These four pictured above us languished in Castro's jails for more than 600 days without any charges filed against them, surviving inhumane treatment for almost 2 years, preparing to begin a hunger strike on March 16 if they were not brought to trial. So the Castro regime initiated the facade of a trial on March 1 amid a roundup and detention of dissidents. Last week, the regime sentenced Marta Beatriz, Felix, Rene and Vladimiro to varying prison terms merely for exercising their rights and for seeking to secure the rights for their fellow countrymen.

As we consider this House Resolution 99, I would like my colleagues to think about these four brave men and women. I would like for us to ponder upon the words written by Marta Beatriz Roque in a letter dated February 7 of this year and smuggled out of her prison cell. In it, she said, ''I remain in my belief that the homeland belongs to all of us. Sufficient time has passed and there have been enough postponements. The time for liberty in this small prison will not wait. My brothers, I believe that we should not fear the shadows because their presence means that a light shines from a place not far away. Our struggle for our Nation's democratization already has been marked by this imprisonment. We have endured and passed the difficult test that will make us more persistent in our demands.

''I will be convinced of our cause's justice to my last breath. Even if we are sent to our deaths,'' she writes, ''we already have made a mark in life and we always will be a symbol to all of the world of repression, despite the laughable defamation to which we have been subjected to by this regime.''

From her jail cell, Marta Beatriz Roque closes her letter to her fellow dissidents by saying, ''May God permit us to be together forever in the struggle.''

With the sentencing of these four dissidents, Marta Beatriz, Felix, Rene and Vladimiro, the Castro regime thought that it would intimidate the internal opposition into silence and submission. Assuming it could stifle the struggle for freedom and muzzle self expression of the people, the regime believed that it would be able to continue manipulating public opinion in its favor in order to generate greater commercial ventures with foreign investors and governments that would help prolong its hold on power.

Perhaps others could turn a blind eye to the words of Marta Beatriz and other dissidents; to the articles by independent journalists which document the human rights abuses and the violations of civil liberties. The U.S. Congress, however, could not and must not.

The Cuban people need our unconditional support now more than ever. They need to know that the U.S. is unwavering in our commitment to a free and democratic Cuba; that we will not weaken our resolve amidst international pressure; that a superpower and global leader, as is the United States, will defend the rights of the oppressed against the oppressor.

Let us be the light that Marta Beatriz spoke of in her letter. Let us render our unequivocal support to her and to the fellow dissidents sentenced recently by the Castro regime merely for exercising their rights.

My dear colleagues, I ask that we protect the sanctity of the basic rights endowed upon all human beings; to

support the Cuban people in their struggle to live free as individuals and as citizens, and I ask for a vote in favor of this resolution today.

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

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

Mr. Speaker, after I conclude, I ask unanimous consent that the remainder of my time be given to the gentleman from New Jersey (Mr. MENENDEZ) for purposes of control.

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

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I rise in strong support of this resolution, and commend my colleagues from Florida and New Jersey for their leadership effort here.

As bad as our entire Cuba policy is, this is a resolution that makes sense. The four dissidents should never have been arrested in any way, and I join my colleagues in condemning the Cuban government for their continued failure to recognize what are internationally accepted standards for human rights.

Cuba is a country without a free press, without free labor unions, with no independent judiciary and no freedom of association. We might want to take our lead, though, for a general policy from the Catholic church, and that is that engagement can pay better dividends than the present confrontation which now goes on for better than 30 years.

In that 30 years, I think Fidel Castro has been able to use the embargo as an excuse for his failed policies and police state. Nothing will bring down Castro's government faster than direct contact with Americans on a daily basis.

I believe this resolution is right because we need to speak out every time Castro tries to slam the door on freedom and of expression in his country.

□ 1345

But I think the policy is wrong, because it gives Castro cover. We ought to join together and do what we did in the former Soviet Union and other places where there were repressive governments: Condemn their oppressive acts, and send Americans there to engage them, to show them the contrast of a great, free, and open society.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentlewoman from Florida for yielding time to me.

Mr. Speaker, anyone who has followed the long, tragic, sad history of the Castro regime in Cuba knows all too well the systematic violation of human rights employed by Castro to maintain his grip on power, his deadly grip on power.

The resolution before us calls on the Clinton administration to secure passage of a resolution at the United Nations Human Rights Commission that condemns the Cuban government for its gross abuses of human rights of the Cuban people.

Since the U.S. State Department agrees that ''The human rights situation in Cuba remains deplorable,'' and recognizes that ''the Cuban government has taken no significant steps towards political change,'' it seems to me that the Clinton administration would be eager to back up its rhetoric with some solid action. Making sure the international community does not let Castro's human rights abuses go unchallenged would be a very good place to start.

I encourage my colleagues to support this resolution, and I commend the sponsors for bringing this issue before the House. It is long overdue.

Mr. MENENDEZ. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN), who has been a strong supporter on behalf of human rights and democracy in Cuba.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding time to me. Also, I thank the sponsor, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Mr. Speaker, I rise today in support of House Resolution 99, expressing the sense of the United States House of Representatives regarding the human rights situation in Cuba. I am proud to be an original cosponsor of this resolution.

The wrongful imprisonment by Fidel Castro of the group of four, four Cuban citizens who were speaking out about the need for peaceful change, peaceful transformation to a democracy in Cuba, and were jailed by Fidel Castro, is only the latest example of Fidel Castro's efforts to suppress the most basic human rights of the Cuban people. Jailing Cubans for speaking their conscience is unjust, it is wrong, and it is important for the United States of America and our Congress to condemn such actions.

However, let us step back for a minute, because not every American follows what is going on in Cuba every day, and ask ourselves, why are there human rights violations going on in Cuba? The answer is simple: Fidel Castro. Fidel Castro, a dictator, a totalitarian ruler, has decided that for the last 40 years, only he and he alone can decide the fate of the Cuban people. He says he is the only person in Cuba who God has given the right to rule over and decide the basic human rights of the Cuban people.

It is fundamentally undemocratic. It is fundamentally wrong. He is the last surviving totalitarian dictator in the Western Hemisphere. That is who Fidel Castro is. Even after 40 years of totalitarian rule, Fidel Castro will not give his people freedom.

All Fidel Castro has to do is hold free elections. If he is so popular, if his policies are so wise, then the people of Cuba will elect him. Why is he afraid to hold free elections? Because he is a totalitarian dictator who does not have the support of his people, and he knows it.

I am proud to be a supporter of this resolution that focuses the world's attention where it should be, on the refusal of one man, Fidel Castro, to give the millions of people in his country their freedom, the last totalitarian dictator in the Western Hemisphere.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman from Florida for this important resolution.

Mr. Speaker, I was thinking, as I heard the last speaker talk about the possibilities of challenging Castro on free elections, how we could challenge our president to build a bridge to the 21st century in Cuba, building a bridge on the foundation of free speech and free elections in Cuba.

As the gentleman from New Jersey said, let us talk about the 21st century. Let us talk about bringing Cuba into the world community. Let us be reminded of the long, long struggle for a free Cuba. Unfortunately, real progress is being threatened by businesses, by baseball owners, and by government officials who are too willing to engage in an appeasement policy in exchange for quick cash.

The arrest and recent sentencing of the ''group of four'' underscores what the Miami Herald has described as ''a draconian new law setting 20-year sentences for dissidents who dare to support United States policies regarding Cuba.''

The arrests also show the failure of this appeasement policy. Innocent people have been denied their most basic rights, their ability to speak freely and think freely about the government of Fidel Castro. So much for an engagement policy. Once again a permissive engagement policy has failed, just as our misguided engagement policy towards Communist China has failed, because the totalitarian police state of Castro must be toppled, not by trade but by a strong resolve.

Baseball owners, business owners and our own government officials should turn their backs on a quick financial gain and instead, fight for freedom in Cuba by maintaining a strong resistance against the policies of Fidel Castro. They are policies of dying decades, not the 21st century. Our vision must project forward, toward a free, strong, liberated Cuba.

Mr. MENENDEZ. Mr. Speaker, I yield 2 minutes to one of the leading human rights advocates in this Congress, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding time to me. I want to thank my friend, the gentleman from New Jersey (Mr. FRANKS) and commend my good friend and colleague, the gentlewoman from Florida

(Ms. ROS-LEHTINEN) for introducing this resolution.

Mr. Speaker, like many others in this body, I would be more than ready to start changing our policy towards Cuba if the pattern of human rights violations would not continue. It is an appalling phenomenon that Castro continues his policy of suppression, oppression, and persecution of the Cuban people, particularly those Cuban people who are crying out for a modicum of democracy and freedom. This resolution properly calls on our government to carry the ball in Geneva in denouncing the human rights violations of Cuba.

When I visited Cuba sometime ago, we had high hopes that the Castro government will recognize at long last that its policy of suppression, totalitarianism, and dictatorship are counterproductive. We were hoping that there might be some loosening, that there might be some opening up, that there might be some concessions towards a free press.

When the Pope visited Cuba we had high hopes that the precedent of his visit would lead to modification of policies. None of these things have happened, and given the circumstances, Mr. Speaker, I strongly urge all of my colleagues to join the sponsors of this resolution, of which I am one, in calling for freedom for the Cuban people, and denouncing Castro's continuing human rights violations.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from Florida (Mr. MCCOLLUM).

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

Mr. MCCOLLUM. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, it is almost unbelievable that just 90 miles from the coast of the United States, one of two Communist dictators still existing in the world is present and still committing human rights atrocities, but that is a fact. Fidel Castro and his regime have been there for 40 years or so doing the same things they are doing today, and we in the United States and a lot of the others around the world still have not come to grips with this reality. Some want to engage in some false hope that they can have trade or communications or economic support in some way that will change the regime.

The fact is that that is not going to change. Nothing is going to change to give freedom of press, freedom of association, freedom of speech in Cuba until Fidel Castro is gone, until he is out of office.

The resolution we have before us today should be embraced by every member of this body. It is a simple resolution condemning Castro for another time, as we have done in the past, for all of his human rights atrocities, and reminding the world that he still is doing it.

What is more troubling to me than simply the fact that we are reminding folks and talking about it today is the fact that the administration has not come to grips with this; that there is still a failure and unwillingness to fully support the Helms-Burton law, to allow those who had lost their property to recover the cost and the losses when Castro took over, who still own that property; failure to recognize the true gravity of the Brothers to the Rescue operation, and the losses the victims and the families of those folks who lost their lives there suffered, and to allow, I hope they will allow this administration the collection of the recent judgment; the failure to recognize that Castro is truly a criminal in so many ways. Instead, we are going down a road so frequently of engagement that is not working.

We should internationally condemn him, the United States should condemn him, certainly this body today should condemn him for the human rights violations he continues to perpetrate.

In the strongest of words, I urge my colleagues to vote for this resolution, and to send a solid message of bipartisanship in condemnation of Fidel Castro and his regime and his human rights atrocities.

Mr. MENENDEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, allow me to take this unpopular position. I rise today to ask my colleagues to put aside some of the rhetoric and to begin to focus on the facts.

We are but 90 miles from Cuba, and we have countries from all over the world who have developed relationships now with Cuba and with Fidel. They are developing great resorts and they are doing business. Cuba wants to do business with the United States.

I do not know why we allow China and Germany and Great Britain and Canada and other places to be there doing business, helping to promote economic development in their own countries, while we stand and we cannot figure out how to work out some kind of a peaceful coexistence with Cuba and with Castro.

I think the time has come for us to recognize, we have to be about the business of talking about normalizing relations between the United States and Cuba. I met with dissidents on my trip there just 4 weeks ago.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to our colleague, the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, last month Fidel Castro pulled on the tattered scraps of his aging iron curtain to impose new restrictions on the rights of the Cuban people. Since then, nearly 100 dissidents have been arrested and detained. They have been held merely for speaking out against the Cuban dictatorship or discouraging the foreign investment that serves only to strengthen Castro's hand.

At the same time Castro is rounding up dissidents he is providing a safe haven for some of America's most heinous and cold-blooded fugitives. It is a tragic irony that a cop killer like Joanne Chesimard can live freely as a guest of the Castro regime while scores of Cuba's native sons and daughters languish in Cuba's gulags for violations of free speech.

This Congress must continue to voice our strong opposition to the degradation of human rights under Fidel Castro. I strongly urge my colleagues to support House Resolution 99, and I thank the gentlewoman from Florida for her continuing leadership.

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

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

Mr. MENENDEZ. Mr. Speaker, I rise to support House Resolution 99, and to ask my colleagues, Republicans and Democrats, to do the same. This resolution concerns the forthcoming meeting of the U.N. Commission of Human Rights in Geneva, and support for a resolution at the Commission condemning Cuba's record on human rights.

□ 1400

In 1996, I successfully presented the U.S. resolution on Cuba and Geneva at President Clinton's request, and I am pleased to come to the floor today to advocate support amongst my colleagues for this very important resolution.

Human rights is one issue for which there should be no division among Members of Congress. Regardless of my colleagues' views on U.S. policy towards Cuba, I believe that every Member of this institution believes that the Cuban people deserve the opportunity to exercise their basic human and civil rights: the right to peaceful dissent, the right to organize labor unions, the right to speak freely without fear of reprisal, and, most importantly, the right to choose their leaders. For 40 years Cubans have been denied those very basic human and civil rights by one man, Fidel Castro.

In recent weeks Castro has once again cracked down on human rights and democracy activists in Cuba. He announced a new law, the law called the ''Law for the Protection of Cuba's National Independence and Economy,'' which authorizes extensive prison terms, up to 20 years, for dissidents and journalists found to be working ''against the Cuban state.'' Just simply the writing of articles that may be at difference with the regime's view could cause them to be jailed and sentenced for two decades.

Last Monday, despite international appeals for their release, including an appeal from the Vatican, Castro's kangaroo court system sentenced the four well-known members of the Internal Dissident Working Group to prison terms ranging from 3½ to 5 years for

their simple publication of a document entitled, ''La Patria Es de Todos,'' The Homeland Belongs to All.

The entirety of their crime was to write this document and to share it with the diplomatic community and the foreign media. The document did not call for Cubans to take up arms or to violently oppose the regime. In fact, quite the contrary, the document suggested that Cuba needs to make space for civil society and embrace democratic institutions to avoid the spontaneous social violence that is likely to occur without such changes.

For this simple act, Vladimiro Roca, the son of the prominent communist leader and former combat pilot Blas Roca, was sentenced to 5 years in prison; lawyer and human rights activist Rene Gomez Manzano received 4 years in prison, as did Felix Bonne, an Afro-Cuban; and Marta Beatriz Roque, who suffers from breast cancer and has been denied medical treatment, sentenced to 3½ years. That was their crime, a simple document suggesting that peaceful change can take place in their country.

This resolution recognizes the ongoing abuses of human rights in Cuba, including restrictions on religious freedom. Some confuse that the Pope's visit has now suddenly permitted all religious freedom to take place inside of Cuba, and the answer is, that is clearly not the case. Even the Vatican has expressed their disappointment at the subsequent restrictions that continue to exist on the Catholic church and other denominations who do not even enjoy the opportunities of the Catholic church, limited as they are, that have been presented.

Arbitrary arrests and routine harassment of human rights activists and the torture and confinement, without adequate nutrition and medical care, of prisoners.

The resolution condemns Cuba's flagrant abuses of human rights and urges the administration to work toward a strong resolution condemning the Cuban regime for these abuses at the meeting of the UN Commission on Human Rights in Geneva this spring.

Lastly, the resolution calls on the administration to appoint a Special Rapporteur, one that has existed in the past, to advocate for the establishment of the rule of law for the Cuban people.

The point of this resolution is to send a message to Fidel Castro that the United States will not stand idly by when faced with intensifying violation of human rights in Cuba. But more importantly, this resolution is intended to send a message to the Cuban people that the United States stands in solidarity with them as they struggle to exercise the basic freedoms and rights that are guaranteed to them, not by the United States but by virtue of Cuba's signature on the Universal Declaration of Human Rights.

Lastly, and let me just say that I do not ask that Members take my word about the situation in Cuba, I just want to read to my colleagues a few excerpts from the State Department's Human Rights Report for last year.

It says: ''The Government's human rights record remained poor. It continued systematically to violate fundamental civil and political rights of its citizens. There were several credible reports of death due to excessive use of force by the police. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed such abuses. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of the independent professional associations'' struggling to create civil society inside of Cuba, ''including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving'' their own country.

''Prison guards and state security officials also subjected human rights and prodemocracy activists to threats of physical violence; systemic psychological intimidation; and with detention or imprisonment in cells with common and violent criminals, aggressive homosexuals, or state security agents posing as prisoners. Political prisoners are required to comply,'' political prisoners, these are just people who speak up for democracy and human rights, who do not enjoy what we are doing in this Chamber at this very moment, at this time, regardless of my colleagues' views, individuals who just simply speak up their mind are routinely put with common criminals and often are punished severely if they refuse.

''Detainees and prisoners often are subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims.''

One of them, Wilfredo Martinez Perez, died as a result of his opposition to the Cuban regime. This is all the State Department Human Rights Report being quoted: ''On March 30, police detained Wilfredo Martinez Perez, a member of a human rights organization, for disorderly conduct at a public festival near his home in Havana. Martinez's body was delivered to a funeral home in Guines the next day where his family and other witnesses claimed that his body showed contusions and bruises, which suggested that he died as a result of a beating while in police custody.''

How convenient for the Cuban authorities, arresting someone who is simply at a public festival and delivering his body dead home the next day to his family.

That is the evidence, among others, that our colleagues need to decide on. That is the way in which they should cast their votes on this resolution. I cannot believe that those who support human rights in other parts of the world cannot support human rights inside of Cuba. Therefore, I expect them, as they speak in other parts of the world, to speak up today and to also cast their vote with us.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART), a prime sponsor of this legislation.

Mr. DIAZ-BALART. Mr. Speaker, what is it that we are condemning today? Among the many things that have already been mentioned in terms of human rights violations, we must add the law that Castro and his puppet parliament passed last month that the Cuban people, by the way, have coined with the definition of the ''Titanic Law'' because they know that the regime, as the tyrant knows as well and those around him, that the regime dictatorship is going down. So Cuban people have called it the ''Titanic law,'' but, nevertheless, it is a savage law.

It threatens with up to 30 years of imprisonment anyone who cooperates with the United States, whatever that means; in other words, anyone who peacefully, according to the slanderous regime, advocates or works for a democratization of Cuba.

In addition, the regime arrested March 1 over 100 dissidents and journalists and took to trial the four best-known opposition leaders in the country and then sentenced them, as my colleagues have mentioned.

So these specifically are among the actions that we in Congress are condemning formally today. How are we doing it? We are condemning in the strongest possible terms the ongoing crackdown on internal opposition in the independent press, specifying that actions such as the sentencing of Rene Gomez Manzano and Vladimiro Roca and Marta Beatriz Roque and Felix Bonne, the sentencing of those four best-known opposition leaders and the crackdown must be condemned in the strongest possible terms, as also the crackdown on the brave independent press.

We also reaffirm the profound admiration and strong solidarity in support of the Congress of the United States of the internal opposition. We reaffirm our support for the Cuban people's right to be free by demanding three very clear specific actions of the Cuban dictatorship.

We demand that the Cuban dictatorship liberate all political prisoners, legalize all political parties, the press and labor unions, and agree to free and fair elections.

We, as my colleagues have stated, urge the administration as well to increase its efforts to secure a resolution of condemnation of the regime for its human rights violations in Geneva, and ask that the administration also appoint an official to advocate throughout the international community for the reestablishment of the rule of law in Cuba.

Today, the House of Representatives, Mr. Speaker, reaffirms its historic support for the Cuban people's right to be free, something that, to the credit and honor of this Congress, that Congress has done since 1898. So in the best tradition of the United States Congress, we stand once again with the Cuban people, demand freedom, free elections, democracy for the Cuban people, and reiterate to the world that we will continue to stand with the Cuban people until they are free, and they will soon be free.

Mr. MENENDEZ. Mr. Speaker, I ask the Chair what the remaining time is between the parties.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. MENENDEZ) has 3½ minutes remaining. The gentlewoman from Florida (Ms. ROS-LEHTINEN) has 3½ minutes remaining.

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

Mr. Speaker, let me just say that, as we close this debate, I want to take note of the controversy that has been brewing throughout the last couple of weeks, and that is the issue of the Baltimore Orioles seeking to play baseball inside of Cuba.

It is ironic that, as we are debating human rights and democracy in Cuba here in this Chamber, that America's national pastime, which is one of the symbols of this country, would be used in such a way at a time in Cuba in which these four leading human rights activists have been imprisoned simply for peacefully speaking their mind in a document; at a time in which Castro passes a new law that is more repressive both in the civil rights of the Cuban people as well as to foreign journalists; at a time in which he expands the spy station in Lourdes which is used by Russians, who pay the Cuban regime to use their satellite monitoring facilities to monitor commercial and military activities in the United States; at a time that all these things take place, we are going to send a message to the world that it is okay to play ball with the dictatorship.

In terms of those ball players, I will echo once again what I have personally, along with some of my colleagues, have said to them; that the very rights that major league baseball players have in this country, the rights to collective bargaining, the rights to negotiate their contract and the conditions under which they work, the rights for which they even have the right to strike on and for which they have exercised those rights in this country in order to ensure the benefits that they believe that they are justly due, none of those rights exist for the Cuban people or for Cuban baseball players.

The Cuban national team is not there by choice. They are there ultimately because they must be there. They have no ability to negotiate any contract. They have no ability to be able to determine the nature under which they play. They have no ability to determine whether or not they will have the right to strike. None of that exists for them or for any Cuban worker.

Foreign companies that actually invest inside of Cuba, such as those that were mentioned by a previous speaker, that are doing business inside of Cuba are doing it with slave labor because they cannot hire a Cuban worker directly.

Those of us who stand here and are proud of our AFL–CIO voting records, are proud of standing on behalf of organized labor, are proud of the rights that working women have in this country to organize and collectively bargain and to seek a fair and decent wage on behalf of their work, those opportunities do not exist for the Cuban people, who ultimately are hired not by the companies that invest inside of Cuba, but the state sends the workers to the employer. The worker is paid with useless Cuban pesos while the state, the regime, gets paid by the foreign companies in hard dollars, and they are given a fraction of their wages which, in essence, is slave labor.

☐ 1415

So I hope that major league baseball understands that they are not promoting democracy inside Cuba when they go play ball. On the contrary, they are playing ball with a dictatorship.

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague for bringing up that game, and perhaps our colleagues would be interested in knowing that in fact every Cuban-born baseball player now playing on our American teams have said, ''We will not go to Cuba. We do not think that this is the correct signal.'' Because they have been there. They know the first person to politicize this national pastime of both the U.S. and the Cuban people is Fidel Castro himself. In fact, many of these players had been banned from playing baseball because Castro did not want them to participate in that sport. He feared for their defection.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. GILMAN), the chairman and the engine in our Committee on International Relations and proud sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me, and I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of our Subcommittee on International Economic Policy and Trade of the Committee on International Relations, for having introduced this important resolution, H. Res. 99, which condemns the repressive crackdown by the government of Cuba against the internal opposition and the independent press in Cuba.

This resolution expresses our solidarity with those brave individuals and calls on Cuba to release all political prisoners, to legalize the political parties, labor unions, the press, and to schedule free and fair elections in Cuba. And I am pleased to be among such a strong bipartisan list of cosponsors on this resolution.

East European diplomats have noted that Fidel Castro's Cuba reminds them of Stalin's Russia. And last week Fidel Castro reminded the world that they are right when a Communist court convicted and sentenced the four authors of the manifesto ''The Homeland Belongs to Everyone'' to hard time in prison. In a March 2 editorial the Washington Post wrote, ''If the four are convicted and sentenced, it will show that the regime won't permit any opposition at all. What then will the international crowd have to say about the society-transforming power of their investments?''

The trial of these four was accompanied by the arrest of dissidents and the blocking of international access to the court.

This travesty follows closely on the heels of a so-called ''Law to Protect the National Independence and Economy of Cuba.'' The Catholic lay group, Pax Chrisiti Netherlands, reported last month that the law ''bans a broad range of civil activities, violates the right to freedom of press, assembly, opinion and expression. It brings the Iron Curtain back to Cuba. The new steps of the Cuban government shows its contempt for the numerous requests by the international community to give a clear signal of its commitment to internationally recognized human rights law and to reform the Cuban criminal code accordingly.''

International reaction to the sentencing of these four dissidents has begun to take shape. Last year, during a high profile trip to Havana, Canada's Prime Minister Jean Chretien asked Castro to release the four. Last week, Canada's Foreign Minister, Lloyd Axworthy, faced sharp questions in the House of Commons with regard to this issue. Opposition leader Bob Mills demanded, ''How can this government deny that its 20 years of soft power policy toward Cuba has been anything but a total failure?'' And in his response, Axworthy suggested that developments like the jailing of the dissidents were ''bumps on the road.''

I think it is time for our Canadian and European allies to acknowledge Fidel Castro's contempt for them and to take a real stand. Their opportunity will come at Geneva sometime in early April.

The SPEAKER pro tempore (Mr. BASS). The time of the gentlewoman from Florida (Ms. ROS-LEHTINEN) has expired.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent for an additional 2 minutes.

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

There was no objection.

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

Mr. Speaker, it is time for our Canadian and European allies to acknowledge Fidel Castro's contempt for them and to take a real stand. Their opportunity will come in Geneva sometime in early April when the U.N. Human Rights Commission is going to consider a resolution condemning Cuba's abuses.

I hope that our allies will not only vote for a strong resolution reinstating the special rapporteur, but will also sign on as cosponsors and help with the effort to win the necessary votes for passage of that resolution.

Regrettably, last year's U.S. sponsored resolution condemning Cuba was defeated. This was a major setback which the administration vowed to reverse. H. Res. 99 has strong support from both sides of the aisle and will send a loud clear signal to back our U.S. delegation to the 55th meeting of the U.N. Human Rights Commission.

On February 7, one of the four jailed dissidents, Marta Beatriz Roque, who suffers from untreated cancer, wrote to her fellow prisoners of conscience, ''My brothers, I believe we should not fear the shadows because their presence means that a light shines from a place not far away.''

With the news of Cuba's best known dissidents being sentenced fresh in our minds, all eyes should be on how the community of nations conducts itself at Geneva. Let a good resolution from the U.N. Human Rights Commission provide the light that Marta Beatriz Roque invoked.

Mr. Speaker, I urge my colleagues to unanimously support this resolution.

Ms. LEE. Mr. Speaker, I rise in strong opposition to H. Con. Res. 99. As one who historically has been an advocate for human rights and justice worldwide, I have serious concerns about H. Res. 99. I am fearful that this resolution, with its extreme and provocative language, will only introduce further tension into US–Cuba relations at this particularly unstable time.

The resolution will do nothing to improve the lives of the Cuban people and it will do nothing to improve relations between our two countries. It is more of the ''tit for tat'' policy that has been the map of failure in the past and represents more of the same for the future.

No one can justify or condone human rights violations anywhere in the world. Certainly, Cuba's recent crack down on its independent journalists and dissidents provokes serious concerns and criticism here and within the international community. However, like other nations, we need to take a rational approach to the current situation in Cuba, rather than support the extremist language in this resolution.

Since this resolution addresses the United Nations Human Rights Commission in Geneva, Switzerland, it is also important to recognize that last year, for the seventh year in a row, the UN General Assembly condemned the US economic embargo on Cuba by a vote of 157–2 and called on Washington to end its sanctions. Instead of discussing more legislation which increases the hostility between the US and Cuba and further isolates us from the United Nations and the rest of the world, we should be discussing legislation which addresses human rights for Cubans in total. This would include addressing one of the most egregious human rights offenses: the US's denial of food and medicine to the Cuban people.

If we are truly serious about assisting the Cuban people, we need to cultivate a sphere of influence on the island and a diplomatic relationship with the Government of Cuba. The unreasonable language in this resolution will only exacerbate hostility and further anti-American sentiment in Cuba, which will get us nowhere.

We should listen to Elizardo Sanchez, Cuba's leading human rights activist as he states: ''The more the US pressures and threatens the Cuban government, the more defensive and recalcitrant it becomes. This is not the way to encourage an atmosphere that favors change.''

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to talk about human rights. Not only in Cuba, but also in this country.

I believe in civil rights for all people, here and abroad. However, I want to caution my Colleagues who have come to this floor today to ''Condemn Castro's Cuba'' for his human rights record and remind my colleagues that we have yet to pass a resolution on the human rights of those victims of police brutality.

I ask my colleagues why it is so easy to ''beat up'' on Cuba and yet at the same time grant mainland China most favored nation status.

There is no doubt that Cuba needs improvement in realizing economic, social, civic, political and cultural rights. However, I remind my colleagues of the phrase, ''those who live in glass houses . . .''

Furthermore, I ask my colleagues how this condemning resolution and how American hostility will actually help Cuba realize a better human rights record. How does that embargo assist Castro in realizing civil liberties of its citizens?

For the record, I want to make it clear that Human Rights Violations in this country are just as threatening to democracy as those in Cuba or anyplace else on the face of the earth.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, House Resolution 99, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 56) commemorating the 20th anniversary of the Taiwan Relations Act.

The Clerk read as follows:

H. CON. RES. 56

Whereas April 10, 1999, will mark the 20th anniversary of the enactment of the Taiwan Relations Act, codifying in public law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act was advanced by Congress and supported by the executive branch as a critical tool to preserve and promote ties the American people have enjoyed with the people of Taiwan;

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas when the Taiwan Relations Act was enacted in 1979, it affirmed that the United States decision to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas officials of the People's Republic of China refuse to renounce the use of force against democratic Taiwan;

Whereas the defense modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on ''The Security Situation in the Taiwan Strait'', could threaten cross-Strait stability and United States interests in the Asia-Pacific region;

Whereas the Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and services necessary in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

Whereas section 3(b) of the Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and the Congress;

Whereas Congress and the President are committed by Article 3(b) of the Taiwan Relations Act to determine the nature and quantity of Taiwan's legitimate self-defense needs;

Whereas it is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and services legitimately needed for Taiwan's self-defense;

Whereas it is the policy set forth in the Taiwan Relations Act to promote extensive commercial relations between the people of the United States and the people of Taiwan and such commercial relations would be further enhanced by Taiwan's membership in the World Trade Organization;

Whereas Taiwan today is a full-fledged multi-party democracy fully respecting human rights and civil liberties and serves as a successful model of democratic reform for the People's Republic of China;

Whereas it is United States policy to promote extensive cultural relations with Taiwan, ties that should be further encouraged and expanded;

Whereas any attempt to determine Taiwan's future by other than peaceful means, including boycotts or embargoes, would be considered a threat to the peace and security of the Western Pacific and of grave concern to the United States;

Whereas in the spirit of the Taiwan Relations Act, which encourages the future of democratic Taiwan to be determined by peaceful means, Taiwan has engaged the People's Republic of China in a cross-Strait dialogue by advocating that peaceful reunification be based on a democratic system of government being implemented on the mainland; and

Whereas the Taiwan Relations Act established the American Institute on Taiwan

(AIT) to carry out the programs, transactions, and other relations conducted or carried out by the United States Government with respect to Taiwan and AIT should be recognized for the successful role it has played in sustaining and enhancing United States relations with Taiwan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That it is the sense of the Congress that—

(1) the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees for the provision of legitimate defense articles to Taiwan contained therein;

(2) the Congress has grave concerns over China's military modernization and weapons procurement program, especially ballistic missile capability and deployment that seem particularly directed toward threatening Taiwan;

(3) the President should direct all appropriate officials to raise these grave concerns about new Chinese military threats to Taiwan with officials from the People's Republic of China;

(4) the President should seek from leaders of the People's Republic of China a public renunciation of any use of force, or threat to use force, against Taiwan;

(5) the President should provide annually a report detailing the military balance on both sides of the Taiwan Strait, including the impact of procurement and modernization programs;

(6) the executive branch should inform the appropriate committees of Congress when officials from Taiwan seek to purchase defense articles for self-defense;

(7) the United States Government should encourage a regional high-level dialogue on the best means to ensure stability, peace, and freedom of the seas in East Asia;

(8) the President should encourage further dialogue between democratic Taiwan and the People's Republic of China; and

(9) it should be United States policy in conformity with Article 4(d) of the Taiwan Relations Act to publicly support Taiwan's admission to the World Trade Organization as soon as possible on its own merits and encourage others to adopt similar policies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 56.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 56, commemorating the 20th anniversary of the Taiwan Relations Act, and I want to thank the distinguished chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER), as well as the gentleman from California (Mr. ROHRABACHER) and all the other cosponsors for their efforts in helping to bring this resolution to the floor today.

Mr. Speaker, I am proud to have introduced this resolution commemorating this landmark piece of foreign policy regulation. It is only appropriate that the House make note of the Taiwan Relations Act, which serves as a basis for continued commercial, cultural, security and other relations between our Nation and Taiwan.

The Taiwan Relations Act was adopted into law on April 10, 1979, and has served as a critical element in preserving and promoting ties between our Nation and Taiwan. The TRA has been instrumental in maintaining peace and stability across the Taiwan Strait since it was enacted in 1979, and it is my hope that the TRA will continue to serve to ensure that the future of Taiwan be determined by peaceful means. Regrettably, the People's Republic of China has refused to renounce the use of force against Taiwan.

Our Nation is pleased with the flourishing on Taiwan of a fully-fledged, multi-party democracy which respects human rights and civil liberties. It is hoped that Taiwan will serve as an example to the PRC and to others in the region in that regard and will encourage progress in the furthering of Democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with Taiwan in the years ahead for the mutual benefit of the peoples of the United States and for the peoples of Taiwan.

Mr. Speaker, this resolution has an impressive list of cosponsors, and I urge my colleagues in the House to support H. Con. Res. 56 commemorating this distinctive piece of legislation and the unique ties between the peoples of the United States and Taiwan.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I first want to congratulate the distinguished chairman of our Committee on International Relations, the gentleman from New York (Mr. GILMAN), for introducing this legislation, as well as the chairman of the Subcommittee on Asia and the Pacific, my good friend from Nebraska (Mr. BEREUTER), and all other colleagues who have cosponsored this legislation.

This legislation, Mr. Speaker, was necessary when the United States broke diplomatic relations with the Republic of China in Taiwan after establishing full diplomatic relations with the People's Republic of China 20 years ago.

The Taiwan Relations Act provides us with the mechanism for maintaining continued security, economic, cultural and political relations between the United States and Taiwan. It has been the key to maintaining close relationships between the American people and the people of Taiwan.

In the past 20 years, Mr. Speaker, Taiwan has undergone perhaps more dramatic change than any other country on the face of this planet. Taiwan has emerged from a long tradition of authoritarian rule and it has become a full-fledged political democracy, with free elections, free press, freedom of religion, and a multi-party democracy. Just a few years ago, the people of Taiwan participated, in the first time in the history of the Chinese people, in the direct and Democratic election of a president.

Taiwan has made incredible progress in the economic sphere. It is now viewed, properly, as one of the most successful economies on the face of this planet and is one of our key trading partners.

It is intriguing to note, Mr. Speaker, that while we are celebrating and commemorating the 20th anniversary of the Taiwan Relations Act, the 20th year of establishing full diplomatic relations between the People's Republic of China and the United States passed almost unnoticed. The reason, of course, is that the American people have severe reservations about the continuing oppression of human rights on the mainland of China.

House Concurrent Resolution 56 calls particular attention to the provisions of the Taiwan Relations Act which guarantee that the United States will continue to make available defense articles that are necessary for Taiwan's offense. In light of China's ominous military buildup in recent times of ballistic missile capabilities and other military resources directed at Taiwan, this provision is extremely important and I welcome that our resolution reaffirms our commitment to Taiwan's defense.

We also need to assure, Mr. Speaker, that Taiwan is able to participate in all international organizations. We particularly need to support the participation of Taiwan in the World Trade Organization. By every conceivable yardstick, Taiwan has earned the right to full and unrestricted membership in the World Trade Organization, and I call on our government to support Taiwan's membership.

I urge my colleagues to adopt this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of our Committee on International Relations.

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

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me

this time, and as chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, this Member rises in support of H. Con. Res. 56, the resolution before the House commemorating the 20th anniversary of the Taiwan Relations Act.

Following President Carter's decision in 1979 to terminate relations with the Republic of China and diplomatically recognize the mainland People's Republic of China, a new American relationship with Taiwan was necessitated. As a result, the Taiwan Relations Act, often referred to as the TRA, was enacted on April 10, 1979, and continues today to serve as the basis for continued commercial, culture, and other relations between the United States and Taiwan.

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Much has changed since the enactment of the TRA. Taiwan has developed into a full-fledged multiparty democracy that respects human rights and civil liberties. Taiwan has grown into one of the strongest and most developed economies in East Asia and it is America's seventh largest export market.

Unfortunately, the rhetoric and military threats to Taiwan from the People's Republic of China have not abated. Indeed, from a technical military perspective that threat has actually increased, especially, it appears, in the last several months. Significant Chinese military exercises in the region have included live-fire exercises in March 1996 and the firing of two missiles that impacted near Taiwan.

Now there is an increased deployment of such offensive ballistic missiles in Fujian province, just across the strait from Taiwan. They clearly are there to threaten or act against Taiwan. Actually, according to recent newspaper reports, China has deployed more than 100 additional ballistic missiles in mainland provinces close to the Strait of Taiwan. This would more than triple the number of missiles previously positioned in that area.

House Concurrent Resolution 56 makes note of the Congress' grave concerns about these threats, seeks from the leaders of the People's Republic of China a public renunciation of the use of force or threat to use force against Taiwan, and reaffirms the United States' commitment to the TRA and the specific guarantees for the provision of legitimate defense articles to Taiwan contained therein. On this, the Congress and the U.S. Government should be clear. The resolution reaffirms that the policy of the United States remains the rejection of any attempt to curb the provision of defense articles and services by the United States which are legitimately needed for Taiwan's self-defense.

From diplomatic and legal perspectives, the relationship of the United States which it has maintained with Taiwan since 1979 is certainly unique. Yet in many ways our ties remain very normal and comprehensive. Indeed, they have been strengthened over the years, thanks to the solid foundation provided over the past 20 years by the Taiwan Relations Act and to the democratization of Taiwan by its leaders and its people. Thus, it is appropriate on the 20th anniversary for Congress to take the time to commemorate and reaffirm its commitment to the TRA and to Taiwan and its people.

This Member wants to thank the chairman of the Committee on International Relations, the distinguished gentleman from New York (Mr. GILMAN), for his interest in working with this Member on this 20th year resolution.

Mr. Speaker, I ask unanimous consent that I may claim the time of the gentleman from New York (Mr. GILMAN).

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

There was no objection.

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

Mr. Speaker, like this Member, the chairman, of course, was here in 1979 and voted for enactment of the TRA. This Member also certainly welcomes the opportunity to work with the gentleman from New York (Mr. GILMAN) and with the gentleman from California (Mr. ROHRABACHER) in crafting House Concurrent Resolution 56. All three of us independently, I think, had resolved to raise this issue by our own initiatives, and in this legislative product we are joined by colleagues from both sides of the aisle.

The SPEAKER pro tempore. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

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

Mr. BEREUTER. Mr. Speaker, for example, and with emphasis, this Member wants to express his appreciation for the interest and support of the distinguished gentleman from California (Mr. LANTOS), the ranking Democrat on the Subcommittee on Asia and the Pacific, for cosponsoring H.Con.Res. 56 and for assisting this Member to facilitate our expeditious markup in both the committee and the subcommittee.

Mr. Speaker, H.Con.Res. 56 is a very timely resolution, given the concerns that many Members of the House, including this Member, have about the current direction in Sino-American relations. Our relations with Beijing are increasingly problematic. However, it is important for all to know, especially for Beijing to know when making its foreign policy calculations, that when it comes to U.S. relations with Taiwan there has been no weakening in our resolve to help the Taiwanese provide for their defense. The solid direction provided for by the TRA has helped provide consistency in the demonstration of our resolve.

Therefore, Mr. Speaker, this Member urges passage of H.Con.Res. 56.

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

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for adding his prestige to this important resolution, and I thank the gentleman from New York (Mr. GILMAN), of course, for taking the lead in the sponsorship role and in expediting today's markup.

I thank the gentleman from California (Mr. LANTOS), of course, for his longtime support of human rights everywhere, but especially here concerning the Taiwan Relations Act and our confrontation with China on these very important and all-important human rights issues.

House Concurrent Resolution 56, commemorating the 20th anniversary of the Taiwan Relations Act, was originally introduced in the Senate by Senator FRANK MURKOWSKI and by myself in the House as House Concurrent Resolution 53, to send an unmistakable message from the United States Congress to the people of democratic Taiwan. The bipartisan cosponsorship also sends a strong message to the communist Chinese that Congress is unified in its stand to steadfastly stand by our democratic allies in Taiwan under the carefully crafted terms of the Taiwan Relations Act.

In recent years the balance of power in the Taiwan Strait has been altered by the unprecedented military modernization and missile buildup by the communist Chinese, who continue to threaten to take over Taiwan by force despite the fact that the Taiwan Relations Act commits them not to commit that act of force and violence in order to reunify Taiwan with the mainland.

This resolution calls for the United States to continue to provide adequate defense materials and support to Taiwan in order to assure that the future of Taiwan is determined by peaceful and democratic means. This is totally consistent with the letter and the spirit of the Taiwan Relations Act which, of course, was brought about 20 years ago today.

In effect, the resolution supports the cost of a cross-strait dialogue negotiating position of Taiwan President Lee that in order for a peaceful reunification to occur, Beijing must stop its threats of force and must implement real democratic government in mainland China.

This House Resolution does not explicitly state the need for Taiwan to be included in a regional missile defense system. However, due to the communists' growing missile arsenal, the inclusion of Taiwan in regional defense forums and in missile defense programs I believe is essential.

Having been in Taiwan during the recent legislative elections, I observed the enthusiastic participation of the majority of people in Taiwan in the

democratic process. There should be no mistake, whether in the United States or in China, that we value the friendship of the courageous, democracy-loving people in Taiwan and, yes, those democracy-loving people on the mainland of China as well. We are committed to standing by them, and no matter what the bluster and bully of the communist regime that now controls the mainland, we will now stay true to these principles as were laid out in the Taiwan Relations Act.

The Taiwan Relations Act laid the foundation for peace and set in motion at the same time, 20 years ago, a democratization process. In Taiwan that democratization resulted in what even its former critics agree is now a full-fledged Western style democracy. This is a magnificent accomplishment for the people of Taiwan and something that we tip our hats to as well today.

Unfortunately, on the mainland of China there seems to have been a backsliding in just the opposite direction. Since the Tiananmen Square massacre of China's democratic movement, the mainland has retrogressed and has slid deeper and deeper into repression, militarization and belligerence.

The communists in Beijing have tried to sabotage the Taiwan Relations Act which, as I say, was the foundation laid for peace and democratization, and they tried to sabotage it through subtle changes, subtly implying that this does not apply any longer to the Taiwan Relations Act, and in some cases with some language that is just out and out confrontational, saying that the Taiwan Relations Act does not apply.

We are putting the communist Chinese on notice today that the Taiwan Relations Act has brought peace, has brought stability to that area of the world, and we expect it to be followed to the letter. We will not see it changed subtly, we will not see it changed through confrontation, and any attempts to change the Taiwan Relations Act without another consultation agreement with all parties is considered an act of belligerency against the United States and an aggression upon the cause of peace in that part of the world.

We hope that by reaffirming this 20th anniversary, that we can step forward again with peace for another 20 years and hopefully a new democratization process that will include all of China.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution, which expresses the sense of Congress that the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees for the provision of legitimate defense articles.

The Taiwan Relations Act of 1979 linked the security interests of Taiwan to those of the United States. Since the adoption of this Act, the United States has made available to Taiwan those articles necessary for its self-defense.

In 1996, China displayed a show of force in the Taiwan Strait, it was not just the people of China and Taiwan that were ill at ease, but it was unsettling for the entire region. The balance of power in the Taiwan Strait has been of concern to the Congress. I have grave concerns over China's military modernization and weapons procurement program. China's ballistic missile capability and the deployment of these systems poses a present danger to the future stability in Asia. There is little doubt that the fragility of this situation poses a significant threat to the stability of the Pacific Rim and to American interests in the region.

The Taiwan Relations Act was enacted by Congress to promote the American relationship with Taiwan and to ensure that the future of Taiwan would be determined by peaceful means. I understand that the relationship Taiwan and the Chinese government is a tense one. Rather than taking sides between the two governments, this resolution seeks to reduce that tension by asking China to abstain from the use of military force in resolving the dispute.

I encourage the President to express to China our concerns for the stability of the region, and the importance that any dispute be resolved in a peaceful manner.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 56, commemorating the 20th anniversary of the Taiwan Relations Act.

Mr. Speaker, the Taiwan Relations Act has provided a stable foundation for peace and security in the Taiwan strait for 20 years. Since 1979, when the Taiwan Relations Act was passed, Taiwan has grown into a full fledged, multi-party democracy with a free press and respect for human rights.

Additionally, the TRA has served both the United States and Taiwan well as the framework for our commercial relations. During the same twenty years, Taiwan has grown into an economic powerhouse and a major player in the global market. Even in the face of the Asian financial crisis, Taiwan continues to post impressive economic growth numbers. Through prudent economic policies that have kept foreign debt low and foreign exchange reserves high, Taiwan managed to post a 4.8% GDP growth rate last year.

Mr. Speaker, the Taiwan Relations Act also speaks to the commitment of the United States to support Taiwan's Legitimate self-defense needs and recognizes that Taiwan's future must be decided by peaceful means only. The resolution before us today notes that cross-strait discussions are ongoing and urges the People's Republic of China to renounce the use of force as a means.

Mr. Speaker, the Taiwan Relations Act has served the United States and Taiwan well as the policy framework that guides our relationship. I urge all my colleagues to recognize the success of the TRA and to support the resolution.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 56, a resolution commemorating the 20th anniversary of the Taiwan Relations Act and reaffirming Congressional support for that law.

For many years, I have been a strong supporter of the Taiwanese people. In the last Congress, I was proud to have cosponsored legislation urging Taiwan's membership in the World Health Organization and a resolution calling on Beijing to renounce the use of force in the Taiwan Strait. This year I look forward to playing a role in additional Congressional efforts to demonstrate America's continued strong support for Taiwan.

Taiwan's transition to a democratic state with a vibrant free market economy continues to be the rock on which Congressional support is based. Nothing in Asia has been more spectacular than the rapid, democratic political evolution in Taiwan. the formation of the opposition Democratic Progressive Party in 1986, President Chiang Ching-kuo ending martial law in 1987, President Lee Teng-hui's ending the state of civil war with China and the special emergency powers which controlled dissent in Taiwan in 1991, and electing a new National Assembly in 1992 were all dynamic milestones on the road to Taiwan's complete political reformation. Since then, elections, including last December's legislative and municipal elections, have further demonstrated the political sophistication of the Taiwanese electorate.

The emergence of a democratic Taiwan is one of the most encouraging developments in Asia, demonstrating to other states in the region which still linger under the control of one man or one party that the people can rule for themselves. Taiwan's success in managing the turbulence of last year's Asian economic crisis provides additional testimony to the strength of its institutions and people.

Last year's elections sent a strong signal to Beijing that a change in relations between Taiwan and China cannot be imposed by China's self-appointed rulers. I believe that China should renounce the use of force as a means to bring about unification.

I applaud the high level dialogue which has resumed between Taiwan and China. As we all know, Taiwan has extremely important economic and social ties with China. It would benefit both governments to take additional steps towards reducing cross Strait tensions. President Clinton's policy of engagement with China is the right policy. China is a critically important world power. We must engage China on economic, political, and security issues with the expectation that we can find a common ground for solving the world's problems. We need China's support if we are going to create an open international trading regime in which all countries benefit. We need China's support if we are going to prevent the proliferation of weapons of mass destruction. And we need China's support if we are going to ensure that the Asian region remains peaceful.

But as we seek to engage China and deepen our relations with China, our search for common ground should not come at the price of our commitment to Taiwan's democracy and prosperity. I have urged and will continue to urge the Administration to fulfill the commitment it made in its 1994 Taiwan policy review to seek membership for Taiwan in appropriate international organizations. Taiwan's singular political and economic achievements give it the potential to play a tremendous constructive role in the international community. Taiwan has offered to assist its neighbors in the recent Asian financial crisis. It could play more of a role if given the chance.

I would urge special consideration be given to finding a role for Taiwan in the World Bank, International Monetary Fund, and World Health Organization. But this year I think special emphasis should be placed on gaining

Taiwan's membership in the World Trade Organization.

There has been much talk in recent weeks about the conclusion of a WTO accession agreement with China. I think we would all welcome a solid commitment by China to open its economy to fair trade and investment, but if such an agreement is not forthcoming, I think we should no longer hesitate to conclude an agreement with Taiwan. From all reports, Taiwan is just sentences away from completing the requirements for a WTO accession agreement with the United States. We should move rapidly to dot the ''I's'' and cross the ''t's'' for concluding the agreement and then press the other states to admit Taiwan even if China is not yet ready. If China does not want to be part of the international trading community, that is China's problem. It is not Taiwan's! And China should not be allowed to prevent Taiwan's entry into the WTO.

Just as it made no sense for the United States to pretend that China did not exist during the Cold War, it is equal nonsense to pretend that Taiwan does not exist in the post Cold War period.

As a senior member of the House International Relations Committee and as a Member on the Asia and Pacific Subcommittee, I promise to do everything I can to see that Taiwan and the Taiwanese people are not forgotten by the international community.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of the legislation before the House, which commemorates the 20th anniversary of the Taiwan Relations Act (TRA) while reaffirming the strong commitment of the United States to provide for the legitimate defense needs of Taiwan under the TRA.

I commend the author of the resolution, the gentleman from New York, Mr. GILMAN, Chairman of the House International Relations Committee, and the Democratic Ranking Member, Mr. GEJDENSON, for moving this important resolution to the floor. I also recognize the Chairman and Democratic Ranking Member of the House International Relations Subcommittee on Asia-Pacific Affairs, Mr. BEREUTER and Mr. LANTOS, as well as Mr. ROHRABACHER, for their substantial contributions to formulation of the resolution. I am honored to join my colleagues on the House International Relations Committee as a co-sponsor in support of House Concurrent Resolution 56.

Mr. Speaker, the United States has had a long, close and enduring relationship with Taiwan dating back to the end of World War II. With our support, Taiwan has risen from the region's ruins of war to become one of the world's strongest economies and most vibrant democracies in Asia.

Clearly, Mr. Speaker, the people of Taiwan must be congratulated for the outstanding accomplishments of their thriving and prosperous democracy of 22 million people. All Americans should take pride in and share the achievements of our close friends.

At the heart of the relationship between Taiwan and the United States is the Taiwan Relations Act, which for two decades has laid the foundation for peace and stability in the Taiwan Strait.

When the security of our friends in Taiwan was threatened by the People's Republic of China (PRC) in Spring of 1996, I supported the Clinton Administration in sending the Nimitz and Independence carrier groups to the Taiwan Strait to maintain peace. China's missile tests and threatened use of force contravened the PRC's commitments under the 1979 and 1982 Joint Communiques to resolve Taiwan's status by peaceful means. The Joint Communiques, in concert with the Taiwan Relations Act, lay the framework for our ''One China'' policy, which fundamentally stresses that force shall not be used in resolution of the Taiwan question. It is clearly in the interests of the United States and all parties that the obligation continues to be honored.

Today, reports indicate that China has between 150 to 200 M–9 and M–11 ballistic missiles in its southern regions facing Taiwan, and has protested U.S. efforts assisting Taiwan's defense as a violation of China's sovereignty. To pre-empt any Theater Missile Defense (TMD) that might be deployed in the future, China is expected to increase these missile batteries to over 650.

Mr. Speaker, I find this situation unfortunate and ironic, as China has legitimate sovereignty interests to preserve with Taiwan, yet is providing the very justification for U.S. defensive intervention under the Taiwan Relations Act. If China truly desires to stop Taiwan from being included in plans for a U.S. Theater Missile Defense system for the Asia-Pacific region, then it should take immediate steps to defuse the crisis by scaling back its present deployment of ballistic missiles facing Taiwan, resuming the Cross-Strait Dialogue between Beijing and Taipei, and exerting influence with North Korea to curb development and proliferation of long-range missile technology.

Mr. Speaker, in citing in part to the Taiwan issue, there is growing sentiment in Washington bent on portraying China as the major enemy of and security threat to the United States. I do not support this view, as it is unnecessarily alarmist and runs the risk of poisoning our longterm relationship with the PRC while undercutting our mission to integrate China as a responsible member of the international community.

Nonetheless, Mr. Speaker, I am glad that the United States has demonstrated in recent years that the use of force by China against Taiwan will not be tolerated. The legislation before us reaffirms that fact, and the central role that the Taiwan Relations Act has played and will continue to play in ensuring U.S. commitment that Taiwan's status will be resolved peacefully by the governments on both sides of the Taiwan Strait.

Mr. Speaker, I strongly urge our colleagues to support the resolution before us.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge all my colleagues to support H. Con. Res. 56, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 56.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONCERNING ANTI-SEMITIC STATEMENTS BY MEMBERS OF THE DUMA OF THE RUSSIAN FEDERATION

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 37) concerning anti-Semitic statements made by members of the Duma of the Russian Federation, as amended.

The Clerk read as follows:

H. CON. RES. 37

Whereas the world has seen in the 20th century the disastrous results of ethnic, religious, and racial intolerance;

Whereas the Government of the Russian Federation is on record, through obligations freely accepted as a participating state of the Organization on Security and Cooperation in Europe (OSCE), as pledging to ''clearly and equivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone . . .'';

Whereas at two public rallies in October 1998, Communist Party member of the Duma, Albert Makashov, blamed ''the Yids'' for Russia's current problems;

Whereas in November 1998, attempts by members of the Russian Duma to formally censure Albert Makashov were blocked by members of the Communist Party;

Whereas in December 1998, the chairman of the Duma Security Committee and Communist Party member, Viktor Ilyukhin, blamed President Yeltsin's ''Jewish entourage'' for alleged ''genocide against the Russian people'';

Whereas in response to the public outcry over the above-noted anti-Semitic statements, Communist Party chairman Gennadi Zyuganov claimed in December 1998 that such statements were a result of ''confusion'' between Zionism and ''the Jewish question''; and

Whereas during the Soviet era, the Communist Party leadership regularly used ''anti-Zionist campaigns'' as an excuse to persecute and discriminate against Jews in the Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns anti-Semitic statements made by members of the Russian Duma;

(2) commends actions taken by members of the Russian Duma to condemn anti-Semitic statements made by Duma members;

(3) commends President Yeltsin and other members of the Russian Government for condemning anti-Semitic statements made by Duma members; and

(4) reiterates its firm belief that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 37.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 37 condemns anti-Semitic statements made by members of the Russian Duma and commends actions taken by fair-minded members of the Duma to censure the purveyors of anti-Semitism within their ranks. H. Con. Res. 37 further commends President Yeltsin and other members of the Russian Government for their rejection of such statements.

Finally, this resolution reiterates the firm belief of the Congress that peace and justice cannot be achieved as long as governments and legislatures promote policies or let stand destructive remarks based on anti-Semitism, racism, and xenophobia.

Mr. Speaker, with the fall of the ruble last August and the associated economic problems in Russia, there has been a disturbing rise in anti-Semitic statements by high Russian political figures. Unfortunately, anti-Semitism has always had a certain following in Russia; and it would be disingenuous of us to suggest that there is no anti-Semitism in the United States or other parts of the world. But I believe we cannot remain silent when members of the national legislature of Russia, a participating state of the OSCE and the Council of Europe, should state at a Duma hearing, as did the chairman of the Duma Security Committee, Mr. Ilyukhin, that Russian President Yeltsin's ''Jewish entourage'' is responsible for alleged genocide against the Russian people.

It is an affront to human decency that Duma member and retired General Albert Makashov, speaking twice in November 1998 at public rallies, should refer to ''the Yids'' and other ''reformers and democrats'' as responsible for Russia's problems and threaten to make a list and ''send them to the other world.''

Mr. Speaker, this man, and I have seen a tape recording of him, as a matter of fact I played it at a Helsinki Commission hearing that I chaired last January, has said, ''We will remain anti-Semites and we must triumph.'' These are dangerous, hate-filled sentiments.

Mr. Speaker, it should be noted and clearly stated that President Yeltsin and his government have condemned anti-Semitism and other expressions of ethnic and religious hatred.

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There have been attempts in the Duma to censure anti-Semitic statements and those who utter them. However, the Duma is controlled, as we all know, by the Communist Party, where anti-Semitic statements are either supported, or at least tolerated, and these attempts to censure have failed. So we must go on the record and censure.

In fact, Communist Party Chairman Zyuganov has tried to rationalize anti-Semitic statements by fellow party members. He explains that the party has nothing against Jews, just Zionism. He has also stated that there will be no more anti-Semitic statements by General Makashov. But this is the same Mr. Zyuganov who has asserted that, and I quote, ''too many people with strange-sounding family names mingle in the internal affairs of Russia.'' And this is the party that claims to inherit that internationalist mantle of the old Communist Party.

Mr. Speaker, on January 15 of this year, I chaired a Helsinki Commission hearing regarding human rights in Russia, at which time we heard testimony by Lyuda Alexeeva, a former Soviet dissident and chairperson of the Moscow Helsinki Group. She testified that the Russian people themselves are not anti-Semitic but that the Communist Party is tolerating this crude attitude among its ranks. She called upon parliamentarians throughout the world to protest in no uncertain terms the position of the Communist Party and its anti-Semitic leaders. Let us make that a priority for us today, to censure, to speak out so that the democratic forces in Russia, the decent people who are trying to create a civil society in Russia, are not silenced by these demagogues of hate.

I urge strong support for this resolution. We must go on record.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Con. Res. 37.

First, Mr. Speaker, let me congratulate my good friend from New Jersey who has taken the initiative in submitting this most important resolution, and let me identify myself with every single one of his comments.

Mr. Speaker, this afternoon, the United States is considering the possibility of taking military action in Kosovo which ultimately would be the result of racial, ethnic and religious hatreds. In this century, we have seen too many expressions of extreme racial, religious and ethnic statements leading to actions of persecution and discrimination and ultimately to genocide not to be painfully aware of the significance of statements of hate and violence being uttered in halls of parliament. We clearly cannot ignore the anti-Semitic statements emanating from some quarters of the Russian Duma.

Words are powerful, Mr. Speaker, and they have consequences. They can incite action. Words are usually the first step in a chain of events leading ultimately to genocide. The words that we have heard from some Duma members should outrage every civilized person in this country and elsewhere.

Our action must be to condemn such outrageous statements as our resolution does. But our resolution should also commend those in Russia, including President Yeltsin and some members of the Duma, who have spoken out against statements of hate.

I might mention parenthetically, Mr. Speaker, that one of the most courageous human rights advocates of the Duma, a courageous woman parliamentarian, was killed in cold blood in her apartment house just because she has spoken out against incitement to hatred and murder.

As Russia struggles through a very difficult economic period, Russian leaders must be particularly cautious and careful not to promote scapegoating in their society. It is, therefore, very heartening that some Russian leaders, particularly President Yeltsin, have spoken out against incitement to hatred, persecution and ultimately murder. It shows that there are some Russian leaders who clearly recognize that racism and anti-Semitism have no place in the modern Russian society.

This issue, Mr. Speaker, is very high on the agenda of our administration. Secretary Albright raised the matter during her recent trip to Moscow, and in a few hours when Vice President Gore will be meeting with Prime Minister Primakov, who is about to land, he will raise this issue as one of the most important issues of their upcoming discussions.

I strongly urge all of my colleagues to support H. Con. Res. 37.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I want to thank my good friend for his kind comments. This is another one of those vitally important human rights issues where we—Democrat, Republican, conservative, moderate and liberal—are speaking with one voice. Our friends in the Duma and other freedom-loving people need to know that, that we speak out boldly and forcefully against anti-Semitism.

The gentleman from California (Mr. LANTOS) remembers in the last Congress I chaired a hearing in our subcommittee on the alarming rising tide of anti-Semitism in Russia. Even then we saw the disturbing signs that anti-Semitism was bad and getting worse. It has become even worse than that in the last few months. We need to speak out very, very forcefully. I want to thank him for his great comments.

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

Mr. ROHRABACHER. Mr. Speaker, I rise to strongly support this resolution and to send a message that public officials making anti-Semitic statements, whether it is in Russia or anywhere else, is unacceptable and it is something that we are noting here in the United States and we will take action on these types of violations.

We do not take public expressions of anti-Semitism, of hatemongering of

this kind, lightly. Anti-Semitism, as all ethnic-based hatred, is an ugly threat that cannot be ignored, and if we ignore it, we do so to our own jeopardy. The fact is, anti-Semitism and this type of hate rhetoric has gotten out of hand in the past and it could get out of hand in the future if in any way the civilized world refuses to take the actions that are necessary to make sure that we quarantine it, that we eliminate it, and that we condemn it with all of our strength.

I commend the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) for providing leadership on this issue. These type of strong messages are heard. For the record, let me say a strong message certainly is important, but for the record I believe that we should warn Russia and others that we will not deal with those racist and anti-Semitic officials in Russia or anywhere else. For the record, I would suggest that the American ambassador should warn those public officials concerned that if those anti-Semitic statements do not end, there will be some action taken by the United States, and that if they repeat these anti-Semitic statements, perhaps the American ambassador should act to ensure that these public officials not receive any visas to the United States. I will put this on the record, that if indeed we hear more anti-Semitic statements coming out of public officials in Russia, or, I might add, anywhere else in the world, I will be happy to work with the gentleman from New Jersey and the gentleman from California to put in a law that requires our ambassadors to deny visas to anyone who has made an anti-Semitic statement after being warned that it is unacceptable.

The good people of Russia will be strengthened by our message today. We need to make sure that those good people know that we are not blaming them and that we want to work with them to make sure that the evil elements in their society do not get the upper hand. There is a good way to determine who an evil element is in a society. Certainly it is easy to tell when you see those are the people who are making anti-Semitic and racist and hate-filled remarks and trying to build animosity from one group to another based on their race, their religion or their ethnic background. If Russia is to be part of the civilized world, then anti-Semitism cannot be part of the public officials' dialog in that country. If Russia wants to be part of the western democracies and wants to build their country into an economic partner with the rest of the world, wants us to cooperate with them, they have got to earn our respect. We in this country do not respect anyone that permits this type of hatred to be uttered by public officials.

With that said, I stand in strong support of this resolution and add my voice to those of the gentleman from California and the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for his very eloquent statement and for reminding us that there is no welcome mat for purveyors of hate in this country. We will take him up on that. I think it is a very valid suggestion, I say to my friend.

Ms. SCHAKOWSKY. Mr. Speaker, I am proud that this Congress today has decided not to overlook the anti-Semitic statements made by members of the Russian Duma. Anti-Semitism is on the rise in Russia. The resolution we are considering today demonstrates our concern and our commitment to stop this trend.

For the people of my district, there is no option. Many are survivors or the descendants of those who survived an era filled with events that we must never allow to be repeated.

The recent surge of anti-Semitism in Russia is dangerously reminiscent of pre-Nazi Germany.

While we are condemning words spoken by Russian Duma members, we need to remember the effect just words have had in the past.

The anti-Semitic statements from the members of the Russian Duma scare me. They remind me of how easy it can be for history to repeat itself.

We need to act now to condemn these statements, to ensure that this country and the world never forget and never allow hateful words to lead to hateful deeds.

This resolution also commends President Yeltsin and other Russian Duma members, who have spoken out against these racist statements.

Mr. PORTER. Mr. Speaker, I rise today in support of the gentleman from New Jersey's resolution in brining attention to anti-Semitic comments by members of the Russian Duma and condemning these comments.

A deeply disturbing situation is currently unfolding throughout Russia. Anti-Semitism is at all levels of Russian society. The rise in the neo-Nazi movement activity; anti-Semitic material readily available on the streets; the right wing party blaming the Jewish Community for the current economic crisis are all eerily reminiscent of earlier, horrific times. Such rhetoric propagating ethnic hatred must be stopped.

This anti-Semitic reign of terror is occurring in communities across Russia. Jews in towns such as Borovichi and Krasnodar have to watch television adds urging citizens to ''take up arms and kill at least one Jew a day,'' walk past posters that read ''Jews are garbage'' and receive letters threatening them with death if they do not leave Russia. All the while, the local law officials request that the matter be disregarded.

Unfortunately, these actions are not limited to small communities. In Moscow this winter, the ultra-nationalist Russia National Unity Party (RNU) held a demonstration in the streets with the group dressing in their militant-style uniforms armed with swastika bands. The RNU boasts 50,000 members located in twenty-four regions of Russia.

These actions and statements of racial hatred are even more difficult to stem when they are being encouraged by people at the highest level of the Russian government. Not only has General Albert Makashov blamed the current economic crisis on the Jews, he advocates establishing a quota for the number of Jews allowed in Russia. The Duma has failed to censure General Makashov for his comments calling for the death of Jews and the Communist party fails to condemn or discipline him in any way.

President Boris Yeltsin has condemned General Makashov and others who have made similar comments, and for that I applaud him. Peace and justice will not reign in the world until governments at all levels stand up against policies and practices promoting anti-Semitism and racism. We in Congress must not allow the current efforts attempting to weaken religious freedoms in Russia to succeed at any level.

Mr. GILMAN. Mr. Speaker, House Concurrent Resolution 37 is an important statement on an important issue.

On this very day, Russian Prime Minister Yevgenii Primakov is scheduled to be arriving in Washington for official meetings here.

Unfortunately, back home in his native Russia, a virulent, ugly anti-Semitism is on the rise.

Let me simply refer to the statements made by two members of the Russian parliament—both of whom are members of the Russian Communist Party.

These specific statements are the reason why this House is considering this resolution today.

First, in October, Russia parliament member Albert Makashov said that the Jews in Russia should be rounded up and: ''sent to the grave.''

Makashov then went on to say in February that Russian Jews were:

> so bold, so impudent, because we're sleeping. . . . It's because none of us has yet knocked on their doors or _____—I will omit the word here out of courtesy to all those in attendance—on their windows. That's why they're such snakes and acting so bold.

Second, in December, Viktor Ilyukhin, another Communist member of parliament and, in fact, Chairman of its Security Committee, stated that the Jews were responsible for a ''genocide'' of the Russian people and that:

> the large-scale genocide would not have been possible if Yeltsin's entourage and the country's previous governments had consisted mainly of members of the indigenous peoples rather than members of the Jewish nation alone.

The leader of the Russian Communist Party, Gennady Zyuganov, refused to stand up to this flagrant anti-Semitism in his party's ranks, and instead tried to blame ''haters of Russia'' for ''trying hard to force the so-called Jewish Question on us.''

Last week, I sent letters to Secretary of State Albright and Russian Prime Minister Primakov—and I joined with other Members of Congress in a letter to Vice President GORE—stating my strong concern over such statements and over the vandalism done earlier this month to a synagogue in Novosibirsk in Russia.

The enactment of this concurrent resolution would be an important, further step in demonstrating the Congress' concern.

I believe it would be helpful to all those put at risk in Russia by this anti-Semitism if the House today were to pass this resolution and send a clear message of our concern to Russian Prime Minister Primakov during his scheduled visit here.

I support the measure and commend our colleague, Congressman SMITH, for sponsoring it.

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

Mr. LANTOS. Mr. Speaker, I want to commend my friend from California.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 37, as amended.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2000

Mr. SHAYS (during consideration of House Concurrent Resolution 37) from the Committee on the Budget, submitted a privileged report (Rept. No. 106–73) on the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, which was referred to the Union Calendar and ordered to be printed.

PROTECTING PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS SUPPLEMENTAL ENDORSEMENT FOR 1999 CROP YEAR

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1212) to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year, as amended.

The Clerk read as follows:

H.R. 1212

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

SECTION 1. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.

(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as ''CRCPLUS'') for the 1999 crop year for a spring-planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

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

Mr. Speaker, I rise to offer a bill, H.R. 1212, with an amendment. This bill's timely passage is critical to thousands of American farmers who may otherwise be unable to buy appropriate levels of insurance on their 1999 crops. The amendment to the bill is noncontroversial and technical in nature.

Importantly, H.R. 1212, as amended, enjoys bipartisan support in the Congress, the administration's backing and does not cost the U.S. Treasury any money. I am pleased to be joined by the committee's ranking member, the gentleman from Texas (Mr. STENHOLM); chairman of the Subcommittee on Risk Management, Research, and Specialty Crops, the gentleman from Illinois (Mr. EWING); the gentleman from California (Mr. CONDIT); the gentleman from Arkansas (Mr. BERRY); the gentleman from Louisiana (Mr. COOKSEY); and the gentleman from Louisiana (Mr. JOHN) in offering this legislation.

The facts surrounding the need for this bill are complicated. But, in short, unless H.R. 1212 becomes law, thousands of farmers, by no fault of their own, will be left with three undesirable choices, staying with crop insurance policies that may not be economical for their operations, accepting catastrophic crop insurance that provides very low coverage, or settling for no crop insurance at all.

Mr. Speaker, leaving farmers in this predicament is unacceptable. That is why I am offering H.R. 1212. H.R. 1212 is straightforward. It provides a brief window of time up until April 12, 1999, in which farmers who are in this predicament may buy new crop insurance. The bill also permits affected farmers to transfer certain policies during the same period of time. The bill in no way interferes with private contracts.

While this bill is limited to providing immediate relief from a current problem, I want to assure my colleagues that the committee expects to thoroughly examine the underlying issues that led to this problem as we work to improve the crop insurance program for this year.

Mr. Speaker, I would ask my colleagues to support H.R. 1212, as amended, and urge its timely passage.

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

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

Mr. Speaker, I rise in strong support for House passage of H.R. 1212. I want to commend my colleague from Arkansas (Mr. BERRY) for all of the work he has done on this legislation. The bill offers a no-cost solution to a problem created by the interaction between Federal crop insurance and the private insurance industry.

Mr. Speaker, crop insurance law and regulations provide definitive dates for the sale or cancellation of crop insurance policies. The deadlines help to protect the taxpayer from costs associated with adverse selection. Without firm deadlines, producers could wait until the growing season has commenced, make an assessment as to their likelihood of harvesting a good crop, and then those who had a good crop would decline crop insurance and those likely to have a loss purchase it. Sales closing dates help prevent bad insurance outcomes and excessive taxpayer cost at the same time.

Mr. Speaker, this year many producers purchased a Federal crop insurance policy known as Crop Revenue Coverage, CRC, based on the belief that a related policy known as CRCPlus would be available under certain terms. The CRCPlus enhancement policy, while it modifies a producer's insurance coverage, is not approved, not backed and not regulated by the Federal Government.

Mr. Speaker, after the Federal deadline for sale or cancellation for the Federal CRC policy passed in many areas, the company offering CRCPlus made an announcement that the terms of the policy would be changed from what many producers had applied for. Since some producers purchased their Federal CRC policies so that they could take advantage of CRCPlus, under the initial terms they have ended up with insurance outcomes that differ from their intentions.

Mr. Speaker, the bill before us would allow any producer who had applied for a CRCPlus policy to change their coverage under the Federal crop insurance program. In order to guard against costs associated with adverse selection, the bill provides that a producer may only change to a federally-backed policy that provides equivalent or lower coverage. In addition, the bill provides a date certain after which these changes could no longer be made. With these provisions CBO estimates that the bill will not increase program cost.

Mr. Speaker, this bill provides a fair opportunity for producers to make adjustments to changes and circumstances which were beyond their

control. I thank the chairman of the committee and other Members for responding quickly to this situation. Again, I commend the gentleman from Arkansas (Mr. BERRY) for his efforts, and I urge my colleagues to vote for passage of this bill.

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

Mr. COMBEST. Mr. Speaker, I yield as much time as he may consume to the gentleman from Louisiana (Mr. COOKSEY) who is a member of the committee.

Mr. COOKSEY. Mr. Speaker, H.R. 1212 provides a window of opportunity for hard-working farmers all over the United States, but particularly hard-working farmers that bought CRC Plus insurance, to buy new insurance to protect their 1999 crops. Farmers who bought this private CRCPlus policy as a supplement to federally-approved policy have been harmed because the coverage has been unilaterally reduced or altogether rescinded by the insurance company.

While Louisiana farmers and other farmers harmed in this situation can co-opt out of the CRCPlus policy and the Federal policy, the Federal policy it supplements, these farmers are left with little to no insurance if they do so because the last day to buy insurance has come and gone. H.R. 1212 helps Louisiana farmers and other rice farmers who are harmed in this ordeal by extending the time period to buy new crop insurance so that these farmers can buy the insurance coverage they need to protect their investment.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding this time to me, and I thank the chairman of the committee, the gentleman from Texas (Mr. COMBEST) and also the ranking member, the gentleman from Texas (Mr. STENHOLM) for their swift action regarding this matter.

I rise today because the farmers in the First Congressional District of Arkansas and across the country have basically been victims. They have been ripped off by the old bait-and-switch of an insurance company. We started getting calls about a month ago from farmers in our district that had been victims of this problem, and it has spread, Mr. Speaker, much beyond the First Congressional District of Arkansas.

The problems farmers have had with the CRCPlus have gone on far too long, and it is time for us to provide a legislated remedy so that they can have the necessary insurance that is available to them and give our farmers the option to not be victims, and hopefully to keep other farmers from being victimized by similar circumstances in the future.

Mr. Speaker, I urge the passage of the bill, H.R. 1212, Mr. Speaker, and I hope my colleagues will support it.

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

Mr. Speaker, this is the bill, H.R. 1212, that led to the need to bring this up in a very expeditious fashion. As the gentleman from Arkansas (Mr. BERRY) very well pointed out, it is a dilemma which is very unfortunate in that it occurred. One of the in-depth processes that the Committee on Agriculture is currently going through is looking how we might substantially improve the crop insurance program for coming years; failing that, a risk management tool, a very strong, adequate, sufficient crop insurance program is something that most farmers and farm groups and commodity groups across this country are suggesting that needs to take place, that it is currently deficient in the pending farm legislation.

It is somewhat sad, I think, that this has occurred primarily because one of the ideals that we are trying to put forward in considering crop legislation for the future and a crop proposal for the future and reform is to provide the opportunity for there to be some type of adequate revenue assurance measure that is an option for farmers in which to participate. Those farmers that have contacted the committee in the area in which this primarily has occurred, in the southern part of the United States, obviously do not currently have a tremendous amount of confidence in the program as it has worked there, and while I would suspect that future crop insurance programs and reform and legislation that would provide an adequate risk management from the revenue assurance aspect is something that would be very well accepted, I think it would probably be substantially crafted differently than this is.

So, I want to ensure those farmers out there who are in fact concerned about the process that, as I had indicated in my opening statement, the committee will look very carefully at the process that led up to the necessity to pass this bill today in very short order, in order to give those farmers an opportunity to make some choices that they went into with good faith, however after the end of the game, the rules were changed. We want to go back and give them the fourth quarter to be able to replay this and to bring into their own business decisions whatever works best for them, giving them some options.

We appreciate the fact that the department does support this concept, is willing to work with farmers trying to work through it, and because the deadlines that are imposed and the closing dates to purchase crop insurance have, in fact, expired, it is necessary to give them that option up to, as I mentioned, April 12, as the bill does. We are certainly hopeful that in a very expeditious fashion the Senate would consider this legislation and get it down to the department or down to the President for signature, which has been virtually assured, so that this matter could be dealt with this week, prior to the time that the Congress leaves for its Easter break, and that these farmers can be making these decisions.

But again I want to emphasize the fact that we will look very carefully at the conditions that led up to this particular problem, in trying to make for certain that farmers can be assured in the future, as this crop insurance program is revised and reformed, that in fact this is not a situation which they would have to be concerned about, and we will try to do everything we can from our committee to put into place all of the safeguards that would be necessary to protect those.

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

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume, and continuing in the light of the statement of the gentleman from Texas (Mr. COMBEST), this particular problem that we are solving today with this legislation is indicative of some other, even larger problems associated with our current crop insurance program. We are finding now that there is widespread but not necessarily unanimous agreement that crop insurance as it is current constituted, is inadequate to meet the needs of our farmers and ranchers around this country, and that is why I have been fully supportive of the gentleman from Texas' efforts this year to make revenue insurance, crop insurance slash livestock insurance, the number one priority of our House Agriculture Committee this year, and I think we are finding now that there is substantial agreement.

I was in Crockett County, Tennessee yesterday with one of our colleagues, the gentleman from Tennessee (Mr. TANNER), over 300 farmers there, in which there was substantial agreement that crop insurance needs to be improved. And as we do this, I think it is important for our colleagues and all interested in this subject to realize that we are basically starting with a blank sheet of paper. We are finding that when we talk about crop insurance, that even those crops that have been covered, there are holes in the program. We also are finding that livestock producers have been left out as far as being even eligible to purchase coverage.

One of the things that we are finding now is that in light of the 1995–1996 farm bill that basically said to our producers, ''produce for the market,'' removal of a lot of government activity regarding agricultural production, that there was also a promise that we were going to free up world markets. And as we all know now, we have not been able to pass Fast Track, we have had all kinds of difficulty in even getting the United States negotiators to the table in order to free up those markets so that we might produce.

That has now led us to another situation in which in the past crop insurance has been designed to care for weather-related disasters. We now are beginning to know that currency

changes, whole regions of countries, when they have economic problems, it has affected our producers in ways in which no one in this body anticipated in the 1995–1996 area when we were passing this legislation.

So I use this opportunity today to say that this particular bill and the need for this bill today was caused inadvertently by a misinterpretation, misapplication of what some believe was current law. What we now have, the task for us, ahead of us, is to see that we do provide a crop insurance, revenue assurance program that will be adequate for our producers, whether they be crop, livestock or anyone in between. That is the challenge, and we hope later this year or certainly early next year it would be my hope that we would be able to bring comprehensive legislation to the floor of the House dealing with this particular problem.

With those comments, Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I would like to also extend my thanks to the ranking member, the gentleman from Texas, and also the chairman of the Committee on Agriculture who have brought this measure in an expeditious manner to us. This is a very important piece of legislation for the district of south Louisiana of which I represent, the rice capital of the world.

This is a situation that has cropped up and that has occurred by no fault of any of the producers, where they have acted in good faith to try to obtain the kinds of coverage they need, to make sure that they are covered for the problems that may incur similar to what happened last year. What this bill does, very simply, is open the time in which the farmers could actually reapply for some insurance and some other federally-covered insurance to protect them in this crop zone, so I urge final passage of this piece of legislation that is so important and was not brought upon by any of the producers' fault at any point in time.

So I commend the gentleman from Texas for bringing this legislation, again, and I urge strong support.

Mr. Speaker, I rise in strong support for HR 1212. I am a co-sponsor of this legislation and I have worked constantly on this problem since it surfaced approximately one month ago.

Mr. Speaker, before discussing the merits of this particular legislation, I would like to commend the Chairman and Ranking Minority Member on the House Committee on Agriculture, Mr. COMBEST and Mr. STENHOLM, for their leadership in ensuring that this issue received the prompt attention that it deserves.

We are here today, Mr. Speaker, because of a recent development concerning a private crop insurance policy provided primarily for rice. Namely, ''CRCPlus'' is a supplemental insurance product available only from America Agrinsurance (AmAg). This policy allowed producers to increase their Crop Revenue Coverage (CRC) revenue guarantee to provide a higher level of protection against major crop loss or a decline in market price. After the sales closing date for federal crop insurance policies had passed, AmAg changed the terms of the CRCPlus plan for producers that had applied for the supplemental coverage.

This situation, and the events that followed, has called into question the integrity of the Federal crop insurance program. The good faith efforts made by farmers to hedge their risk by participating in the crop insurance program, combined with the actions of AmAg, placed my rice farmers in a bad position—leaving them heavily and unnecessarily exposed or having them pay higher premiums for coverage they could have received elsewhere. Allowing this situation to proceed is the wrong message to send, especially at a time when many of us in Congress are attempting to strengthen the crop insurance programs.

Passage of this legislation will reopen the time period during which farmers who applied for CRCPlus insurance may buy additional federal crop insurance. This is intended to allow farmers who were affected by the decisions of AmAg concerning CRCPlus to adjust their crop insurance policies and obtain substitute insurance. Under this measure, these farmers would be eligible to buy federal crop insurance from other federally-approved insurers, with coverage up to the level of protection they would have had under the original CRCPlus policy in which they had applied.

These farmers would also be allowed to transfer to other insurers any basic federal crop insurance they have obtained through AmAg for other crops.

Without this legislation, farmers would not only remain heavily exposed, but would also be less trustful of crop insurance reform in the future. With this in mind, I urge Members to support HR 1212 and give the farmers the legislative fix that they need to address their risk concerns.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. PICKERING).

□ 1515

Mr. PICKERING. Mr. Speaker, I rise today in support of H.R. 1212, offered by my good friend, the chairman of the Committee on Agriculture, and I commend him for his leadership on this issue. I also want to recognize the ranking member, the gentleman from Texas (Mr. STENHOLM), as this is a bipartisan effort to address a very critical need for our American farmers.

Today, through no fault of their own, many hard-working Mississippi farmers are left with crop insurance that does not meet the needs of their farming operations or, even worse, they are left with no crop insurance at all. I share the chairman's view that leaving farmers in this predicament is unacceptable, and gladly, H.R. 1212 fixes that problem.

H.R. 1212 gives Mississippi farmers, and farmers throughout the country who have already been adversely affected by this ordeal, a new window of opportunity to buy the insurance coverage they need.

Mr. Speaker, American farmers borrow more money each year and every year than most of us borrow in a lifetime, to plant a crop so that we can all enjoy low prices at the grocery store and so that the whole world can eat. Each and every year this is an incredible gamble for each of the farmers, because markets may not even provide these farmers enough to pay back their loans or cover their costs of production. Worse yet, the weather could rob them of their crop completely.

H.R. 1212 offers our Nation's farmers the chance they need to protect this huge investment and gives them just a little peace of mind.

Mr. Speaker, I urge my colleagues to vote for this very timely and important piece of legislation.

I also want to join with my colleagues to say that this is just an interim fix, that the long-term crop insurance reform for a comprehensive solution is coming, and we need to all work with the same type of bipartisan consensus and effort to fix the underlying problem of an inadequate crop insurance program. I look forward to working with my colleagues on this and the long-term solution in the days to come.

Mr. MINGE. Mr. Speaker, I rise today in support of H.R. 1212, a bill to protect producers of agricultural commodities who apply for Crop Revenue Coverage PLUS supplemental endorsement of 1999 crop year.

This legislation will provide relief to farmers throughout the United States, including farmers in Minnesota, who had applied for a specific non-federal crop insurance policy whose coverage level changed or was expected to change after the sales closing date had passed. Without congressional intervention, these farmers would be forced to remain in financially detrimental crop insurance policies for the 1999 crop year with little possibility for recourse. In the current poor economic climate for farmers, it is vitally important that we in Congress do everything possible to provide farmers with opportunities to maximize their operations' profitability. H.R. 1212 will, at no cost to the Federal Government, allow producers to change their crop insurance coverage to products which will better serve their needs.

Given the increased importance of risk management tools under the 1996 farm bill, I commend the chairman and ranking member of the Agriculture Committee for bringing this matter before the House of Representatives for a timely resolution.

Mr. STENHOLM. Mr. Speaker, I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 1212, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. 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. 1212, the bill just passed.

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

There was no objection.

AFFIRMING THE CONGRESS' OPPOSITION TO ALL FORMS OF RACISM AND BIGOTRY

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 121) affirming the Congress' opposition to all forms of racism and bigotry.

The Clerk read as follows:

H. RES. 121

Whereas the United States of America has been enriched and strengthened by the diversity and mutual respect of its people;

Whereas the injustices and inequities of the past continue to demand our forceful commitment, both as individuals and as an institution, to equal justice under law and full opportunity for every American;

Whereas a racist attack upon any group of Americans is an affront to every one who cherishes the promise of America and the values that sustain our democracy; and

Whereas every Member of Congress has a responsibility to foster the best traditions and highest values of this nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) insists that no individual's rights are negotiable or open to compromise; and

(2) reaffirms the determination of all its Members to oppose any individuals or organizations which seek to divide Americans on the grounds of race, religion, or ethnic origin; and

(3) denounces all those who practice or promote racism, anti-Semitism, ethnic prejudice, or religious intolerance; and

(4) calls upon all Americans of good will to reject the forces of hatred and bigotry wherever and in whatever form they may be found.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 121, the resolution under consideration.

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

There was no objection.

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

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

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

Mr. CONYERS. Mr. Speaker, this is an important matter before us. I want to commend the gentleman from Florida (Mr. WEXLER) for causing this embarrassing substitute to be brought to bear. The scheduling and the substance of this resolution is an utter affront to all believers of civil rights and regular order in the House of Representatives. I appeal to every Member to vote against the underhanded processes involved in bringing H. Res. 121 to the floor this afternoon.

First, a word about bipartisan cooperation, since we have all come back from Hershey over the weekend. Without the courtesy of a simple phone call from the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), this bill was discharged from the committee with no hearing, no markup; another example of how Committee on the Judiciary Democrats are still being treated unfairly at every turn of the process, not even a single phone call. The leadership continues to mistreat what is almost an equal number of Democrats as Republicans in the House.

Secondly, this bill, I think, is intended to be serious but it is really just a joke. A generalized, amorphous, meaningless resolution is an idea taken from the gentleman from Florida (Mr. WEXLER) and is now so watered down as to be insulting.

It is a cover for those Republicans who do not want to condemn the Council of Conservative Citizens because so many Republican leaders have been associated with this racist group. They have cloaked themselves in mainstream conservatism, but it is masking an underlying racist agenda. Its leader is the former Midwest director of the White Citizens Council. Their web site reads like something out of the Third Reich.

What are we doing here today? I urge that the Members vote ''no'' on this resolution

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

The Speaker pro tempore. Without objection, the gentleman from Florida (Mr. CANADY) will control the 20 minutes on the majority side.

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, hatred expressed through racial, religious or ethnic prejudice is an affront to the institutions of freedom, equal justice and individual rights that together form the bedrock of the American republic.

We need no reminder that bigotry lives on in America. The heinous murder of James Byrd, Jr., shocked us all with the graphic portrait of racism in its most vile form. So this resolution before us is not meant to be a mere reminder, nor is it meant to single out for condemnation any one organization or individual.

To be so particular would be to commit a crime of omission by giving a pass to other groups that espouse prejudiced, racist views, in effect saying that their bigotry is not so offensive as to be worthy of our condemnation. The Southern Poverty Law Center says that 537 hate groups exist in the United States. We cannot possibly condemn each bigoted organization, person or act individually.

In any event, there is a better course to take. Today we can make one sweeping statement of principle that acknowledges the existence of bigotry, condemns those who promote or practice it, and affirms the rights of individuals of all races, religions and ethnic backgrounds.

Passing this resolution will not reverse the horrible tragedy of James Byrd's death, nor will it directly prevent future tragedies of the same sort. It will not eliminate the more subtle but more common kind of bigotry that rears its ugly head every single day, like when a man gets on a subway, when a man of a certain color gets on a subway car and instinctively sits next to the person of his color instead of a person of another color; or when a Jewish family on the block is not fully accepted by some of their Protestant neighbors; or when a Hispanic kid walks into a store and is watched under a suspicious eye.

Let us also celebrate the great strides we have made as a Nation and as a people in moving toward a more unified America. Let us salute great men and women like Frederick Douglas and Rosa Parks and John Lewis and Abraham Lincoln and Dr. Martin Luther King, Jr., as well as the millions of others whose names we do not know but whose efforts have torn down many of the walls that far too long divided us.

Every American must keep working toward that goal of a hate-free America. So today, in this Chamber, let us stand and be counted. Today let us condemn all forms of racial, religious and ethnic prejudice.

Some will say this afternoon that because this resolution did not name a certain group, did not specifically name certain groups, that this resolution has no bearing. Why do we make racism and bigotry that small? What happens is that if someone names a certain group? Then someone else will offer a resolution to name another group, and then somebody will organize another resolution to name another group. What we get, Mr. Speaker, we get a tit for tat, we get an eye for an eye and tooth for a tooth.

Let me remind my colleagues what Dr. King said. He said when we have an eye for an eye and a tooth for a tooth, it leaves America toothless and blind.

Let us carry on the fight for an America where Dr. King's dream can become a reality, an America where freedom rings crisply in the ears of every member of our national family, and an America where equal justice and equal opportunity are no longer mere goals but instead true hallmarks of our Nation's character. Please support this resolution.

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I say to my good friend, the gentleman from Oklahoma (Mr. WATTS), who could not join the organization that he is covering up for, the Council of Conservative Citizens, if he applied, that this is not tit for tat.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER), a distinguished attorney and a member of the Committee on the Judiciary who caused the Republicans to bring this forward.

Mr. WEXLER. Mr. Speaker, the resolution we are debating today is unfortunately nothing but a sham because it subverts the intent of the 147 Republican and Democratic cosponsors of the Wexler-Clyburn-Forbes resolution.

Our bipartisan resolution, House Resolution 35, was introduced seven weeks ago, and confronts head-on the ghosts of America's past, condemning the racism that has divided us as a Nation and exposing the insidious and hateful agenda of the Council of Conservative Citizens, the CCC.

The Watts resolution was introduced just Thursday. It has, I understand, no cosponsors. It confronts nothing. It was rushed to the floor today without committee consideration. The Watts resolution is designed only to derail our resolution and, if successful, hands the CCC an unconscionable victory.

Revealing the true identity of the Council of Conservative Citizens is the right thing to do. The CCC attempts to mask its hateful ideology by posing as a mainstream conservative organization, but the racist agenda of this group is undeniable. The CCC has directed its hatred towards millions of Americans, African Americans, Hispanic Americans, Jewish Americans, homosexuals, immigrants and virtually all minorities.

□ 1530

Listen, listen to what the leader of the CCC said about his group's strategy. I will replace his use of the N word with the word ''blacks.''

''The Jews are going to fall from the inside, not from the outside, and the ''blacks'' will be a puppet on a string for us. The power is not out there in the gun, it is inside Congress. . .We've got to do it from the inside.''

The CCC is a wolf in sheep's clothing, and with racially motivated crimes on the rise, it is imperative that Congress go on record exposing them for the bigots they are. That is why the alternative resolution before us today is empty. It gives lip service to condemning racism, but it does not specifically cite the CCC, nor does it strengthen our civil rights laws. It does nothing real. It offers cover, not content.

In 1994 when this Congress voted overwhelmingly to condemn the racist, anti-Catholic, anti-Semitic speech of Khalid Abdul Muhammad of the Nation of Islam, there was no outcry about singling out one man for criticism. There was no rush to promote a generic statement about all racism, instead of identifying a specific and dangerous speech that had outraged millions of Americans.

So I guess what it all comes down to is that when it is a black person who is a racist it is okay for Congress to condemn him, but when it is a white person or a white group that is racist, then Congress does nothing, and we become, as the chairman, the gentleman from Illinois (Mr. HENRY HYDE) said in 1994, accessories by silence, by inaction.

I respectfully urge Members to vote no on House Resolution 121. Let us bring House Resolution 35 to the floor for a meaningful vote.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I would just say to my friend, the gentleman from Florida, that it is an amazing thing to me that over the last 4 years when I have been attacked, when I have had racist comments made about me, my friend from Florida never came to the floor and spoke up.

The gentleman from Michigan, when I have had racist attacks made against me by people in the white community back in Oklahoma, the State Democrat party back in Oklahoma, Slate magazine, which is a national magazine, no one ran to the floor to condemn that.

I think my resolution is much broader. My resolution condemns the New Order Knights of the Ku Klux Klan, the National Alliance, Aryan Nation, the CCC. Anybody that advocates these racist, bigoted, vile views is condemned in my resolution.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would let my good friend, the gentleman from Oklahoma (Mr. WATTS) know that I did not know he was attacked. If he was attacked in his home area, it was by right-wing zealots that may have been in the Council of Conservative Citizens.

But since the gentleman mentioned the names of these hate groups, why does the gentleman not put them in the resolution? Why do we not just debate them?

The gentleman spoke about no one came to his defense. I would have loved to have come to the defense of the gentleman from Oklahoma (Mr. WATTS).

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

Mr. Speaker, House Resolution 121, which was introduced by the gentleman from Oklahoma (Mr. WATTS), affirms the opposition of the Congress to all forms of racism and bigotry. The resolution recognizes the grievous harm caused by racism, and emphasizes the responsibility of every Member of Congress to foster the best traditions and highest values of this Nation.

At the heart of the American experience is the ideal of respect for the dignity of the individual set forth in the Declaration of Independence. All men are created equal, and are endowed by their creator with certain unalienable rights.

This ideal has never been more eloquently expressed than by Dr. Martin Luther King, Junior. According to Dr. King, the image of God ''is universally shared in equal portions by all men. There is no graded scale of essential worth. Every human being has etched in his personality the indelible stamp of the Creator. . . The worth of an individual does not lie in the measure of his intellect, his racial origin, or his social position. Human worth lies in relatedness to God. Whenever this is recognized, 'whiteness' and 'blackness' pass away as determinants in a relationship, and son and brother are substituted.''

Dr. King explicitly linked this view of man and woman created in the image of God to the philosophical foundation of the United States. This is what Dr. King says about the foundation of America:

''Its pillars were soundly grounded in the insights of our Judeo-Christian heritage: All men are made in the image of God; all men are brothers; all men are created equal; every man is heir to a legacy of dignity and worth; every man has rights that are neither conferred by nor derived from the state, they are God-given.''

These fundamental principles are at odds with any theory that distinctive human characteristics and abilities are determined by race. These principles condemn any effort to reduce individual human beings to the status of racial entities.

In this resolution, the House of Representatives recognizes that anyone, or any group, whether they are the Ku Klux Klan, the Aryan Nation, or the Council of Conservative Citizens, which fails to honor and respect these principles has attacked the very foundation of our Republic.

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

Mr. CONYERS. Mr. Speaker, I yield myself 13 seconds.

Mr. Speaker, as an original author of the Martin Luther King holiday bill, and one who worked and knew Dr. King, I am sure happy to see that at least the other side has been reading about King and have appropriate quotations to bring to this debate, falsely implying that he might not be supporting what we are trying to do.

The gentleman ought to name the organizations.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. MICHAEL FORBES), pointing out that he could not get time on the other side.

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

Mr. Speaker, the resolution before us belabors the obvious, that Congress is opposed to racism and hatred. The people watching this debate must be scratching their heads thinking, but surely this most American of all American institutions is already against

racism and bigotry and the intolerant acts this that seek to divide us as a people.

Certainly an integral part of the charter of this place, it would seem evident, is our basic, unadulterated opposition to racism. So why this effort?

The resolution before us denounces ''all those who practice or promote racism, anti-Semitism, ethnic prejudice, or religious intolerance.'' It is a general statement by Congress against racism and bigotry, where a specific one is not only warranted but demanded.

The need for a swift and sure condemnation of the activities of a specific group, in this case the Council of Conservative Citizens, is necessary because under the cloak of portraying itself as a Main Street grass roots organization dedicated to conservative ideals, the CCC further attempted to legitimatize itself by having Members of Congress appear before the group. Where its words and its rhetoric would never render this hate group credible, they sought to have Members of this very institution legitimatize their very illegitimate behavior.

It is worth noting that Members have denounced the group's activities. The CCC has been noted as a direct outgrowth of the White Citizens Council of the fifties and sixties, known as the White-Collar Clan. A glance at their web site, as we have heard previously, shows they continue an allegiance to promoting anti-Semitic, racist rhetoric and ideas.

When an organization or a group such as the CCC attempts to misuse the good offices of those who are elected to represent all the people, the Congress does have an obligation, I believe, to take decisive action against such groups.

In 1994, it has been noted that the Congress swiftly dealt with the hatemongering remarks of Khalid Muhammed when he appeared before Kean College. Three hundred and sixty-one to 34, his bigotry and hatred was denounced on the Floor of this very Chamber.

The matter before us restates an opposition to bigotry and hatred that should be evident. I might point out that later on, this body will also deal with a specific reference to anti-Semitic comments made by the members of the Russian Duma, so we do single out people when we feel they are wrong. Unfortunately, the resolution fails to repudiate an organization that sought legitimacy by involving Members of this great institution.

I would encourage reconsideration and allow House Resolution 35 to repudiate, as we hoped it would.

Mr. CANADY of Florida. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would respond to a couple of points made by the gentleman from Michigan.

In quoting Dr. King, I did not mean to imply that he would take one position or another in the controversy between the two sides here today. I simply quoted him for the fundamental proposition concerning the nature of racism and the nature of the political foundations of this country, and I believe that is something that all of us could agree on. I hope that we all would agree on it. I know that the gentleman from Michigan would agree with what Dr. King had to say, though he may disagree with the way it was used.

I would also point out that the gentleman from New York (Mr. FORBES) did not request time from this side, so the statement that the gentleman made that the gentleman from New York was unable to receive time from this side is simply untrue. If the gentleman had requested it, it would have been granted to him. No such request was made.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution, on which I am proud to serve, for yielding time to me.

Mr. Speaker, I think it is time to just maybe sit back, stand back, take a deep breath, and think a little bit about the many things that we have in common on both sides of the aisle, and practice what is far too frequently lacking in this Chamber and in the surrounding hallways, and that is a little bit of consistency.

Mr. Speaker, the Minority Leader, the gentleman from Missouri (Mr. GEPHARDT) spoke on at least two occasions to a predecessor group of the CCC, associated therewith. He has since condemned groups such as the CCC, as I have and as I do. Yet, in those who rail against anybody who might have inadvertently spoken to this group, strangely silent is any criticism remotely similar to the criticism leveled at others if it just happens to be somebody on their side of the aisle.

So I would urge my colleagues on the other side of the aisle to practice a little consistency, both with regard to those people who might have spoken to such groups that we all have and always will condemn, as well as a little consistency with regard to those groups that we do condemn, such as the CCC.

Arguing that one person should be treated differently because of the color of their skin, the church in which they worship, the country of their birth, it always has been, on this side of the aisle and on that side of the aisle, and always will be wrong.

Our country fought a great Civil War, as a matter of fact, over such principles. Yet we still remain troubled today by a small number of Americans who persist in arguing against a color-blind society. Yes, those associated with and under the label of the CCC do that. We condemn them. I condemn them. I join my colleague from Florida in condemning them and my colleague from Michigan in condemning them.

I would certainly hope that they would believe in the sincerity of these remarks delivered in these hallowed halls by myself, the same as I have done in writing, just the same as they believe it when one of their colleagues condemns a group they might have spoken with, and found out later that they harbor views that are abhorrent to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), just as they are abhorrent to me.

☐ 1545

So let us step back, practice a little bit of consistency, a little bit of fairness, and recognize that we have a great deal in common in supporting this resolution today.

Maybe it does not go as far as some Members would like, but I do think there is great merit in passing a resolution worded as the gentleman from Oklahoma (Mr. WATTS) has that goes far beyond simply condemning a specific group and being silent on other groups.

These matters are too important. We should support this. Condemn all racist views on whichever side of the political spectrum and put this matter to rest right now once and for all.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from South Carolina (Mr. CLYBURN), chairman of the Congressional Black Caucus.

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

Mr. Speaker, I rise today in opposition to this resolution, not because of what it says, but because of what it fails to say and because of the procedure which brings this resolution to the floor and what that procedure says to all Americans.

Mr. Speaker, we have heard Dr. King quoted here pretty often today. I would like to share with my colleagues another quote from Dr. King. Dr. King wrote, as he sat in the Birmingham city jail, that ''we are going to be made to repent in this generation, not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.''

I think that this resolution is silent over what we are here to denounce today. It is fine for us to reaffirm the obvious, but I think that the Congress must now condemn the kind of rhetoric, the kind of ideas, the kinds of thoughts that are being enunciated by the Council of Conservative Citizens.

The gentleman from Oklahoma (Mr. WATTS) has asked, why have we not defended him against certain similar instances. The fact of the matter is I do not remember the gentleman from Oklahoma defending me when the Council of Conservative Citizens attacked me in my last two campaigns. Probably he did not know I was attacked. Of course we did not know he was attacked either.

The fact is, though, we are here with 150 cosponsors with a resolution that

we have asked to be brought to this floor to give all of us an opportunity to express our views on this group of people. We have not been granted that opportunity. I do not see where this resolution in any way takes away from what we are attempting to do.

So, Mr. Speaker, I believe that we should be today condemning specific expressions by a specific group, the Council of Conservative Citizens. I do not think that we can afford to ignore this kind of vile rhetoric in the climate in which we live, a climate of racial profiling, a climate of ethnic bashing, a climate of religious intolerance. It is time for us to speak up and stand up for those people that we are here to represent.

Mr. Speaker, I remember the words of Martin Niemoller of Germany who once wrote: In Germany, first they came for the Jews, and I did not speak up because I was not Jewish. Then they came for the Catholics. I did not speak up, because I was Protestant. Then they came for the trade unionists and the industrialists, and I did not speak up because I was not a member of either group. Finally, they came for me. And by that time, there was no one left to speak up.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise today in support of H. Res. 121, condemning hatred and bigotry in all forms. But I rise today with a certain amount of sadness about the nature of this debate. If my colleagues do not mind, I would like to talk in a personal way about my family and life experience as it comes to this issue and what my hope is for my service and my contribution to this body.

In 1963, the day I was born, my father was elected as county attorney in Jones County, Mississippi, one of the most violent and turbulent places in the country during the civil rights initiative. During that period of time, he testified against the Imperial Wizard of the KKK, Sam Bowers.

In 1968, because of his stand against the Klan and against the violence, and because he testified against Sam Bowers, he lost his next election. But I can tell my colleagues that, as his son, I am very proud of what he did during that time. He left me a rich legacy, an example of courage. I hope I can do the same for my five boys.

In 1969, my first grade class was the first to be integrated in Mississippi. I want to be part of a new generation that brings reconciliation among our races.

This debate today, I am afraid, is not about reconciliation, and it is not about unity. It is about dividing. It is about personal destruction. It is about partisan advantage.

I hope we can all step back and look not only at the objective of racial reconciliation and condemning all bigotry and all hatred, but to see it this way, that this House, that this body can come together in everything we do with a true goal, a true purpose of reconciliation, of unity. Then this country and this House will be a better place because of it.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I was so moved by the gentleman from Mississippi (Mr. PICKERING). Could the gentleman from Mississippi explain how racial conciliation can come from the Council of Conservative Citizens, a racist group?

Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, we all know why we are here. We are here because of the Council of Conservative Citizens, a racist group. This resolution does not speak to that. It is silent. By its silence, it speaks volumes. It speaks volumes of this institution's refusal to confront racism.

The reason this institution refuses to confront racism is because it is uncomfortable for some Members here, and that is just too bad because, until we confront racism, it is going to continue. If we simply excuse it, whitewash it, apologize for it or ignore it, it is going to continue.

There is nothing wrong with the words in this resolution. They simply do not confront the real problem. I think it is ironic that on the same day that we have a resolution, in essence, condemning a member of the Duma for antisemitic comments that we do not do the same thing to confront racism in our own country. We are ready to condemn it in Russia, but we are not ready to condemn it here; and that is the tragedy of what we are doing today.

Mr. CANADY of Florida. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I would just say to the gentleman from Wisconsin (Mr. BARRETT) that I have felt racism. It is not fun. It is very uncomfortable.

So I would just say to the gentleman from Wisconsin, I believe I know his heart on this issue and I know that his motives are true or that they are in the right place, but we are talking about naming names. I would like for the gentleman from Wisconsin to name names as to who is uncomfortable with stating that racism is wrong.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN).

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

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

Mr. Speaker, I am pleased to offer my support to H. Res. 121 denouncing all individuals and all organizations that would seek to perpetuate hate against any groups or individuals.

We are all aware that there has been a dramatic increase in the number of hate crimes perpetrated against minorities in the United States. Too often we hear in the news of acts of violence perpetrated against groups or individuals simply because of their race or ethnicity.

The recent incident in Jasper, Texas, resulting in the tragic death of James Byrd, remains a strong reminder that Congress needs to address these kind of crimes to ensure that those who commit them will be punished accordingly.

Many of us in the Congress who have witnessed such acts firsthand of bigotry, racism, and prejudice are deeply committed to doing all we can and all that is possible to diminish these acts committed by people who utilize prejudice to spread an agenda of hate among others simply because of differences of race, color, or creed that may exist between them.

The passage of this measure, H.R. 121, affirming the opposition of Congress to all forms of racism and bigotry, I think is an important first step toward recognizing such crimes as well as ensuring that at long last we may see the beginnings to an end of such unjust acts. Accordingly, I am pleased to lend my support to this measure and urge our colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to respond to the gentleman from Oklahoma (Mr. WATTS). He asked me to name names. I said the institution. I think that this institution has an obligation to come out against racism. That is the name I name.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to the Watts resolution. This is just another example of the Republicans trying to have their cake and eat it too. On one hand, they claim to be against racism, but the Republican leadership refuses to condemn the Council of Conservative Citizens, or CCC, a modern-day KKK.

By killing a resolution condemning the racism and bigotry of the Council of Conservative Citizens, the Republican leadership denied itself the opportunity to attack the problem of racism.

House Resolution 35, of which I am an original cosponsor, has 142 cosponsors, including 13 Republicans, as well as the support of a broad base of civil rights leaders, religious organizations, and conservative activists. This has never been brought to the floor.

House Resolution 121, which was dropped last Friday, was rushed to the floor without even a single cosponsor and does not mention this terrible group. Fellows, if it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

By killing a resolution condemning ''the racism and bigotry espoused by the Council of Conservative Citizens,'' the Republican leadership denied itself the opportunity to attack the

problem of this new, more subtle kind of racism head on, the type sponsored by the Council of Conservative Citizens.

This is just another example of the Republicans trying to have their cake and eat it too. On one hand, they claim to be against racism and attack it, yet on the other, members of their leadership have ties to the CCC, which is in reality, a new form of the KKK. In fact, the CCC is an outgrowth of the abhorrent ''White Citizens Council,'' which helped enforce segregation in the 1950s and 1960s. With ties to the Ku Klux Klan and other white supremacist groups, the CCC promotes a blatantly racist agenda, while masking its true ideology by acting as a mainstream conservative organization. Indeed, I say that if it looks like duck, quacks like a duck, and walks like a duck, it is in fact, a duck.

I believe that House Resolution 121, which is merely a watered down version of House Resolution 35, was brought to the floor in order to shield the Republican party from criticism for their relationship with the Council of Conservative Citizens. Indeed, while House Resolution 35, which has 142 cosponsors, including 13 Republicans, as well as the support of a broad base of civil rights leaders, religious organizations, and conservative activists, was never brought to the House Floor. This resolution, which was dropped just last Friday, was rushed to the Floor without even a single cosponsor. I believe this is a completely inauthentic resolution, and is being utilized purely as a political ploy to blunt criticism of certain members of the Republican party for their affiliation with the Conservative Council.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), chairman of the House Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I am very proud to join the gentleman from Oklahoma (Mr. WATTS) as a cosponsor of this important resolution condemning racism.

America was founded on the fundamental principle that God endowed each and every human being with an innate value and equality which stands above any man-made institution or authority.

This fundamental principle that human beings, with their rights and responsibilities, are the foundation upon which all good societies are built, is what has separated this great Nation from nearly every other civilization in history.

That said, we know human beings are flawed and that this country suffers from many of the same evils that we see tearing apart people and communities across the globe.

Racism divides us. Bigotry closes our minds and our hearts to others. Religious and ethnic intolerance eat away at our soul and reduce our humanity.

Therefore, we must repeat the message of racial and religious tolerance, not only to ourselves, but to our children who are the future.

We rise today unequivocally, not to state that our past is pure, not that we are without sin, not that we will not fail in the future, but that we will strive to live up to Abraham Lincoln's vision of America, ''A nation conceived in liberty and dedicated to the proposition that all men are created equal.''

□ 1600

Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, to clear the record the minority leader has not spoken to the Council of Conservative Citizens. His civil rights record is excellent and he is a sponsor of the resolution condemning the CCC.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE), the dedicated civil rights and constitutional expert on the Committee on the Judiciary.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the Committee on the Judiciary.

I imagine that the people of the United States are wondering what happens here? What have we wrought, Mr. Speaker? What have we brought about? We have our good friends, the Republicans, debating that they are against bigotry and racism, and I believe in their hearts and in their minds they are.

I had hoped, having visited the Gettysburg scene this past weekend, where the north and south rose up against each other, that we would come today on the floor of the House and join together as one voice against racism and bigotry, and that one voice is H.R. Resolution 35, the resolution by the gentleman from Florida (Mr. WEXLER) and the gentleman from South Carolina (Mr. CLYBURN) that specifically denounces the CCC.

I ask my colleagues, why can we not come together as one to recognize that racism and bigotry is wrong? In this instance it is one organization that has gone against Jews in anti-Semitism, denigrating American leaders like Abraham Lincoln and Martin Luther King. We lose today the spirit of unity and the reflection that the United States Congress stands as one by putting 121 over 35.

I ask the leadership to please bring us together and vote for H.R. 35. Bring it to the floor. We are not angry, we want to be one. The CCC should be denounced.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman Florida (Mr. CANADY) has 1½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 minute and 35 seconds remaining.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

My colleagues, it can now be perceived that this bill is a ruse; that it is totally characteristic of Republicans who want civil rights on the cheap in a futile attempt to show the country that they are really not Neanderthals. But when it comes to real substance, they attack civil rights laws at nearly every turn. We do not need meaningless words. We want action. But when it comes to real action, the Republican Congress turns its back.

When we try to raise the problem of civil rights laws being enforced, they respond by repealing key antidiscrimination laws.

We see the horrors of hate crimes every day. Jasper, Texas. James Byrd as an example. But we cannot move on hate crimes legislation.

We raise problems of police brutality, the spraying of 41 bullets into an unarmed black man. The tragic cases of Abner Louima and Mr. Diablo. We get no response from the committee that has jurisdiction. We could not even get funds for a hearing or a stenographer in Brooklyn, New York.

So we try to fully fund enforcement of civil rights laws at the Justice Department, but the Republican members of the Committee on the Judiciary turn their backs on us. And now they ask us in good faith to support these words. We cannot do it, my colleagues.

Mr. Speaker, I urge the rejection of H. Res. 121.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, again I repeat that hatred, expressed through racial, religious or ethnic prejudice, is an affront to the institutions of freedom, equal justice and individual rights that together form the bedrock of the American republic.

H. Res. 121 urges the House of Representatives to oppose all, A-L-L, all hate organizations, including the Council of Conservative Citizens and others. The New Order Knights of the Ku Klux Klan, the National Alliance, Aryan Nations, the National Association for the Advancement of White People, Knights of Freedom, and any other that would espouse the vile views that these organizations espouse needs to be rejected, and H. Res. 121 does that. I ask for its passage from my colleagues.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of my colleagues, Congressmen WEXLER, CLYBURN, and FORBES and urge the Speaker to pull H. Res. 121, which simply affirms Congress' opposition to all forms of racism and bigotry, and substitute for it H. Res. 35, which condemns specific acts and expressions of racism by specific individuals and groups such as the Council of Conservative Citizens (CCC). H. Res. 35 deals with an important issue that affects all Americans, regardless of race, gender or sexual orientation. We must denounce racism and bigotry because it is dividing our country. We cannot tolerate narrow-mindedness from anyone or any group.

We must denounce racism and bigotry! The Red Shirts, the Knights of the White Camellia, the Ku Klux Klan, and the Council of Conservative Citizens are all groups aimed at preventing equal protection under the law for all Americans—and we must denounce them specifically for their actions and their rhetoric.

The Ku Klux Klan was formed in 1866 and it was a secret body that soon reached throughout the South and part of the North. Some people formed the Ku Klux Klan to stop newly freed slaves from exercising their rights as citizens pursuant to the 13th, 14th, and 15th Amendments to the Constitution.

We must denounce racism and bigotry! Traditionally. Klansmen, as they call themselves, were masked and dressed in white, and usually operated under a cover of darkness. But today, this group has traded its robe and hood for suits, ties and briefcases. They have traded their billboards for Internet websites, but we still know them because their rhetoric of hate remains the same.

Historically these groups have singled out all Negroes, Catholics, Jews, and foreigners that displease them by threats, whippings, setting fires or anything that will make their victim submit to the terroristic threats.

We must denounce racism and bigotry! This resolution will serve as notice that Congress condemns racism and that it has no place in an orderly society. The Constitution of the United States guarantees every citizen the right to life, liberty and the pursuit of happiness. A prosperous American must develop a mutual respect and tolerance of diversity.

We must denounce racism and bigotry! America is a nation of migrants. A mosaic of different cultures and traditions, and that's why this is a great nation. We can no longer remain silent on this important issue. We can no longer ignore the fact that specific groups, like the CCC and the KKK, exist in this society and do nothing but foster hatred for humankind.

We must denounce racism and bigotry! Everyone must pull together to stamp out hate and bitterness. The Twenty-first century is upon us—all of Europe is unifying in a cooperative effort to work together for financial synergy, and we here still deal with groups unwilling to acknowledge that segregation has ended.

We must denounce racism and bigotry! We must become a testimony for and nation, under God with liberty and justice of all. We must come together as Americans to make the pledge of allegiance a reality for everyone.

We must denounce racism and bigotry! Racism has no place in America—we must begin to move beyond the color line—put aside our racial differences—move our country forward. Red, Yellow, Black, or White we are all precious in God's sight.

We must denounce racism and bigotry! it is essential that we vote NO on H. Res. 121 and I urge the House Leadership to schedule H. Res. 35 for a floor vote. Congress must take an active role through legislation and publicly state that acts of racism and bigotry are divisive tools that are utilized by small groups, including the CCC, to prevent unity and harmony amongst Americans.

We must denounce groups that organize simply to disseminate messages harmful to our society. Congress must act, in unison, not only to condemn racism and bigotry, but also to condemn acts of racism and bigotry. I urge each of you to vote to support H. Res. 35.

Mr. THOMPSON of Mississippi. Mr. Speaker, I will not waste time denouncing the CCC. This organization has already been exposed as the racist, hate-mongering, bigoted group that we all know it to be.

H. Res. 121 was brought before this body today as an attempt to ''whitewash'' real, meaningful legislation that will condemn a specific group for specific acts. It is not the altruistic piece of legislation Members on the other side of the aisle want you to think it is. To the contrary, it is a prime example that the CCC has been successful in achieving its goal of infiltrating the United States Congress.

All of a sudden, the reasons given by Republicans for their 1994 denunciation of Kalhid Mohammed don't apply to this legislation. Even today, the Republicans have said it is acceptable to condemn the members of a Russian organization for making anti-Semitic statements, but they won't allow the House to take the same action against an American group that has attacked blacks, Latinos, immigrants, homosexuals, and Jews.

Republican actions warrant a specific question, ''What is the problem with denouncing the blatantly racist actions of an American group that has its roots planted in the cesspool of racial separatism and white supremacy?''

Maybe the answer to this question lies in statements made by Gordon Baum, the national CEO of the CCC. I think it explains why Republicans, especially Southern Republicans, refuse to distance themselves from this group:

When Jim Nicholson, RNC Chairman, asked Republicans to distance themselves from the group, Baum said, ''He doesn't know what he is talking about.''

Baum said that Nicholson is alienating key GOP voters: ''The Wallace-Reagan Democrats are the ones who made the Republicans have enough votes to win. Without the Wallace-Reagan Democrats, the Republicans aren't going to have near the voting strength.''

Baum contended Nicholson and other party leaders ''are doing a pretty good job running them [white, working-class voters] off * * * Sometimes it's remarkable how dumb they are. They let the liberal media run their campaigns. They apparently don't even know why these people vote Republicans half the time.

Lott recently has renounced the group, and Baum warned that the majority leader could pay a political price in his home State. ''It could be [there will be a backlash]. If he keeps it up, if he keeps distancing himself from everything. A sizable segment knows the truth, that we are very much in tune with the people of Mississippi on most issues.''

Mr. Speaker, H. Res. 121 is deceptive. It is a distraction, and it is doomed for failure. Once the Republicans finish trying to pass this farce of a bill off on the American public, I have a fence they can use the rest of their white wash on. That's about the only thing its good for.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and agree to the resolution, House Resolution 121.

The question was taken.

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

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

The Sergeant at Arms will notify absent Members.

The postponed votes on the three earlier suspensions will be voted on following this vote. This will be a 15-minute vote followed by three 5-minute votes.

The vote was taken by electronic device, and there were—yeas 254, nays 152, answered ''present'' 24, not voting 4, as follows:

[Roll No. 60]

YEAS—254

Aderholt	Gekas	Moore
Archer	Gibbons	Moran (KS)
Armey	Gilchrest	Morella
Bachus	Gillmor	Nethercutt
Baker	Gilman	Ney
Ballenger	Goode	Northup
Barr	Goodlatte	Norwood
Barrett (NE)	Goodling	Nussle
Bartlett	Gordon	Ose
Barton	Goss	Oxley
Bass	Graham	Packard
Bateman	Granger	Pascrell
Bereuter	Green (TX)	Paul
Berkley	Green (WI)	Pease
Berry	Greenwood	Peterson (PA)
Biggert	Gutknecht	Petri
Bilbray	Hall (OH)	Pickering
Bilirakis	Hall (TX)	Pickett
Bliley	Hansen	Pitts
Blunt	Hastert	Pombo
Boehlert	Hastings (WA)	Porter
Boehner	Hayes	Portman
Bonilla	Hayworth	Pryce (OH)
Bono	Hefley	Quinn
Boucher	Herger	Radanovich
Brady (TX)	Hill (MT)	Ramstad
Bryant	Hilleary	Regula
Burr	Hobson	Reynolds
Burton	Hoekstra	Riley
Buyer	Holden	Rogan
Callahan	Hooley	Rogers
Calvert	Horn	Rohrabacher
Camp	Hostettler	Ros-Lehtinen
Campbell	Houghton	Rothman
Canady	Hoyer	Roukema
Cannon	Hulshof	Royce
Cardin	Hunter	Ryan (WI)
Castle	Hutchinson	Ryun (KS)
Chabot	Hyde	Salmon
Chambliss	Inslee	Sandlin
Chenoweth	Isakson	Saxton
Coble	Istook	Scarborough
Coburn	Jenkins	Schaffer
Collins	John	Sensenbrenner
Combest	Johnson (CT)	Sessions
Cook	Johnson, Sam	Shadegg
Cooksey	Jones (NC)	Shaw
Costello	Kasich	Shays
Cox	Kelly	Sherman
Crane	King (NY)	Sherwood
Cubin	Kingston	Shimkus
Cunningham	Knollenberg	Shuster
Danner	Kolbe	Simpson
Davis (VA)	Kuykendall	Skeen
Deal	LaHood	Smith (MI)
DeGette	Largent	Smith (NJ)
DeLay	Latham	Smith (TX)
DeMint	LaTourette	Smith (WA)
Diaz-Balart	Lazio	Snyder
Dickey	Leach	Souder
Doolittle	Lewis (CA)	Spence
Dreier	Lewis (KY)	Stabenow
Duncan	Linder	Stearns
Dunn	LoBiondo	Stenholm
Edwards	Lucas (KY)	Stump
Ehlers	Lucas (OK)	Sununu
Ehrlich	Manzullo	Sweeney
English	McCollum	Talent
Everett	McCrery	Tancredo
Ewing	McHugh	Tauscher
Filner	McInnis	Tauzin
Fletcher	McIntosh	Taylor (MS)
Foley	McIntyre	Taylor (NC)
Fossella	McKeon	Terry
Fowler	McNulty	Thomas
Franks (NJ)	Metcalf	Thornberry
Frelinghuysen	Mica	Thune
Gallegly	Miller (FL)	Tiahrt
Ganske	Miller, Gary	Toomey

Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Bonior
Borski
Boswell
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Serrano
Shows
Sisisky
Skelton
Spratt
Stark
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—24

Blumenauer
Boyd
Clayton
Clement
Cramer
Crowley
DeFazio
Dicks
Engel
Eshoo
Etheridge
Forbes
Lofgren
Lowey
Maloney (NY)
McCarthy (NY)
Nadler
Price (NC)
Scott
Slaughter
Strickland
Tanner
Watt (NC)
Wise

NOT VOTING—4

Emerson
Lantos
Myrick
Stupak

□ 1630

Messrs. MOAKLEY, HINOJOSA, MALONEY of Connecticut, DINGELL, SANFORD and BARCIA changed their vote from ''yea'' to ''nay.''

Messrs. ROTHMAN, GREEN of Texas, SANDLIN, COSTELLO and MCNULTY changed their vote from ''nay'' to ''yea.''

Ms. ESHOO and Messrs. BOYD, CRAMER and CROWLEY, and Ms. LOFGREN changed their vote from ''yea'' to ''present.''

Mr. NADLER, Mrs. CLAYTON, Mr. BLUMENAUER, Mrs. LOWEY, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. WISE and Mr. CLEMENT changed their vote from ''nay'' to ''present.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 60, I was unavoidably detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 70, by the yeas and nays;

H. Con. Res. 56, by the yeas and nays;

H. Con. Res. 37, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each of these three votes.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 70.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 70, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 2, not voting 3, as follows:

[Roll No 61]

YEAS—428

Abercrombie
Ackerman
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
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
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
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
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
Graham
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
Isakson
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)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
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
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
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)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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

Filner
Snyder

NOT VOTING—3

Emerson
Myrick
Stupak

☐ 1641

Mr. FILNER changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and 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. EMERSON. Mr. Speaker, on rollcall No. 61, I was unavoidably detained. Had I been present, I would have voted ''yes.''

☐1645

COMMEMORATING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 56.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 56, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 429, nays 1, not voting 3, as follows:

[Roll No. 62]

YEAS—429

Abercrombie
Ackerman
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
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
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
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
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
Graham
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
Isakson
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)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
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
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
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
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
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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—1

Paul

NOT VOTING—3

Myrick
Pickett
Stupak

☐ 1654

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING ANTI-SEMITIC STATEMENTS BY MEMBERS OF THE DUMA OF THE RUSSIAN FEDERATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 37, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 37, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 63]

YEAS—421

Abercrombie
Ackerman
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
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
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
Cook
Cooksey
Costello
Cox
Coyne
Cramer

Crane
Crowley
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
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
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
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
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)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
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
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
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
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
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)

NOT VOTING—12

Buyer
Conyers
Cubin
Herger
Hilleary
Martinez
Myrick
Nussle
Scarborough
Stupak
Thomas
Thune

☐ 1701

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 63, I was inadvertently detained. Had I been present, I would have noted "yes."

Mr. THUNE. Mr. Speaker, I was unavoidably detained for rollcall vote 63 while meeting with constituents. I would like the RECORD to reflect that I would have voted "aye" on that vote for final passage of H. Con. Res. 37.

APPOINTMENT OF CONFEREES ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 800) to provide for education flexibility partnerships, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion to instruct conferees.

Mr. GOODLING. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. Points of order are reserved.

The Clerk will report the motion.

The Clerk read as follows:

Mr. CLAY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 800, an Act to provide for education flexibility partnerships, be instructed—

(1) to disagree to sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment, (adding new subsections to the end of section 307 of the Department of Education Appropriations Act of 1999), which is necessary to ensure the first year of funding to hire 100,000 new teachers to reduce class sizes in the early grades; and

(2) to agree that additional funding be authorized to be appropriated under sections 8 and 10 of the Senate amendment for the Individuals with Disabilities Education Act, but not by reducing funds for class size reduction as proposed in sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. CLAY) and the gentleman from Pennsylvania (Mr. GOODLING) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this motion would instruct the conferees to oppose the Senate amendment offered by Senator LOTT that reneges on last year's agreement to fund the Clinton-Clay class size reduction plan.

Last year we made a $1.2 billion down payment on a plan to help communities hire 100,000 new, well- qualified teachers over the next 7 years. All across this country, parents and students who are facing overcrowded classrooms are counting on Congress' commitment to reduce class sizes.

The Lott amendment reneges on this commitment, and cynically pits one group of parents against another for money that Congress has already designated to be spent for class size reduction.

All major education groups oppose this insidious attack on the class size reduction plan. The National Parents and Teachers Association, the American Federation of Teachers, the Chief States School Officers and the National Education Association, even Governor Ridge of Pennsylvania, according to press accounts, opposes the Lott amendment because it jeopardizes passage of the Ed-Flex bill.

Finally, Mr. Speaker, I believe President Clinton would veto a bill that undermines funding for class size reduction. These new teachers are needed in the early grades, to reduce class size to no more than 18 children. Achieving the goal of 100,000 new teachers will ensure that every child receives personal attention, gets a solid foundation for further learning, and is prepared to read by the end of the third grade.

Department of Education data shows that students in smaller classes in North Carolina, Wisconsin, Indiana and Tennessee outperformed their counterparts in larger classes. A study of Tennessee's Project Star found that students in smaller classes in Grades K through 3 earned much higher scores on basic skills tests. Based on this solid record of achievement, the Clinton-Clay class size reduction initiative should be granted a long-term authorization.

Mr. Speaker, this motion further instructs the conferees to insist that additional funding be appropriated for the Individuals with Disabilities Education Act, IDEA. Rather than forcing one vital program to compete for funds against another, we should instead pursue a greater overall investment in public education.

Mr. Speaker, I urge Members to support this motion and, by doing so, give both the class size reduction initiative and IDEA the opportunity to be funded at an appropriate level.

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

The SPEAKER pro tempore (Mr. BRADY of Texas). Does the gentleman from Pennsylvania (Mr. GOODLING) have a point of order?

Mr. GOODLING. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order.

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

Mr. Speaker, I rise in opposition to the motion to instruct conferees to drop the Lott amendment.

One does not usually go into a game showing how many aces they have and how many jokers they have. One usually does that when they get involved in the game or when they start their negotiating. One does not usually drop their amendments before they ever get there.

I have to kind of laugh about all of the rhetoric about IDEA. They have heard that speech that was just given for 23 years, and they did not get anything until 3 years ago. They were promised that if we give them from the Federal level 100 percent mandate in special ed, they will get 40 percent of the excess money to fund it; just the excess money to fund it. When I became Chair, they were getting about 6 percent. We will probably be up to about 12 percent; a long way from 40 percent.

Can we imagine what they could have done with class size reduction, what they could have done with refurbishing classrooms and building new classrooms, had they been getting millions and millions and millions of dollars extra year after year after year? They would not be looking to us.

They are smart enough out there now. They got burned on IDEA and burned badly, and they realize that that is the thing that drives their property tax up, up, up. That is the thing that takes all of their money away from being able to do all the things they want to do in reducing class size or anything else that they want to do to improve education in their district.

They are smart enough to know that they are not going to come here and say for one year we are going to give them 100,000 teachers. We are not going to pay for all the fringe benefits, et cetera; that is their responsibility. We will be gone in a year's time and then they are stuck. They would have put on those teachers.

Just like the big deal we are going to have 100,000 new police. How many stepped up to the plate? About one-third. Why? Because they would have put them on themselves if they had had the money, but they knew we would be gone and then they are stuck with them, and in all probability in a negotiation where they cannot get rid of them, even though they cannot find a way to pay for them.

□ 1715

So let us not use IDEA in this debate, because they know that that is a phony argument that we have heard before we became the majority for 20 out of 23 years.

What has the situation been in California? California said on their own, just as my Governor says on his own, we are going to reduce class size. They spent $1 billion last year, they are going to spend $1.5 billion this year.

What did they get? I will tell Members what they got. In the areas where they need the best teachers, they got mediocrity. That is all they got, and probably not very many with certifications; and even those with certifications, very little other than mediocrity, for $1 billion last year and $1.5 this year.

So let us not fall into the trap that somehow or other we will look out for IDEA down the line. That is the President's whole initiative. He cuts every program in his budget that works. Why? Because he has a feeling that, oh, the appropriators will come along and appropriate for that. He does not have to do that, he can get all these other silly ideas of what we do to improve education.

So let us not fall for it. Vote against the motion to instruct.

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

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE).

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

Mr. Speaker, I rise in strong support of the motion to instruct conferees offered by my ranking member, the gentleman from Missouri.

As Members know, the Senate version of the Ed-Flex bill includes a provision which allows school districts to take funds targeted in last year's appropriation bill for class size reduction and use it for special education. This provision should be struck by the conferees and we should send that message today.

The Consortium for Citizens with Disabilities has written to the gentleman from Missouri (Mr. CLAY) supporting this motion that we instruct conferees.

Mr. Speaker, I include for the Record the letter from the Consortium.

The letter referred to is as follows:

CONSORTIUM FOR
CITIZENS WITH DISABILITIES
March 23, 1999.

Hon. WILLIAM CLAY,
Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CLAY: On behalf of the members of the Education Task Force of the Consortium for Citizens with Disabilities, we write to you today in support of your motion to instruct conferees to strike the Lott Amendment to the Ed-Flex bill and to increase funding for the Individuals with Disabilities Education Act (IDEA).

CCD is gravely concerned that children with disabilities are being used as pawns in a political game. The Clay Motion to Instruct addresses this concern because it does not pit the interests of children with disabilities against the interests of their classmates.

Over the past three years, IDEA funding has grown by 85 percent. Unfortunately, given the increase in students in special education, the federal share accounts for only ten percent of the additional costs associated with educating students with disabilities. In the 1997 Amendments to IDEA, Congress recognized the need for additional support for general education. Now states can use twenty percent of new IDEA funds for general education activities. CCD supports this provision because it is designed to assist schools better meet their obligations to all students.

Every child in America benefits from increased education funding. CCD applauds the efforts of members of the House of Representatives and the Senate on both sides of the aisle who are committed both to securing additional funding for IDEA and to protecting the rights of children with disabilities to a free, appropriate public education. We urge members of the House of Representatives to support the Clay Motion to Instruct on the Ed-Flex bill.

Thank you for considering our views.

PAUL MARCHAND,
The Arc.
KATHERINE BEH NEAS,
Easter Seals.

Mr. Speaker, full funding of IDEA is a goal I have been committed to since I arrived in Congress. Do we need to provide 40 percent of the excess costs of educating a child with a disability? Absolutely. Should this be one of our priorities for Federal education funding? Absolutely.

As my chairman knows, I have joined him and my other colleagues in demanding additional funding for special education. Supporting the needs of disabled children and providing them with the chance to become productive, participating members of society is extremely important. However, it should not be at the expense of other Federal education programs.

Last year's appropriations bill created the class size reduction program, and recognized the commitment to hire 100,000 teachers over the next 7 years. That bill provided funding to hire the first 30,000 teachers, and put us on the path to reducing class size in grades 1 through 3 to an average of 18. This is an essential tool in the education reforms of States and localities. We should not jeopardize this funding only months before it is scheduled to go out.

The issue of IDEA funding is not a Democratic or a Republic concern. There has been strong bipartisan support for the substantial increases in funding for IDEA in recent appropriation bills, and I believe this will continue. I hope that the motion to instruct conferees of the gentleman from Missouri (Mr. CLAY) attracts the same type of support today.

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

Mr. Speaker, I just want to remind everyone that every study that has ever been printed has indicated that the number one issue as to whether a

child does well or not is the quality of the teacher in the classroom; not the numbers, but the quality of the teacher.

Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the chairman of the Committee on Education and the Workforce for yielding time to me. I am pleased to be able to speak to this briefly.

I do rise in opposition to the motion to instruct conferees. We as House Members have, I think, done the right thing. I think we passed a good piece of legislation. Yes, I know there were some amendments from the other side that they would like to have had put in which were not put in, but essentially I think we have passed a good bill.

Let us remember what it was we passed, it was education flexibility. It really had nothing to do with IDEA per se. It had nothing to do with the 100,000 teachers per se. Over in the Senate, they have taken the whole provisions with the $1.2 billion for the reduction of class size, which is really the hiring of more teachers, and they have added a provision to allow IDEA to get involved with that.

That may or may not be a good thing to do. It is something which I think should be discussed at the conference. But I do not think we should have this motion to instruct conferees as part of that. I think it may upset the equilibrium enough so we might not even get to the conference on what is a good piece of legislation. I would hope we would remember that.

I think this is an instructive discussion we should have in terms of what we should do with respect to the conference. The bottom line is, we have a piece of legislation which was highly popular. We have a piece of legislation reported out of our committee with 33 yes votes and only 9 no votes. We have a piece of legislation which passed the House of Representatives just a week later which received 330 yes votes and only 90 votes against it. We have a piece of legislation which has been approved by each and every Governor of every State in the United States of America. We have a piece of legislation which the Secretary of Education and the President of the United States has said is a good piece of legislation.

There are differences between the House version and the Senate version, some of which are not touched in this motion to instruct conferees, which we are going to have to address as well.

This is a bipartisan bill. We have a very strong House position with respect to the bill. Quite frankly, I do not think getting involved in a technical motion to instruct conferees, to undermine what they have done in the Senate before we get there, that we can negotiate fairly as a House team, is the way to go.

I would encourage each and every one of us, Republicans and Democrats, to stand united in opposition to the motion to instruct conferees so we can go into that conference, get this bill done, and have a real achievement for the greater good of education in the United States of America.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Clay motion to instruct conferees on H.R. 800, to preserve our commitment to the class size initiative agreed to in last year's budget.

No one here disagrees with the need to provide additional funding for the Individuals with Disabilities Education Act program. However, we should not take away from other programs, like the class size initiative, in order to fund idea.

Our public schools have many critical needs, but we should not rob Peter to pay Paul. The Lott amendment as adopted by the Senate to their version of Ed-Flex allows localities to shift funds from the class size initiative to fund special education. We have seen continual efforts like this to shift funding from other educational accounts to IDEA without changing our bottom line investment in education.

Opponents of this educational funding shell game miss the point. The needs of students and schools are such that we cannot afford to back away from our commitment at the Federal level to properly fund public education.

Mr. Speaker, all students benefit where there is an appropriate student-to-teacher ratio. Discipline problems are minimized, the students receive the individual attention they need, students with special needs who are mainstreamed are able to participate in a more meaningful way because the teacher is able to give them the additional assistance they need.

I urge my colleagues to support the class size initiative and support the Clay motion to instruct.

Mr. Speaker, the gentleman from Michigan (Mr. KILDEE) introduced for the Record the letter from the Consortium of Citizens with Disabilities. I think it would be instructive to read the letter to the gentleman from Missouri (Mr. CLAY) on their behalf:

On behalf of the members of the Educational Task Force of the Consortium for Citizens with Disabilities, we write to you today in support of your motion to instruct conferees to strike the Lott amendment to the Ed-Flex bill and to increase funding for the Individuals with Disabilities Act.

CCD is gravely concerned that children with disabilities are being used as pawns in a political game. The Clay motion to instruct addresses this concern because it does not pit the interests of children with disabilities against the interests of their classmates.

Over the past three years, IDEA funding has grown by 85 percent. Unfortunately, given the increase in students in special education, the federal share accounts for only ten percent of the additional costs associated with educating students with disabilities. In the 1997 amendments to IDEA, Congress recognized the need for additional support for general education. Now States can use twenty percent of new IDEA funds for general education activities. CCD supports this provision because it is designed to assist schools to better meet their obligations to all students.

Every child in America benefits from increased education funding. CCD applauds the efforts of the Members of the House of Representatives and the Senate on both sides of the aisle who are committed both to securing additional funding for IDEA and to protecting the rights of children with disabilities to a free, appropriate public education.

We urge Members of the House of Representatives to support the Clay motion to instruct on the Ed-Flex bill.

Thank you for considering our views.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding time to me. I rise to speak in opposition to the motion to instruct the conferees.

If we take a look at simply what the Lott amendment does, it allows local schools and local administrators to make a very basic decision. It provides local school districts with a choice. It says, if you want to focus on reducing class size, you can use the money to reduce class size. But perhaps if you have already done that and your class sizes are small and you have a pressing need in special education, you can make that choice.

So it is a very simple process of saying, we are committed to providing additional resources, additional funding for education, but we believe that the decision needs to be made at the local level. That is what Ed-Flex is about. Ed-Flex is about moving decision-making to the local level, and it is about reducing red tape and bureaucracy so that we can actually move more dollars from the Washington bureaucracy into the classroom, and as we do that, we can address class size, we can address special ed, we can address teacher training, we can address technology, and a whole other range of problems and opportunities that local school districts face today.

Let us keep moving in the direction of enabling local administrators and local parents and local teachers to do what they believe is best for education in their school districts. Let us not hamper and hinder an education bill that is moving in the right direction by coming right back with the same old Washington model, which is more rules and regulations and directions.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. Speaker, I rise as a very strong supporter and coauthor of the education flexibility bill. The gentleman

from Delaware (Mr. CASTLE) and I have worked for 8 months on this legislation that all 50 Governors want, that the President of the United States supports, that passed out of our committee in a bipartisan way 33 to 9, that passed the House Floor 330 to 90, and that passed the United States Senate by a vote of 98 to 1. This is very sound, innovative, bold educational reform that helps move public education forward in an innovative way.

As a strong supporter of this education flexibility bill, I also rise in support of the motion to instruct, and do so for two reasons.

One reason is because I want to have a clean bill, a simple bill that addresses education flexibility, which is about an old value and a new idea, pure and simple. It is about the old value of local control, local parents making decisions, and the new idea of added flexibility and accountability to students for student performance, and will remove the handcuffs of regulations and paperwork from the Federal and State levels if we see student performance increase.

Let us keep it to Ed-Flex, and not add on superfluous amendments to this very clean, very bipartisan, and very widely supported bill.

□ 1730

The second reason is, we should have a clean debate on the two issues included in the Lott amendment that we are debating and we are advocating that that be dropped in conference. One is IDEA funding, which I strongly support; and the second is more teachers, more quality teachers in our schools, which I strongly support.

We in Congress are not saying let us pick between fixing Medicare and fixing Social Security. We are saying let us fix both of them.

We should also be saying in education, the number one domestic issue in America today, let us address IDEA, the Individuals with Disabilities Education Act, and let us add more quality and certified teachers for what they should be teaching in our schools and insist on quality.

We should not pit these two programs against each other, Mr. Speaker. We should not play politics with those two programs when we have a clean and widely supported and hugely creative Ed-Flex bill.

Let us pass this Ed-Flex bill. Let us be bipartisan. Let us get this to the President's desk and then month by month and day by day let us debate these two worthy programs on their own merits.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

In response to my colleague and friend, the gentleman from Indiana (Mr. ROEMER), there is a difference between claiming this would be a clean bill and actually making it so that it does in real dollars what this hypothetically does.

The goal of Ed-Flex was to give flexibility to local school systems and States to have flexibility with their money. Senator LOTT's amendment in the Senate actually allowed flexibility in the money.

The Democratic motion to instruct conferees in article 2 says that additional funding be authorized. That is not real money. That is much like a sense of Congress that we should give more money. It deletes the part that actually gives the flexibility to the State and locals to choose.

The gentleman from Indiana said that Congress should not be dictating what the local school districts are doing between teachers and IDEA. Yet, at the same time, that is exactly, if this motion to instruct conferees would pass, what we are doing, because Congress should not dictate whether or not they should hire teachers. Congress should not dictate whether they should use it for IDEA. Congress should not dictate whether it is if computers. The point of Ed-Flex is to let the districts choose.

The Lott amendment gave flexibility so that, in last year's appropriations bills, not that they have to use it for IDEA, but that they can use it for IDEA in real dollars. This is real flexibility. How can my colleagues claim to be for this bill and yet instruct conferees before we even start that they cannot have flexibility with the appropriations.

The point of this bill is to give that local flexibility, especially since, on March 4, there was a Supreme Court decision regarding the health care related to school performance of Garrett Frey in Iowa. That health care is going to cost that school district $30,000 to $40,000 a year just for the nurse.

The party that was in control of this Congress for 40 years and during the whole period of IDEA did not put necessary funding in. We are only funding it at 12 percent. With this court decision, they needed even more. Here we have the opportunity to put the money in, and they are against allowing the schools the flexibility.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the Clay motion to instruct conferees. I am on the Committee on Education and the Workforce, and I certainly have been working with both sides of the aisle to make sure that we had a good Ed-Flex bill go out. It troubles me greatly that now we are adding something else on that was not there in the beginning.

No more than an hour ago, I met with 25 students from New York Tech. These were students that certainly did very well because of IDEA. IDEA is something that helped my son get through high school and now college. So I can say that I am certainly a supporter of IDEA. I am certainly a supporter of bringing the funding up to 40 percent.

What scares me is that we are pitting this bill against another bill, IDEA and Ed-Flex. We should be working on all levels to give our children the best education that we can. We should not be fighting about this. Our children are at stake.

I do believe that we should be dealing with IDEA on a separate issue. We should be dealing with our teachers on a separate issue. Let IDEA go. Let it go forward to the schools and to the States with the intention of what Congress passed and also what the Senate passed.

Mr. Speaker, all of us on our committee care very much about the children. All of us on the Committee on Education and the Workforce want to do the right thing. Let us not start fighting about this, because the ones that are going to get hurt in the end are going to be our children. Let us not let politics get in the way of this. We just came back from Hershey, hopefully to get along with each other, and this is not the right way to start it.

I support Ed-Flex as it is. I certainly will support IDEA for full funding, and I support 100,000 new teachers. Most of us here will do that. Let us not tear it apart.

I ask my colleagues to support the Clay motion, and let us deal with all the other issues on a separate basis.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, we have heard a lot of discussion today about the issue of flexibility. We have heard speakers who oppose allowing the localities to make the choice as to whether to spend money on hiring new teachers or for IDEA, that this is somehow a superfluous amendment. Nothing could be less superfluous than this amendment. This is a very important issue for every school board in this country.

We have heard discussion about the issue of let us pick or we should not be picking. We are not making the choices here in Congress, nor should we be making the choices. The fact is, Mr. Speaker, that we should give local school boards the right to decide whether they need to reduce class size or whether they need to provide more funding for IDEA.

I support full funding of IDEA, but I am willing, if you will, to put my money where my mouth is and to say in this forum here that we should give local school boards every opportunity they possibly can to put scarce resources into IDEA. Indeed, Mr. Speaker, a vote for this motion is a vote to deny local school boards that option.

It does not pit one group against another. What it does is it gives the local school boards the opportunity to do what is best for their own constituencies. If class size is not the top priority for a local school board, then it

should be something else. I think IDEA should be the highest funding priority for this Congress.

So, Mr. Speaker, I rise in opposition of the motion to instruct. I support very strongly the Lott amendment. It provides local school districts with an additional $1.2 billion, yes, to hire more teachers if they choose, and, yes, to provide more money for IDEA.

Please oppose this motion to instruct and send this bill to conference so that we can include the Lott amendment in the final of the version of the bill which we send to the President.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

Mr. Speaker, I rise in strong support of this motion to instruct, and I appreciate what people have said on the other side. But the fact of the matter is that the program to provide for 100,000 teachers over the next several years in the classrooms of this country is a program that was passed by this Congress. It is a high priority for the President of the United States. Now what we see is an attempt in the Senate to try and renege on that promise, to torpedo that program because the other side does not like the idea of using this money to reduce class sizes.

Now what they have decided to do is they are going to pit disabled children's education against the reduction in class sizes. This is a program for the purposes of reducing class sizes. Already one of the criticisms is that there is not enough money to do it properly.

So if some States do not want to use it for that purpose, then the money can be reallocated to the States who have a crying need to lower their class sizes, and they can get about that business. This is not a mandatory program. It is not required that one takes money from the Federal Government.

The notion that somehow that this is really about helping with IDEA, it is interesting that, in the budget resolution that the Republicans are going to bring to the floor, there was an attempt there to fully fund IDEA, and all of the Republicans voted against it.

So they say they are all upset that we have only funded 10 percent or 12 percent since we made the promise to fully fund the excess cost, and yet when they had the chance in the budget resolution to vote it for it, they voted against it.

So let us understand what is going on here. There is an attempt here to derail and deny a President a program that is very popular among parents, among school administrators and others to try and reduce class size, because reduced class size does appear to be having an impact.

I appreciate what the gentleman said, it is about the quality of teacher. Nobody has fought harder for the quality of teacher. But I have met an awful lot of good teachers, an awful lot of very good teachers who will tell my colleagues that it is very difficult to do their job when they are teaching 35 and 40 students at different grade levels.

The point is this, that the Senate can try and derail that presidential program, or we can deal with Ed-Flex straight up, which we ought to do.

So let us just understand that that is what is taking place here. This is not about IDEA other than to use it as a battering ram against the presidential program that many, many school districts are waiting to be able to take advantage of. Schools do not want to do it, then do not do it.

But the fact of the matter is that we should do full funding of IDEA. But when my colleagues had their opportunity to do it, they did not do it. We could have it in the budget resolution on the floor this week, but the choice was not to do that. The choice was to go off and fund star wars or whatever else they are doing with the money that they have.

So let us keep the two things separate and understand that this is about Ed-Flex. We ought to pass an Ed-Flex bill. We ought to send that Ed-Flex bill to the President of the United States, and we can come back, and we can keep our promise on the 100,000 teachers. Then we can deal with IDEA when the time comes for us to deal with that in the appropriations bill.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am surprised at the gentleman from California (Mr. GEORGE MILLER) who just preceded me. For 40 years, the Democrats controlled this House. The most they ever gave IDEA was 7 percent.

We came in. I was chairman of the committee that sat literally the school groups and the parent groups together with the gentleman from Pennsylvania (Chairman GOODLING), locked them in the room and said no bread or water until they come out.

My colleagues want to help IDEA? Listen to Alan Burson, San Diego city schools, a former Clinton appointee. The unions and the trial lawyers are ripping off IDEA. My colleagues give them more money, and the local trial lawyers are going to come in and rip them off. Talk to our new Governor, Gray Davis. Ask him what the problem is with IDEA. It is his number one problem.

We have a problem of losing good teachers. Carolyn Nunes just happens to be my sister-in-law. She is in charge and the director for all special education of all San Diego city schools. She is losing good teachers because the trial lawyers are forcing these teachers, who just want to help children, they want to help children, they are not trial lawyers, they are being forced into the courts, and they are leaving because they are getting battered by the damn trial lawyers. Help us. Help us combat that.

My colleagues talk about 100,000 teachers. My colleagues wanted 100,000 teachers in the President's bill, a big political move, but they wanted to raise taxes $139 billion. They wanted government to control it. We said no. No new taxes of $139 billion. We are going to send the money directly to the schools, and it is going to be under the caps. If my colleagues want to break the budget, be my guest. We feel that a balanced budget is necessary and to handle that.

Ed-Flex. It is amazing how difficult it is to pass a bipartisan bill that the President supports, that Republicans support. But yet there is those who still want government control, government control.

Look up www.dsausa.org. That is the Democrat socialist party. Look under the progressive caucus and their 12-point agenda: government control of health care, government control of education, government control of private property, to raise taxes the highest level ever, and cut defense by 50 percent. That is what we are fighting on here. We are trying to give flexibility, not bigger government.

☐ 1745

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in support of the motion to instruct.

We hear quite often these days that Americans are disenchanted with politics, disgusted with politicians, and feel disconnected from Washington, D.C. Is it any wonder, when the Senate leadership makes a commitment to reduce class size and tells schools to plan for those funds and then reneges on that promise? Is it any wonder that Americans do not trust politicians in Washington, D.C.?

Oregonians and Americans want class size reduction, not Senate amendments that take this historic measure away from our children. Nor do Americans want to pit a good public education for all children against a good education for special needs children. We can do both. We are a country that can afford to do both. We need to do both and we can afford to do no less.

Studies show that when we reduce class size in the early grades and give students the attention they deserve, the learning gains last a lifetime. Only 2 nights ago I was having dinner with two schoolteachers, and they were planning for next year. School districts right now are making their plans for next year. Right now. And they were uncertain whether they were going to get the funds for class size reduction. Now, they do not understand parliamentary procedure, but they are deeply concerned.

Each school year comes only one time in a child's life. Johnny will have

only one pass at first grade. Sally will have only one pass at second grade. There will be only one pass at third grade for each child.

Decades ago we issued a promissory note to educate Americans with disabilities. Last year we issued a promissory note to America's children to reduce class size and to improve public education. To borrow a phrase, Mr. Speaker, when these children come back to this Congress to redeem those promissory notes, will we stamp them ''insufficient funds''? We cannot do that. We cannot afford to do that.

Mr. Speaker, we can afford to educate all children and special needs children. Let us not put partisanship and political battles in front of real progress for America's schoolchildren. Let us honor the commitment we have already made to our schools. That way we start the effort to reduce class size and we keep a crucial promise we have made to our children.

Mr. GOODLING. Mr. Speaker, what is the division of time at the present time?

The SPEAKER pro tempore (Mr. BRADY of Texas). The gentleman from Pennsylvania (Mr. GOODLING) has 13 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 9½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee.

Mr. ISAKSON. Mr. Speaker, I rise in opposition to the motion to instruct, and as I listen to the debate from both sides, I think both sides would really agree with voting against instructing for the following reason.

For whatever its intention, this particular amendment forces us to take a choice between a direction of spending money on teachers or on IDEA, when in fact it was this House, when it passed the Educational Flexibility Act, which passed an act that in seven Federal programs, including Title I, gave waivers of local and State rules to local systems to spend money for the betterment of children. It did not deal with 100,000 teachers, nor did it deal with the funding of IDEA.

I think both sides understand that whether or not we continue the commitment on teachers will be dealt with later in authorization; whether or not we rise to fund IDEA will be dealt with later. But today this House has the chance to stand firm behind a bill that it passed which in fact caused the Senate to take action.

Notwithstanding whatever our opinion of the amendment may have been, we should leave here united behind the House message, which was flexibility to local schools, waivers of rules to allow them to be able to do what they think is best. Let us debate later, and at the appropriate time, how many more teachers we fund for the classroom or where the IDEA money comes from.

And just so it is clear, it is really not appropriate on an instruction to all of a sudden hire 100,000 teachers, spend $3.6 billion, which I understand is the cost, and not even consider the mandate of additional benefits and supplements to local systems, plus whether or not there will even be an ongoing commitment in the future.

I would submit that for us to continue what this House began, we should send back the message that we are for educational flexibility, we should have our conferees stand firm for that which we passed, and we should not place ourselves or anyone else in the position of picking over children or teachers, all for the sake of politics.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me this time.

It was interesting listening to this discussion today on a bill that is geared to give schools more flexibility. The first argument against was we should not rob Peter to pay Paul.

Now, as I looked at this bill or this language from Senator LOTT, it says ''you may''. It does not say ''you shall''. Now, if we are robbing Peter, that means we are taking it from him and we are giving it to Paul. That is not happening.

It is interesting who is doing the robbing. The language we are now being asked to include is robbing our communities of their wisdom, it is robbing our schools of fixing their priorities if they choose to.

Then we have the argument that we are trying to deny the President his program. I fault all governors and Presidents from adequately funding existing programs or fixing them. They are always wanting new ones because they can put their names on them. If we are in the business of legacies, then we are not in the business of helping schools.

The more flexibility we give to schools, I want to tell my colleagues, I have faith that education will improve. We are 7 percent of the money and 70 percent of the paperwork, teachers and administrators tell me. Are we the savior? No, we are the problem. So the more flexibility we give them, the more we allow local decision-making progress, the better the quality of education will be.

Nobody is robbing Peter to pay Paul. This language robs local districts to choose if their wisdom tells them they should.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, unfortunately, my colleagues have put the conferees on this side in a very difficult position, because what basically they have done is opened up a debate and a discussion that should not have been opened up. And I would imagine that these conferees from this side will be told quite a few things by the conference which otherwise would not have happened. Unfortunate. Poor judgment. Nevertheless, that is what has happened.

Mr. Speaker, I encourage everyone to vote ''no'' on the motion to instruct.

Mr. CLAY. Mr. Speaker, I yield myself the balance of my time.

In regards to that last statement, let me say that we on this side did not open this debate. It was Senator LOTT who opened the debate. And this motion to instruct will correct the debate that Senator LOTT opened.

Mr. Speaker, let me read something from the Secretary of Education, Richard Riley, in regards to this particular problem that we are dealing with. Secretary Riley says, ''I am deeply disappointed that Congress took steps in the wrong direction over the last 2 days as it failed to make a long-term commitment to reduce class size. Both the House and the Senate had opportunities to let local school districts know that funds will continue to be available, so that over 7 years 100,000 teachers can be hired to reduce class sizes in grades 1 to 3 to 18 students per teacher. However, they did not only fail to do that but instead, in the case of the Senate, retreated from the bipartisan agreement reached last year. There is nothing more timely or important than giving parents and teachers the reassurance that their children will be able to learn in smaller classes.''

And Secretary Riley says, ''I urge Congress to drop the amendments that undermine last year's bipartisan agreement to reduce class size and reach agreement on the Ed-Flex bill with strong, responsible accountability provisions. It is unfortunate that the first education debate of this Congress ended in partisan efforts instead of addressing the serious issues confronting our Nation's schools. Our students, parents and teachers want, need and deserve better.''

Mr. Speaker, I do not understand the switch in the Republican position on 100,000 new teachers to reduce classroom sizes. Last year the Republican leadership, including Speaker Newt Gingrich; the majority leader, the gentleman from Texas (Mr. DICK ARMEY); and chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING) gave glowing praise to the concept of 100,000 new teachers and voted to start on the 100,000 new teachers; voted for $1.2 billion to start funding the 100,000 new teachers.

On October 15 of 1998, President Clinton and congressional budget negotiators reached agreement on a bill for 1999. Among the programs included in that agreement was $1.2 billion invested to hire 100,000 teachers to reduce class sizes across America. Here is how the Republican leaders described the 100,000 teachers legislation at the time.

Former Speaker Newt Gingrich. ''We said the local school board would make the decision. No new Federal bureaucracy, no new State bureaucracy, not a penny in the bill that was passed goes to pay for bureaucracy. All of it goes to the local school districts.'' Then House Speaker Newt Gingrich, a Georgia Republican, called it ''A victory for the

American people. There will be more teachers, and that is good for all Americans.''

The majority leader, the gentleman from Texas (Mr. DICK ARMEY), when asked what he would say are the key Republican achievements of this bill, responded, ''Well, I think quite frankly I am very proud of what we did and the timeliness of it. We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people are willing to work with us, so that we can let the State and local communities take this money, make these decisions, manage that money, spend the money on teachers as they saw the need, whether it be for special education or for regular teaching, with the freedom of choice and management and control at the local level, we thought this was good for America and good for the schoolchildren. We were very excited about the move toward that end.''

That is the end of the quote of the gentleman from Texas (Mr. DICK ARMEY). They were excited about hiring 100,000 new teachers last October.

And the chairman of this committee, of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING). Let us see he said about it. He said, ''It is a huge win for local educators and parents who are fed up with the Washington mandates, red tape and regulation.'' He is talking about the mandating of 100,000 new teachers. That is his quote.

So, Mr. Speaker, I say to my colleagues, if they are for reducing classes, if they are for giving children more individualized attention, if they are for improving student achievement, they must support the Clay motion to instruct.

□ 1800

We should never pit one group of parents against each other to score political points. The disability community and the Chief States School Officers and the National PTA support this motion.

We have promised America's schoolchildren 100,000 new, well-qualified teachers. This motion demonstrates that we intend to keep that promise, and I ask my colleagues to support the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent for an additional 30 seconds since my name was used.

Mr. CLAY. Mr. Speaker, I object. He had his time. I object to the request.

The SPEAKER pro tempore (Mr. BRADY of Texas). Objection is heard.

Mr. PAYNE. Mr. Speaker, I rise in support of this motion to instruct. Mr. LOTT's amendment that was included in the Senate passed version of the Education Flexibility Partnership Act would gut the ability of schools to hire more teachers for our classrooms.

The Republicans would like you to believe that this amendment will help our schools more because funds would be reallocated toward special education. Pitting one education priority against the other is bad public policy and bad politics. This is an attempt by the Republicans to have American people believe that education is a priority in the GOP.

But if you look closely at the Budget they have come up with, it is obviously not the truth. While they may have increased education funding by $500 million above the 1999 level for elementary and secondary programs, they have decreased funds by cutting funds for the Pell Grants, Work Study and other programs for low-income college students.

Democrats and true education advocates know that the key to improving education in this country cannot be achieved by picking and choosing programs to adequately fund. We must ensure that the entire funding level for education programs is funded at an adequate level and only then will we see true improvements in achieving among our students. Americans must realize that we truly value all education initiatives and we do not pit one against the other.

I urge members to vote for this motion to instruct.

The Speaker pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 222, not voting 6, as follows:

[Roll No. 64]

YEAS—205

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

NAYS—222

Aderholt	Ewing	Lewis (KY)
Archer	Fletcher	Linder
Armey	Foley	Lipinski
Bachus	Forbes	LoBiondo
Baker	Fossella	Lucas (OK)
Ballenger	Fowler	Manzullo
Barrett (NE)	Franks (NJ)	McCollum
Bartlett	Frelinghuysen	McCrery
Barton	Gallegly	McHugh
Bass	Ganske	McInnis
Bateman	Gibbons	McIntosh
Bereuter	Gilchrest	McKeon
Biggert	Gillmor	Metcalf
Bilbray	Gilman	Mica
Bilirakis	Goode	Miller (FL)
Bliley	Goodlatte	Miller, Gary
Blunt	Goodling	Moran (KS)
Boehlert	Goss	Morella
Boehner	Graham	Nethercutt
Bonilla	Granger	Ney
Bono	Green (WI)	Northup
Brady (TX)	Greenwood	Norwood
Bryant	Gutknecht	Nussle
Burr	Hall (TX)	Ose
Burton	Hansen	Oxley
Buyer	Hastings (WA)	Packard
Callahan	Hayes	Paul
Calvert	Hayworth	Pease
Camp	Hefley	Peterson (PA)
Campbell	Herger	Petri
Canady	Hill (MT)	Pickering
Cannon	Hilleary	Pitts
Castle	Hobson	Pombo
Chabot	Hoekstra	Pomeroy
Chambliss	Horn	Porter
Chenoweth	Hostettler	Portman
Coble	Houghton	Pryce (OH)
Coburn	Hulshof	Quinn
Collins	Hunter	Radanovich
Combest	Hutchinson	Ramstad
Cook	Hyde	Regula
Cooksey	Isakson	Reynolds
Cox	Istook	Riley
Crane	Jenkins	Rogan
Cubin	Johnson (CT)	Rogers
Cunningham	Johnson, Sam	Rohrabacher
Davis (VA)	Jones (NC)	Royce
Deal	Kasich	Ryan (WI)
DeLay	Kelly	Ryun (KS)
DeMint	King (NY)	Sabo
Diaz-Balart	Kingston	Salmon
Dickey	Knollenberg	Sanford
Doolittle	Kolbe	Saxton
Dreier	Kuykendall	Scarborough
Duncan	LaHood	Schaffer
Dunn	Largent	Sensenbrenner
Ehlers	Latham	Sessions
Ehrlich	LaTourette	Shadegg
Emerson	Lazio	Shaw
English	Leach	Shays
Everett	Lewis (CA)	Sherwood

Shimkus	Sweeney	Walsh
Shuster	Talent	Wamp
Simpson	Tancredo	Watkins
Skeen	Tauzin	Watts (OK)
Smith (MI)	Taylor (NC)	Weldon (FL)
Smith (NJ)	Terry	Weldon (PA)
Smith (TX)	Thomas	Weller
Smith (WA)	Thornberry	Whitfield
Souder	Thune	Wicker
Spence	Tiahrt	Wilson
Stearns	Toomey	Wolf
Stump	Upton	Young (AK)
Sununu	Walden	Young (FL)

NOT VOTING—6

Barr	Hooley	Ros-Lehtinen
Gekas	Myrick	Stupak

□ 1820

Messrs. CANNON, GARY MILLER of California, POMEROY, KNOLLENBERG and RYAN of Wisconsin changed their vote from ''yea'' to ''nay.''

Mr. KLECZKA changed his vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BRADY of Texas). The Chair will announce the appointment of conferees later today.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–76) on the resolution (H. Res. 125) providing for consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 106TH CONGRESS

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 101) providing amounts for the expenses of certain committees of the House of Representatives in the 106th Congress, and ask for its immediate consideration.

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

The Clerk read as follows:

H. RES. 101

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $8,564,493; Committee on Armed Services, $10,599,855; Committee on Banking and Financial Services, $9,725,255; Committee on the Budget, $9,940,000; Committee on Commerce, $15,537,415; Committee on Education and the Workforce, $12,382,569.63; Committee on Government Reform, $21,028,913; Committee on House Administration, $6,307,220; Permanent Select Committee on Intelligence, $5,369,030.17; Committee on International Relations, $11,659,355; Committee on the Judiciary, $13,575,939; Committee on Resources, $11,270,338; Committee on Rules, $5,069,424; Committee on Science, $9,018,326.30; Committee on Small Business, $4,399,035; Committee on Standards of Official Conduct, $2,860,915; Committee on Transportation and Infrastructure, $14,539,260; Committee on Veterans' Affairs, $5,220,900; and Committee on Ways and Means, $11,960,876.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,175,983; Committee on Armed Services, $5,114,079; Committee on Banking and Financial Services, $4,782,996; Committee on the Budget, $4,970,000; Committee on Commerce, $7,597,758; Committee on Education and the Workforce, $6,427,328.22; Committee on Government Reform, $10,301,933; Committee on House Administration, $3,055,255; Permanent Select Committee on Intelligence, $2,609,105.06; Committee on International Relations, $5,776,761; Committee on the Judiciary, $6,523,985; Committee on Resources, $5,530,746; Committee on Rules, $2,488,522; Committee on Science, $4,453,860.90; Committee on Small Business, $2,094,868; Committee on Standards of Official Conduct, $1,382,916; Committee on Transportation and Infrastructure, $7,049,818; Committee on Veterans' Affairs, $2,497,291; and Committee on Ways and Means, $5,833,436.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,388,510; Committee on Armed Services, $5,485,776; Committee on Banking and Financial Services, $4,942,259; Committee on the Budget, $4,970,000; Committee on Commerce, $7,939,657; Committee on Education and the Workforce, $5,955,241.41; Committee on Government Reform, $10,726,980; Committee on House Administration, $3,251,965; Permanent Select Committee on Intelligence, $2,759,925.11; Committee on International Relations, $5,882,594; Committee on the Judiciary, $7,051,954; Committee on Resources, $5,739,592; Committee on Rules, $2,580,902; Committee on Science, $4,564,465.40; Committee on Small Business, $2,304,167; Committee on Standards of Official Conduct, $1,477,999; Committee on Transportation and Infrastructure, $7,489,442; Committee on Veterans' Affairs, $2,723,609; and Committee on Ways and Means, $6,127,440.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration.

SEC. 7. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution and the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

Committee amendment in the nature of a substitute:

Strike out all after the resolving clause and insert:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $8,414,033; Committee on Armed Services, $10,342,681; Committee on Banking and Financial Services, $9,307,521; Committee on the Budget, $9,940,000; Committee on Commerce, $15,285,113; Committee on Education and the Workforce, $11,200,497; Committee on Government Reform, $19,770,233; Committee on House Administration, $6,251,871; Permanent Select Committee on Intelligence, $5,164,444; Committee on International Relations, $11,313,531; Committee on the Judiciary, $12,152,275; Committee on Resources, $10,567,908; Committee on Rules, $5,069,424; Committee on Science, $8,931,726; Committee on Small Business, $4,148,880; Committee on Standards of Official Conduct, $2,632,915; Committee on Transportation and Infrastructure, $13,220,138; Committee on Veterans' Affairs, $4,735,135; and Committee on Ways and Means, $11,930,338.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at

noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,101,062; Committee on Armed Services, $5,047,079; Committee on Banking and Financial Services, $4,552,023; Committee on the Budget, $4,970,000; Committee on Commerce, $7,564,812; Committee on Education and the Workforce, $5,908,749; Committee on Government Reform, $9,773,233; Committee on House Administration, $2,980,255; Permanent Select Committee on Intelligence, $2,514,916; Committee on International Relations, $5,635,000; Committee on the Judiciary, $5,787,394; Committee on Resources, $5,208,851; Committee on Rules, $2,488,522; Committee on Science, $4,410,560; Committee on Small Business, $2,037,466; Committee on Standards of Official Conduct, $1,272,416; Committee on Transportation and Infrastructure, $6,410,069; Committee on Veterans' Affairs, $2,334,800; and Committee on Ways and Means, $5,814,367.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,312,971; Committee on Armed Services, $5,295,602; Committee on Banking and Financial Services, $4,755,498; Committee on the Budget, $4,970,000; Committee on Commerce, $7,720,301; Committee on Education and the Workforce, $5,291,748; Committee on Government Reform, $9,997,000; Committee on House Administration, $3,271,616; Permanent Select Committee on Intelligence, $2,649,528; Committee on International Relations, $5,678,531; Committee on the Judiciary, $6,364,881; Committee on Resources, $5,359,057; Committee on Rules, $2,580,902; Committee on Science, $4,521,166; Committee on Small Business, $2,111,414; Committee on Standards of Official Conduct, $1,360,499; Committee on Transportation and Infrastructure, $6,810,069; Committee on Veterans' Affairs, $2,400,335; and Committee on Ways and Means, $6,115,971.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund of $3,000,000 for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration.

SEC. 7. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration, for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, this funding resolution, House Resolution 101, for the 106th Congress is the fairest and the most equitable in distributing the resources to the committees in the recorded history of the House. More resources, staff, equipment and dollars are being provided to the minority in this resolution than in any other Congress. Speaker Hastert has provided more resources than former Speakers, including Speaker Foley, Speaker Wright, Speaker O'Neill, Speaker Albert, Speaker McCormick, Speaker Rayburn. I think you have got the idea. That also includes Speaker Gingrich in the 104th and the 105th Congress. Our commitment to the goal of two-thirds for the majority and one-third to the minority is closer than at any time in the recorded history of the House. And it is deserving of the Members' support.

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

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

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

Mr. HOYER. Mr. Speaker, this past weekend in Hershey, many of us implicitly pledged to rise above our party labels and work as one when issues of right and fairness demanded it. Today, just 2 days later, after Hershey, we face the first test of that premise. If we pass the test, I have no doubt that the 106th Congress will take a step in reducing the air of animus and acrimony.

I urge my colleagues on both sides of the aisle to support the motion to recommit that I will offer at the conclusion of this debate. Without altering the funding totals in House Resolution 101, my motion provides for a fair, one-third/two-thirds division of total committee resources between the majority and minority, and the complete discretion over the use of these resources.

I offer the motion, Mr. Speaker, because House Resolution 101 does not treat 212 Members of this body fairly, and, therefore, contravenes all that Hershey symbolizes. I might say, Mr. Speaker, that this minority is the largest minority in this century.

It was not that long ago that I could have counted on the current majority to support my motion to recommit. In a March 30, 1993 letter, signed by 31 Republican leaders, 17 of whom still serve in this body, they wrote then and I quote: ''If congressional reform means anything, it means fairness to the minority in allocation and control of resources.''

I ask my majority colleagues to consider that language of 31 of their leaders. They went on to say that ''reform without fairness is merely shuffling the cards in a marked deck.''

Their letter went on to say further, and I quote, ''A ratio of one-third/two-thirds for all committee staff, investigative as well as statutory, is a sine qua non, an absolutely essential component of, the effort for bridging the institutional animosities that now poison our policy debates.''

It was that criteria of fairness, that PAT ROBERTS and JENNIFER DUNN included in their amendments, and in their motions to recommit on the floor, for which every Republican, save one, DON YOUNG of Alaska, voted in 1993 and 1994, of those Republicans who still serve in this body.

□ 1830

Now let me make it very clear to my colleagues on my side of the aisle. To his credit, the gentleman from California (Mr. THOMAS) has fully adopted the one-third/two-thirds principle for the Committee on House Administration. I have thanked him for that, and I admire him for that. Since 1995 he has given our side one-third of the total funds, one-third of the staff, and control over our share of the resources.

Unfortunately, no other committee chairman has fully followed his lead. Frequently the chairman will speak of 30 percent as though it is the same as one-third. It is not. One-third equals 33.3 percent, not 30 percent, not 29.8, not 31. The 3.3 percent difference can add up to thousands of dollars in lost resources for the minority.

Again, I call my colleagues' attention to the definition of ''fairness'' incorporated in this statement, a definition that was then adopted by every Republican, save one, who was a Member of this body in 1993 and 1994, and is a Member today. However, when the chairmen talk about ''fairness,'' they fail to explain why the minority does not control one-third of the nonsalary budget. That means whenever the minority staff needs to purchase a computer or a copy machine or a box of paper clips, it must ask the chairman for the money to make the purchase, a situation of which the then minority in 1993 and 1994 bitterly complained.

Often chairmen will claim that the minority receives one-third of the committee staff slots. That may in some instances be true, but if the minority does not also receive one-third of the total committed funding, the staff slots may be irrelevant. And if a chairman arbitrarily exempts any portion of a committee staff as nonpartisan administrative personnel even though these employees work full-time in the majority office, then the claim has been inflated.

Another refrain we hear to justify a less than perfect implementation of the one-third principle is that Democrats on some committees did not respect it when they were in the majority, and therefore it has taken time to ''grow'' their budgets to the full one-third. That argument may have worked in the 104th, and perhaps in the 105th, but very frankly it is time to do, Mr. Speaker, what they said on the minority side was fairness. That is the criteria that they set; that is the motion

to recommit that I will offer. It is exactly like that offered by PAT ROBERTS in 1993 and the gentlewoman from Washington (Ms. DUNN) in 1994.

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

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I would only tell my friend from Maryland (Mr. HOYER) that perhaps he should have had the foresight to vote for that motion to recommit. Since he did not and no Democrat voted for it, they sent a pretty clear message that that was not something that they were for. Notwithstanding that, I think my colleagues will find that the new Republican majority has moved in that direction significantly.

Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. EHLERS), a very hard-working member of the committee.

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

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

First of all, I believe this is an excellent resolution. We, as my colleagues know, had some problems the last few years on this particular issue, but it is in much better shape now than it has been in the past, both in terms of a fair distribution and allocation among the committees as well as a modest overall increase which will better allow the committees to do their work.

The remainder of my comments will deal with the issues raised by the previous speaker, which I believe are outlined the ideal that we are striving for. I have Several comments:

First, I have a chart here which reviews the historical development of relative staff allocation between the majority and minority on the various committees. My colleagues will note, as they look at the blue line which denotes, on this chart, the staff levels for the minority that designates the number of minority staff slots that are assigned for the various committees. The minority party resources are shown as a percentage, plotted on the left side, and the red lines indicate resources allocated to the minority. My colleagues can notice here a great jump as one goes from the Democratic-controlled House to the Republican-controlled House.

This jump is something that those of us in mathematics refer to as a step function. There is a discontinuity here. If any of my colleagues understand electronics, they will also recognize this as a diagram of the current flow through a transistor as a function of voltage. We can make a computer out of things like this! But that is not what we are doing here. We are simply pointing out a tremendous dislocation of resources allocated to the minority, comparing the Democratic leadership to the Republican leadership.

I think we deserve a great deal of credit for the improvement the Republicans made immediately upon assuming the majority, and for the continuous improvement we are making now, trying to reach the ultimate goal of 33 percent. We are actually getting fairly close.

The other factor I note is that in doing some research on this, I discovered a Roll Call newspaper article from 1989. I discovered somewhat to my surprise that the Committee on House Administration at that time had set a 20 percent ratio for the minority, which is of course off the bottom of my chart here and does not even begin to compare with what the Republicans have done for the minority in this Congress.

But what is really interesting in this article is a quote from the then-chairman of the Committee on the Judiciary, the gentleman from Texas, Mr. Brooks, who made the comment that he did not see why we even needed the 20 percent figure for the minority because, after all, the Democrats had no say in the staffing of the Republican-controlled executive branch. Following that argument, we of course should be below the 20 percent level now because we now have a Democrat President running the country, and why should we allow the Democrats more than 20 percent? Mr. Speaker, I think that reasoning is faulty, but it is indicative of some of the attitude some Democrats had at that point.

The point is simply that the Republicans have made a very good effort to achieve the goal of a two-thirds majority, one-third minority allocation of resources and staff slots. We are making good progress. Frankly, I hope we get there very soon, and we may be able to do that in the next funding cycle. But certainly no one can fault us for our efforts to achieve that goal. I am proud of what we have achieved, and we will continue to work in that direction.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. DAVIS), a member of the Committee on House Administration.

(Mr. DAVIS of Florida asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Florida. Mr. Speaker, our constituents sent us here to tend to their business and represent their views to the best of our abilities. This debate today is central to fulfilling that mission.

We talk about committee funding. What we are really talking about is whether Members of Congress have adequate resources to represent their constituents in committees, and much of the most important work in Congress, the fact-finding, takes place in committee.

The Democrat minority has made a very fair and responsible request. We make up 49 percent of the House of Representatives, and we are simply asking for one-third of the committee funding. As former Speaker Newt Gingrich once said, giving one-third of the funding to the minority is absolutely indispensable for bridging the institutional animosities that now poison our policy debates. We all know the damage this institution has suffered recently because of venomous partisan clashes. It is my sincere hope that these dark days are behind us and we can forge a stronger bond of trust to work together for the good of our Nation. A more just distribution of resources will take us down this path.

Let me cite the work of one committee as an example of why it is so important that we have the one-third ratio. The performance of the Committee on Government Reform and Oversight illustrates what can happen when there is nothing to rein in an overly zealous partisan agenda. The committee held few hearings, spent huge sums of money, duplicated resources available elsewhere, and even manipulated transcripts to advance their agenda. Had the minority had the opportunity and resources to participate more fully in the conduct of the committee's business, it might have been able to serve as a restraint on this committee's record.

Despite its record, this committee has asked for a 7 percent funding increase while freezing the minority's resources at 25 percent. This is unacceptable.

Back in 1995 the Committee on House Administration stated its goal was to have one-third funding, and the gentleman from California (Mr. THOMAS) has lived up to that goal. Unfortunately, several committees have not.

Let me close with two final points. There has been a lot of talk about what the Democrats did and what the Republicans have done. It is important to keep in mind that over 43 percent of the House Members serving here today, 189 Members, did not serve in this Congress prior to 1994. We are not so much interested in the history of who did what to who. We are interested in serving our constituents and moving forward.

One of my favorite sayings is: ''Everybody is entitled to their own opinion, but not to their own version of the facts'' And we all know, Democrats and Republicans, that one of the places where we can come together and minimize disagreement is agreeing upon what the facts are. Unless the Democrats have the staff support they need to do their work so we can come together on the fact-finding in the committees, then we cannot truly do what we were sent here to do, which is debate our opinions.

I urge my colleagues to vote against the resolution today and to support the Hoyer motion to recommit.

Mr. THOMAS. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I know there are a lot of Members who have not been here long and therefore their history is not as deep or as long as some others. I am going to introduce the new chairman of the House Committee on the Judiciary.

This is a headline from Roll Call, March 27, 1989. The headline says: ''Six Committees Fail to Meet the New 20 Percent Minority Ratio Test.'' The Democrats were using a 20 percent goal. On the Committee on the Judiciary the ratio in 1989 was 82 percent to the majority, 18 percent to the minority. That is clearly unacceptable. But when we have to move funding of a committee the size and scope of this one, and this one was not alone, we have got to move over time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the chairman of the House Committee on the Judiciary, who is here to tell us what we are doing in the 106th Congress.

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

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

This institution is charged with a critically important function. We are elected to adopt policy and to oversee its implementation. The enormity of this responsibility is sometimes forgotten as we go about our day-to-day business, but we all know that without the assistance of experienced staff we could not possibly keep ourselves sufficiently informed on the workings of a government that will spend nearly $1.8 trillion in the year 2000. The committees must be adequately funded and staffed if Congress is going to have any ability to make informed judgments as to the operation of that government or the existence of unmet needs.

Given the enormity of this task, I believe that the $180.4 million, 2-year budget that the Committee on House Administration has proposed for the 19 House committees will be money well spent. As chairman of the Committee on the Judiciary, I can personally attest to the invaluable role that committee staff plays in advising and preparing Members to make difficult policy choices that will shape the laws of our country.

But we cannot expect to attract and retain the high-quality, expert staff we need if we cannot afford to offer salaries that are competitive with the private sector. We must be able to reward good work with merit raises, and we must be able to pay cost-of-living increases when necessary.

Mr. Speaker, that is largely what the modest 1.5 percent yearly increase in this resolution will be used to fund, but beyond that we must make sure that we have sufficient staff to undertake our legislative and our oversight responsibilities.

In the 105th Congress, the Committee on the Judiciary was one of the most active committees in the House. We were referred over 15 percent of the total legislative measures introduced and were responsible for the enactment of 70 bills and 10 private laws. We anticipate the committee will continue if not increase this pace in the 106th Congress.

□ 1845

Statistics are not everything. Our charge is not to turn out legislation with the speed of light but to produce legislation that is thoughtfully and thoroughly considered so it will stand the political and legislative test of time.

A short listing of the issues we deal with in our committee shows the complexity and controversy of our agenda. For example, in the 106th we will take up bankruptcy reform which failed to be enacted in the last Congress. Other high-profile legislation we anticipate handling includes juvenile justice reform and encryption export controls. Religious freedom legislation and a victims' right constitutional amendment, complex and volatile issues that will be on our calendar. Criminalization of partial-birth abortions, employment preferences and set-asides, civil asset forfeiture reform, intellectual property and other high tech legislation are topics we will revisit.

The committees are constantly challenged with trying to stretch inadequate resources to cover all of these issues and more. If we are forced to spread our staff resources too thin, our work product will suffer. I am concerned that we do not have the resources both to continue our legislative pace and do meaningful oversight of agencies under our jurisdiction. That is why I have asked for additional staff to engage in comprehensive oversight of the $21 billion, 120,000 employee Department of Justice.

The Committee on the Judiciary's 2-year, $12.2 million budget allocation pales in comparison with the Federal resources we are charged with overseeing. The work of the committee is ultimately the work of the people, and we must not hamstring them by denying them adequate resources.

I applaud the Committee on House Administration for the well-crafted budget package we are considering and I strongly urge my colleagues to support it.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE), the distinguished ranking member of the Committee on Banking and Financial Services.

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

Mr. LAFALCE. Mr. Speaker, I rise in strong opposition to H. Res. 101, and I urge support for the motion to recommit with instructions offered by the gentleman from Maryland (Mr. HOYER) to guarantee the minority control of at least one-third of the resources of all committees and one-third of disbursements from the reserve fund.

One would think that it is fairly clear that if the ratio in the full House of Representatives is approximately 51 percent to 49 percent, that at the very least the 49 percent should have at least one-third of the human resource allocations and one-third of the funding, but that is not the case, and that is why this resolution is so inherently unfair.

I think that my Committee on Banking and Financial Services is probably in better shape than most with respect to fairness, but even in my own case we have severe difficulties.

For example, in 1994 our committee had 93 slots. The committee's work has increased exponentially and we have reduced the number of slots to 65. Assume that we could understand and accept that, but there is a difficulty. Of the 65 slots, we who have 49 percent of the vote have but 19 of the 65 slots. That is not fundamental fairness. That is not fundamental fairness at all.

It is very difficult to do the job if there are inadequate resources. What is the job that we have to do? Broad housing and economic development jurisdiction, expansive consumer jurisdiction, broad authority over the regulation of financial services firms, substantial economic policy responsibilities, broad authority over all of the international development institutions and global economic issues.

We have one staff person who handles all consumer and community development issues; one detailee who handles international economic issues, since we cannot afford to actually hire appropriate staff.

I recommend approval of the motion to recommit with instructions and defeat of the committee funding resolution.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the new chairman of the Committee on Rules in the 106th Congress.

Mr. DREIER. Mr. Speaker, I rise to simply extend congratulations to the chairman of the Committee on House Administration, my very good friend the gentleman from California (Mr. THOMAS), and just say that he has led us very, very strongly in the direction of creating a very, very strong balance on this issue of minority representation.

Having served in the minority for so many years, we are very sensitive to that concern on this side of the aisle. I believe that the balance that has been struck is a very healthy one, and I hope that the House will move and pass this resolution so that we can begin to address a lot of the concerns that are out there.

Technologically, we need to make sure that the equipment is available. We need to have first class staff, and I think we have that, but we have to compensate them and I think that this measure does just that.

I thank my friend and congratulate him for his fine work.

Mr. HOYER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, on March 30, 1993, as I said earlier, 31 Republican leaders wrote to the gentleman from California (Mr. DREIER) and Mr. Hamilton in their capacity as cochairs of the Joint Committee on the Organization of Congress. The gentleman heard the ''*sine*

qua non'' quote, that one-third of the resources were necessary to overcome the poisonous atmosphere that existed.

Did the gentleman agree with that premise?

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

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

Mr. DREIER. Mr. Speaker, I did. The problem that we faced was that we were never able to get that measure even considered on the House floor, and that was very frustrating for many of us.

Mr. HOYER. I will tell the gentleman that it was considered twice, on a motion to recommit by Mr. ROBERTS, and a motion to recommit by the gentlewoman from Washington (Ms. DUNN), and the chairman of the Committee on Rules voted for it twice. He will have the opportunity to vote for it a third time.

Mr. DREIER. Did my friend, the gentleman from Maryland, vote for it at that time, is the question that we need to ask? We welcome the gentleman to the fold.

Mr. HOYER. Mr. Speaker, the chairman of the Committee on the Judiciary talked about the necessity for resources. Also included in that motion to recommit was a cut of 25 percent of the resources available to the committees. We did not think that was wise at that time.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Speaker, standing before the House today is like deja vu. Two years ago, as the ranking minority member of the Committee on Government Reform, I argued that the House should reject the committee funding resolution because the majority allocated only 25 percent of the budget of the Committee on Government Reform to the minority.

I could make virtually the same statement today. The work of the Committee on Government Reform last Congress was extraordinarily partisan. The committee's campaign finance investigation was widely acknowledged to be one of the most unfair, abusive and wasteful investigations since the McCarthy hearings, and the most expensive congressional investigation in history.

As described by Norman Ornstein, a congressional expert at the American Enterprise Institute, and I am quoting him, the Burton investigation is going to be remembered as a case study in how not to do a congressional investigation.

At the outset of this Congress I hoped that things would have changed. In early January I wrote the gentleman from Indiana (Chairman BURTON) and asked for three things: Fair rules for issuing subpoenas; fair subcommittee ratios; and a fair budget. Unfortunately, the majority rejected each of these requests.

The committee adopted rules that once again allowed the chairman to issue subpoenas unilaterally with no opportunity for the minority to appeal his decision to the full committee. The committee then adopted subcommittee ratios that once again gave the minority far fewer seats than we were entitled to, and today the majority is proposing another unfair budget.

The majority falsely claims that it is substantially increasing minority funding over the last Congress, but that is just an accounting gimmick. As this chart here indicates, the indisputable fact is that the committee Democrats are being allocated only 25.9 percent of the committee's budget, an increase of less than 1 percent over the last Congress, less than 1 percent.

It was 25 percent in the previous Congress; 25 percent in the Congress before that. In the year 2000, Democrats will receive 25.9 percent of the committee's budget. That is not reasonable progress toward the third by anyone's definition. It is not the 33 percent of the budget the majority adopted as House policy. I urge my colleagues to vote against this partisan and unfair resolution.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in 1999, the gentleman from California (Mr. WAXMAN) indicated that there was an accounting gimmick which was being used to distort the percentages. In 1992, the chairman of the Committee on Ways and Means at that time, Mr. Rostenkowski, stated that the committee had 14 shared administrative staff.

In 1994, in the markup, the gentleman from Texas (Mr. FROST) said it is inconceivable that other committees have no nonpartisan staff such as the receptionist, the calendar clerks, et cetera, who serve both the majority and the minority. Many committees have reported them to us.

The Democrats when they were in the majority routinely used the allocation of shared administrative staff. The problem is now, when we in the majority use it, it is somehow an accounting gimmick.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), a very valuable member of the committee.

Mr. MICA. Mr. Speaker, I thank the gentleman from California (Chairman THOMAS) for yielding me this time.

Mr. Speaker, I think tonight what we have to deal with in Congress are the facts. I think the American people and the Members of Congress and history are interested in the facts.

The facts, my friend, are quite simple. In the 103rd Congress, under the Democrat majority, the Democrats expended $223 million to run the committees. The fact is, under the 106th Congress, we are expending $183 million, committee funding of $40 million less than when the Democrats controlled the House of Representatives.

The facts are that the numbers of staff in the 103rd Congress under the Democrat majority were 1,639. The facts are in this budget, proposed by the Republican majority, the staff positions are 1,153; 30 percent less staff.

In addition to staff levels that have been reduced, the Republican majority in these 4-plus years have privatized the dining room, privatized the barber shop, privatized the printing office, provided public parking, which is a new thing that we provided the public, in addition to cutting staff, cutting funding.

We even stopped the delivery of ice to Members' offices, long after refrigerators were instituted, with an additional 12 staff cuts. Those folks do not deliver ice anymore to us, even though we have refrigerators.

We did all of this and we did it fairly, because I stood up here in the 103rd Congress and held up a chart similar to this that said 55 to 5. We may recall, and history recorded it very well in the CONGRESSIONAL RECORD, and that was the staff ratios on the predecessor of the Committee on Government Reform, which was Government Operations, 55 to 5. I just made a new one for tonight. This is the ratio accorded to us.

In this budget, in fact, we give them 28 percent of the budget and 30 percent of the staff. If we just take a minute and look at the minority resource comparison, and these are the facts, my colleagues, 33 percent more we are providing. In the 103rd, there were only two. In the 106th Congress, the number of committees provided are now 9 with 33 percent of the staff; 25 to 32 percent was 12, is now 8; and less than 25 percent, in the 106th Congress, zero.

□ 1900

We are being fair. We are being even-handed. We are equally distributing the resources in a very progressive manner. The score was 5 to 55 giving the old minority this ratio, very unfair. Today we see an equitable distribution. These are the facts and these are the figures, and this is what we must deal with, Mr. Speaker.

I believe the Republicans have done an excellent job in both allocating resources and at the same time addressing the concerns of the American people. That is cutting the staff and the expense and the bureaucracy in Washington and in this Congress.

Mr. HOYER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. JOHN CONYERS), the distinguished ranking member of the Committee on the Judiciary, and one of the senior members of the Congress of the United States.

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

Mr. CONYERS. Mr. Speaker, I would like to begin by thanking the gentleman from Maryland (Mr. STENY

HOYER) as the ranking member for doing such an excellent job of studying where we are getting to, not where we have been. I love these allusions back into the past, as if they are some guide or reason for injustices to continue into the present.

Now, as one of the most partisan—the ranking member of one of the most partisan committees in this Congress, I want to tell the Members that the funding and staffing problems go right to the core of many of our problems.

I quote the present chairman of this Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE), who has said, ''Two-thirds and one-third ratios are used in the Senate, and I believe its realization in the House would enormously reduce the often acrimonious proceedings to which the House is subjected.'' And yet, and yet, even with some improvements at this late date, we are still trying to get somewhere near this goal.

I am very disappointed. I have little else to do but to urge that we accept the alternative that has been put out that states what everybody keeps saying they support, and yet will not get to. This goes beyond a recommit and final passage, this is the matter of simple fairness.

I, for one, am finding it more difficult to suffer through simple requests for publications, witness travel, stenographers, this is the Committee on the Judiciary, legal publications; no control over the funding. And here we now come, and even in impeachment it was the past Speaker that got us beyond the four out of 18 slots, if Members can believe it, for a committee on impeachment.

I come here very disappointed and not happy at all about the position that we find ourselves in in the 106th Congress. It is unnecessary. This has gone on, this partisanship that affects our resource and staff allocations, and it is now affecting our ordinary work.

For that reason, I am not able to support the proposal that is before us, and I really hope that we can turn this matter back until we get a further understanding of how we reach this very complex physicist's evaluation of one-third and two-thirds.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) who just spoke is on the Committee on the Judiciary now. I indicated that the ratio at that time was 82 percent majority to 18 percent minority on the Committee on the Judiciary, but actually, it was the Committee on Government Operations at that time, and that ratio was 85 percent majority and only 15 percent minority.

Let me also say that the Committee on the Judiciary is getting 10 new staff in this Congress. Rarely does a committee get double-digit increases in their staff, but the Committee on the Judiciary is getting 10 new staff. What is the split? Is it like it was in the old days, eight and two? No. Is it seven and three, the request that they are making? No. Is it six and four? No. Unprecedented in the history of this House, the majority is dividing 10 new staff, five to the minority and five to the majority, a 50/50 split.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), a member of the Committee on House Administration who has now spent enough years in the process of listening to this case to have that kind of institutional knowledge that so many of the Members do not share.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague, the gentleman from California (Mr. THOMAS), the chairman of our committee, for the excellent work he has done in bringing this resolution to the Floor for this Congress that really does bring about a continued effort for fairness for both parties as we try to do our legislative job.

Mr. Speaker, speaking of fairness, there has been an awful lot of it talked about on the Floor tonight. I have been here in the Congress for 8 years. I have spent 6 years on this committee dealing with this issue. Thankfully, the last session of Congress and this session we are dealing with a 2-year budget cycle. We have to go through a lot of this rhetoric every year. It is always acrimonious, because when one is in the minority they always feel like they should have more.

I think my friends on the other side of the aisle will acknowledge that we, the majority now, are treating the minority much more fairly than we were ever treated when we were in the minority.

The gentleman from Maryland (Mr. HOYER) and I had this discussion in the committee last week. When we took control after the 1994 there was a great debate, and there were some on my side in the majority who wanted to treat the Democrats the way they treated us when we were in the minority. Many of us argued that, no, we should treat the minority in the House the same way that we had asked to be treated.

When we look at our efforts at trying to get committee funding for the minority up to the one-third goal, we have made a significant effort. So I think that as we now approach about 31 percent on average, with more than half of the committees at one-third or more, that we are making an honest effort and a good try toward the goal we set out.

We should not forget what is really more I think at the base of the problem and the argument that we are having tonight. It goes back to 1994, when we promised the American people in the Contract With America that we would cut committee funding by one-third.

In 1995, we did cut committee funding by one-third, cutting over $50 million out of the committees, reducing the number of slots. Even today, some 4½ years later, we are spending $40 million less this year than what was spent in 1994, the last year of the Democrat majority. So there is not as much money to go around.

But I remember quite clearly on the opening day of this session of the Congress, when the gentleman from Illinois (Speaker HASTERT) offered the olive branch to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), saying, I think, I am going to do everything I can to go halfway, and maybe even more so at times.

I think what we are asking the entire House to do is to do more with less, to live within the constraints that we promised the American people we would do when we took the majority. The budgets are cut. We are trying to pinch our pennies. If we look at the budget over the next 2 years we will see that there is a 3 percent increase in total. That is 1½ percent per year, well below the rate of inflation.

We made that commitment to the American people that Congress could do more with less. We are trying to make that commitment and keep that commitment, and also at a time while we are treating the minority with the fairness that we had asked for.

Is it perfect? No, it is not. It was not perfect before and it will not be perfect even the next time. But our goal and our word to work towards that one-third goal is genuine, and I think that the minority understands as clearly as I do that we are doing much better in terms of the way we are treating them than the way we were being treated when we were in the minority.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), the President of the incoming freshman class.

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

Mr. BAIRD. Mr. Speaker, I want to thank my colleague, the gentleman from Maryland, and speak today as someone who is new to this institution.

I have been listening for the past number of minutes to people recounting old battles and old wars and old perceived injustices. We are new as freshmen to this institution, our first term. When we came here at orientation we pledged on both sides, Democrats and Republicans, to work together in a spirit of bipartisanship and a spirit of fairness.

It is to that spirit of bipartisanship and fairness that I speak to my Republican colleagues today. I have to ask a simple question: If the ratio of Members in this House is divided 49 to 51, how is it possibly fair that the ratios in terms of funding for committees should be less than one-third to two-thirds? This is not, today, about injustices of the past. This is about a simple discussion of what is fair and what is right and how we should conduct ourselves.

I am calling today on my colleagues on both sides of the aisle, freshman Democrats and freshman Republicans, to ask a simple question: What is fair, and do we stand for fairness?

I would submit that the request that has been made as a minimum of one-third to two-thirds ratio is perfectly fair. In fact, it is factually quite imbalanced, but we are only asking one-third to two-thirds. I would call on my friends and colleagues from the Republican side to join with me and with the freshmen to achieve that balance which just a couple of years ago people asked to achieve, and which frankly is perfectly just, perfectly reasonable, and would set this institution on a true bipartisan course.

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

Mr. Speaker, I would tell the gentleman from Washington that in the spirit of Hershey, when a gesture is made, that gesture ought to be returned. Now, I would tell the gentleman that if he would examine the committee funding, there are a number of committees that exceed that one-third request that is being made: The Committee on House Administration, the Committee on the Budget, the Permanent Select Committee on Intelligence, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Small Business, the Committee on Agriculture, the Committee on Veterans' Affairs, the Committee on Banking and Financial Services. One hundred sixty-seven Democrats sit on a committee that now meets the two-thirds/one-third ratio.

So I am not looking at the past, I tell my friend, the gentleman from Washington, I am looking at today. One hundred sixty-seven Democrats are now sitting on committees that meet that figure. The reason the other committees have not moved is that they had such an egregiously low base. We have made progress every Congress so that no committee is less than 25 percent, and we will continue to make progress.

It would seem to me that as a new Member, in the spirit of Hershey, if we reach out to one hundred sixty-seven Members of the Democratic Caucus, at least one would reach back and say, thank you, the two-thirds/one-third is appropriate, it is necessary. The one hundred sixty-seven Democrats, by their vote, can prove that what we are choosing to do is right and proper. It will be quite surprising to me if not one Democrat out of the one hundred sixty-seven reaches his or her hand across the aisle to say, you are doing what you committed to do, that which we never did.

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

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

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

Mr. Speaker, I really would like to speak to my dear friends and colleagues on the other side of the aisle and state that, in the spirit of Hershey, a one-third/two-thirds split is totally fair, and builds on two votes that were taken on this floor that supported such action.

As my dear colleague just pointed out, there has been some progress, but when the majority created a new committee, the Census Committee, this would have been a perfect opportunity, an absolutely perfect opportunity to put forward the fair two-thirds/one-third division.

☐ 1915

But what happened when they created a Subcommittee on Census is they only provided the minority with 25 percent of the resources, not 33.3 percent, but 25 percent of the resources. In the ratios of slots of Members assigned to the committee, it was terribly unfair, 11 to 4, 11 Republicans to 4 Democrats in the allocation of slots.

The census is supposed to be about fairness and fair counts. This would have been an opportunity to implement the one-third/two-thirds division. But my colleagues gave us 25 percent, the same as what my colleagues gave the Committee on Government Reform and Oversight over the past 6 years. There has been absolutely no movement.

I must say that the Republican funding resolution, which does include a 3 percent increase, does nothing to guarantee the minority a fair one-third/two-thirds split in resources.

The reserve fund is allocated at $3 million for the 106th Congress, but the Republicans are allocating $2.4 million to the Subcommittee on Census of the Committee on Government Reform, money that came out of the reserve fund in the 105th. Democrats are only getting 25 percent and again only four of the 15 slots.

I call upon my colleagues on both sides of the aisle in the spirit of Hershey to support fairness, the one-third/two-thirds split, the Hoyer amendment, and motion to recommit.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I tell the gentlewoman from New York (Mrs. MALONEY) that we are beginning in the name of Hershey, to call out. Perhaps we can bring it a little closer to home. I have a Roll Call editorial from earlier this month, March 4, which I think is quite succinct in summing up much of the debate that we have heard so far. The editorial says, ''Quit Whining''. It says, ''The more we look at history, the less it appears the Democrats have much basis to whine.''

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

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, what I told Roll Call, and what I repeat now, is that we are not whining. We are reminding our Republican colleagues, who said when they were in minority, that fairness was one-third of the resources of the committees. We are now reminding them of their statement and saying, if they want fairness, do fairness. Do it tonight.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ), ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Speaker, I rise today in strong support of the motion to recommit. We should not make this a Republican issue or a Democratic issue. It is a simple matter of fairness. By adopting this motion, we will help both parties to better serve the American people.

I recently became the ranking member of the Committee on Small Business, and I must commend the gentleman from Missouri (Chairman TALENT) for the bipartisan manner in which he has run the committee. Even though we do not always agree on policy, the gentleman from Missouri (Mr. TALENT) has made every effort to accommodate both myself and my staff and to run the committee in a fair manner. Although we have had some difficulties with funding, once the gentleman from Missouri (Mr. TALENT) became aware of the problem, he worked to rectify it.

We are now working out our problems through the committee process, and I would like to commend the gentleman from Missouri for working with me to solve this problem. The bipartisanship of our committee should serve as an example to the rest of Congress.

However, too often committee funding has been used as a political tool. Too often the party in the majority has turned committee funding into a partisan issue. This must change.

I have told the gentleman from Missouri (Chairman TALENT) that the minority should control one-third of the committee's budget. This is only fair, and this is what this motion will do. As the ranking members, we are committing ourselves today to ensure that the minority party will be able to serve the Members and the American people.

I for one do not believe that access to periodicals, journals, computer software and basic office supplies should be turned into political game. These things are needed to properly run any office and to provide a basic level of service to those Members serving on a committee.

Six years ago, the Republican minority talked about using a one-third/two-thirds ratio as a way to help bridge the institutional animosity which too often plagues this body. Today we are asking them to deliver on this promise. I urge both sides of the aisle to support the motion to recommit.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER), one of our Members who I think has demonstrated a commitment to fairness throughout his career here.

Mr. ROEMER. Mr. Speaker, I want to thank the gentleman from Maryland for yielding me this time, and I rise in favor of the motion to recommit.

But first of all, I want to address what this debate is about. I do not need a chart. I do not need a graph. I do not need to put all kinds of statistics and facts and figures out there. This is very simple. It can be about one word, and that is fairness.

It is the fairness, if the Democrats represent 49 percent of this Chamber, they should get 49 percent of the funding. If Republicans represent 49 percent of the Chamber, they should get 49 percent of the committee funding. It is so critically important to be fair on this funding resolution for committee work.

Such scholars as Richard Fenno have said that the work of Congress is the work of its committees. We can have our partisan fights out here on the floor, and I hope we would be civil about it; but back in our committee rooms across the halls, I would hope that we could be bipartisan and fair about how we fund our committee staffs and our trips to our Districts and how we allocate funds to represent those Districts.

Woodrow Wilson, who was a scholar and a President, talked about the importance of committee work in representing our constituents. I hear time and time again from the other side about 1989 and what the Democrats did, and they admit it was wrong; in 1992 what the Democrats did, and they say it was wrong.

Mr. Speaker, we study history in order not to repeat the mistakes of the past and not to justify action today that is based on mistakes of yesterday.

I would hope both sides could come forward and commit, whether Democrats or Republicans have the majority, after the year 2000 elections, that we would agree simply on fairness to fund these committee resolutions at the percentage of the respective bodies on both sides.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules and also a member of this new majority leadership team, to discuss this resolution.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in support of the committee funding resolution as fair and responsible legislation that will allow our committees to fulfill their policy, legislative and oversight responsibilities to all the American people.

I see no reason why any Member of the House should oppose this legislation.

First of all, this committee funding resolution is fiscally responsible. It provides a modest 3 percent increase in overall funding for our committees. That is a mere 1½ percent increase each year. This increase recognizes some of the modernization needs of our committees, while adhering to the principle of doing more with less.

This committee funding resolution is fair to the minority. It moves more committees toward the overall goal of allocating one-third of committee resources to the minority's control. In fact, nine committees of the 106th Congress will provide one-third or more of their resources to the minority. This compares to only two committees that met this goal in the 103rd Congress when Republicans were in the minority.

Under the Republican majority, 31 percent of staff is allocated to the minority, and 32 percent of staff salaries go to the minority. So I think the cries from the other side of the aisle that they are being mistreated and misused are just disingenuous or, at the very least, some people have very, very short memories.

Further, the committee funding resolution scales back the reserve fund to 62 percent. Instead of offering a tempting pot of overflowing dollars for committees to dip into, this reserve fund will serve as a true rainy day fund for the unanticipated needs that are likely to arise over the course of 2 years.

Finally, Mr. Speaker, it is important to point out how very far we have come since the Republicans took over control of Congress. This year's committee funding resolution is still $40 million less than the 103rd Congress. The overall number of committee staff is still 30 percent below the staff levels of the 103rd Congress. Again, we are doing more with less in the true spirit of government reform.

Above all, Mr. Speaker, there is much work which we, in a bipartisan way, must accomplish for the American people. Much of this work is done in our congressional committees by very talented, very hardworking staff on both sides of the aisle. We should pass this committee funding resolution to ensure that that work gets done. I urge support of this resolution.

Mr. HOYER. My understanding is, Mr. Speaker, that we have 3½ minutes remaining.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Maryland (Mr. HOYER) has 3½ minutes remaining. The gentleman from California (Mr. THOMAS) has 3½ minutes remaining.

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

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

Mr. HOYER. Mr. Speaker, the gentlewoman from Ohio (Ms. PRYCE) used the word ''disingenuous,'' and then she changed it. I know she did not mean to cast any aspersions, nor do I.

The gentlewoman from Ohio, like 109 of her colleagues who were here in 1993, voted for the motion to recommit that I will offer. She voted that one-third of the resources represented fairness.

I will tell the gentlewoman from Ohio that, notwithstanding the representations of the gentleman from California (Mr. THOMAS), chairman of the committee, he and I disagree on the assertions. There is but one committee that provides one-third of the resources and control to the minority—just one. To his credit, it is the committee of the gentleman from California (Mr. THOMAS). No questions asked. As the gentleman from California has pointed out, it is really more than one-third of the resources, because we divided equally a staffer on the Joint Committee on Printing.

My friends, if we want fairness, we need to give fairness. It has been said that we did not do right. Let me accept that premise. Is it, therefore, to be like the Hatfields and McCoys—that you did not do right, so we are not going to do right, and we will continue to fight? We will continue to create a poisonous atmosphere, of which the gentleman from Illinois (Mr. HYDE) spoke, and of which 30 other Republican leaders in their letter spoke, when they—not the Democrats—but the Republicans said ''one-third of the resources, not just staff, but of the resources available is fairness.''

I am offering a motion to recommit, which was offered by the gentlewoman from Washington (Ms. DUNN) and Mr. ROBERTS. The gentlewoman from Washington (Ms. DUNN) said, and I will not quote it all, for my colleagues can see it here on the chart, ''The American people have been clear about something else, as well, Mr. Speaker. They want fairness, bipartisanship, and responsibility in spending from their Congress.''

She went on to say, ''I want to use my time, Mr. Speaker, to talk about how, even at this 11th hour, the House could move toward fairness and reform taxpayers so earnestly desire.'' She said, therefore, among other things, ''that we achieve the goal by limiting the majority to a 2 to 1 staff advantage.'' One-third/two-thirds.

□ 1930

I am going to offer that motion to recommit. I will pass out a sheet that will show my colleagues how they voted on it before. Only one Republican voted against that, and that was the gentleman from Alaska (Mr. YOUNG).

Mr. ROBERTS said in 1994, and I want all my colleagues to see this. This is Mr. ROBERTS. ''If lightning strikes, and the sun comes up in the west, and Republicans take over Congress, we are going to do that for you. You will at least get one-third.''

The Sun came up in the west, much to the chagrin of my side of the aisle, my colleagues. And my Republican colleagues said when it did, we would get one-third. It is time to redeem that promise. Vote for the motion to recommit that I offer, as previously offered by the gentlewoman from California (Ms. JENNIFER DUNN) and Senator PAT ROBERTS, then Congressman PAT ROBERTS.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

The gentleman from Maryland noted that that was former Representative PAT ROBERTS. He is not here to vote on the resolution or the motion to recommit. As a matter of fact, when the motion to recommit was presented previously, as has been indicated by the gentleman from Maryland, not one Democrat voted for the motion to recommit. Not one.

Had they been prescient about the sun coming up, maybe some of them would have, and then, of course, we would have accomplished our goal. It would have been locked in. But since they did not have the foresight, since they left us with 12 percent of the resources, 15 percent of the resources, 18 percent of the resources, when we became the majority we had to start building toward that one-third. We have built toward that one-third in every Congress we have been in the majority.

Under the leadership of the Speaker, the gentleman from Illinois (Mr. HASTERT), this majority, in House Resolution 101, is not repeating the mistakes of the past. This committee resolution is the fairest and most equitable in the recorded history of the House.

One hundred sixty-seven Democrats sit on a committee that divides the resources two-thirds, one-third. I would think that if my colleagues missed their opportunity on the motion to recommit to lock in two-thirds, one-third, some of my Democratic colleagues would be smart enough to lock in the two-thirds, one-third on those committees.

Give us some votes so that I can say yes, the Democrats get it. The more we work together, the more we are able to give my colleagues the two-thirds, one-third. Instead, my colleagues say we have to deliver all the votes.

The next time we do the committee resolution, this majority, in the 107th Congress, I am going to turn to these people and ask them what they need. Because we reached across the aisle in the spirit of Hershey and said 167 Democrats have got what they want. Give us one vote; we will return the gesture on the motion to recommit, just as my colleagues did on ours. But, please, on final passage, on this House Resolution, the fairest and most equitable in the history of the House, give us at least one Democrat.

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

[From Rollcall, Mar. 4, 1999]

QUIT WHINING

The evidence suggests that Speaker Dennis Hastert (R-Ill.) really does mean to reach out to Democrats and make the House a less ferocious place than it was under ex-Rep. Newt Gingrich (R–GA). We suggest that Democrats stop grousing and meet him halfway—at least to the extent of not boycotting this month's Hershey, Pa., civility retreat.

Hastert is meeting regularly with Democrats on budget issues and is promising to permit votes on raising the minimum wage and campaign finance reform. Meanwhile, House Administration Chairman Bill Thomas (R-Calif.) may help Democrats gain a larger share of the budgets on the Judiciary and Government Reform Committees.

Democrats have been loudly complaining about membership ratios of committees and about committee budgets and some ranking members have cited the disparities as reasons they refuse to co-operate with leadership efforts to bring GOP and Democratic Members and their families together for the weekend of March 19–21 at Hershey.

The more we look at history, the less it appears the Democrats have much basis to whine—although they should note well how ill-used they feel and vow to do better by the Republicans should Democrats be returned to power in the House.

In 1993, when Democrats last were in the majority, Republicans held 41 percent of House seats, but Democrats accorded them an average of 24 percent of committee staff positions—falling to 13 percent on the old Government Operations Committee and 11 percent on Judiciary. Democrats now are complaining that they only control 25 percent of the resources on Government Reform and 23 percent on Judiciary.

Back then, Republicans complained that fairness demanded they get at least one-third of committee budgets and staff slots rather than less than one-fourth. By this standard, Democrats have little to which they can object—except on Judiciary and Government Reform where they get just a quarter of committee resources.

Funding ratios meet or nearly meet the one-third majority standard on Budget, Education and the Workforce, Rules, Veterans' Affairs and House Administration. On most other committees the GOP-Democratic ratio is nearly 70–30—not up to the ideal, but better than the 76–24 average back when Democrats ruled the House.

As we've noted before, the same basic situation prevails with committee assignments. Democrats say that they should have something like 48.5 percent of committee slots, reflecting their strength in the House, but actually have between 41 and 45 percent on major committees. In 1993, though, Republicans averaged 38 percent of the slots on major committees, not their 41 percent in the House.

We suggest that Democrats and Republicans talk about these problems, among others, at Hershey. Now that the Gingrich era is over—and in spite of the recent impeachment unpleasantness—it ought to be possible to begin solving them.

MINORITY RESOURCE COMPARISON—103rd CONGRESS VS 106TH CONGRESS

	Democratic Majority, 103rd Congress	Republican Majority, 106th Congress
33% or more	2	9
25% to 32%	12	8
Less than 25%	5	0

Committees with non-partisan staff, Armed Services and Standards of Official Conduct, are not listed.

Authorized by the Committee on House Administration.

Mr. Speaker, I rise today in opposition to this Resolution, which sets the funding for our Committees here in the House. This resolution is an important one, because in many respects, with its passage, we begin to erode the spirit of bipartisanship that I had hoped would permeate the work of the 106th Congress.

When the Majority first took control of the House, we had expected that they would still respect the views, if not the voting power, of the Minority. Yet that has not been the case. Here, half a decade down the road from the "Contract with America," we see that the Minority is limited to just 28% of the House budget. This is appalling in light of the fact that we are just five votes short of holding a majority of our own. In fact, this resolution takes away almost half the value of our vote—and the value of the resources that we have for the constituents that we represent.

For those of you who believe that Committee funding makes little difference in how the policies of our country are forged I must note that the two Committees which reported the most partisan legislation, the Committee on Government Reform and the Committee on the Judiciary, have the worst funding ratios. As it stands in the current form of the resolution, the Judiciary Committee on which I sit, has approximately three-quarters of its resources dedicated to the Majority. As the Ranking Member of the Subcommittee on Immigration and Claims, I find that deeply disturbing because it means that theoretically, my staff is outnumbered three to one as it regards my Republican counterpart.

The Democratic alternative to this bill is much more palatable to our common sensibilities—although it still does not do all that it could to recognize our small numeric deficit. It simply asks that one-third of all Committee funds are designated for Minority use. The difference between the two resolutions is a mere 5%, surely a small price to pay to guarantee a more cooperative environment here in the House of Representatives.

I would hope that all of my colleagues would vote to defeat H. Res. 101, and for the Democratic alternative.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the committee amendment in the nature of a substitute and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

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

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am in its present form, Mr. Speaker.

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

The Clerk read as follows:

Mr. HOYER moves to recommit House Resolution 101 to the Committee on House Administration with instructions to report promptly back to the House a resolution identical to the text of House Resolution 101 as amended by the House, except as follows:

(1) Strike sections 1, 2, and 3 and insert the following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture,

$8,414,033 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $10,342,681 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Banking and Financial Services, $9,307,521 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $9,940,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $15,285,113 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $11,200,497 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $19,770,233 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on House Administration, $6,251,871 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence, $5,164,444 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $11,313,531 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $12,152,275 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $10,567,908 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $5,069,424 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $8,931,726 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Small Business, $4,148,880 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $2,632,915; Committee on Transportation and Infrastructure, $13,220,138 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $4,735,135 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $11,930,338 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,101,062 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $5,047,079 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member: Committee on Banking and Financial Services, $4,552,023 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $4,970,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $7,564,812 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $5,908,749 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $9,773,233 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on House Administration, $2,980,255 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence $2,514,916 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $5,635,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $5,787,394 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $5,208,851 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $2,488,522 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $4,410,560 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Small Business, $2,037,466 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $1,272,416; Committee on Transportation and Infrastructure, $6,410,069 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $2,334,800 (⅓ of such amount, or such greater percentage as may be agreed by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $5,814,367 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

SEC. 3. SECOND SESSION LIMITATIONS

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,312,971 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $5,295,602 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Banking and Financial Services, $4,755,498 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $4,970,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $7,720,301 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $5,291,748 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $9,997,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member): Committee on House Administration, $3,271,616 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of

the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence, $2,649,528 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $5,678,531 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $6,364,881 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $5,359,057 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $2,580,902 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $4,521,166 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member; Committee on Small Business, $2,111,414 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $1,360,499; Committee on Transportation and Infrastructure, $6,810,069, (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $2,400,335 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $6,115,971 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

(2) Strike section 6 and insert the following:

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund of $3,000,000 for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration. Of the amount allocated to a committee from the fund, ⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member.

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 218, not voting 11, as follows:

[Roll No. 65]

YEAS—205

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

NAYS—218

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

NOT VOTING—11

Ackerman	Ganske	Sanchez
Brown (CA)	Goodling	Saxton
Cardin	Myrick	Stupak
Cox	Neal	

□ 1952

Messrs. TOOMEY, BURTON of Indiana, and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 210, not voting 8, as follows:

[Roll No. 66]

AYES—216

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

NOES—210

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

NOT VOTING—8

Ackerman	Cox	Saxton
Brown (CA)	Myrick	Stupak
Cardin	Neal	

□ 2010

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the Chair appoints the following conferees on the bill (H.R. 800) to provide for education flexibility partnerships:

Messrs. GOODLING, HOEKSTRA, CASTLE, GREENWOOD, SOUDER, SCHAFFER, CLAY, KILDEE, GEORGE MILLER of California, and PAYNE.

There was no objection.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to allow all Members 5 legislative days to revise and extend their remarks on House Resolution 101, just agreed to.

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

There was no objection.

PROVIDING FOR REAPPOINTMENT OF BARBER B. CONABLE, JR. AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 26) providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I yield to the gentleman from California, chairman of the Committee on House Administration, for the purpose of explaining the resolution.

Mr. THOMAS. I thank the gentleman for yielding. Mr. Speaker, this is in fact an appointment of regents of the Smithsonian Institution. There is a 17-member board. It is composed of the Chief Justice and the Vice President of the United States, three Members of the House of Representatives, three Members of the Senate, and nine citizens who are nominated by the Board and approved jointly in a resolution of Congress. This is the first of three joint resolutions that we will present, and as was indicated, this provides for the reappointment of our friend and former colleague, Barber Conable of New York.

Mr. HOYER. Mr. Speaker, proceeding under my reservation, we obviously will not object. We support not only this resolution but the next two resolutions that will be offered for the purposes of accomplishing the objectives set forth by the chairman. I will not object to the next two and will allow them to pass simply by unanimous consent immediately upon being read.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 26

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Barber B. Conable, Jr. of New York on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution 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.

□ 2015

PROVIDING FOR REAPPOINTMENT OF DR. HANNA H. GRAY AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H. J. Res. 27) providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Dr. Hanna H. Gray of Illinois on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution 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.

PROVIDING FOR REAPPOINTMENT OF WESLEY S. WILLIAMS, JR. AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 27) providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Wesley S. Williams, Jr. of the District of Columbia on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution 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.

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.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 1999 AND THE 5-YEAR PERIOD FY 1999 THROUGH FY 2003

The SPEAKER pro tempore. Under a previous order of the House, the Gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1999 and for the 5-year period fiscal year 1999 through fiscal year 2003.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of March 17, 1999.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by the interim allocations and aggregates printed in the RECORD of February 3, 1999, pursuant to H. Res. 5 for fiscal year 1999. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1999 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the ''section 302(a)'' allocations for discretionary action made under the interim allocations and aggregates submitted pursuant to H. Res. 5 for fiscal year 1999 and for fiscal years 1999 through 2003. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1999 with the revised ''section 302(b)'' sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that if at the end of a session the discretionary spending, in any category, exceeds the limits set forth in section 251(c) as adjusted pursuant to provisions of section 251(b), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE INTERIM ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 1999 AND FOR FISCAL YEAR 1999 TO 2003

[Reflecting Action Completed as of March 17, 1999 (On-budget amounts, in millions of dollars)]

	Fiscal year 1999	Fiscal year 1999–2003
Appropriate Level (as authorized by H. Res. 5):		
Budget Authority	1,444,851	NA
Outlays	1,393,291	NA
Revenues	1,368,374	7,284,605
Current Level:		
Budget Authority	1,443,553	NA
Outlays	1,393,074	NA
Revenues	1,368,396	7,284,616
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	−1,298	NA
Outlays	−217	NA
Revenues	22	11

NA=Not applicable because appropriations Acts for Fiscal Years 2000 through 2003 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 1999 in excess of $1,298 million (if not already included in the current level estimate) would cause FY 1999 budget authority to exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

OUTLAYS

Enactment of any measure providing new outlays for FY 1999 in excess of $217 million (if not already included in the current level estimate) would cause FY 1999 outlays to exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

REVENUES

Enactment of any measure that would result in any revenue loss of FY 1999 greater than of $22 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5. Enactment of any measure resulting in any revenue loss greater than $11 million for FY 1999 through 2003 (if not already included in the current level) would cause revenues to fall below the appropriate levels set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF MARCH 17, 1999

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation			28,328	27,801
Current Level				
Difference			(28,328)	(27,801)
Armed Services:				
Allocation				
Current Level				
Difference				
Banking and Financial Services:				
Allocation				
Current Level				
Difference				
Education & the Workforce:				
Allocation			610	367
Current Level				
Difference			(610)	(367)
Commerce:				
Allocation				
Current Level				
Difference				
International Relations:				
Allocation				
Current Level				
Difference				
Government Reform & Oversight:				
Allocation			14	14
Current Level				
Difference			(14)	(14)
House Administration:				
Allocation				
Current Level				
Difference				
Resources:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level				
Difference				
Transportation & Infrastructure:				
Allocation	1,205		10,845	
Current Level				
Difference	(1,205)		(10,845)	
Science:				
Allocation				
Current Level				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation			4,503	4,342
Current Level				
Difference			(4,503)	(4,342)
Ways and Means:				
Allocation			19,551	17,310
Current Level				
Difference			(19,551)	(17,310)
Select Committee on Intelligence:				
Allocation				
Current Level				
Difference				
Total Authorized:				
Allocation	1,205		63,851	49,834
Current Level				
Difference	(1,205)		(63,851)	(49,834)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1999—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(B)

[In millions of dollars]

	Revised 302(b) Suballocations				Current Level Reflecting Action Completed as of March 17, 1999				Difference			
	Discretionary		Mandatory		Discretionary		Mandatory		Discretionary		Mandatory	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,587	14,002	41,058	33,087	19,608	19,784	41,058	33,087	6,021	5,782	0	0
Commerce, Justice, State	32,931	31,660	554	555	34,750	32,067	554	555	1,819	407	0	0
District of Columbia	491	484	0	0	620	619	0	0	129	135	0	0
Energy & Water Development	20,909	20,631	0	0	21,696	21,253	0	0	787	622	0	0
Foreign Operations	16,188	12,546	45	45	31,625	12,793	45	45	15,437	247	0	0
Interior	13,370	14,029	58	58	14,071	14,324	58	58	701	0	0	0
Labor, HHS & Education	81,927	80,556	220,443	221,446	83,767	82,542	220,433	221,446	1,840	1,986	0	0
Legislative Branch	2,360	2,340	94	94	2,559	2,365	94	94	199	25	0	0
Military Construction	8,235	9,061	0	0	8,660	9,157	0	0	425	96	0	0
National Defense	250,311	245,031	202	202	257,897	249,071	202	202	7,586	4,040	0	0
Transportation	11,939	39,933	682	678	12,344	40,261	682	678	405	328	0	0
Treasury-Postal Service	13,343	12,558	13,439	13,439	16,809	13,344	13,439	13,439	2,746	1,786	0	0
VA-HUD-Independent Agencies	70,681	80,411	21,540	21,254	71,311	80,512	21,540	21,254	450	101	0	0
Reserve/Offsets	0	0	0	0	(2,400)	(2,400)	0	0	(2,400)	(2,400)	0	0
Unassigned [1]	36,346	13,237	0	0	0	0	0	0	(36,346)	(13,237)	0	0
Grand Total	572,798	576,479	298,105	290,858	572,597	576,692	298,105	290,858	(201)	213	0	0

[1] Unassigned refers to the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b).

SET FORTH IN SEC. 251(C) OF THE BALANCED BUDGET 7 EMERGENCY DEFICIT CONTROL ACT OF 1985

[$ in millions]

	Defense		Nondefense		Violent Crime Trust Fund		Highway Category		Mass Transit Category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps [1]	280,287	272,192	287,550	274,702	5,800	4,953	NA	21,991	NA	4,401
Current Level	279,891	271,202	286,708	274,196	5,798	4,951	200	21,939	1,138	4,404
Difference	−396	−990	−842	−506	−2	−2	NA	−52	NA	3

[1] As adjusted pursuant to sec. 251(b) of the BBEDCA. Statutory caps include contingent emergencies not yet released by the President, but appropriated by Congress.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF MARCH 17, 1999—Continued

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Difference				
Government Reform & Oversight:				
Allocation			14	14
Current Level				
Difference			(14)	(14)
House Administration:				
Allocation				
Current Level				
Difference				
Resources:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level				
Difference				
Transportation & Infrastructure:				
Allocation	1,205		10,845	
Current Level				
Difference	(1,205)		(10,845)	
Science:				
Allocation				
Current Level				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation			4,503	4,342
Current Level				
Difference			(4,503)	(4,342)
Ways and Means:				
Allocation			19,551	17,310
Current Level				
Difference			(19,551)	(17,310)
Select Committee on Intelligence:				
Allocation				
Current Level				
Difference				
Total Authorized:				
Allocation	1,205		63,851	49,834
Current Level				
Difference	(1,205)		(63,851)	(49,834)

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 1999.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1999. These estimates are compared to the appropriate levels for those items contained in Section 2 of House Resolution 5, which has been revised to include an allocation for the funding of emergency requirements, and are current through March 17, 1999. A summary of this tabulation follows:

[In millions of dollars]

	House current level	House resolution 5	Current level +/− resolution
Budget Authority	1,443,553	1,444,851	−1,298

[In millions of dollars]

	House current level	House resolution 5	Current level +/− resolution
Outlays	1,393,074	1,393,291	−217
Revenues:			
1999	1,368,396	1,368,374	+22
1999–2003	7,284,616	7,284,605	+11

Sincerely,

DAN L. CRIPPEN,
Director.

PARLIAMENTARIAN STATUS REPORT—106TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1999 AS OF CLOSE OF BUSINESS MARCH 17, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues			1,368,396
Permanents and other spending legislation	913,530	867,389	
Appropriation legislation	820,708	814,808	
Offsetting receipts	−294,953	−294,953	

PARLIAMENTARIAN STATUS REPORT—106TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1999 AS OF CLOSE OF BUSINESS MARCH 17, 1999—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total previously enacted	1,439,285	1,387,244	1,368,396
Entitlements and Mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	4,398	7,839	
Totals:			
Total Current Level	1,443,533	1,393,074	1,368,396
Total Budget Resolution [1]	1,444,851	1,393,291	1,368,374
Amount remaining:			
Under Budget Resolution	1,298	217	
Over Budget Resolution			22

[1] Includes $1,030 million in budget authority and $430 million in outlays for the funding of emergency requirements.

Source: Congressional Budget Office.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Ohio (Mr. Brown).

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

There was no objection.

PUTTING PATIENTS BEFORE PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, since arriving in Congress over a year ago, I have been fighting for a real Patients' Bill of Rights. I am an original cosponsor of this landmark legislation to rein in health maintenance organizations, the HMOs, and to return decision-making power to patients and their doctors. I am committed to seeing that Congress take decisive action and pass this bill now.

The only way to make comprehensive HMO reform a reality is to work together in a bipartisan way. That is why I was so disappointed last July when powerful special interests overpowered patients and blocked efforts to bring such a comprehensive HMO reform bill to the floor. Instead, they rammed through a Band-Aid that would have done nothing to actually protect patients. Our health care system needs serious medicine, not a political placebo.

The American people deserve better.

As a nurse, I know firsthand the importance of health care that is accessible, of high quality, patient-centered health care. Basic patients' rights can often mean the difference between life and death.

As a Member of Congress, I was recently appointed to the House Committee on Commerce which oversees much of our Nation's health policy. If we are to accomplish anything in the field of health care, passing comprehensive managed care reform must be at the top of our agenda this session of Congress.

Medical decisions need to be made by patients and their doctors, and patients should have all of the information they need to make these critical decisions. These are the plain truths about health care.

Mr. Speaker, this historic measure will guarantee patients basic rights by allowing people to choose their own doctors, ending oppressive gag rules so patients have access to all critical treatment options and establishing health care quality and information standards which we can all follow. Most importantly, this bill will hold HMOs accountable by giving patients critical legal recourse when insurance companies deny necessary medical coverage. If patients can sue their doctors for poor care, they should be able to sue the big insurance bureaucrats who determine these cost-cutting decisions.

Mr. Speaker, last weekend I was privileged to join my colleagues on both sides of the aisle at the bipartisan retreat in Hershey, Pennsylvania. There people of many different philosophical political backgrounds talked about the need to restore civility to government and make our constituents proud. In the spirit of Hershey, I sincerely hope that all of our colleagues will work together to pass in this session a real Patients' Bill of Rights. By putting patients before profits, we can be a Congress that does something real and finally passes comprehensive managed care reform legislation now while we have the opportunity before it is too late.

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

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

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

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

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

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

PASS A PATIENTS' BILL OF RIGHTS

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak about reforming HMOs.

Last year I met a young mother in my hometown of Santa Fe. She was a single mother in her late twenties who was trying to raise a 7 year-old son while working full-time and attending school full-time as well. Now, as anyone will tell you, any young mother in this position would have her hands full. But what made this young woman unique was that her son had a serious medical condition that required access to very specific medical equipment and medication. She met with a family doctor who told them that her child could not lead a normal life without this very specific care. But when she went to her HMO to help pay for it, she received a letter saying her request had been denied. For months she tried to appeal, but it was to no avail. It was not until she threatened to wage a public relations campaign against the HMO and the local press that they reluctantly agreed to pay for the treatment. In the end it worked out for her and her young son, but for many, many more it does not.

Far too often, Mr. Speaker, we hear stories of patients who are left seriously ill or injured as a result of medical negligence by HMOs. These people find their lives in upheaval, not because of a medical mishap on an operating table, but rather because a profit-driven insurance company bureaucrat was more concerned with the bottom line than their well-being.

This must stop. We have got to put our partisan bickering aside and work towards a true bipartisan Patient Bill of Rights. The Patient Bill of Rights must allow doctors and patients to make the medical decisions. We must make sure that doctors and patients are once again allowed to make the medical decisions rather than insurance company bureaucrats. Provide the doctors, not the HMOs deciding the appropriate drugs for patients in their care. We must ensure that patients

who have drug benefits can get the prescription drug their doctor judges they need even if the drug is not on the HMOs' approved list. Access to specialists; we must allow patients, when necessary, to receive referrals to specialists outside their health plan at no extra cost to them.

Specifically, Mr. Speaker, we must make sure that children have access to pediatric specialists. Holding HMOs accountable, we must provide patients with the ability to appeal treatment decisions through both internal and external grievance procedures, and we must give patients the right to hold insurance companies legally accountable when their treatment decisions result in injury or death to a patient.

Pass a comprehensive Patient Bill of Rights. It is the only way we will ever be able to once again put patients before profits.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

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

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

(Ms. BERKLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BERRY. Mr. Speaker, I ask unanimous consent to have the special order time of the gentlewoman from Nevada (Ms. BERKLEY).

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

There was no objection.

MANAGED CARE REFORM

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

Mr. BERRY. Mr. Speaker, I stand here this evening in support of real managed care reform. We have all heard the stories, the countless stories, about people who have suffered because they were not allowed to make their own health care decisions in consultation with their doctors or other health care professionals, stories from people who have lost loved ones because someone behind a desk, not a doctor, made a bad decision. Congress needs to take action on passing bipartisan legislation to provide the American people with basic protections and basic guarantees when it comes to managed care.

Eighty percent of Americans with private health insurance, Mr. Speaker, are enrolled in managed care plans. In many cases, Americans are required to be enrolled in managed care plans because their employers have contracted with managed care companies to achieve cost savings. Congress should act this year to enact a law that contains the following five principles. Here is what we should do, and here is what the American people want:

As I have said before, patients and their doctors, not insurance company clerks, should make decisions about what care is medically necessary. The American people want insurance reforms to be overseen by the States, not by a federal bureaucracy. The American people want real reform that keeps their medical records confidential. They want real reform that includes meaningful protections, like the right to emergency room treatment as defined by any prudent lay person. They want real reform that includes meaningful accountability for a right without a remedy is no right.

Too many people have been denied care under their HMO policies or their managed care policies, and that should not be the way it is in this country. We have quality health care in America, but people have to be sure if they need a particular procedure, a particular operation or particular health care service, that they can have it.

There is widespread support on both sides of the aisle for some type of managed care reform. Every Member of this body voted for some type of reform last year. The American people want and support patient protections. It is imperative to the American people that they see action on managed care reform. Let us give the American people what they want, real managed care reform.

□ 2030

EXCHANGE OF SPECIAL ORDER TIME

Mr. THUNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Kansas (Mr. MORAN).

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

There was no objection.

IT IS HIGH TIME WE RESTORE THE TRUST AND CONFIDENCE OF THE AMERICAN PEOPLE

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

Mr. THUNE. Mr. Speaker, this past weekend I was very disappointed to see our friends on the other side start down the same old track, and that is to try and turn Medicare into a political game. It became clear to me, and I hope that all of our friends will change their mind on that, but that they want to travel down the same old road we traveled before 2 years ago, when Republican proposals to reform Medicare were relentlessly attacked by our colleagues on the other side, only to be supported as part of the balanced budget agreement in 1997 and subsequently signed into law.

The very same reforms that were attacked as a matter of the fall campaigns were then agreed to later on in the year because it became clear that that was the only real solution and responsible thing to do to try and save Medicare for the next generation.

Here we go again. Our friends do not seem interested in a solution. They only want to inflame and scare the American people. How do I know that? Because last week the Medicare commission which was appointed by the President made its recommendations.

Interestingly enough, the two Democrat senators on the commission, Senators KERREY and BREAUX, led the way and then were sold out by the President's appointees on that very commission and blocked the reform proposals that had been laid out.

Why? Because, as the two of them said in a news report last week, it did not spend 15 percent of the surplus on Medicare. The Medicare commission came out with recommendations and proposals that would save $100 billion in Medicare over the course of the next 10 years, but because it did not spend 15 percent of the surplus on Medicare, the President's appointees blocked the commission's recommendations.

Why? I do not know. That is a good question, and I think the American people ought to ask the same question because there is a real matter of trust here when one looks at trying to solve a problem and come up with a sincere genuine solution rather than to demagogue an issue, as we saw again 2 years ago.

The Senate Committee on the Budget had a vote last week on the President's budget, the so-called proposal that would set aside 62 percent for Social Security, 15 percent for Medicare. The Senate Committee on the Budget voted down that proposal by a vote of 21 to zero. Even the President's allies in Congress in the Senate did not want to vote for the budget proposal that he had submitted.

This week, the Republicans will submit their own budget proposal which sets aside for the first time since 1969 all of the Social Security surplus, 100 percent, to be used for Social Security and Medicare and for retirement issues.

I think it is high time that we were honest with the American people. The President's budget spends the Social Security surplus, $220 billion over the course of the next 10 years. We preserve it by setting aside and walling off 100 percent of the Social Security surplus to be used for that purpose. I think this is a significant milestone in American politics, and it is high time that we did it.

It is high time that we restore the trust and confidence of the American people, and I hope that the American people are wise to the charade. Two

years ago it was tried, perhaps to some degree it worked, but make no mistake about it; check the fine print, because I think that the American people will find that when they do that they will see that they have been sold a bill of goods.

This week when we debate this proposal that would set aside and preserve 100 percent of the surplus that we are going to see in this country over the course of the next 10 years for Social Security and Medicare, and not buy into the myths and the same old same old deja vu all over again tactics that have been tried by the other side, I hope we can work together constructively to find reforms in Medicare that will preserve that program and make it viable not only for this generation of Americans but for generations of Americans to come.

PATIENT BILL OF RIGHTS

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

Mr. RODRIGUEZ. Mr. Speaker, it is long time past that the Congress needs to act and act quickly on managed care. Individuals and families are increasingly apprehensive about how they will be treated when they are sick.

A survey last year found that an astonishing 80 percent of Americans believe that their quality of care is often compromised by their insurance plan to save money, and too often their beliefs are well founded.

The Patient Bill of Rights introduced by the gentleman from Michigan (Mr. DINGELL) and Senator KENNEDY last Congress would have ended these particular problems, but we had some difficulties and were not able to pass a particular piece of legislation.

The managed care plan needs to be passed and we need to look at it this year and not allow it to continue. Managed care reform is needed by all Americans, especially those in minority communities.

Let me just highlight one area of concern, access to specialists. The need for specialists is critical for individuals who suffer chronic illnesses. Diabetes, for example, is a disease rampant among a lot of individuals but specifically disproportionately hits Hispanic populations. Many do not know that it is a truly treatable disease and that one needs to have access to specialists in order to be able to treat some of those items.

I do not know if everyone recognizes it, but diabetes is a treatable disease. It is something that can be prevented. With some recent studies, we can identify some of the problems early in life, but we let it go. One of the greatest causes of this particular disease is blindness and loss of limbs.

According to the Center for Disease Control and prevention, every year approximately 16 million people suffer from diabetes alone. Of these, 1.2 million alone are Mexican Americans.

We see the same problem with cervical cancer. Hispanic women especially are disproportionately affected by the disease that is completely preventable also, yet there is limited access to the proper specialists in this area.

We all recognize the growing population of elderly in this country and the need to look at coming up with some appropriate managed care systems.

Without adequate care and medical supervision, diabetes and those with cervical cancer suffer grave consequences. It is a shame because these illnesses can be treated and prevented.

Too often today, managed care is mismanaged care. Decisions on health care should be made by doctors and their patients, and not the insurance company or their accountants or those individuals that are looking at the profit margins.

We appeal to the Republicans, and we appealed last year and this year we again appeal to the Republicans, to allow us to go back to the constituency and allow us to do the changes that need to take place.

The Republicans will say that the Congress passed managed care reform last year. I would ask, what have we had? No real reform, but it is a simple truth. The fact is that we need reform and it needs to happen now.

What we passed here on the House floor was only the fleeting shadow of real reform. Real reform would have included guaranteed access to needed health care specialists and, as I mentioned before, access to emergency room services, continuity of care protection and access to a meaningful and timely appeals process, both internally and externally.

We should take a page out of the book of the Texas State legislature. At the State legislature in Texas we passed managed care reform legislation that addressed the real needs of Texans. There was a scare that this reform would drive up insurance rates. In fact, insurance rates were raised a modest $2.00.

Contrary to popular belief, the HMO liability law has not flooded the courthouse with new lawsuits. It has actually diverted lawsuits and saved money by using an independent review process and solving problems before they go to the Court. About half of the cases in Texas that are reviewed have led to partial or complete overturns of the HMO decisions.

Now it is time for us to pass real managed care reform. It is up to us to come to the plate. It is up to us to make sure that those individuals have access to health care the way they should. It is up to us to make sure that they can see the doctor that they choose to see and not who they want to send them to. It is up to us to make sure that we have a system that is responsive and addresses the needs of those individuals that are hard-hit.

For too long we have waited and we have recognized the problem of the HMOs and the fact that they have not been responsive at all. So it is time for us to come to that point.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. KASICH).

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

There was no objection.

TECH TRENDS 2000, AN HISTORIC EVENT TO TAKE PLACE ON APRIL 6 AND 7 IN PHILADELPHIA

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

Mr. WELDON of Pennsylvania. Mr. Speaker, as chairman of the Subcommittee on Military Research and Development and a senior member of the Committee on Science, I am extremely concerned about our Nation's investment of public money into research and development and new technologies.

In fact, Mr. Speaker, the R&D accounts for defense are expected to decline by about 14 percent. Part of my goal in this session of Congress is to make the need for research and technology real for all of our colleagues, for our staff, as well as for the American people. To that end, an historic event will take place on April 6 and 7 of this year in Philadelphia at the brand new convention center.

Working with Mayor Ed Rendell and the entire delegations of the four States of New Jersey, Delaware, Pennsylvania and Maryland, all 41 House Members and 8 Senators, we have assembled what in fact will be the largest technology conference of its type in the history of America.

For the 2 days of April 6 and 7, every Federal agency that spends research money in America will be in attendance. They will exhibit the kinds of technologies that they are buying today and will give us a look at the kinds of technologies and research that they expect to be funding over the next 10 years. This will truly be an opportunity for all of America to see where we are investing tax dollars in new technologies.

It will be an opportunity for scientists and academics and young people to look at the emerging technologies that we should be funding in the future that they perhaps can compete for. For the 2 days in Philadelphia, we will have Dr. Neil Lane, the White House's top point person on science and technology; from the Department of Defense, Dr. John Hamre, Deputy Secretary; we will have Jack Gansler, in charge of acquisition and

research; Frank Fernandez, who heads DARPA; Admiral Lyles, who heads missile defense; Admiral Gaffney, who heads naval research. We will have Dan Golden, the head of NASA, who will talk about NASA's investment. We will have Dr. Varmus, the head of NIH; Jim Baker, the head of NOAA. We will have the head of the National Institutes for Science and Technology and the deputy director of the National Science Foundation.

Each of these individuals, the top leaders from our government who focus on research and technology, will be available to answer questions and to present a broad overview of the kinds of technology that America needs to focus on in the 21st Century.

During the 2 days we will also have breakout sessions, approximately 20 of them, that will be centered around specific technology areas: information technology, environmental technology, materials technology, technology relative to oceans and outer space, so that young scientists, entrepreneurs and academics can get a feel of where we are spending America's tax money and how we can better spend that money and leverage it to create new opportunities for us to improve our quality of life.

My purpose today is to invite all of our colleagues to come to Philadelphia for April 6 and 7, to invite all the staff members from the House, as well as the other body, and to invite people and companies from all over America to come and look at what we are calling Tech Trends 2000, the kind of technology that we expect to be focusing on in the next millennium.

It is our opportunity to show America where their $80 billion a year of R&D investment is going and how they can take advantage of that. So I encourage our colleagues to invite their university research leaders, to invite their companies, to invite students. Students, graduate and undergraduate, can come to this entire conference for free. There is a small charge for the private companies that would come. It is a golden opportunity to see where America is going in terms of technology in the 21st Century.

It is a bipartisan opportunity. It is an opportunity where the Congress is working hand-in-hand with the White House and all the various Federal agencies, so I encourage my colleagues to attend. It is called Tech Trends 2000. Contact a Member of Congress any place in America, who can get information about this conference and how one can take advantage of this golden opportunity.

SUPPORT A COMPLETE AND THOROUGH COUNT OF EVERY CITIZEN IN THIS COUNTRY FOR THE NEXT CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I take pride in joining my Democratic colleagues in supporting a complete and thorough count of every citizen in this country for the next census.

The year 2000 will usher in a new year, a new decade, a new century and a new millennium. It is more important now than in any other time in our history to ensure that every citizen will be counted and that that count will be as accurate as possible.

The 1990 undercount of 4 million people had a disproportionate effect on minorities, women and children, particularly women on ranches and farms. Many individuals were denied an equal voice in their government.

□ 2045

Millions were double-counted, and millions more were not counted at all.

Census data directly affects decisions made on all matters of national and local importance, including education, employment, public health care, housing, and transportation, among other things.

Federal, State, and county government use Census information to guide the annual distribution of hundreds of billions of dollars in critical services. The data is also used to monitor and to enforce compliance with civil rights statutes, employment, housing, lending, education, and antidiscrimination laws.

Finally, the accuracy of the Census directly affects our Nation's ability to ensure equal representation and equal access to important governmental resources for all Americans.

Ensuring a fair and accurate Census must be regarded as one of the most significant civil rights issues facing the country today. If we accept the current Census count of nearly 2 million farms in the United States, only 6 percent will be represented as being operated by women. This small percentage reflects that women on ranches and farms have been severely undercounted. This inaccurate count is also due to the type of information collected by the Census Bureau and the Department of Agriculture in their yearly count.

Mr. Speaker, everyone counts. Minorities count. Women and children count. Young men and elderly men count. Farmers and small business owners count. Rural Americans count. Urban Americans count. Suburban and inner city dwellers count. In America, Mr. Speaker, we all count. Let us have a Census that does just that, count all of us fairly and accurately. Let us count the Census correctly.

EDUCATION SAVINGS ACCOUNTS

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

Mr. LIPINSKI. Mr. Speaker, I rise today to speak about education savings accounts, also known as education IRAs. These ESAs are the wave of the future, as they will give families the tools to help their children receive a quality education.

I am very proud to be a lead cosponsor of H.R. 7, the Education Savings and School Excellence Act of 1999. Current law allows only parents to put away $500 a year in an ESA. It does not permit funds in that account to be used for K through 12 education. H.R. 7 allows families to put up to $2,000 a year into an education savings account to be used for tuition or school expenses for K through 12 and higher education.

As a parent, I know how hard it is to save money to send children to private school or to pay for books and supplies. As a congressman, I hear daily how hard it is for my constituents to keep up with the rising cost of educating their children.

This legislation would give parents the tools to help their children succeed in school by allowing them to put away money in a tax-free account to help defray expensive education costs.

Mr. Speaker, I am a big proponent of choice. This bill gives parents the choice to send their children to the best school possible, public or private. It also offers them the choice of buying computer equipment or getting access to the Internet.

I know that opponents of this measure say that we are leaving poor students behind in bad schools. This is completely and absolutely wrong. I and other cosponsors of this bill support public school education, and do not want to take money away from them. This bill encourages families to use education savings accounts to supplement a student's public education by paying for a high-cost item such as computer equipment.

In fact, studies have shown that 75 percent of all families using these accounts will use them to support children in public schools. That is why parents of all backgrounds support education savings accounts, because it will give students the tools they need to excel in the 21st century.

In my hometown of Chicago, the Catholic Archdiocese has an unparalleled record of educating students of all racial and economic backgrounds. However, the Archdiocese faces serious economic challenges, and Cardinal George of Chicago supports this measure because it will allow the Archdiocese to continue to play its part in teaching the youth of Chicago.

He has worked closely with Mayor Daley, because both of them know that Chicago's public schools cannot educate the children of Chicago by themselves, and it must be a collective group effort. Mayor Daley in turn also supports education savings accounts, because he knows it will help students get a good education.

Mr. Speaker, I urge all of my colleagues, Democrats and Republicans,

to cosponsor H.R. 7 so we can give current and future generations of schoolchildren the tools to be the brightest in the 21st century.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

(Mrs. ROUKEMA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE HANDLING OF THE MANAGED CARE ISSUE IN THE 106TH CONGRESS

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

Mr. PALLONE. Mr. Speaker, the managed care issue was left unfinished in the 105th Congress. On the House side, the Democrats' Patients' Bill of Rights was defeated by just five votes when it came to the Floor for a vote. It was considered on the Floor as a substitute to the Republican leadership's managed care bill, which did pass and which, in my opinion, was worse than having no reform at all.

The Republican bill was a thinly-veiled attempt to protect the insurance industry from managed care reform, and not a single Democrat voted for it. It was a show of solidarity on the Democratic side unlike any in the last Congress, and for a very good reason. The Democrats' Patients' Bill of Rights is the best, most comprehensive managed care reform bill in Congress today. It was reintroduced in February by the gentleman from Michigan (Mr. DINGELL) with over 170 cosponsors and the support of over 170 patient, physician, medical, and consumer groups.

We are hoping to have this bill moved through the regular committee process at some point this year. Unfortunately, in the last Congress the Republican leadership, fearful of what might happen if it allowed the regular committee procedures to take their course, bypassed the committee process.

Mr. Speaker, the big question in this Congress, once again, centers on how the Republican leadership is going to proceed with the managed care issue. If the preview we got last week in the Senate is any indication, the American people are once again going to be sold out by the Republican Party in an act of appeasement to the insurance industry.

Last Thursday the Senate Health, Education, Labor, and Pensions Committee repeated the same charade we witnessed last year and approved a managed care bill designed to protect the insurance industry and not the patients. During consideration of that bill, Democrats offered 22 amendments, and 20 of them were rejected.

Included among the rejected amendments were measures to increase access to emergency care, to increase access to specialists, to establish a minimum hospital stay for women who have had mastectomies, and to provide people who have life-threatening illnesses with access to clinical trials.

Every single one of these provisions is in the Democrats' Patients' Bill of Rights, and every single one of them is opposed by the insurance industry.

The insurance industry-GOP alliance was also successful in protecting the two most important impediments to managed care reform. That is, one, the prohibition on the right to sue your health plan if you are denied needed care and your health suffers as a result; and two, the insurance companies' present ability to define ''medical necessity''.

Democrats on the Senate committee offered amendments that would have given patients the right to sue health plans, but not one Republican voted for it, nor did any Republicans vote for the Democratic amendment to allow doctors and patients and not the insurance companies to determine what is medically necessary. In other words, Mr. Speaker, under the plans approved by the Republicans in the Senate, insurance companies will have no incentive whatsoever to stop denying needed care because they would be able to do so with impunity.

Following up on the momentum to quash meaningful managed care reform started by the Senate Republicans, yesterday two anti-managed care coalitions announced that they are launching a massive ad campaign to quash managed care reform. We have seen this before. Yesterday's Congress Daily reported that the Business Roundtable is planning to spend more than $1 million on radio advertisements. The Health Benefits Coalition, the other group mentioned in yesterday's Congress Daily, intends to follow the lead and spend $1 million on anti-managed care television ads over the coming congressional recesses.

Let there be no doubt, Mr. Speaker, the Republican leadership and big business are working hand-in-hand to prevent patients from getting the protections from abuse that they clearly need. The unfortunate thing, Mr. Speaker, is that this is what the American people want. They want the Patients' Bill of Rights, they wanted managed care reform.

This is the issue that more of my constituents talk to me about on a regular basis on the street, writing me letters, calling the District offices. They realize that right now they do not have the protections that they need as patients to have good care, to have good quality care.

The easy thing and really the best thing for us to do here for the patients, for the consumers, for the American people, is to pass the Patients' Bill of Rights in its entirety and without delay. The Republicans may have the money and they have big business on their side, but the Democrats have what counts: that is, the support of the American people. The Republicans, in my opinion, Mr. Speaker, would be wise to listen to what the people are saying.

IMMIGRATION AND ITS IMPACT ON THE FUTURE OF OUR NATION

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

Mr. DEAL of Georgia. Mr. Speaker, tonight I want to talk about an issue that I think has enormous impact on the future of our Nation.

Unlike many issues that we deal with, such as crime or taxes, which are likewise dealt with by our colleagues at the State and local level, this issue is one which is exclusively the responsibility of the Federal Government. That issue is immigration.

As a Nation of immigrants, many of us are reluctant to deal with this matter because we are concerned that we will be accused of being prejudiced or having an ethnic bias. However, the overriding issue is not that we are a Nation of immigrants, but that we are primarily a Nation of laws. We have immigration laws which define who will be allowed into our country.

The increasingly evident truth is that our immigration laws are being flaunted, and the Federal agency charged with enforcing these laws, the Immigration and Naturalization Service, the INS, is failing to fulfill the obligations to our citizens. It is appropriate to ask why. Is it because this administration has made the enforcement of our immigration laws a very low priority, and if so, why is that so?

The facts are very clear. There are an estimated 5.5 million illegal immigrants currently living in the United States. An additional 275,000 to 300,000 illegal aliens are coming to our country every year. Even though the INS removed a record 169,000 illegals last year, it was not as many as entered the country illegally during the same time period.

What are the consequences of this invasion by illegals? While it is true that many of these individuals are hard-working people who keep certain industries and enterprises supplied with needed labor, the costs to local school systems, health care agencies, and law enforcement groups are tremendous.

About 221,000 foreign-born criminals are in Federal, State, and local jails. About two-thirds of them are illegal immigrants. Another 142,000 are on parole or probation, and are subject to being deported under the provisions of the 1996 Immigration Reform Act. An additional 161,000 have disappeared after receiving deportation orders. That means that there are approximately a half a million aliens who have committed crimes for which they are either in our prisons or are being subject to being deported, and that, Mr. Speaker, is almost the amount of people who constitute an entire congressional district.

In many parts of this country, my congressional district included, no criminal court can be held without the availability of an interpreter. Drive-by shootings by gangs made up of illegal immigrants has become commonplace.

What is the Federal Government doing about this problem? Since 1995, the budget for the INS has been substantially increased so that it is almost $4 billion for the current fiscal year. Congress has mandated that the INS add at least 1,000 new border agents every year until the year 2001, but has this been done? Is the INS using its $4 billion to enforce the letter and spirit of the 1996 Immigration Reform Act? The answer is a resounding no.

In his latest budget, President Clinton has decided to cut off funding to hire the new 1,000 agents. It seems that the Clinton administration has decided not only to undermine Congress' get-tough immigration laws, but to completely ignore them altogether.

□ 2100

The Border Patrol is only the most obvious component of a system of law enforcement that should cover both the border and interior enforcement. Even though it continues to receive most of the attention, about 40 percent of all illegal aliens in this country came here legally and simply overstayed their visas. Therefore, interior enforcement is an integral part of protecting the integrity of our borders.

Yet the INS field offices were recently told that their interior enforcement budgets would be cut by as much as 90 percent from last year's level. The INS's eastern region, covering States east of the Mississippi River, was told that its enforcement budget for fiscal year 1999 has been cut from more than $10 million down to $1 million.

The INS has begun a policy of releasing illegal aliens that they feel they cannot afford to detain. The INS plans to release at least 2,000 illegal immigrants, including people who have been convicted of arson, armed robbery, manslaughter, drug trafficking, alien smuggling and firearms violations. A spokesman for the INS acknowledges that detainees who get released probably will not ever be deported, since 9 out of 10 are never found again.

Agents in field offices are being told, ''If you need money to do a case,'' then simply ''do not send it up.'' A senior investigating official said that without more detention space, there is little point in arresting people because ''they get home before you do.''

The administration's refusal to allocate the appropriate funding for interior enforcement is not even the biggest hindrance to the enforcement of our laws. In what is called a major shift in strategy, the INS has decided to discontinue such practices as traditional workplace raids and instead emphasize only operations against foreign criminals, alien smugglers, and document fraud.

What should be done about this situation? Mr. Speaker, I call on you and my other colleagues to let officials at the INS and in the administration know that ignoring or undermining our Nation's laws will not be tolerated. I call on each of us to throw a spotlight on the INS's operations, to call them to task on laws that are being flouted and policies that have seemingly been forgotten.

I would ask us all, if we wish to maintain our Nation of immigrants, of letting those who wait in line and bide their time and abide by the laws that we have in place so that they can come legally in this country, then we must not ignore the fact that our immigration lawyers are being ignored and the policies are not being enforced.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous to take the time previously allotted to the gentleman from Texas (Mr. GREEN).

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentlewoman from California?

There was no objection.

WOMEN'S HISTORY MONTH

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, March is Women's History Month, and I come to the floor of the House this evening to salute the mothers of Women's History Month, the National Women's History Project, known as ''The Project.'' The Project is from the 6th Congressional District in California, the district that I am proud to represent.

About a year ago I traveled to Seneca Falls, New York to celebrate with my colleagues and our Nation's women the 150th anniversary of the women's rights movement. This was truly a special occasion because Sonoma County, which is my home district, is the birthplace of the National Women's History Project, the organization responsible for the establishment of women's history month and a leader in the 150th anniversary of the women's rights celebration.

The Project, the Women's History Project, is a nonprofit educational organization founded in 1980, committed to providing education and resources to recognize and celebrate women's diverse lives and historic contributions to society. Today they are repeatedly cited by educators, publishers, and journalists as the national resource for information on U.S. women's history.

Thanks to the Project's effort, every March boys and girls across the country recognize and learn about women's struggles and contributions in science, literature, business, politics, and every other field of endeavor.

As recently as 1970, women's history was virtually unknown, left out of school books, left out of classroom curriculum. In 1978, I was the chairwoman of the Sonoma County Commission on the Status of Women. At that time, I was astounded by the lack of focus on women.

Under the leadership of Mary Ruthsdotter and through the hard work of these women, the celebration of International Women's Day was expanded and declared by Congress to be National Women's History Week. Together, the women of my district and the Project succeeded in nationalizing awareness of women's history.

As word of the celebration's success spread across the country, State Departments of Education honored Women's History Week; and, within a few years, thousands of schools and communities nationwide were celebrating National Women's History Week every March.

In 1987, The Project petitioned Congress to expand the national celebration to the entire month of March. Due to their efforts, Congress issued a resolution declaring the month of March to be Women's History Month. Each year since then, nationwide programs and activities on women's history in schools, workplaces, and communities have been developed and shared.

In honor of Women's History Month, I want to praise Mary Ruthsdotter, Molly MacGregor, and Bonnie Eisenberg, who are the birth mothers for this very notion, which makes me, by the way, the midwife. I want to acknowledge Lisl Christy, Cindy Burnham, Jennifer Josephine Moser, Suanne Otteman, Donna Kuhn, Sunny Bristol, Denise Dawe, Kathryn Rankin, and Sheree Fisk Williams. These are the women now working at the Project. All of these women serve as leaders in the effort to educate Americans of all ages. They educate them about the contributions of women in our society.

Under strong and thoughtful leadership by Molly MacGregor, the National Women's History Project educated America about the 150th anniversary of the women's rights movement.

The Project was repeatedly called upon by the National Park Service, in particular the Women's Rights National Historical Park, to help them integrate women's history into their exhibits. Their ''Living the Legacy of Women's Rights'' theme also made it possible for thousands of communities, local schools, employers, and businesses to support and celebrate the 150th anniversary. The Project also launched a media campaign which educated the press about the proud history of the women's movement.

Further, the Project has been recognized for outstanding contributions to women and children and their education by the National Education Association; for diversity in education by the National Association For Multicultural Education; and for scholarship, service, and advocacy by the Center for Women's Policy Studies.

As I pay tribute to women's history month, I am truly grateful to all the devoted women at the National Women's History Project for their continued commitment and for making an indelible mark on our country.

PRESIDENTIAL DECISION-MAKING RELATED TO KOSOVO

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

Mr. LEACH. Mr. Speaker, I rise to address the issue of presidential decision-making related to Kosovo.

Sometimes the challenge of leadership is to recognize that restraint at the outset is a better policy than entanglement at the end.

The Balkans are a caldron of conflict based on a history of internecine violence of which we on this side of the Atlantic have little understanding or capacity to ameliorate.

Policy in such a circumstance should be designed to avoid being caught up in destructive dissensions which are beyond our ken and beyond our control.

There may be a humanitarian case for intervening on the ground in Kosovo as part of a small NATO peacekeeping operation. But this case disintegrates if we unleash air power against one of the sides. In the wake of air strikes, we will be barred forever from a claim to the kind of neutral status required of a peacekeeping participant. More importantly, it is strategic folly to assume civil wars can be calmed by unleashing violence from 30,000 feet.

Teddy Roosevelt once admonished ''to speak softly but carry a big stick.'' At risk to the public interest, this President has taken a different tack. He has raised the rhetoric, threatening one side that air strikes will occur if it does not capitulate, and allowed a war criminal, Slobadan Milosovic, to force his hand.

Now, in part because White House threats are either not being taken seriously or are viewed as potentially counterproductive, Milosovic has put the President in a position of advocating air strikes in order to keep his word, even though their effect may be more anarchistic than constraint.

The world will little note nor long remember what most Presidents say most of the time. But people from every corner of the earth are taking stock of what appears to be a too-ready trigger hand on cruise missiles and air power.

A question worth pondering is whether use of such power in East Africa and Afghanistan, for instance, precipitates or diminishes efforts by destabilizing powers to build weapons of mass destruction and missile delivery systems for themselves.

Meanwhile, the case for unleashing a military strike in order to make a meaningful threat meaningful should be reconsidered.

It is time to disengage pride and review circumstance. It is time to stop being a bully in the use of the bully pulpit.

WE CANNOT AFFORD TO PRIVATIZE MEDICARE

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

Mr. BROWN of Ohio. Mr. Speaker, the Medicare Commission fortunately has voted down a Medicare reform proposal that would have privatized one of the best government programs in American history.

The Commission's charge was to come up with a scheme for putting Medicare on a solid financial footing and improving its value to seniors. Instead, they came up with a scheme to end Medicare as we know it. While the Commission's time may have run out, it is not, unfortunately, the end of the story. Plans are being made to introduce legislation based on the plan, they call it premium support, that the Commission just rejected.

Under this proposal, Medicare would no longer pay directly for health care services. Instead, it would provide each senior with a voucher good for part of the premium for private coverage. Medicare beneficiaries could use this voucher to buy into the fee-for-service plan sponsored by the Federal Government or to join a private plan.

To encourage consumer price sensitivity, the voucher would track to the lowest cost private plan; ostensibly, seniors would shop for the plan that best suits their needs, paying extra for higher quality care. But the proposal would abandon the principle of egalitarianism that has made Medicare one of our Nation's best government programs.

Today the Medicare program is income-blind. All seniors have access to the same level of care. The premium support proposal, however, would be structured to provide comprehensiveness, access, and quality only to those who could afford them.

The idea that vouchers would empower seniors to choose a health plan that best suits their needs is simply a myth. The reality is that seniors will be forced to accept whatever plan they can afford.

The Medicare Commission was charged with ensuring Medicare's long-term solvency. This proposal will simply not do that.

Bruise Vladeck, a former administrator of the Medicare program and a commission member, doubted the commission plan would save the Federal Government even one dime. The same proposal under another name will not do it either.

The privatization of Medicare is, of course, nothing new. Medicare beneficiaries have been able to enroll in private managed care plans for some time now, and their experience does not bode well for a full-fledged privatization effort. They are already calling for higher government payments, they are dropping out of unprofitable markets, and they are cutting back on patient benefits.

Managed care plans are profit-driven, and they do not tough it out when those profits are unrealized. We learned this the hard way last year when 96 Medicare HMOs deserted more than 400,000 Medicare beneficiaries because their customers simply did not meet the HMO profit objectives.

Before Medicare was launched in 1965, more than half this Nation's seniors were uninsured. Private insurance was then the only option for senior citizens. Insurers did not want seniors to join their plans because they knew the elderly would use their coverage. The private insurance market has changed considerably since then, but it still avoids high-risk enrollees and, whenever possible, dodges the bill for high-cost medical services.

The purpose of public medical systems is to provide the best health care possible to help people, especially children and the elderly, so that they can live longer, healthier lives.

☐ 2115

The purpose of privatized medical systems is to maximize profit through private insurance companies, denying benefits and instituting physician and other provider incentives to withhold care.

The problem is the expectation that private insurers can serve two masters: the bottom line and the common good. There are 43 million uninsured Americans. If the private health insurance industry cannot figure out how to cover these people, most of whom are middle-income workers and children, how will they treat high-cost seniors?

If we privatize Medicare, we are telling Americans that not all senior citizens deserve the same level of care. We are betting on a private insurance system that puts its own interest ahead of health care quality and a balanced Federal budget. As the focus of Medicare reform shifts to Congress, we must question our priorities.

The answer is clear: Medicare is a national priority and must be kept the excellent public program that it has been for 3 decades. Thirty-six million Americans depend on Medicare every day, and it has helped our Nation lead the world in life expectancy for people 80 years and older.

The Medicare Commission wisely disbanded without delivering a final product. It is time now that we go back to the drawing board and construct a plan

that builds on Medicare's strengths and ensures its solvency for decades ahead.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY 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 gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD. 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 gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DeLAURO 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 gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

(Mrs. NAPOLITANO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY of New York. Mr. Speaker, my colleagues only have to look at the history of the issue of the census to understand what is going on in the House this Congress. Tomorrow, we will begin the debate on the supplemental appropriations bill for the Wye River Peace Accord and the victims of Hurricane Mitch.

Just 2 years ago, we were debating another supplemental appropriations bill. Then it was for flood victims in the Midwest. The waters in North Dakota had not yet receded when the Republican majority added language to ban the use of modern scientific methods to the flood relief bill. They thought the President would not dare veto flood relief over the census, particularly when so many people were suffering. They were wrong.

The President vetoed the bill, stating very strongly that Congress had no business tying flood relief to anti-modern scientific counts in the census. The President received editorial support clear across this Nation, and the Republican majority backed down.

Then, in September of 1997, the majority put language in the Commerce, Justice, State appropriations bill to ban the use of modern scientific methods. When the President threatened to veto that, the majority knew they did not dare shut down the government over the census, so they came to the bargaining table with 17 pages of language designed to tie the Census Bureau up in knots.

The majority insisted on language that required two sets of numbers for the 2000 census. Now they say that two sets of numbers is irresponsible. They set up a monitoring board with a $4 million budget and complained when the President insisted that the board be balanced with an equal number of presidential appointments and congressional appointments.

The majority tried again in 1998 to kill the use of modern scientific methods and failed. Then they turned to the courts. In January they lost that battle, too. The Supreme Court ruled that the Census Bureau could not use modern scientific methods for apportionment, but they are required to use it for everything else, if feasible. Of course, what the majority really cared about was keeping the Census Bureau from producing census counts that were corrected for those missed and counted twice.

Now they are desperate again. They claim that apportioning the 435 seats among the States is the same thing as drawing Congressional District boundaries, even though apportionment is done by the Congress and drawing district lines is done by the State legislatures. In fact, the last time the Republicans controlled Congress during the census was 1920, and they so disliked the results of that census that they refused to reapportion the House for the entire decade.

The fight today is about whether or not the professionals at the Census Bureau will be allowed to conduct the census as they see fit. The majority has introduced seven bills that look harmless on the surface but most of them are designed to make it more difficult for the professionals to do an accurate count.

Several of the bills are so invasive that the Census Bureau director said that the effect, and I am quoting Dr. Prewitt now, the Director of the Census Bureau, he claimed it would be ''just short of disastrous.'' He said, ''It would put the entire census at risk''.

Several are so bad that the Secretary of Commerce said that he would recommend a presidential veto. None of their proposals would make the census any more accurate. And I will insert at this point in the RECORD the letter from Secretary of Commerce Daley to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

THE SECRETARY OF COMMERCE,
Washington, DC, March 16, 1999.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN BURTON: Tomorrow, the Government Reform Committee is scheduled to mark up seven bills related to the conduct of the Decennial Census in 2000. While I know we share a common goal of ensuring that Census 2000 is the most accurate and cost-effective Decennial possible, the Department of Commerce must strongly oppose legislation that would mandate a post census local review, require the printing of short census forms in 34 languages, and mandate a second mailing of census forms.

According to the Director of the Census Bureau, Kenneth Prewitt, and the professionals at the Census Bureau, these three bills would reduce the accuracy and seriously disrupt the schedule of Census 2000. Based on the attached detailed analysis of the legislation provided by Dr. Prewitt, if this legislation were presented to the President, I would recommend that he veto it.

The Census Bureau is already working on many of the issues that these and the other four bills address. For example, the Census Bureau is not designed to manage a grant program, but it is working to increase partnerships with local governments and tribal and non-profit organizations to increase participation in Census 2000. In addition, we expect to seek additional funding for a variety of other activities. And we would appreciate assistance in making it possible for more individuals to take temporary census jobs without losing their government benefits.

Thank you for this opportunity to present our views on the legislation under consideration by your Committee. I look forward to continuing to work with you and other members of Congress to ensure that Census 2000 is the most accurate census possible.

Sincerely,

WILLIAM M. DALEY.

Mr. Speaker, the 1990 census was the first census to be less accurate than the one before it. There were 8.4 million people missed and 4.4 million people were counted twice. The 1990 census missed 1 in 10 African American males, 1 in 20 Latinos, 1 in 8 American Indians on reservations, and 1 in 16 rural non-Hispanic whites. The sole focus of the majority's agenda is to make sure that these people are left out of the next census as well.

When the Constitution was written, there was a shameful compromise to the count. African Americans were counted as three-fifths of a person. We must not allow the 2000 census to count African American males as nine-tenths of a person.

There is one clear and simple issue here. Will the next census count everyone or will it repeat the mistakes of 1990, leaving millions of people unrepresented and unfairly left out?

The census is tied to not only accurate data but our funding formulas are tied to it. The census plan that the Census Bureau has put forward, using modern scientific counts, is supported by the entire scientific community.

These are the people that support statistical methods in the Census 2000: The National Academy of Sciences; the American Statistical Association; the Council of Professional Associates on Federal Statistics. Dr. Barbara

BRYANt, a Republican, President Bush's Census Bureau Director. She speaks out every day for a modern scientific count. The American Sociological Association; the National Association of Business Economists; the Association of University Business and Economic Research; the Association of Public Data Users; and the Consortium of Social Science Associates.

These professionals versus the Republican majority.

We have a number of important Members of Congress that are participating in this special order tonight, and the gentleman from Maryland (Mr. ELIJAH CUMMINGS) is first, but I really would like to put in one of the recent editorials that have come out across the Nation regarding the GOP plan to undermine the census with this bill that they have before us.

I would like to just quote one line out of it. And this is from the Washington Post. This editorial is entitled ''Census Chicken'': ''House Republicans are playing an indefensible game of chicken with the next census. To prevent the publication of accurate figures, which they fear could cost them seats in the next redistricting, they are threatening steps that could disrupt the entire operation. They put themselves in an untenable position reminiscent of their amateurish threat of several years ago to shut down the government unless they got their way.''

This editorial goes on. It is quite a lengthy one. Again, they say, ''So some Republicans also are trying, in the name of greater accuracy, no less, to impose new requirements on the Census Bureau whose effect would be to delay publication of the adjusted numbers until after redistricting had safely begun.'' And it ends by saying, ''They ought to back off.''

Mr. Speaker, I will submit at this point for the RECORD the entire editorial.

[From the Washington Post, Mar. 15, 1999]

CENSUS CHICKEN

House Republicans are playing an indefensible game of chicken with the next census. To prevent the publication of accurate figures, which they fear could cost them seats in the next redistricting, they are threatening steps that could disrupt the entire operation. They put themselves in an untenable position, reminiscent of their amateurish threat of several years ago to shut down the government unless they got their way on the budget. The carried that threat out, much to their chagrin. Their leaders—or some of their sensible members; it doesn't take that many in the House these days—should save them from suffering a similar embarrassment this time.

The issue is whether and how to correct for the chronic undercount, of low-income people and minority groups especially, that has come to plague the census as it has become better understood in recent decades. Disproportionate numbers of such people tend to be missed in the traditional head count, conducted first by mail, then by knocking on doors. The administration proposes, with the overwhelming support of the statistics profession, to use a system of sampling—extrapolation from exhaustive counts in selected census tracts—to adjust for this.

The Republicans seek to block that, on grounds it is little more than sophisticated guesswork, illegal, subject to political manipulation—and, in their view, likely to benefit Democrats. Last year they sought to enlist the courts. The Supreme Court found the law to be mixed. It agreed that an actual count had to be used for apportionment of congressional seats among the states, and the bureau has had to adjust its plan accordingly. There will be more of a head count and less reliance on sampling; the White House is still trying to figure out how to fit the additional cost of perhaps $2 billion within the president's budget. The court also said, however, that adjusted figures are required to be used for most other purposes, including, in most cases, the allocation of federal funds. It left up in the air which set of figures should be used for redistricting within states.

The administration's goal is to publish both sets by the spring of 2001, when redistricting is supposed to begin, and let each state choose which to use, since redistricting is a state function. The Republicans have threatened to withhold appropriations to prevent this, but that can get them back into the business of shutting down part of the government if the president makes good, as he should, on his own threat to use the veto. Nor may a vote whose clear effect would be to deny full political representation to significant numbers of vulnerable people be a comfortable one to cast.

So some Republicans also are trying—in the name of greater accuracy, no less—to impose new requirements on the Census Bureau whose effect would be to delay publication of the adjusted numbers until after redistricting had safely begun. Delay might serve their purpose as well as prohibition, at less political cost. The bureau says on the basis of long experience that the most important of these proposals—a second mailing and an additional chance for local officials to appeal the results of the head count—would actually detract from accuracy, innocuous though they sound. Director Kenneth Prewitt recently testified that they ''would disrupt and even place at risk Census 2000.''

The Republicans are contemplating mounting a national ad campaign in behalf of their position. But it's an unworthy cause. Nor is it clear to us that, in the complicated business of redistricting, the adjusted figures even if states choose to use them would necessarily work to Republican disadvantage. They ought to back off.

Mr. Speaker, I now call upon my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and also thank her for her work with regard to this issue. The gentlewoman has definitely been at the forefront of this very important fight.

Mr. Speaker, I rise today to support an accurate and fair Census 2000. Experts at the Census Bureau have concluded that only by using modern scientific methods for the census can we achieve this result.

I urge my colleagues to be mindful that conducting an accurate census is a complex task. The 1990 census was inundated with millions of errors, resulting in an error rate of over 10 percent. Approximately 101,000 Maryland residents were missed. Moreover, it is estimated that almost 21,000 constituents of the 7th Congressional District of Maryland were undercounted. This means that 21,000 of my constituents were not included in decisions made by the State and local governments that directly impact their lives, including the planning of schools, child care facilities, and the distribution of funds for health care. This is unacceptable and must be remedied.

However, the answer is not H.R. 472, the Post Census Local Review Act. This bill requires the Census Bureau to set aside 9 unnecessary weeks after the field work is done to review the count of local addresses a second time.

A local census review was conducted in 1990, and most mayors who participated in the program thought it was a disaster. Further, it would consume so much time that the Census Bureau would be unable to carry out its plans to use the more appropriate scientific manner to count our citizens.

Because of these concerns, when the bill is considered on the floor tomorrow I intend to support a substitute offered by my distinguished colleague, the gentlewoman from New York (Mrs. CAROLYN MALONEY), which will involve local governments in various aspects of the count, while also allowing the Census Bureau to proceed with its established plans.

As lawmakers, we have an obligation to focus on the impact the census data has on every aspect of our constituents' lives: education, health, transportation and economic development. As such, I believe the task of providing an accurate and complete census is better left to the statistical experts with guidance from the Congress and not its micromanagement.

I want to thank the gentlewoman for yielding, and I yield back to her.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his important comments.

It is important to remember that the census has real impact on people's lives. Information gathered in the census is used by States and local governments to plan schools and highways, by the Federal Government to distribute funds for health care and all other government programs, and by businesses in making their economic plans and predicting the future.

Mr. Speaker, the gentlewoman from Florida (Mrs. CARRIE MEEK) is here to comment. We had a public hearing, actually, in her city, which she hosted for the Subcommittee on the Census of the Committee on Government Reform. If I remember correctly, everyone testified in support of modern scientific methods.

☐ 2130

Mrs. MEEK of Florida. Mr. Speaker, yes, they did. I want to thank the gentlewoman from New York (Mrs. MALONEY) who has worked so hard and assiduously toward making us have a fair and accurate count. She has done this against many odds and against much fight from the Republican party.

I want to call to the attention of everyone and to this country that it appears that the Republicans would use

any tactic necessary to dismantle the Census Department's ability to reach a fair and accurate count. It appears that they want to prevent an accurate census, not to get an accurate one. They have given much lip service to this, but all their efforts show that they are using all kinds of tactics to come up with ways to dismantle an accurate count.

History has shown us that the 1970 and the 1990 count in the census undercounted minorities. They undercounted African Americans, and they undercounted Hispanics. This chart shows this: More blacks than non-blacks were missed in the census. And we look at this and we can see here in 1940, also in 1950, 1960, 1970, 1980, 1990, we will see that a high percentage of African Americans have been missed. About 4.4 percent of African Americans were missed in the last census. That is a bad undercount. It takes away from African Americans their ability to be counted as a whole American.

Our chairwoman, the gentlewoman from New York (Mrs. MALONEY), mentioned that. If we remember, the Constitution once had us counted as three-fifths of a man. And now that we are supposed to be counted as one person, there still is an undercount. I want to thank the gentlewoman for her efforts on that behalf.

The Secretary of Commerce mentioned in his report that the 1990 census was the first in 50 years that was less accurate than its predecessor. The undercount of minorities was much worse than the 1.6 national average.

What I see here is sort of an intramural fight between the Census Department and the Republican Party, and it should not be that way. Democrats are trying very hard to make this census accurate, to be sure that everyone is counted. So, then, if that is our mandate as elected officials, there are some people who do not feel that an accurate count is very vital. But it is very vital.

Last year's census data was used in the distribution of over $180 billion in Federal aid. Republicans know this. I do not understand why they are fighting an accurate count when they know the very people they represent will be undercut or hurt by an inaccurate count. The poor people, the disenfranchised people, the homeless people, the elderly people, veterans, everyone will pay when the census is not accurate.

So I do not understand what the thinking is in the Republican Party that lets us worry only about the Congress and its apportionment. So that is all they are worried about? If that is the case, then that says to the people back home that they are not worried about them, they are not worried about the quality of their lives, because what they want to do is be sure that they do not bring any more Democrats into the Congress. Well, that is not fair to these senior citizens back home. It is not fair to people who are relying on government for all of the benefits that they should receive.

All we are asking for is that local communities receive their fair share of Federal spending. Without an accurate count, they will not get their fair share. An inaccurate count will shortchange the affected communities for an entire decade. They have already been shortchanged by the 1970 census, again in 1990. So here we come again. The Republicans are saying, ''We do not care.'' They can be shortchanged for 10 more years, another decade of undercutting people who need a fair share.

On January 25, 1999, the United States Supreme Court ruled that the Census Act prohibits the use of sampling for apportioning congressional districts among the States. I do not agree with the Supreme Court on that. We did not win that fight. But they were wrong.

However, the Court also held that the 1976 revisions to the Census Act required the use of sampling for all other purposes, including the distribution of Federal aid to States and municipalities and for redistricting, if the Secretary of Commerce determines its use to be feasible.

I just left members of the Florida legislature. I attended a summit there. The whole talk was the census, getting an accurate count. Florida is one of the States that had an undercount. We do not expect to have that undercount again. I hope the Republicans will understand that Florida is a crucial State. We have people in that State who demand to be treated fairly.

The Secretary of Commerce has already announced that he considers the use of sampling to be feasible. Given the Supreme Court's ruling, a 2000 census plan, then, must be a two-numbered plan that uses traditional counting methods to arrive at a number for apportionment and modern statistical techniques for all other purposes.

My colleague from New York (Mrs. MALONEY) has really pushed this point home to everyone, the fact that statistical sampling is a technique that we need for all other purposes. Otherwise we are saying from the very beginning we do not want an accurate count. We want guesswork to get it down. Not only do we want guesswork, but we do not want some people to be counted. We do not care if they are not counted.

The Census Bureau has announced new details in their plan for a complete census under the law. This plan will produce counts using modern methods that will correct for people missed and counted twice and be used for all purposes other than apportionment. However, without using those modern methods, the 2000 census will have the same errors that the 1990 census had and will miss millions of people, mostly poor minorities, in this Nation.

Republicans are now trying to legislate through a series of bills and acts and resolutions. What they are doing is, they are trying to legislate a faulty census. Why is it needed through legislation? Why cannot we depend upon the Census Bureau?

The time for legislating how the census should be conducted has passed. The Census Bureau must be allowed to focus on conducting the census as planned and modified by the Supreme Court's decision. Let us allow the professionals at the Census Bureau to do their jobs and produce a fair and equitable Census 2000 count.

I want to assure and say to our chairwoman, the gentlewoman from New York (Mrs. MALONEY), that we are going to continue to work on this, we are going to continue to spread the word that there are people here in this Congress who do not feel that all of us count. And I want to say, Mr. Speaker, that we do count and we will be counted.

Mrs. MALONEY of New York. Mr. Speaker, I want to make sure that the gentlewoman knows that H.R. 472 has been pulled from the floor agenda for tomorrow. It will not be on the floor tomorrow. And this is very good because, as the gentlewoman pointed out and as the gentleman from Maryland (Mr. CUMMINGS) pointed out, it does absolutely nothing to correct the undercount. It does not do anything to correct the mistakes of the last census and, according to the professionals at the Census Bureau, puts hurdles and red tape in front of it that makes it impossible it get an accurate count.

So we are fortunate that the Republican Party has not put it on the floor for tomorrow, and I hope that they will not ever put it on the floor, since it does not do anything to help get an accurate count.

Mr. Speaker, I would like to include for the RECORD an editorial from the home city of the gentlewoman from Florida (Mrs. MEEK), the Miami Herald, from March 22nd. It is entitled ''Everyone Counts. Republicans Will Prevent An Accurate Census At Any Cost.''

And to read just a small portion from it, ''U.S. House should remove the barriers to statistical sampling.'' The editorial goes on. ''If you are black, Hispanic, Asian or poor, live in the city or on city streets and have a mind to be distrustful, you might conclude that many Republicans in Congress just want you to go away, at least until the 2000 census count is over and the new congressional district lines are drawn.

''Quite unreasonable has been the Republican congressional majority's attempts to thwart an honest count.''

It states that ''The House Government Reform Committee voted last week to throw as many monkey wrenches as needed into next year's count with bills that would delay a true count until the new district lines are drawn. In other words, delay it until all those initially overlooked black, brown and other minority faces no longer count.''

Mr. Speaker, I include the following editorial for the RECORD:

[From the Miami Herald, Mar. 22, 1999]

EVERYONE COUNTS: REPUBLICANS WILL PREVENT AN ACCURATE CENSUS AT ANY COST

U.S. House should remove the barriers to statistical sampling.

If you are black, Hispanic, Asian or poor, live in the city or on city streets and have a mind to be distrustful, you might conclude that many Republicans in Congress just want you to go away—at least until the 2000 Census count is over and the new congressional districts are drawn.

These Republicans—and South Florida Reps. Ileana Ros-Lehtinen and Lincoln Diaz-Balart are among them—apparently fear that if these minorities are counted, the Democrats will gain more seats come redistricting time. It's a reasonable, albeit political, fear.

Quite unreasonable has been the Republican congressional majority's attempts to thwart an honest count. Last year, the party restricted Census Bureau funding and went to the Supreme Court to outlaw the use of statistical sampling, which would result in a more-accurate count. There, they got a partial win—sampling cannot be used for apportioning House seats.

But they aren't content to leave it at that. The shame of it is that Rep. Ros-Lehtinen and Diaz-Balart are in the thick of this misguided effort, even though theirs were among the top 25 undercounted districts in the country in 1990. Why is this important? Because government aid is tied to population counts. So their constituents lost federal funds because of it. Why do they want their constituents cheated again?

Government Reform Committee voted to throw as many monkey wrenches as needed into next year's count with bills that would delay a true count until the new district lines are drawn. In other words, delay it until all those initially overlooked black, brown and other minority faces no longer count.

One bill mandates a second mailing of census questionnaires to all households that don't respond, even though census workers will phone and visit each of those homes anyway.

A second measure, seemingly innocuous, would allow skeptical municipalities to demand that the Census Bureau come back after the count and recount the number of households—not the people—in a given area. The idea is that there may be discrepancies between the local address lists and the bureau's.

That's unlikely to happen. So says Barbara Everitt Bryant, director of the Census Bureau from 1989 to 1993. She headed the 1990 count under President George Bush—a Republican administration. After that count, some of the cities protested so loudly that the bureau sent interviewers to recanvass. Less than one-tenth of 1 percent of new households were uncovered—at a cost of $10 million.

The 2000 count will be even-more accurate because a change in the law lets cities and the bureau share address data to make sure questionnaires don't go to vacant lots. Yet this recount could take months.

When these bills get to the House, common sense must trump partisan politics.

Otherwise, it will be clear who really counts in the GOP's America—and who doesn't.

Mrs. MALONEY of New York. Mr. Speaker, I yield to my colleague the gentleman from Illinois (Mr. DAVIS), a member of the Subcommittee on the Census, who has been a truly outstanding leader on this issue, and I thank him for joining us as he has so many times on the floor to speak up for accuracy and fairness.

Mr. DAVIS. Mr. Speaker, I want to thank the gentlewoman for yielding, and I also want to echo the sentiments of those who have already praised the outstanding leadership that she provided on this issue.

Mr. Speaker, I rise today to join in this important special order, which I suggest is dedicated to democracy, fairness, equity, and representation for all of the people in this Nation. The issue, obviously, to which I am referring is the year 2000 census.

As a member of the Subcommittee on the Census, I submit that this is one of the most important issues of this Congress. This is not a new issue. In fact, it dates back some 2000 years, when a decree went out from Caesar Augustus that a census must be taken of all the inhabited earth.

Also, it is written in the Book of Numbers that the Lord God spoke to Moses in the wilderness of Sinai and told him to take a census of the sons of Israel. And of course if it was today, he would have said the sons and daughters of Israel. It was just that important 2000 years ago, and certainly it is that important today.

Since 1790, during the first census there was a significant undercount, especially among the poor and disenfranchised, and of course we have heard how African Americans were counted as only three-fifths of a person. Now, here we are 200 years later, in the 1990s, and it is estimated that the census missed over 8 million people. Most of those not counted were poor people living in inner cities and rural communities, African Americans, Latinos, immigrants, and children. The City of Chicago, my city, had an undercount of about 2.4 percent, and the African American undercount in that city was between 5 and 6 percent.

Obviously, we cannot afford to have a count in the year 2000 that does not include every American citizen. Too much is at stake. The census count determines who receives billions of Federal dollars. Every year census information directs an estimated $170 billion in Federal spending. Census data helps determine where the money goes for better roads, transit systems, schools, senior citizens' centers, health care facilities, programs for Head Start, school lunches.

In addition to money, representation is at stake, and in a democracy representation is just as important as the money. Congress, State legislatures, city councils, county boards, and other political subdivisions are redrawn as a result of the census count.

There are some in this body and some in this country who would deny representation and resources to millions of citizens in the name of maintaining the status quo. It is unfortunate that we might ever consider a bill that purports to move us in the direction of a more accurate census when we know that that bill will do just the opposite.

☐ 2145

I urge my colleagues not to play games with people's representation and resources. One begins to wonder whether initiatives counterproductive to an accurate census are part of a larger plan to delay, distort and ultimately destroy the accuracy of the 2000 census.

Under the Census Bureau's plan, everybody counts. All Americans would be included in the census. If we keep taking the census the old way, we will obviously miss millions of people, which would cause one to wonder if we have learned anything since 1790. Our scientific information dictates that we use proven scientific efforts to maximize the accuracy of the census. All of the experts know that it is what works.

Mr. Speaker, as we move to the actuality of census taking, there are bills that have been put before us supposedly designed to improve accuracy. But in reality, it seems to me that what we are doing is putting partisan politics ahead of the people and fair representation. It is my position that you can take all of these bills, apply them on top of a flawed census plan, and you end up with a flawed census. It is like saying that you really cannot get blood out of a turnip. You can take it and dice it and splice it. You can puree it and saute it, you can skew it, you can stew it, but you still will end up with turnip juice. I am afraid that that is how we are going to end up. If we do not use the most scientific method to count all of the people, I am afraid that we are going to miss people and rather than an accurate census, turnip juice will be the result of our efforts.

I thank the gentlewoman and again commend her for her outstanding leadership.

Mrs. MALONEY of New York. I thank the gentleman for his most accurate statements and descriptive statements. We are not about turnip juice, as he says, we are about accuracy, and or goal is the most accurate census possible, completed using the most up-to-date methods as recommended by the National Academy of Sciences and the vast majority of the professional scientific community. We should be supporting science, not trying to undermine it and get a less accurate count.

I thank the gentleman from Texas (Mr. Gonzalez) for joining us. I had the great honor of serving with his father. He was dedicated to civil rights, was very proud of his role in it, and I think it is very appropriate that his son is here to speak on what has been called by many civil rights leaders the civil rights issue of this decade, making sure that all Americans, every single one of them, is counted with the most modern scientific methods.

Mr. GONZALEZ. Mr. Speaker, I thank the gentlewoman for allowing me this opportunity, and I also join my colleagues in commending her for the leadership role that she has played in this important battle.

Mr. Speaker, I rise today in hopes that history will not repeat itself, in hopes that we have learned by our previous mistakes. That is what we teach our children, that is what we have been taught. You would think as leaders, elected by our constituencies, we come here today with those important lessons. That may not be the case.

In the 1990 census, there were 26 million errors, approximately 8.4 million people were missed, 4.4 million were counted twice, and another 13 million were counted in the wrong place. Of those minorities, as has already been pointed out, those were minorities, they were children, they were poor people in the rural areas that had the highest undercounts. Clearly, we can do better than that. We must do better than that if we are to truly represent Americans of all ages and colors.

In Texas alone, we had an undercount of nearly half a million people, and it cost our State $1 billion in Federal funds. That is $1 billion of our tax money. Estimates suggest that an equally inaccurate undercount in 2000 would cost Texas over $2 billion.

I have already heard from several mayors in Texas, including the mayors of San Antonio, Laredo, Brownsville, Houston and Austin. They know what the 1990 census cost Texas and they are desperate to avoid another undercount. Even my local newspaper, the San Antonio Express News, has joined this all too important debate, requesting of Governor George W. Bush, Jr. to take a stand for Texas on the census and to allow and make sure that we utilize the latest proven, reliable scientific methods in arriving at an accurate count.

In 2000, the Census Bureau will have to count 275 million people at 120 million addresses. We are just over a year away from the first census 2000 mailing, and we must allow the Census Bureau to get on with their business, counting the American population.

H.R. 472, the Local Census Quality Check Act, scheduled at one time to come up on the House floor this week, would require the Census Bureau to conduct post-census local reviews. Now, that sounds like a good idea. But when you look under the cover, it appears to me that the real goal of H.R. 472 is to postpone deadlines while making it impossible for the Census Bureau to use scientific methods to arrive at the most accurate count possible.

Dr. Kenneth Prewitt, the director of the Census Bureau, has stated that H.R. 472 would mandate an operational change to the census 2000 plan which is neither timely, effective nor cost efficient and would return us to inadequate 1990 operations that have now been substantially improved upon. It is simple. Post-census local review is not a new idea. The Census Bureau has used it in the past. They used it in 1990 and it proved to be inefficient.

With that experience in mind, the Census Bureau developed a new plan for the 2000 census which would address the issue of local participation while utilizing modern scientific methods to produce the most accurate census possible.

I support the Maloney amendment to H.R. 472 which allows the Census Bureau to do just that, address local participation and use proven statistical methods to produce the most accurate census possible. The Maloney amendment gives local governments the power to add new construction to the census address list, review counts of vacant addresses and to review jurisdictional boundaries as part of a local update of census addresses before the census is conducted and not after.

It is clear to me that this amendment not only includes local governments in the census process, it makes them an integral part of it by including them in the process of building and checking the address list on a timely basis. After all, if what we all want is for our local governments to have some participation and some control or simply some say in the process, let us include them now and not later.

Mr. Speaker, I respectfully would request that the following letters from mayors in Texas who support local participation but oppose H.R. 472 be submitted into the RECORD.

CITY OF SAN ANTONIO,
HOWARD W. PEAK, MAYOR,
March 16, 1999.

Hon. DAN BURTON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BURTON: I am writing you to request your support for a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. With more than 38,000 citizens not counted in San Antonio and close to half a million statewide, Texas trailed only California as the state with the highest undercount in the 1990 census.

On behalf of the City of San Antonio, I am requesting you to oppose H.R. 472, the Local Census Quality Check Act. While I am favor in local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. Furthermore, the Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. The Census Bureau abandoned the post-census local review process because it was found not to be cost-effective.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards—the most accurate census possible. Therefore, I support the amendment proposed by Representative Carolyn Maloney which would coordinate local review with the other census activities. San Antonio and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience.

I ask for your commitment for a fair and accurate census in 2000. Thank you for your consideration.

Sincerely,

HOWARD W. PEAK,
Mayor.

CITY OF LAREDO,
ELIZABETH G. FLORES, MAYOR,
March 22, 1999.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives,
House Government Oversight Committee,
Washington, DC.

DEAR CONGRESSMAN WAXMAN: I am writing to ask you to join us in supporting a fair and accurate census in the year 2000. Twenty-six million errors and an undercount of more than eight million Americans is not acceptable. Especially since most of the Americans who were not counted were children, poor people and minorities. As elected officials, we have a duty to protect the interests of our constituents. It is incumbent upon us to ensure that they are treated fairly and counted equally.

With more than 23,000 not counted in Laredo and close to half a million Texans not counted in the 1990 census, Texas trailed only California as the state with the highest undercount. This undercount denied Texas $1 billion in federal funds. If we chose not to correct the egregious mistakes made in the last census, Texas stands to lose an additional $2.18 billion in population-based federal funds. As Mayor of Laredo, I must look out for what is best for the citizens of this City. A fair and accurate census is at the forefront of my agenda.

I am also writing to request that you oppose H.R. 472, the Local Census Quality Check Act. While I am in favor in local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census.

According to current law, the census must begin on April 1, 2000, and report final population counts by April 1, 2001. On April 1, 2000, the census takers must assign 275 million people to 120 million addresses. This calls for the largest peacetime mobilization in our country. The Local Census Quality Check Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. In addition, the post-census local review was found not to be cost-effective. For these reasons, the Census Bureau abandoned the post-census local review process.

I believe that we should be able to have both local involvement and the use of the best methods to assure that all people are counted. I support the efforts of Representative Carolyn Maloney to alter H.R. 472. Representative Maloney's amendment will address the problems raised by some local governments, of new construction and boundary errors in a manner that allows the Census Bureau to coordinate local review with all of the other activities that must take place within a limited amount of time.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards, the most accurate census possible. Laredo and the entire State of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The census is a complex undertaking. The only way we can assure a fair and accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience. I ask for your commitment for a fair and accurate census in 2000.

Warmest Regards!
Sincerely,

ELIZABETH F. FLORES.

CITY OF AUSTIN,
OFFICE OF THE MAYOR,
Austin, TX, March 23, 1999.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WAXMAN: I am writing you to request your support for a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. With thousands of citizens not counted in Austin and close to half a million statewide, Texas trailed only California as the state with the highest undercount in the 1990 census.

On behalf of the City of Austin, I am requesting you to oppose H.R. 472, the Local Census Quality Check Act. While I am in favor of local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. Furthermore, the Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. The Census Bureau abandoned the post-census local review process because it was found not be cost-effective.

As currently drafted, H.R. 472 undermines the goal local officials have been working on to get the most accurate census possible. Therefore, I support the amendment proposed by Representative Carolyn Maloney which would coordinate local review with the other census activities. Austin and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience.

I ask for your commitment for a fair and accurate census in 2000. Thank you for your consideration.

Sincerely,

KIRK WATSON,
Mayor.

CITY OF HOUSTON,
OFFICE OF THE MAYOR,
Houston, TX, March 16, 1999.

Congressman HENRY A. WAXMAN,
Congressman DAN BURTON,
U.S. House of Representatives, Committee on Government Reform, Washington, DC.

DEAR GENTLEMEN: I write to ask you to join us in supporting a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. Most of the Americans who were not counted were children, poor people and minorities. As elected officials we have a duty to protect the interests of our constituents. It is incumbent upon us to ensure that they are treated fairly and counted equally.

With more than 66,000 not counted in Houston and close to half a million Texans not counted in the 1990 census. Texas trailed only California as the state with the highest undercount. This undercount denied Texas $1 billion in federal funds. If we choose not to correct the egregious mistakes made in the last census, Texas stands to lose an additional $2.18 billion in population-based federal funds. As Mayor of Houston I must look out for what is best for the citizens of this city. We must serve our constituents and demand a fair and accurate census. A fair and accurate census is at the forefront of my agenda.

I am also writing to request that you oppose H.R. 472, the Local Census Quality Check Act. While I am in favor of local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. According to current law, the census must begin on April 1, 2000, and report final population counts by April 1, 2001. On April 1, 2000, the census takers must assign 275 million people to 120 million addresses. This calls for the largest peacetime mobilization in our country. The Local Census Quality Check Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. In addition, the post-census local review was found not to be cost-effective. For these reasons, the Census Bureau abandoned the post-census local review process.

I believe that we should be able to have both local involvement and the use of the best methods to assure that all people are counted. I support the efforts of Representative Carolyn Maloney to alter H.R. 472. Representative Maloney's amendment will address the problems raised by some local governments, of new construction and boundary errors in a manner that allows the Census Bureau to coordinate local review with all of the other activities that must take place within a limited amount of time.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards—the most accurate census possible. Houston and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The census is a complex undertaking. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience. I ask for your commitment for a fair and accurate census in 2000.

Sincerely,

LEE P. BROWN,
Mayor.

BROWNSVILLE,
TX, March 17, 1999.

Hon. SOLOMON ORTIZ,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ORTIZ: The 1990 census resulted in an undercount of eight million Americans. As a result the State of Texas was denied approximately $1 billion in Federal funds. No other part of the country was more affected by this situation than perhaps California. In the case of Texas, the South Texas region which has a population that is largely Hispanic and a large concentration of families with incomes below poverty level, probably felt the brunt of the impact.

It is my understanding that in preparation for the 2000 census the House Government Oversight Committee, which you form part of, is presently considering legislation to require post-census local review instead of a statistical sampling method to arrive at an accurate census count. Our position is that the proposed legislation—H.R. 472, the Local Census Quality Check Act—while well intentioned, will prevent the Census Bureau from utilizing effective scientific methods for population counting, and may once more result in large undercounts. This unfortunately will impact once more the states with the larger populations and larger concentrations of minority groups—e.g., Texas and California.

I therefore urge you to oppose passage of H.R. 472. I am certain that allowing the use of statistical samplings will result in the most accurate and timely census possible. This is after all, I am sure, what we are all interested in.

Thank you.
Sincerely,

HENRY GONZALEZ,
Mayor of Brownsville.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his comments and for his work in his home State on getting an accurate count. What he is talking about is basic fairness. Because the census is so important, we must do absolutely everything that we can possibly do to ensure that everyone is included in the count. We know that previous censuses overlooked millions of Americans, especially children and minorities. That is not fair, it is not accurate, it is certainly not acceptable, and we are definitely determined to do better with this census. That is, if the Republican majority does not put language and requirements that make it impossible to get an accurate count.

The gentlewoman from Texas (Ms. JACKSON-LEE) has been a leader on this issue and many issues before this Congress. I thank her very much for joining us in this special order and being with us tonight.

Ms. JACKSON-LEE of Texas. I want to thank the gentlewoman from New York as well for her leadership on this issue that has been constant and unselfish as well as her leadership as the cochair of the Women's Caucus, which makes her role even more important, because what we are talking about is an issue of counting people without political ramifications, unselfishly, and making sure that the people of America are taken care of.

I would imagine that those who might be listening to us tonight might be, not confused but wondering when are we going to come together around this issue. May I give to them a sense of success and appreciation to the Republicans who have withdrawn H.R. 472 this evening, because maybe they too are beginning to see the light and are beginning to count votes and realize that all Members of this House, Republicans and Democrats, would do better if every American is counted.

And so I rise today to support and encourage this House together to support statistical sampling and to let the Census Bureau do its job. My colleague from Texas has already indicated that my State lost $1 billion. More importantly, my legislature is engaged in strong deliberations today to try and find a way to insure uninsured children. Because of the census of 1990, the State of Texas lost $85 million in Medicaid funds, $85 million in Medicaid funds. They also lost prevention and treatment dollars for substance abuse. They could have received as much as $9 million. This is a shameful result.

And so it is extremely important that we move toward bringing this to a resolution. We must enact legislation that will guarantee an accurate census. The 1990 census undercounted approximately 4 million people. In the State of Texas, we lost a congressional district, not a congressional district that was going to selfishly support itself but one that would help bring dollars to the people of the State of Texas, as has occurred in other States throughout the Nation. The undercount in 1990 was 33 percent greater than the undercount in 1980.

Congress must enact legislation that will help to vindicate the undercount in the city of Houston, 3.9 percent, some 67 to 70,000 persons. This antiquated procedure only recorded 1,630,553 residents. Based on the scientific sampling method that was prepared for the 1990 census, it is estimated that over 66,000 Houstonians were missed by the 1990 census. Congress must be responsive. As well, we must find a way to break this impasse. Congress has to be able to guarantee an accurate census.

Let me share with my colleagues remarks from the director of the Census Bureau, newly appointed, approved by both the Republicans and Democrats of the Senate, Dr. Kenneth Prewitt, who said this about the proposal of Chairman Miller. He talked about the last three items suggested by Chairman Miller to make the census in Chairman Miller's perspective better.

He said: On three items, second mailing, the language initiative and local government review of mailing addresses, the Census Bureau believes it has already presented more efficient programs than the suggestions advanced by Chairman Miller. Indeed, if some of these initiatives were legislated in the manner now before the subcommittee, they would disrupt—may I say that again, Mr. Speaker—they would disrupt and even place at risk census 2000.

Dr. Prewitt goes on to say, ''I will of course allocate more time'' as he began his presentation to refuting those three, then the other points of the recommendations made by the chairman.

Does it not seem that if we can get agreement on seven aspects of recommendations made by the committee, but three specific points made, including the local government review, has been stated by Dr. Prewitt who has an independent responsibility to ensure America's accurate count, Dr. Kenneth Prewitt, head of the Census Bureau, approved by Republicans and Democrats in the United States Senate and given the consent of that Senate to do his job has said, very devastatingly, that the procedures that Chairman Miller wants us to go under would place at risk the census 2000.

It is extremely important, then, Mr. Speaker, that, one, we join with the gentlewoman from New York (Mrs. MALONEY) and support her amendment. I am hoping that the discussion that we are having here tonight will bear fruit and that there will be a possibility that we do not see H.R. 472. I hope, in fact, that we will find a way to continue the funding of the Census Bureau past June in the agreement we worked out over a year ago, and that we will also find common ground to ensure that those children in Texas who lost $85 million in Medicaid dollars, those individuals who wanted to receive substance abuse treatment and lost $9 million, those individuals who lost the opportunity to be represented in the United States Congress, the House of Representatives, one of the most powerful bodies in the world, would get their opportunity to be counted in the year 2000.

□ 2200

Mr. Speaker, I would hope this Congress would come down on the side of ensuring that the homeless are counted, the homeless veterans are counted, African Americans, Hispanics and Asians, people of multi language who are citizens and residents of the United States are counted, and for sure I hope that we will join with the gentlewoman from New York (Mrs. MALONEY) and those of us who have been working with her, the gentleman from Illinois (Mr. DAVIS) and so many others, and begin to formulate a resolution that the American people can understand and say to us for once, or maybe once in many times, or maybe as an example of what is to come, that the Congress has come down on the side of cities like the City of Houston, of cities like San Antonio and Dallas, of States like California and New York and all in between: Florida, Iowa, Michigan Mississippi, all coming in between, to indicate that we want an accurate census count for the United States of America.

With that, I thank the gentlewoman from New York (Mrs. MALONEY) for her leadership. She can count on me and, I know, so many others to continue to work to finally give to the American people the right kind of census count, a statistical sampling, so that we can begin the 21st century when everyone is both included, protected and provided for as they live under the flag of the United States.

Mr. Speaker, I am pleased to be here to continue advocating for an accurate census count that will guarantee an equitable distribution of federal funds. I would like to first thank Congresswoman CAROLYN MALONEY for her leadership as Co-Chair of the Congressional Census Caucus. She has become a national leader on this issue.

Congress must enact legislation that will guarantee an accurate census! The 1990 Census undercounted approximately 4 million people. Even more troubling, this last census was, for the first time in history, less accurate than its previous census. The undercount in 1990 was 33 percent greater than the undercount in the 1980 census.

Congress must enact legislation that will guarantee an accurate census! In fact, the City of Houston was undercounted by 3.9 percent in the 1990 Census as a result of utilizing the current ''head count'' method. This antiquated procedure only recorded 1,630,553 residents. Based on the scientific sampling method that was prepared for the 1990 Census, it is estimated that over 66,000 Houstonians were missed by the 1990 Census.

Congress must enact legislation that will guarantee an accurate census! According to a recent GAO report Texas was in federal funding over the past decade because of the 1990 undercount.

Congress must enact legislation that will guarantee an accurate census! Houston was entitled to additional federal funds annually but these monies were allocated to another city in another state because the census 1990 was inaccurate.

Congress must enact legislation that will guarantee an accurate census! African-Americans, Hispanics, Asians, and American Indians were missed at a much greater rate than whites. Poor people living in cities and rural communities were disproportionately undercounted. An accurate census count provides an opportunity for every American to be counted regardless of race, geographic location and social economic class.

Congress must enact legislation that will guarantee an accurate census! H.R. 472 would put at risk the Census Bureau's ability to correct and adjust its counts using statistical data because it mandates that local review process begin after all other census activities are completed.

Congress must enact legislation that will guarantee an accurate census! H.R. 472 diminishes all efforts aimed at developing an accurate census count. The Maloney amendment to H.R. 472 strikes an equitable balance between local participation and an orderly timely accurate census count.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her comments. She is always right to the point, and I would like to put in the RECORD an editorial in the Sacramento Bee that really reinforces many of the points that she was making. It is from March 12 of 1999, and it is entitled: ''More Census Mischief.'' And I would like to quote briefly from it, and the Sacramento Bee in its editorial says, and I quote:

At this eleventh hour Republicans in Congress are proposing legislation that seeks to significantly change census methodology and procedures, adding cost, confusion and, most critically, time to an already tight schedule. Three of the specific provisions in the Republican bills threaten the process.

The editorial ends with a very strong comment, and I quote:

With their predictably higher numbers of poor and minority residents, corrected counts are expected to benefit Democrats. If Republican Members of Congress can slow the census long enough to disrupt the count, corrected numbers will not reach the States in time to re-draw internal boundaries in 2001, thus helping Republicans. The public interest is in as accurate a census as possible. The Republican mischief at this late date threatens that.

End of quote, and again I will put the entire editorial from the Sacramento Bee into the RECORD:

There are 385 days left before April 1, 2000—Census Day. Preparation for the once-a-decade national head count began even before

the 1990 census was over. Twenty-five major software systems have been designed, linked and tested to keep track of the 175 million forms printed in six different languages, to pay hundreds of thousands of workers, to monitor tens of thousands of partnership programs and to produce 12 million maps needed to count an estimated 275 million residents at 175 million addresses. No small task.

As Kenneth Prewitt, director of the Census Bureau, told Congress the other day: ''Every step, every operation, every procedure is on a huge scale and is interdependent with every other step, operation and procedure.''

At this eleventh hour, Republicans in Congress are proposing legislation that seeks to significantly change census methodology and procedures, adding cost, confusion and, most critically, time to an already tight schedule. Three specific provisions in the Republican bills threaten the process.

One would require the Census Bureau to print forms in 33 languages instead of the six already planned for. Those six languages account for 99 percent of U.S. households. Using translators and community liaison workers, census planners already have tested and put in place procedures for reaching out not just to those who speak the 27 other languages Republicans want forms printed in, but to 130 other language groups as well. To add more foreign language forms at this late date would require new computing capacity, optical scanners, renegotiation of printing contracts and a dozen other changes, making an already difficult task more so.

Republicans also want a post-census local review, in which 39,198 units of local government would validate the bureau's housing count block-by-block. That was tried in 1990 and 1980 and, according to a Republican former Census Bureau director, turned out to be a logistical and public relations nightmare.

The last bad idea offered would require a second mailing of the census questionnaire. Second mailings were tested during dress rehearsals last year and resulted in 40 percent duplicate responses, another wasteful and time-consuming effort.

The real Republican goal here seems obvious: delay. That would make it harder for the Census Bureau to perform the controversial post-census statistical surveys so crucial to correcting for the expected undercount of poor and minority residents. The U.S. Supreme Court has ruled that federal law bars the use of corrected numbers to determine how many congressional seats a state can have. But those numbers may still be used to redraw congressional and legislative boundaries within individual states.

With their predictably higher numbers of poor and minority residents, corrected counts are expected to benefit Democrats. If Republican members of Congress can slow the census long enough to disrupt the count, corrected numbers won't reach the states in time to redraw internal boundaries in 2001, thus helping Republicans. The public interest is in as accurate a census as possible. The Republican mischief at this late date threatens that.

Mr. Speaker, I am delighted that a new Member of Congress has joined us, the gentlewoman from Illinois (Ms. SCHAKOWSKY), and she serves on the Committee on Government Reform and Oversight. She also serves with me on the Committee on Banking and Financial Services, where she has already demonstrated leadership on protecting consumer rights, and I thank her for coming here and joining us on the floor tonight.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY). One of the reasons I really wanted to come here tonight was to be able to express publicly my admiration to the gentlewoman from New York and my gratitude for the work that the gentlewoman has done on this issue. It has really been an inspiration to me and a role model for me as a new Member.

There was a time in the history of our Nation when certain individuals were not counted as whole people. Congress long ago rejected this kind of blatant discrimination, and every Member today would, I know, assert his or her abhorrence of this practice.

But I fear, along with many of my colleagues, that in a far more subtle but also fundamentally destructive proposal we are again jeopardizing the full and fair counting of every American.

What is especially disturbing about H.R. 472, which I was pleased to hear was removed from tomorrow's calendar, but what is especially disturbing about the legislation is that it is carefully worded to take on the appearance of making the census more fair when its actual intent and consequences are just the opposite. While H.R. 472 purports to double-check accuracy, its real effect is to prevent the use of statistical methods in the final census count.

I come from a county, Cook County in Illinois, in a district that has historically been undercounted for one well-known and well-documented reason. We have large populations of poor, minority and immigrant residents. These are the people who will disproportionately suffer from being undercounted.

John Stroger, Jr., the great president of the Cook County Board of Commissioners wrote, quote:

''Cook County is strongly opposed to H.R. 472. A recent study found that,'' and he quotes from the study, ''34 cities and counties lost more than $500 million in Federal and State funds during this past decade due to the undercount in the 1990 census. These dollars translate into meals for seniors, transportation and job training.''

This bill is one of a series that was considered in the Committee on Government Reform and Oversight, on which I sit along with the gentlewoman from New York (Mrs. MALONEY), which sound good but which I believe have the effect of cynically stymieing the use of modern scientific methods for obtaining an accurate count by delaying the entire process.

None of the proposals, including H.R. 472, were given proper hearings. Had that happened, we could have heard Dr. Prewitt, Census Bureau Director, tell us that H.R. 472, quote from him, would interfere with and put at risk, unquote, the Census Bureau's plan which already includes review of addresses by local officials. We could have heard the National Academy of Sciences explain that the key to an accurate census is the use of modern statistical methods, that without this the undercount of urban and rural poor and minorities will persist.

In fact, all of the real experts, the American Statistical Association, the National Association of Business Economists, the Association of Public Data Users, and on and on, the real experts whose one and only interest is accuracy endorse statistical methods as the most accurate.

I have to say that in light of the positive spirit my husband and I experienced last weekend in Hershey at our bipartisan retreat, this bill is a real disappointment, and I am hoping that the fact that it was taken off the calendar for tomorrow is an indication that perhaps there has been a change of heart. It represents to me the reasons that citizens grow alienated from the political process. I see it as a clever manipulation of the system, as cynical census mischief that just happens to hurt many vulnerable people. It makes me sad, and I would hope that if this bill does reach the floor, that my colleagues on both sides of the aisle will join me in voting ''no''.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her comments, and I would like to put in the record an editorial from the Chicago Tribune dated March 14 entitled: ''Not One Census, But Two,'' and I quote from this, this particular editorial. It ends by saying:

''It has not escaped the notice of either party that the people who are missed in the old fashioned census tend to be the kind of people, poor, minority, urban, who generally vote Democratic. But pretending they don't exist is not likely to work to the long-run advantage of the GOP. Now that they have won on the apportionment, fairness and political wisdom argue that Republicans should compromise on the other census battle.''

Is that the gentlewoman from Illinois' hometown paper?

So, Mr. Speaker, I would like to add this to the list of items that have been put in the RECORD:

[From the Chicago Tribune, Mar. 14, 1999]

NOT ONE CENSUS BUT TWO

The decennial census of the population is one of the most important tasks undertaken by the federal government—and one of the hardest. A complete count is impossible, because there are so many people in the United States, some of them hard to find. Experts say the last census missed about 4 million people, including 2.4 percent of those in Chicago.

The Clinton administration wanted to address this problem by using statistical methods known as ''sampling'' to arrive at estimates of people who are omitted by the traditional head count.

But in January, the Supreme Court ruled that federal law does not permit sampling for purposes of congressional apportionment. It's not clear that, if obliged to decide, the justices would conclude that the Constitution does either.

The most noteworthy consequence of the verdict is that when it comes time to divvy up seats in Congress, some states may be

shortchanged. That can't be helped. What can be avoided is using a plainly faulty tabulation for other purposes.

The court held that sampling was forbidden for apportionment. For all other purposes, though, it not only is permissible but may be required. So the administration plans for the Census Bureau to come up with two numbers in 2000—one based on traditional door-to-door methods for parceling out House seats and another using state-of-the-art techniques for such purposes as distribution of federal money and state legislative redistricting.

That proposal is imperfect, but not as imperfect as the alternative, which is to use the less accurate tally for everything.

Republicans object to spending any extra funds to supplement the conventional census, and warn the public will be confused. But it's hard to see the sense in refusing to allocate government aid in accordance with where the intended beneficiaries actually are.

The Constitution may bar the use of estimates when the sacred matter of voting is involved, but that principle doesn't apply when it comes to social welfare programs.

It has not escaped the notice of either party that the people who are missed in the old-fashioned census tend to be the kind of people (poor, minority, urban) who generally vote Democratic. But pretending they don't exist is not likely to work to the long-run advantage of the GOP. Now that they've won on apportionment, fairness and political wisdom argue that Republicans should compromise on the other census battle.

It is very important that the 2000 census be complete, and the Census Bureau will use modern scientific methods, techniques that will provide an essential quality check on Census 2000 to ensure a complete and accurate census.

The President of the United States has spoken out in support of accuracy, and he has said, and I quote a statement he made on June 2 of 1998, and I quote:

''Improving the census should not be a partisan issue. It is not about politics. It is about people. It is about making sure that every American really, literally counts.''

Mr. Speaker, he has indicated on several occasions publicly and in meetings, and really he told me himself once in a private conversation, that he would veto any vehicle that in any way undermined an accurate count.

Unfortunately, Mr. Speaker, some of the articles that have appeared in Roll Call tend to speak of partisan politics and goals, and I would like to put in the RECORD the editorial from March 15 entitled: ''Census Summit:''

CENSUS SUMMIT

Republicans and Democrats are at the brink of a catastrophic war over the 2000 Census. It's time for a summit conference between President Clinton and House Speaker Dennis Hastert (R–IL) to avert a partial shutdown of the federal government and, even worse, a failed census that convinces the U.S. population that its government in Washington can't even count.

The issue over which the parties are fighting, of course, is sampling—the use of modern polling techniques to estimate the hardest-to-reach 10th of the population. The Clinton administration adamantly supports sampling, backed by ex-President George Bush's census director and the National Science Foundation, which called for it as a remedy for serious undercounting in the 1990 Census.

Republicans adamantly oppose sampling, contending that the constitutional mandate of an ''actual enumeration'' forbids sampling and fearing that the administration would rig the count to cost the GOP House seats in the post-2000 redistricting.

The Supreme Court might have resolved the conflict, but didn't. It failed to rule on the constitutionality issue and rendered a split decision on the 1976 census law—banning sampling for purposes of apportioning House seats among the states, but permitting it for drawing districts within the states and for dispensing federal grants. The Clinton administration wants to proceed with a dual-track census, but Republicans are determined to block it.

It's possible that the entire State, Commerce and Justice departments could shutdown on June 15 if no agreement on sampling is reached. That's because last year, instead of resolving their differences, Congress and the administration postponed their day of reckoning by funding the three departments for only part of this fiscal year.

As Roll Call reported last week, Hastert is preparing for war by assembling a strategy team to devise ways of convincing the country that this shutdown—if it occurs—is Clinton's fault, not that of the GOP. Meantime, on another front, the House Government Reform Committee is set to mark up legislation containing at least three provisions that are likely to delay and complicate census-taking in the guise of improving the count.

One provision would require printing all census forms in 34 languages instead of the planned six, an enormous logistical problem for the Census Bureau, which has made other plans for contacting persons speaking minority languages.

Mr. Speaker, the census is not only about counting people and the distribution of Federal funds, it is about accurate data, and we need to have accurate data in order to come forward with good policy. It is the basis, literally the census is the basis of all demographic information used by educators, policymakers, journalists and community leaders. America relies on census data absolutely every single day to determine where to build more roads, hospitals and child care centers. So it is important that this data be accurate so that we have long-range, accurate policies, that we really draw upon on the information that is provided by the census.

We know that we have a problem. In 1990 the census missed more than 8 million people and double-counted more than 4 million people. Poor people living in cities and rural communities, African Americans and Latinos, immigrants and children were disproportionately undercounted, and in order to correct these mistakes and in order to correct the undercount, we really should leave the 2000 census in the hand of the professionals at the Census Bureau, allow the seasoned experts to plan and conduct the most accurate census. The professionals at the Census Bureau are continuing their preparations to produce the most accurate census permitted under the law. Our goal must be to support these professionals using the most up-to-date, scientific methods and the best technology available.

I must say that all of the scientific community supports the Census Bureau's plan. Many leading Republicans support it. My own Mayor Giuliani, who is a Republican, joined many of us who were opposed to the lawsuit that was being brought by Speaker Gingrich to really stop the use of modern scientific methods. Dr. Barbara Bryant, who is a Republican who served in the Bush administration, has testified many times before the committee in support of modern scientific counts.

Mr. THOMPSON of Mississippi. Mr. Speaker, I represent Mississippi's Second Congressional District. Based on per capita income, the Second District is the 430th poorest Congressional District in the nation. Let me say that again. Out of the 435 Congressional Districts, the District I represent ranks 430 based on per capita income.

I know this Mr. Speaker because the Census Bureau extrapolated these statistics based on the data they compiled during the 1990 Census. Economic, social, health, employment, housing, and other types of information crucial to knowing who populates not only our nation but our Congressional Districts can be derived from the enumeration of Americans taken every ten years.

The census is important . . . extremely important. As Members of Congress, I think we can all probably agree on that statement. However, upon closer examination, the delicate balance we have managed to maintain beings to crumble. While Democrats admittedly want to count the urban and rural poor, minorities, legal immigrants and children, Republicans have publicly stated that an accurate accounting of all Americans will jeopardize their ability to hold on to a majority in Congress.

I argue that the Republicans have their priorities mixed up. Counting Americans is what we are supposed to be doing here, not protecting our political majority in Congress. What they apparently fail to realize is the impact an inaccurate Census count has had on the population of poor, rural and urban Congressional Districts, including the one I represent. In 1990, nearly 14,700 of my constituents were not counted, ironically placing my District near the top of the list at number 75 out of many Congressional Districts that experienced undercounts. Most of the people who were not counted in my District were poor people, African Americans, Latinos, immigrants and children living in the city of Jackson, Bolivar County, Madison County, Warren County, and Washington County.

I am going to take a unique approach to this issue. I am going to admit the reason unabashedly I want all of the people in Mississippi's Second Congressional District counted is to increase the amount of federal funding received by the State of Mississippi.

Mr. Speaker, allow me to give you some additional statistics. Of the fifty states, Mississippi ranks first in the percent of births to unwed mothers, first in food stamp recipients, first in infant mortality rates, last in state health rankings, fifth in percent of non-elderly population without health insurance, 41st in average 8th grade math proficiency scores, 36th in average 8th grade reading proficiency scores, and 50th in per capita personal income.

Once again, Mr. Speaker, I would like to remind you that I represent the poorest Congressional District in the second poorest state

in the nation. In some places in my District federal funds are the life's blood of economic hope. Usually, the county tax base cannot cover the many needs of the area's residents. The federal government has stepped in on numerous occasions and filled the financial gaps that would have otherwise increased our state's infant mortality rate, prevented the basic educational needs of our children from being met, and prevented Mississippians from building the vital infrastructure needed to support businesses and to provide jobs.

When any segment of our population goes uncounted, it jeopardizes our chances to receive invaluable federal funding. Some of the programs that rely on population-related data to allocate funds include: 1890 Land Grant Colleges, Water and Waste Water Disposal Systems for Rural Communities, Community Development Block Grants, Juvenile Justice and Delinquency Prevention, Summers Jobs, Education Block Grants, Head Start, and many others that have specifically benefited the District I represent.

The use of current statistical methods is the only way to insure Mississippi receives the most accurate count possible. It is the only way to guarantee that our respective constituents receive their fair share of federal dollars.

Mrs. NAPOLITANO. Mr. Speaker, I am here today to make the case for an accurate year 2000 census. We must do what we can to avoid a repetition of the 1990 census, which was the least accurate U.S. census this century. In 1990, over 800,000 Californians were not counted. Subsequent studies by the Census Bureau found that 17,153 individuals in my own district went uncounted. The 1990 census is also known for having done a poor job of counting minorities. This deficiency was also reflected in my district, where 63 percent of those not counted were Hispanic.

What good is a census if it doesn't count everyone?

We need an accurate census so that federal funds and congressional seats can be fairly distributed among and within the states. When I was Mayor of the City of Norwalk, it was blatantly clear how vitally important census figures were in determining my city's access to much-needed federal dollars. Communities in my direct, my state and around the nation, depend on an accurate census to provide them with the dollars they deserve to support important education, health and infrastructure programs.

Therefore I supported, and continue to support, the use of modern statistical methods to produce the most accurate census possible. Unfortunately, the Supreme Court took the position that these modern methods cannot be used for the reapportionment of congressional seats among the states—a decision that will likely leave California without all the representation it deserves.

But the Supreme Court decision did affirm that these methods can be used in determining how to draw district lines and distribute federal funds. I hope that we will be able to use modern statistical methods for those purposes.

I know that many of my colleagues on the other side oppose the use of modern methods for any purpose, and I am saddened that they lack a commitment to producing the most accurate census possible.

If we are not going to be able to use the best methods recommended by our Census Bureau, then let us move quickly to ensure that the people who conduct the head count, using old and out-dated methods will, at the very least, have some of the tools needed to conduct a successful count.

This is going to be the largest peacetime mobilization in U.S. history—500,000 people will be hired all across the country for temporary positions to count our population wherever they may be found. To ensure that their effort is a success, these census workers must be familiar with the areas in which they will be working. This will help minimize the expected undercount.

Therefore, I am strongly urging the President to sign a waiver, authorized by the 1978 Civil Service Reform Act, to allow the use of a supplemental, bipartisan political referral system to fill the approximately 500,000 temporary decennial census positions across the nation. This will allow for local input into who is chosen to run the census. It will ensure that familiarity with the local area and the great diversity of our communities are critical factors taken into consideration when hiring qualified people to conduct our census.

Both Presidents Carter and Bush signed such waivers for the 1980 and 1990 Censuses. This approach was determined to be a very effective method in attracting qualified applicants accustomed to dealing with the public.

With a waiver, Members of Congress, as well as a host of state and local officials will be able to recommend individuals in their communities that are thoroughly familiar with the territory they will survey, including hard to reach populations. And, of critical importance, they will possess the sensitivity to deal effectively with local populations, inclusive of ethnic and racial minorities, who may be suspicious of unknown government workers coming into their communities.

The 2000 Census is fast upon us and unfortunately the Supreme Court has already tied one hand behind our backs, making an accurate count all but impossible. We in Congress must not further hamper the Census Bureau in conducting the best and fairest possible count. I strongly urge the President to sign the waiver as soon as possible and for Congress to allow the Census Bureau to use the most modern statistical methods for determining how to disperse federal funding and draw district boundaries within states

Mrs. MALONEY of New York. Mr. Speaker, I would just like to close by saying that we should let the professionals do their job. We should let them conduct an accurate count using accurate scientific methods. We know what the last count gave us. It gave us an undercount that disproportionately hurt minorities and the poor and the children, and we should not let that happen again. We must correct it, and we have a plan that does that. We should be supporting the professionals, not trying to undermine their efforts in getting the most accurate count possible.

□ 2215

ISSUES THAT DEFINE THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I want to spend this evening's Republican special order hour talking about a number of issues that define our Republican majority and what we are trying to accomplish here in the United States Congress. I want to invite any of our conference members who may be monitoring today's proceedings and this special order to come down on the floor and join in this discussion if they have anything to add to it or to relate to the rest of the Members of this great body.

One of the topics that I wanted to discuss tonight is an effort by the administration to greatly expand the percentage of land in America that is owned and possessed by the government as opposed to private landowners.

I recently had a chance to go to Russia with an 8-member delegation, the purpose of which was to discuss national missile defense and the legislation that we just passed last week relative to establishing a missile defense policy. The absence of property rights there captured my attention.

In Russia, all land is owned by the government. Even since the fall of Communism, Russian politicians have failed to make the transition to private land ownership, despite growing public fondness for this dramatic step. As more Russians exchange ideas with the rest of the world, they are collectively coming to an obvious conclusion that government is a poor steward of the land. The sad irony is the propensity of our own Federal Government to ignore so self-evident a truth.

The White House has proposed a virtual real estate spending spree involving the government snatching up private land faster than one can say glasnost or perestroika. Well, perhaps it is time for a little honesty, openness and restructuring here at home, too.

Westerners bristled during the State of the Union performance when the President announced his land legacy initiative, a ten and a quarter billion dollar land grab. Remember, the Federal Government already owns 30 percent of all land in the United States and a staggering 50 percent of all land in the west.

Now add to the Federal estate, expanding land acquisitions by State and local government, and it is not hard to conclude that America's destination is the very point of Russia's departure. The Clinton administration seems bent on breaking this bond between the American people and the earth, the very stricture of President Teddy Roosevelt's 1902 Reclamation Act which opened the door for water development, irrigation and agriculture in the west.

The Federal Government is notoriously ill-suited to manage the land it now holds, let alone more. For example, last year, the General Accounting Office reported to Congress widespread financial mismanagement, fraud, abuse

and so on, in the United States Forest Service. The Service could not even identify how it spent $215 million of its operations and program funds.

Similar abuses have been reported within the National Park Service, which spent $784,000 of taxpayer money on the construction of a single outhouse in Pennsylvania. The Park Service has built similar royal commodes in Montana's Glacier National Park, and last year congressional hearings focused on the devastating impact of Federal land use policies on rural communities. Testimony from county commissioners documented how designating more Federal land erodes the tax base for schools and other critical services.

The Federal payment in lieu of taxes program designed to alleviate these burdens does not work well, they said. Historically, America's land policy has always favored private property ownership but under the lands legacy initiative, choice private lands currently thriving in the capable hands of America's farmers and ranchers will be relinquished to the control of Federal land managers with Washington, D.C. agendas.

At a time when the agriculture economy is enduring record low commodity prices, Congress should instead encourage private land management through positive incentives and tax relief. Indeed, this is why I introduced the Family Farm Preservation Act in the 106th Congress, to keep family farms and ranchers productive and in the family, keep their ranches in the family. The bill exempts family farms from the death tax when passed to succeeding generations.

Congress should address capital gains and other tax burdens, reform the Endangered Species Act and more aggressively expand trade markets. These steps would enable America's farmers to continue providing open space and the world's safest and most efficient food supply. In America, the right to liberty entails the right to hold property, especially land.

American politicians and their Russian counterparts would do well to consider John C. Freemont's 1856 observation that the valves upon which this Nation rests are, quote, free soil, free men and free speech; or we could all learn to speak Russian.

Growing the size of the Federal Government is a general theme that more than defines just the administration's efforts on acquiring additional public lands throughout America and restricting the available lands for private ownership. Growing the size of the Federal Government is really what divides both sides of the aisle here in the United States Congress.

We heard the previous Members engaged in a Democrat special order hour on the House Floor this evening talking about the United States census as though the Constitution as it relates to the census is somehow irrelevant but what matters more is the amount of the public wealth that is redistributed to the rest of the American people on the basis of how one counts bodies. That is a huge difference of vision in what constitutes real freedom and real liberty as we head into the next century.

Our plan is something that is very, very different. It entails a bold agenda here on the floor of the House of Representatives, to talk about smaller government, to talk about lower taxes, to talk about reducing the Federal burden of regulatory law in the lives of Americans on a daily basis. It is a pro-freedom agenda, a pro-liberty agenda. First and foremost in that agenda is our efforts to strength Social Security.

The Republican budget proposal sets aside every penny of the $1.8 trillion surplus in the Social Security trust fund to provide retirement security to three generations of Americans. Seniors, baby boomers and their children can all count on retirement security without a cut in benefits or an increase in taxes.

This is the first time since Congress passed the Social Security Act back in 1935 that 100 percent of the money going into that trust fund is being set aside for retiring Americans. We, the Republicans, are putting the trust back into the Social Security trust fund. House Republicans plan to create what is called a safe deposit box, to put that money off-limits legally for the first time in more than 60 years. The Social Security trust fund will no longer be a slush fund for wasteful government spending.

The Clinton-Gore plan only sets aside 62 percent of payroll revenues for retirement security over the next 10 years, again, compared to 100 percent that the Republicans are proposing.

The White House proposal on Social Security and Medicare totals only $1.68 trillion over the next 10 years compared to $1.8 trillion proposed by Republicans for retirement security on both Social Security and Medicare. I point out, Mr. Speaker, we accomplish this not by talking about proposals on the House Floor as we just heard a little while ago from our Democrat friends to grow the size of the Federal Government, to spend more money, to enlarge the size of the Federal bureaucracy. We talk about just the opposite and we do so because allowing the revenue that the Federal Government collects to be set aside for real priorities matters more to us, real priorities like saving Social Security and creating a solvent Medicare program as well.

In the fiscal year 2000 alone, the President's plan, their 62 percent plan, sets aside only $85 billion. The Republican plan, again, sets aside 100 percent, $137 billion.

Let me talk about how we accomplish this because we do so within an overall budget framework and a blueprint to allow retirement security for three generations, and historic tax relief.

When the American public put the Republican Party in charge of Congress in 1995, the annual Federal deficit was $175 billion and growing as far as the eye could see. In 1995, we promised the American people we would balance the budget and reduce the Federal debt. In 1997, we passed the balanced budget resolution and in 1998, just last year, we balanced the Federal budget. This was the first year the budget was in balance since 1969, the year man first walked on the moon.

We have begun paying down the $5.1 trillion national debt. In 1998, we paid the debt down by $51 billion, the first time in a generation a payment has been made on the Federal debt.

Just 4 years after being elected to the majority, we expect Federal revenue surpluses as far as the eye can see. With a strong economy, and the 1997 Balanced Budget Act, we expect over $130 billion in surpluses in the year 2000, and $2.6 trillion over the next 10 years.

This is only possible, Mr. Speaker, if we continue on our plan to shrink the size of the Federal Government, to slow the rate of growth in Federal budgeting, to stand in the way of efforts of our counterparts on the opposite side of the aisle and their liberal friends down in the White House to grow the size of the bureaucracy, to expand the scope of Federal regulation; and instead leave a greater quantity of the American people's wealth back home where it belongs, in the hands and in the pockets of those who work hard to earn it.

By shrinking the size of the Federal Government and by allowing the public wealth to be reinvested into the economy and in the American people, we allow for economic growth to occur at greater rates so that lower tax rates actually collect more revenue, not through higher tax percentages and higher tax rates but through a stronger, more vibrant economy, where private capital, private cash, is circulated over and over and over again to create jobs, to create economic growth and investments and other kinds of wealth and to allow our government to function as our Founders once envisioned it should.

That is how we create a budget surplus. That is how economists throughout the country have concluded that under a plan of smaller Federal budgeting and lower tax rates, we can expect a $2.6 trillion surplus over the next 10 years. That $2.6 trillion surplus is comprised of two elements. One, the on-budget surplus of approximately $800 billion as a result of working Americans paying Federal income taxes and other revenues. Under the budget plan, this 10-year surplus will be returned to working Americans as tax relief.

The second element, the off-budget surplus, comes from working Americans paying payroll taxes into the Social Security trust fund, money they expect will be there for them when they retire. The payroll tax revenues and interest total $1.8 trillion over 10

years. We are setting aside every penny of that surplus, the $1.8 trillion in the Social Security trust fund, to provide retirement security to three generations of Americans: Seniors, baby boomers and their children, who we believe should be able to count on retirement security without a cut in benefits or an increase in taxes.

I want to reiterate that this is the first time since Congress passed the Social Security Act in 1935 that every penny of money going to that trust fund is being set aside for retiring Americans.

□ 2230

I would like to ask Members to compare that with the White House plan on retirement security. The White House plan, and again, I mentioned this earlier, only sets aside 62 percent of payroll revenues for retirement security over the next 10 years compared to the 100 percent that the Republicans put aside.

The President of the United States himself just a few months ago stood right at the rostrum just in front of me and disclosed this plan as though it were something the American people should celebrate. In fact, many Members on the House floor rose to their feet in wild applause, suggesting that setting aside only 62 percent of the social security trust fund to save social security was somehow a good idea. I think for a day or two the American people may have actually bought it.

But as soon as the veneer was peeled back on that plan that the President put forward, economists and the American people in general realized that what the President had done was the same old Washington trick, the same old ploy of political partisans here in Washington, D.C., and that is to double-count imaginary money.

On the Republican side, we are convinced that the American people are fed up and sick and tired of that kind of accounting, playing fast and loose with their money. It is why we are so completely devoted to the cause of walling off the social security trust fund, keeping the Federal spenders' hands off of it, and preventing that social security trust fund from ever being raided by this government again. We want to set aside the full 100 percent, and leave it in the account of the social security trust fund for future generations.

The President's proposal, the combined proposal to strengthen both social security and Medicare, totals only $1.68 trillion over the next 10 years, compared to our plan of $1.8 trillion proposed by the Republicans for retirement security. That difference is a significant one, and it is one that every senior, every baby boomer, and every baby boomer concerned about the retirement prospects for their children should watch very closely.

Let me add two more points. When it comes to taxes, the White House has proposed a budget that raises taxes and fees by $172 billion over the next 5 years, which disproportionately affects agriculture, I might add, a number of agricultural financial institutions, insurance funds, as well as many of the supporting industries that farmers and ranchers rely upon; for example, herbicide and pesticide manufacturers and so on.

Now, the Republican tax cuts, our proposal is for tax cuts between $10 billion and $15 billion this year, between $150 billion and $200 billion over the next 5 years, and $800 billion; when we add all that up, $800 billion over a 10-year period; once again, a dramatic difference between what the Democrats represent on the House Floor and what the Republicans represent in the House of Representatives.

The second key element of our agenda in Congress, particularly on the House side, is education flexibility, creating world class schools, schools that are second to none, and reclaiming our international prominence as a Nation of excellent educational institutions.

We will give local schools and school districts more flexibility to spend education dollars as they see fit. More decisions will be made at the local level where parents are involved, not here in Washington, D.C.; again, a dramatic departure from what we have seen represented through the U.S. Department of Education, under the leadership of the White House, and a new, bold Republican agenda that moves forward in a way that honors parents as real customers, teachers as real professionals, administrators and school board members as real leaders, and children as real Americans.

Too often Federal education funds are tied to the special interests of Washington, not to the best interests of children and teachers. Schools can teach our children more by cutting Washington's red tape and spending our Federal education dollars where the children need it, not where bureaucrats 2,000 miles away say it should go.

The Ed-Flex program, for example, a piece of legislation that we discussed again on the floor today with respect to some of the changes that the Senate made in a similar proposal, currently provides 12 States with the flexibility to wave certain Federal and State regulations.

Now, this is important. It is important because every schoolchild, every administrator, every school board member, knows the agony of complying with the rules, the regulations, the red tape handed down on high from Washington, D.C. to their local institutions.

The amount of Federal funds that go to schools is relatively small, on the order of maybe 7 or 8 percent at the most in certain schools, usually 6 to 7 percent in the average school district around the country. But in exchange for that relatively small percentage of Federal funds in an overall school budget, these administrators, teachers, and school board members are fade with an insurmountable burden of complying with mountains of paperwork that comes along with those dollars.

We want to cut those strings. We want to cut that red tape. We want to untangle the education quagmire that this Federal Government has created across the country, and move forward on an education agenda that is about the freedom to teach, the liberty to learn, treating parents like real customers and teachers like real professionals.

Mr. Speaker, I am joined by my good friend the gentleman from California, and I yield to the gentleman from California (Mr. CUNNINGHAM) to add to the discussion.

Mr. CUNNINGHAM. I was all the way down on my boat on which I live, Mr. Speaker, and I heard the gentleman talk about private property in some of the agenda, so I put my tie back on, I think I got it on straight, and I even buttoned my tab.

I want to thank the gentleman for holding this special order, because there are a couple of areas which I want to the gentleman to talk about. One, I heard the gentleman on the social security issue. The other is where the President claims to put a percentage in Medicare, and actually draws out $9 billion out of Medicare.

When we talk about double-using figures in a budget, and the President takes out $9 billion and then puts in money, and then takes money out of social security and then puts 62 percent in, and he takes those billions of dollars and spends them on programs, then when it comes to our budget time he claims that we are cutting programs.

First of all, we believe in maintaining the caps. A balanced budget to us is very, very important. For those, it is not. We will see in every single bill except for defense that our liberal colleagues over here will increase spending, regardless of what the program is. They will pay for anything, a chicken in every pot. That is where our big disagreement is.

In the field of education, I was chairman of the Committee on K through 12 before I went on the Committee on Appropriations. GAO said that for direct lending programs, when it was capped at 10 percent, it cost $1 billion annually, $1 billion, not a million, just to administer it out of the government. That was when it was capped at 10 percent. It cost $4 billion to $5 billion to collect because the Department of Education did not have the collection funds.

The President wanted the direct lending program to go to 100 percent. I absolutely fought tooth, hook, and nail from doing that because of the waste, rather than letting it go to private.

The government shut down at that time. That was one of the President's key points. We got blamed for it. But at the same time, our leadership said, Duke, we need to let this go to 40 percent. I said no, I want to zero, because

we can get more student loans out of the private sector at reduced cost, instead of having Uncle Sam here do it.

They negotiated, they let it go to 40 percent. They put in just a few language words in the bill that neither the President nor the Democrats saw, but it limited the amount of money that went to the bureaucracy. We added and paid additional money to the Eisenhower grants. We increased IDEA for special education to the highest level ever that was possible. As a matter of fact, I was the chairman that started the IDEA program, along with the gentleman from Pennsylvania (Mr. BILL GOODLING), and when I was subcommittee chairman we enhanced and increased student loans by 50 percent by limiting the amount of bureaucracy.

I think the overall aspect of the differences, as the gentleman said it right, we want to give people the freedom, instead of having government control their lives.

I had a committee hearing. We had 16 different groups come in, and each of them had one of the best ideas in the whole world for education programs in their district. At the end of the hearing, I asked which of the 16 had any one of the other 15 in their districts, and not a single one.

I said, that is the whole point. What we want is to get you the money directly, let you decide what is good for your particular district, because there may be a difference from San Diego, where the Speaker is from, and Maryland, or the gentleman from Colorado, and let the teachers, the families, and the community make those kinds of decisions.

Yet, the big government way would be to take all 16 of them, spread them out, give very little money for them, and defuse all of them. That is what has happened over the last 40 years here.

In the field of education, we want to get the money to the classroom. There is a bureaucracy group here that wants to keep it. I would ask the gentleman and I would ask the Speaker, I want to Members to look up on the Web page, and I will say it very slowly, www.dsausa.org. That stands for the Democrat Socialists of America.

In there, their socialist agenda is government control of private property, just as the gentleman spoke of, where the government owns over 50 percent of the State where I belong, California. Yet, they want to enhance it even more. They want government-controlled health care, they want government control of education, they want the unions to have power over small business, because they support big government dominance. They want to pay for it by increasing our taxes to the highest progressive tax ever, and they want to pay for it also by cutting defense by one-half.

In there is the Progressive Caucus. There are 58 Democrat members in the Democrat Caucus that are poster children in the Web page for the Democrat socialists of America, 58 of them on my left side.

They want government control of health care. They want to tie up all the government lands, privately owned, to government control. If they cannot control it directly, they want to control it with the endangered species, they want to control it with OSHA, they want to control it with EPA, whatever. This is not the gentleman from California (Mr. DUKE CUNNINGHAM) speaking, but on the Web page what their 12-point agenda is.

Mr. SCHAFFER. If the gentleman would yield for a question, I just want to make sure I heard that correctly. He said there were how many Members?

Mr. CUNNINGHAM. Fifty eight Members, Democrats, in the Progressive Caucus that are listed under the Democrat Socialists of America.

Mr. SCHAFFER. They have allowed their names to be used in that official capacity?

Mr. CUNNINGHAM. Their leadership is by the gentleman from Vermont (Mr. BERNIE SANDERS). He was elected as an Independent but is a practicing socialist. It is scary.

Mr. SCHAFFER. I want to talk about really the bright line that separates the kind of direction in government, almost the kind of government that defines us as citizens in America by its definition and by its action versus what the gentleman and I stand for on the House Floor as members of the Republican Party, because with that line, many, many people are persuaded by the media and others that somehow we are all very similar around here; that Republicans and Democrats, there is very little difference among them.

Mr. CUNNINGHAM. Eighty-five percent of the media around here voted for Bill Clinton.

Mr. SCHAFFER. Quite right. My point is that with respect to education, for example, if we just use that example for a moment, we agree in the United States that there is a legitimate role for government to play in educating the American people; that utilizing public resources for the purpose of educating children, the poor, the rich, and those in between, is a worthwhile public goal and objective.

Where we differ, however, is when it comes to the one-size-fits-all style of rules and regulations that treat the child in Washington, D.C. as though he is the same, as though he may live in Colorado or perhaps even in California; that across this great country, the same bureaucrats apply the same rules in the same way to the same level of expense, and it results not only in an economic model that cannot succeed and is doomed to failure from the beginning, but it robs the children of America of a rightful claim they have to a first rate education and freedom-based schools, and schools that deploy the concept of liberty in providing a whole assortment of educational objectives inspired by competition.

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That is something that is very different between the two sides. That is the bright line, I would suggest, that separates the two parties.

I am sure there are folks who are monitoring today's discussion here now who believe this is some kind of exaggeration. But the gentleman is right, there are individuals who primarily come from the opposite party who, on a daily basis, move forward on an agenda to consolidate the power of the people in Washington, D.C., to empower bureaucrats at the expense of American people, and to establish these gigantic bureaucracies that provide rewards for themselves politically at election time, but which are very, very different from the traditions that we have established in America over the 223 years since Independence Hall.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, look at the historical voting pattern of some of my colleagues on the other side. The President, when they took the majority, tried to get government health care. Not a single Republican or Democrat voted for it, it was so bad.

Throughout the years, they have cut defense by almost half, and they still want to cut it even more. If we take a look at their control over the public lands like the gentleman talks about, where over 30 percent in the country and over 50 percent in the West is owned by the Federal Government, but, yet, they want it expanded by more.

If we go down to Maryland and Virginia, we see expansive lands being soaked into conservancies which basically locks hunters and fishers and ranchers out of the land.

Then we take a look at education, the direct lending program. We look at why most of us were against Goals 2000. Send the money to a State. If they want to run in that local school district a Goals 2000 without all the reporting, then that is fine. But then even under Goals 2000 what happened, how they changed it when the Democrats took control, there were 14 ''wills'' in there. Under legal terms, ''will'' means you must. They said it was only voluntary. It is only voluntary if one wants the money.

Then they tied other grants that say, for example, if one did not have Goals 2000, one did not have all these other voluntary grants, one never qualified for these other grants.

I heard the gentleman say that Federal dollars only accounted for 7 percent. But that 7 percent, with all those rules and regulations, controls a large percentage of the State money.

IDEA is a classic example of how it is destroying and trial lawyers are destroying the public education system through establishing cottage organizations. Talk to Alan Burson. He was a former Clinton appointee, now the superintendent of schools. He said his biggest trouble is with trial lawyers and the unions trying to progress the California schools.

Gray Davis is trying to make some changes, the new Governor, Democrat, in California. I am doing everything I can to help them both, because they are moving in the right direction of freeing up our schools, of making a transition when, over 40 years, they want to continue the same thing.

We are 20th of all the industrialized nations, Mr. Speaker, 20th in math and science. California is last in literacy. For example, the President wanted a new literacy program. Three billion dollars in the last budget. It sounds great when one is last in literacy. There are 14 of them in the Department of Education. Title I is one of those. We are saying let us eliminate 11 or 12 of them.

Let us focus, instead of authorizing them here and funding them here, let us fund the ones that work up here and get rid of all the bureaucracy, because one is paying the salaries, one is paying the retirement, one is paying for the building, one is paying for the paperwork and the overhead; and that keeps the money going down to the classroom.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, the functional leverage that the Federal Government utilizes in many of these programs is something the gentleman from California referred to, or I guess the phrase he used earlier, and can be described in the following way: the Federal Government describes these programs as voluntary.

If a school district or a State or an individual school wants to use the Federal funds that are set aside for a particular program, then they have to comply with the rules. But if they do not want the rules, they do not have to take the money.

Now the fallacy of that is the origin of the money, because the money is confiscated from taxpayers back in the gentleman's home State and my home State of Colorado. We just have to visualize this.

If we had to draw it out on a flowchart and look at it on an organizational chart or a map, the Federal Government taxes the income of the American people back home in our home States. That money comes back here to the Federal Government. It comes to us as policy makers in a budget in an appropriations process. We approve that money for the Federal Government, for the Clinton administration. That fund has grown over the years. They take that money, which rightfully belongs to the people, back home in our States and say, ''if you want it back, then you have to accept these rules. But you do not have to get the money back.''

Mr. CUNNINGHAM. Oh, and by the way, Mr. Speaker, we are only going to give them 50 cents on the dollar because the other 50 cents funds the bureaucracy.

Mr. SCHAFFER. Mr. Speaker, it is already soaked up by bureaucracy. If one wants a portion of one's money back, then one has to play by our rules. They are more than willing to have one decline the rules in the program, because that just means they are able to give one's cash to somebody else and make them happy.

So that really is the fallacy that I think many on the liberal side of the aisle, the Democrat side, fail to see; and that is, this money does not belong to the government. It did not originate here in Washington, D.C.

We are talking about the hard-earned cash of the American people who work hard every day to make ends meet, to put food on their table, to put a roof over their head, to raise their children in a country that they believe to be an honorable and noble place in all the world. That is who owns that money. That is where it comes from.

The people in Washington take it from them and give it back and suggest that we are going to give it back with strings attached, and it just does not work. We are for moving authority out of Washington, D.C., empowering States which have the rightful constitutional authority, by the way, to manage public schools and to establish school districts.

I come to this microphone all the time and defy my Democrat friends on the other side of the aisle to show any reference in the Constitution to the Federal Government's authority to manage local schools. I submit it is not there. Not a single one has ever been able to come to these microphones and show where the Constitution specifically enumerates authority to this Congress to manage local schools. Yet we do it every day through these pseudo voluntary programs which are nothing more than Federal blackmail.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, let me give my colleagues another point. The President, when the gentleman was talking about taxes, I thought the height of conceit was the President first, when we wanted to give tax breaks back, called the American people selfish if they wanted their tax money back.

Just 3 months ago, the President, when he heard we were going to give tax relief to working families, said that he is opposed to giving money back to working families because ''they may not know how to spend it wisely.'' That implies government knows how to do it better. I just totally disagree with that. It is not their money. It is the people's money that send it here in the first place, and we should give it back.

Mr. SCHAFFER. Mr. Speaker, it was not government that created a great country in America. It was always faith and belief in the American people, the ingenuity of the American individual, and the abundant spirit of those early pioneers and colonists and so on that defined our country as different than the rest of the world.

It is an interesting thing that we often do not get a chance to consider too often here on the floor except for perhaps in these special orders, but in the Declaration of Independence, it was laid out very differently than the rest of the world had experienced up until that time, where we held certain truths to be self-evident, that we are all created equal and that we are all endowed by God with certain inalienable rights.

This is different than what the people of England had known, and it is different than, frankly, anywhere in Europe had ever acknowledged or any other great political civilization up to that time. For them, power always came from the government, and it was distributed to the people usually based on a system of favoritism of sorts.

But we decided it was very different here, that the people ultimately run the country. The gentleman from California and I, as individuals, not Members of Congress, but as individual citizens back home have a tremendous amount of authority that is loaned to representatives at election time.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield for just a second?

Mr. SCHAFFER. Certainly I yield to the gentleman.

Mr. CUNNINGHAM. Mr. Speaker, I see we have been joined by the gentleman from Michigan (Mr. HOEKSTRA), a member of the Committee on Education and the Workforce. I used to serve on the committee with the gentleman from Michigan (Mr. HOEKSTRA) who is chairman of the Subcommittee on Oversight and Investigations.

The gentleman from Michigan (Mr. HOEKSTRA), along with GAO, the President's own department, identified 760 Federal education programs that take away, which is the reason we get less than half of every dollar down to education.

I hope the gentleman from Colorado (Mr. SCHAFFER) will yield to the gentleman from Michigan (Mr. HOEKSTRA), because I think, of all of the people in this body, as far as seeing the waste and fraud that goes on in education from the Federal Government, the gentleman from Michigan (Mr. HOEKSTRA) has been there to find it out.

Mr. SCHAFFER. Mr. Speaker, it is my great pleasure to yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman and apologize for being a little late. I had the opportunity to listen to some of the gentleman's discussion on education. I think he was talking about land use earlier.

I thought it would be helpful for me to come and participate only so that I can in some ways learn from the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from California (Mr. CUNNINGHAM), my colleague that we miss on the Committee on Education and the Workforce but who is now on the Committee on Appropriations. We actually have a great partnership in making sure that the dollars that we spend here in Washington actually get down to the local level.

The gentleman from Colorado (Mr. SCHAFFER) and myself have had the opportunity to go around the country,

and we have been in 16 different States, we have been in the district of the gentleman from Colorado (Mr. SCHAFFER), we have been in my district, where we have built a record of the good things that are happening in education. There are a lot of good things that are happening in education.

As we have been in Colorado, as we have been in Michigan, as we have been in California, Ohio, Illinois, Milwaukee, New York, we have been in Kentucky, the thing that we have seen consistently is that education excels when people at the local level are given the freedom and the latitude to take the money that we give them, and they all come back and they say ''your dollars are critical, and they help us do some things that we might otherwise not be able to do,'' but they say, ''get the dollars down here, but then let us have the flexibility.''

As the gentleman said, all these programs do not go to K through 12, the 760 programs. Some of them have nothing to do with K through 12 or higher ed. But we think that there is well over 500 programs that do go to K through 12 or higher ed. Each one of these are the funding stream. We call it a funnel or a silo. Each silo comes with a whole series of rules and regulations and applications. Once one gets the money, one has got to report back. Then one is audited.

That is why, like the gentleman indicated, we believe that, when the American people send a dollar to Washington for education, somewhere between 60 cents or 70 cents, maybe as low as 50 cents, only 50 cents gets into a local classroom and an immediate impact to a child. Fifty cents, 60 cents gets lost in the bureaucracy. It gets lost in the red tape.

We just appointed the conference committee today on Ed-Flex, which is intended to eliminate some of the bureaucracy, some of the red tape, and allow local school districts to make the decisions for the kids in their classrooms.

I think it is a real step forward and a real opportunity and one that I hope we can build on through this Congress. Ed-Flex is only the beginning of a process of not eliminating Federal involvement, but really recognizing where the power and this partnership is. The power and the partnership is at the local level.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I would like the gentleman from Michigan maybe to discuss a little further, the Ed-Flex concept is one of essentially turning those dollars that we talked about earlier back to the States with fewer strings, fewer regulations attached. We are, perhaps, not to the point that some Americans would hope we are at where we could just leave that cash back at home in the States' pockets and let the States distribute these dollars directly without having them funneled through Washington and turn around and go back home to the States. But it is, it does signal a new direction.

Trying to accomplish things in this body is sometimes like steering a barge. It takes a long time to make the turn. But it does signal, the Ed-Flex bill that we voted on today, the conference report, it does signal a new direction in where the Republican is taking the country with respect to education, realizing that States, school board members, State legislators, Governors, teachers, principals, administrators of all sorts have better ideas than we do here in Washington, better ideas than the administration does in the Department of Education.

We can get these dollars directly to kids in a way that helps those children without encumbering those dollars and stealing them and having them lost in this mountain of bureaucracy back here in Washington. It is a new direction and an exciting one.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

□ 2300

Mr. CUNNINGHAM. I know that firsthand, not secondhand. My wife is the Director of Administration at Encinitas Union School Districts in the State of California; my sister-in-law is the director for all special education for all San Diego City schools under Alan Burson, who I just spoke about.

But charter schools were an initiative to try to do that same thing, to take away some of the rules and bureaucracy. The National Education Association fought us tooth, hook and nail against charter schools when they started, and Governor Wilson really pushed those in the State of California, and they have been successful.

Another freedom that we would like to use is, and the President talked about our welfare reform bill, which he vetoed twice and he finally signed it, but we have less than half of welfare recipients on the roll now than we had before. Instead of the taxpayers having to pay out billions of dollars for welfare recipients, which the average was 16 years on welfare, that is how bad it was, now those people are working, pridefully working, their children have a chance in society, and they are paying into the revenue stream. And guess what? The States, the governors, who do not have the flexibility right now, since they have one-half the welfare rolls and they have the dollars, they cannot take those welfare dollars and apply them to education. We want to allow the States to use that, the governors, to take that money and use it for education.

I think those kinds of initiatives are going to improve our education system; freeing up the States to allow them to do these things without the red tape from Washington, D.C.

Mr. HOEKSTRA. If the gentleman will further yield, we are shifting the barge, but there are powerful currents that are trying to put us back on the track that we have been in for the last 15 years.

Take a look at the debate we had on the floor of the House here today. In the Senate, on Ed-Flex, they added a very simple amendment. They said for those school districts, or for the school districts that are getting money for reducing class size, for hiring additional teachers, there is another mandate out there from the Federal Government, which is funding for children with special needs. We promised local school districts in the State, we did not, I do not think any of us were here when that mandate went through, but Washington said we will cover 40 percent of that cost for these children with special needs. That is a priority for us in Washington. We are going to mandate that the States do it and we will pick up 40 percent of the cost.

Last year, we had a record percentage that we cover the cost. We were all the way up to, what, 11, maybe 12 percent? Somewhere between 11 and 12 percent.

Mr. CUNNINGHAM. The highest in over 30 years.

Mr. HOEKSTRA. The highest in over 30 years. And all they did in the Senate was, on the teacher funding, we know there is a tremendous burden on the local school for special ed, so we will give them the flexibility of either hiring teachers, because maybe they have already taken care of the class size issue, or they are struggling with a couple of different priorities. But rather than Washington coming in and saying they can only use the money for teachers, they wanted to say they can use the money for teachers or they can use the money for their special ed program.

And we had a fairly spirited debate here on the floor of the House with one group saying hiring teachers is exactly what they should do with that money and they should not be able to use it for anything else. Luckily, we prevailed today in saying they have the flexibility of using it for teachers or using it for special ed so that the local school district can make that decision.

I would think that local administrators, a local school board with parental involvement, is better equipped to make that very basic decision: Are we going to take this money and use it for addressing some of the needs in our special ed program or are we going to use it to reduce class size? Let the people at the local level decide.

We won a skirmish in that process of moving the money and the decision-making back to the local level, but there are many here who believe that we know best what needs to go on in the local school districts. I have this litany that says we have a group of people here in Washington who believe that Washington ought to build our schools, hire our teachers, develop the curriculum, test our kids, buy technology, teach them about the arts, teach them about sex, teach them about drugs, feed them lunch, feed them breakfast, provide them with an after-school snack and have midnight

basketball. But other than that, it is their local school.

Mr. CUNNINGHAM. If the gentleman will continue to yield to me for two quick examples. I want to give two quick examples in the way Federal regulations take the money away from the schools.

First of all, the IDEA program. We could put in more money. We could put the 40 percent. But according to Alan Burson, a Clinton appointee, now the superintendent of San Diego City schools, he said the trial lawyers are eating up the money that we are giving special education and we are losing good teachers because they are having to go to the courts. They are not lawyers, but they are being forced out of special education. Teachers that just want to help kids.

The second is that we had a bill that offered construction companies a tax incentive for school construction. The President vetoed that. We talk about smoke and mirrors, and they say, well, we are for the children. I asked them in the D.C. bill and also in the President's bill. He wants construction. He wants the Federal dollars to pay for it, not local dollars or tax breaks, because then it falls under Davis-Bacon. The union wage. That costs 35 percent more than letting private contractors do it.

Mr. HOEKSTRA. If the gentleman will yield only so that we can explain what Davis-Bacon is. Davis-Bacon means that there are bureaucrats here in the Labor Department who send out forms all around the country and say that in Detroit the prevailing wage for an asphalt layer is X amount of dollars, and in Holland, Michigan, where I am from, it is X amount of dollars. And then if the school builds a project using even $1 dollar of Federal money, they have to pay these ''prevailing wages''. They are inflated wages.

I believe that the average age of one of these surveys is 7 years old. I mean it is not even up-to-date data.

Mr. CUNNINGHAM. The point that is important is that it is an inflated wage. In Washington, D.C. we could have saved millions of dollars for waiving Davis-Bacon for school construction here because the schools were falling apart.

What I am going to do is offer an amendment. The President wants school construction. If he really wants to help the children, let us waive Davis-Bacon for school construction. Let the schools on the local level save the 35 percent and let them decide if they need more teachers, or if they need more school construction, of if they need money for special education. Give them the freedom.

Do my colleagues think the unions and the trial lawyers are going to support that? No. They will tell everyone they are for the children, but when it comes down to it, they will support the unions and the trial lawyers over the children, and that is what is upsetting about this. We want people to do it. They want to waste the money here through bureaucracy and they want to waste it through unions and they want to waste it through trial lawyers that take away the money we give to the schools.

Mr. HOEKSTRA. I think we need to take the same kind of fresh approach on education that we took on welfare.

In the welfare debate, if my colleagues will remember, the governors came to us and said we have plans and ideas to help those people who are on welfare, but we have to go to Health and Human Services and we have to ask for waivers. We have plans that are approved by our State legislature, a lot of times in a bipartisan way. The executive in the State has agreed to it, and we come here to Washington and we have a bureaucrat who says, no, we cannot do that.

Now, I have to say, wait a minute, who do we think is going to take better care of the people in our States, those who are elected and serving in that State legislature or in the Governor's mansion or some bureaucrat here in Washington?

We really need to do the same kind of thing on education, where there are governors that are coming here and they are saying we get 7 to 10 percent of our money from Washington and we get 50 percent of our paperwork, all of our rules and regulations, from Washington. We have some States that are experimenting with one form of charter schools, others are experimenting with scholarships to students or tax credits for extra instructional assistance, and they say we have great ideas that are having an impact, but the Federal Government is holding us back from what we really think will help our kids.

So we need to bring the same kind of fresh thinking to reforming education or the education monster here in Washington so that we can actually go out and effectively help children at the local level.

□ 2310

I think we are on our way to begin that process, but we do definitely have a significant way to go.

Mr. SCHAFFER. I would like to point out, my colleague mentioned the welfare model as a perfect example of what we can anticipate by focusing on a decentralized strong State approach to education reform. Again, using welfare as a model, just even a year or so after the Welfare Reform Bill was passed, we saw headlines like these that I saved from Colorado: ''Welfare Rolls Dropped 25 Percent.'' That was in one year. Welfare rolls have now dropped 43 percent in 18 months.

Mr. HOEKSTRA. If the gentleman would continue to yield, would it not be great if we did education reform and we started reading headlines that said, test scores improve by 25 percent, math and science scores up by 25 percent?

Mr. SCHAFFER. That was my point exactly. 6,730 fewer families on welfare. This was in Colorado. And this was just 12 months after the Welfare Reform Bill pass. ''Workers Coming Off Welfare to Get Job Help'' is another of headline.

I just use these as examples. Because what we saw is, when the Congress moved authority out of Washington with respect to welfare, put governors and state legislators in charge to apply local values, local solutions to local problems, we saw welfare numbers drop dramatically throughout the country, about a 35 percent reduction in the welfare case load nationwide, 43 percent in Colorado.

I again use that as an example to show that freedom works, that liberating States works. And we can see our low test scores come up if we give States the authority to help them come up. We can see crime in schools and discipline problems in schools be reduced if we give local authorities the ability to create and design programs that they know will work locally.

Mr. HOEKSTRA. I want to play off the welfare thing, because as we are doing welfare correctly and improving the system, I really want the gentleman from California (Mr. CUNNINGHAM) to reinforce the point that he made earlier that says, as we are reducing the amount of money that we are spending in welfare, maybe we are freeing up some of that money so that it can be used on education.

Mr. CUNNINGHAM. Mr. Speaker, I would. And not a single one of the Members that I spoke about on that DSAUSA.org and the 58 Members that are listed in that in the progressive caucus, not a single one of them voted for the balanced budget. Not a single one of them voted for welfare reform. They all voted against tax relief. And that is there agenda.

Mr. Speaker, this is an easy way to remember what we are going to do over the next 2 years, and I want my colleagues to remember this. It is called best schools in military. B is for balanced budget. E is for education reform. S is for saving Social Security. T is for tax relief. Schools, different from education, is the infrastructure in schools construction to get the money there to do that. And military is to beef up, which we have not talked about, which is in sad shape and emergency shape. It is our defense. Those are the agenda items that we are going to focus on in this next Congress.

Mr. SCHAFFER. Mr. Speaker, I once again want to reemphasize the general theme that we have spoken about tonight, whether it was the opening remarks I had made about property rights or discussion about Social Security, balancing the budget, tax reform, fixing our schools, or even providing a national defense, which is something we did not discuss much tonight.

But that is the focus of a Republican party who has taken the majority here since 1995 and moving forward boldly in an effort to get our Government back to its constitutional authority, to move authority out of Washington, D.C., return authority back to the

States and to the people ultimately, to talk about strategies to decentralize education bureaucracy and move real decision-making back to our parents and school board members and administrators.

In the end, that is the truest expression of compassion and a caring, humanitarian, conservative agenda that we stand for here on the House floor, to treat families as though they matter, to treat children like real Americans, and treat teachers like real professionals.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. CALVERT, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes each day, today and on March 24.

Mr. DIAZ-BALART, for 5 minutes each day, today and on March 24.

Mr. MORAN of Kansas, for 5 minutes each day, today and on March 25.

Mr. KASICH, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes each day, today and on March 24.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. WATKINS, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, on March 24.

Mrs. KELLY, for 5 minutes, today.

Mr. SESSIONS, for 5 minutes, on March 24.

Mr. LEACH, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes on March 24.

Mr. THUNE, for 5 minutes, today.

ADJOURNMENT

Mr. CUNNINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 24, 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:

1206. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas (0596–AB68) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxirane, methyl-, polymer with oxirane, mono [2-(2-butoxyethoxy) ethyl]ether; Exemption from the Requirement of a Tolerance [OPP–300793; FRL–6059–4] (RIN: 2070–AB78) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1208. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to reduce losses to properties that have sustained flood damage on multiple occasions; to the Committee on Banking and Financial Services.

1209. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Graduate Assistance in Areas of National Need—received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances [FRL–6237–5] (RIN: 2660–AG12) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1211. A letter from the Director, Regulation Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Ear, Nose, and Throat Devices; Classification of the Nasal Dilator, the Intranasal Splint, and the Bone Particle Collector [Docket No. 98N–0249] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1212. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 97F–0412] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1213. A letter from the Secretary of Transportation, transmitting the Department's Fiscal Year 1998 Annual Report to Congress on progress in conducting environmental remedial action at federally owned or operated facilities, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

1214. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 1998, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform.

1215. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–144–FOR] received March 1,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1216. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule—Procedures for State, Tribal, and Local Government Historic Preservation Programs (RIN: 1024–AC44) received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1217. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 25 [Docket No. 980318066–8066–01; I.D. 022698A] (RIN: 0648–AK77) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1218. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches [Docket No. 980629162–9033–02; I.D. 093097E] (RIN: 0648–AK42) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1219. A letter from the Executive Director, The American Battle Monuments Commission, transmitting a draft of proposed legislation to facilitate fund raising for the construction of a memorial to honor members of the Armed Forces who served in World War II and commemorate United States participation in that conflict and related matters; to the Committee on Resources.

1220. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-First Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

1221. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–76–AD; Amendment 39–11054; AD 99–05–06] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1222. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B–1 Helicopters [Docket No. 94–SW–23–AD; Amendment 39–11055; AD 99–05–07] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1223. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29474; Amdt. No. 1917] received March 4, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1224. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29475; Amdt. No. 1918] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1225. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1 Series Turbofan Engines [Docket No. 98–ANE–76–AD; Amendment 39–11053; AD 99–05–05] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1226. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA–23, PA–24, PA–28, PA–32, and PA–34 Series Airplanes [Docket No. 98–CE–110–AD; Amendment 39–11057; AD 99–05–09] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1227. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters [Docket No. 98–SW–34–AD; Amendment 39–11056; AD 99–05–08] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1228. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes [Docket No. 98–NM–238–AD; Amendment 39–11052; AD 99–05–03] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1229. A letter from the Program Analyst, Office fo the Cheif Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–254–AD; Amendment 39–11051; AD 99–05–02] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1230. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–100–AD; Amendment 39–10974; AD 99–01–07] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1231. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–99–AD; Amendment 39–10973; AD 99–01–06] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1232. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA. 315B, SA. 316B, SA. 316C, SA. 319B, and SE. 3160 Helicopters [Docket No. 97–SW–14–AD; Amendment 39–11062; AD 99–05–14] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1233. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 97–NM–292–AD; Amendment 39–11077; AD 99–06–13] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1234. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–296–AD; Amendment 39–11085; AD 99–07–03] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1235. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 99–CE–03–AD; Amendment 39–11081; AD 99–06–17] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1236. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes [Docket No. 96–NM–203–AD; Amendment 39–11086; AD 98–13–35 R1] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1237. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 99–NM–33–AD; Amendment 39–11087; AD 99–05–04] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1238. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

1239. A letter from the Secretary of Transportation, transmitting proposed legislation to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

1240. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Waiver of Submission of Cost or Pricing Data for Acquisitions With the Canadian Commercial Corporation and for Small Business Innovation Research Phase II Contracts—Recieved March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1241. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Revenue Ruling 99–16] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1242. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to promote the growth of free enterprise and economic opportunity in the Caribbean Basin region, to increase trade between the region and the United States, and to encourage the adoption by Caribbean Basin countries of trade and investment policies necessary for participation in the Free Trade Area of the Americas; to the Committee on Ways and Means.

1243. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes; to the Committee on Ways and Means.

1244. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; jointly to the Committees on Government Reform and Ways and Means.

1245. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 1999–2004, and for other puroposes; jointly to the Committees on Transportation and Infrastructure, Science, Ways and Means, Resources, and the Judiciary.

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. KASICH: Committee on the Budget. House Concurrent Resolution 68. Resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009 (Rept. 106–73). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 106–74 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 154. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; with an amendment (Rept. 106–75). Referred to the Committee of the Whole House on the state of the union.

Mr. GOSS: Committee on Rules. House Resolution 125. Resolution providing for consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes (Rep. 106–76). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than May 14, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. FILNER, Ms. BROWN of Florida, Mr. DOYLE, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Mr. SHOWS, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, Ms. DANNER, Mr. COSTELLO, Mr. LAFALCE, Mrs. KELLY, Mr. FRANK of Massachusetts, Mr. PASCRELL, Mr. STRICKLAND, Mr. UNDERWOOD, Mr. OLVER, Mr. HINCHEY, Mr. STENHOLM, Mr. KLINK, and Ms. MCKINNEY):

H.R. 1214. A bill to amend title 38, United States Code, to provide for an enhanced quality assurance program within the Veterans Benefits Administration; to the Committee on Veterans' Affairs.

By Mr. KLECZKA (for himself, Mr. HERGER, Mr. MATSUI, Ms. WOOLSEY, Mr. HUNTER, Mr. SESSIONS, Mr. BERMAN, Mrs. BONO, Mr. GREEN of Texas, Mr. DIXON, Mr. SHERMAN, Mr. CALVERT, Mr. SANDLIN, Mr. PAUL, Mr. FROST, Mr. FILNER, Mr. RAHALL, Mr. BARRETT of Wisconsin, Ms. LOFGREN, Mr. SENSENBRENNER, Mr. LAMPSON, Mr. OBEY, and Mr. OSE):

H.R. 1215. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. BALDACCI, Mr. LEACH, Mr. PETERSON of Minnesota, Mrs. BONO, Mr. TRAFICANT, Mr. SHOWS, Mr. HOUGHTON, Mr. MINGE, Mr. NEY, Mr. SAWYER, Mrs. MEEK of Florida, Mr. RUSH, Mr. OLVER, Mr. STRICKLAND, Mr. LAHOOD, Mr. KING, Mr. OBERSTAR, Mr. ALLEN, Mr. VENTO, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. TAYLOR of North Carolina, Mr. ENGLISH, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. HORN, Mr. BORSKI, Mr. METCALF, Mr. BOEHLERT, Mr. BILBRAY, Mr. GUTIERREZ, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. MOORE, Mr. RAHALL, Mr. LUTHER, Mr. WELLER, Mr. BERMAN, Mr. HILL of Indiana, Mr. DOYLE, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLINK, Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Ms. DELAURO, Ms. BERKLEY, Mr. OXLEY, and Mr. TANNER):

H.R. 1216. A bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the same manner as is applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those employees; to the Committee on Veterans' Affairs.

By Mr. JEFFERSON (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. ALLEN, Mr. BALDACCI, Mr. BEREUTER, Mr. BERMAN, Mr. BISHOP, Mr. BONIOR, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mrs. CAPPS, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COSTELLO, Mr. COYNE, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DIXON, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH, Mr. ETHERIDGE, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GILLMOR, Mr. GILMAN, Mr. GOODE, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAYWORTH, Mr. HILLIARD, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LANTOS, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MASCARA, Mr. MATSUI, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Mr. NEY, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Mr. SERRANO, Mr. SHERMAN, Mr. SHOWS, Mr. SISISKY, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SPRATT, Ms. STABENOW, Mr. STARK, Mr. TAYLOR of North Carolina, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TRAFICANT, Mr. TURNER, Mr. UNDERWOOD, Mr. WATKINS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. RUSH, and Mr. STRICKLAND):

H.R. 1217. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BARCIA, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. WELDON of Florida, Mr. MCCOLLUM, Mr. CANADY of Florida, Mr. YOUNG of Florida, Mr. GOSS, Mr. MICA, Mr. STEARNS, Mr. SCARBOROUGH, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. HYDE, Mr. BOEHNER, Mr. CRANE, Mr. ISTOOK, Mr. PITTS, Mr. COX, Mr. BLILEY, Mr. OBERSTAR, Mr. WALSH, Mr. DAVIS of Virginia, Mr. HOEKSTRA, Mr. FORBES, Mr. LAFALCE, Mr. WOLF, Mr. LARGENT, Mr. RAHALL, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. HALL of Ohio, Mr. SHOWS, Mr. HUTCHINSON, Mr. SALMON, Mr. GUTKNECHT, Mr. HEFLEY, Mr. HILL of Montana, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. LIPINSKI, Mr. NORWOOD, Mr. ROGAN, Mr. HUNTER, Mr. STENHOLM, Mr. FOSSELLA, Mr. BACHUS, Mr. CHAMBLISS, Mr. HILLEARY, Mr. HOSTETTLER, Mr. GOODE, Mr. RYUN of Kansas, Mr. BURR of North Carolina, Mr. DEMINT, Mr. LATOURETTE, Mr. BARRETT of Nebraska, Mr. JOHN, Mr. MCINTYRE, Mr. TIAHRT, Mr. BRYANT, Mr. SCHAFFER, Mr. TALENT, Mr. HALL of Texas, Mr. GREEN of Wisconsin, Mr. HAYWORTH, Mr. MCCRERY, Mr. LAHOOD, Mr. BERRY, Mr. ADERHOLT, Mr. SAM JOHNSON of Texas, Mr. DOYLE, Mr. PICKERING, Mr. KING, Mr. TERRY, Mr. METCALF, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. LEWIS of Kentucky, Mr. CALVERT, Mr. SMITH of Michigan, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mr. SESSIONS, Mr. CAMP, Mr. BARR of Georgia, Mr. POMBO, Mr. COOK, Mr. RYAN of Wisconsin, Mr. FLETCHER, Mr. SHIMKUS, Mr. KNOLLENBERG, Mr. DICKEY, Mr. ENGLISH, Mr. MCINTOSH, Mr. COBURN, Mr. EHLERS, Mr. CUNNINGHAM, Mr. RILEY, Mr. LATHAM, Mr. PORTMAN, Mr. BARTON of Texas, Mr. CHABOT, Mr. GRAHAM, Mr. JENKINS, Mr. SHADEGG, Mr. MANZULLO, Mr. KINGSTON, Mr. MCKEON, Mr. BATEMAN, Mr. BLUNT, Mr. SENSENBRENNER, Mr. GOODLATTE, Mr. BRADY of Texas, Mr. NEY, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. THUNE, and Mr. WHITFIELD):

H.R. 1218. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. GEKAS, Mr. HORN, Mr. NADLER, Mr. KANJORSKI, Mr. SMITH of Texas, Mr. HINCHEY, Mr. SESSIONS, Mr. ANDREWS, Mr. DAVIS of Virginia, Mr. KUCINICH, and Mr. FILNER):

H.R. 1219. A bill to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, 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. ANDREWS (for himself, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. BORSKI, Mr. FATTAH, Mr. BRADY of Pennsylvania, and Mr. GREENWOOD):

H.R. 1220. A bill to direct the Secretary of Defense to provide financial assistance to the Tri-State Maritime Safety Association of Delaware, New Jersey, and Pennsylvania for use for maritime emergency response on the Delaware River; to the Committee on Armed Services, and in addition to the Committee on 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 Mr. UPTON (for himself, Mr. TOWNS, Mr. BILIRAKIS, Ms. ESHOO, Mrs. JOHNSON of Connecticut, Mr. RANGEL, Mr. LEACH, Mr. STARK, Mr. FRELINGHUYSEN, Mr. BENTSEN, Mr. FOLEY, Mr. LATOURETTE, Mr. MCDERMOTT, Mr. NEY, Mr. ROTHman, Mr. CAMP, Ms. BROWN of Florida, Ms. PELOSI, Ms. BERKLEY, Ms. KILPATRICK, Mr. CROWLEY, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, and Mr. CLAY):

H.R. 1221. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Commerce.

By Mr. BALDACCI (for himself, Mr. KLECZKA, and Mr. SANDERS):

H.R. 1222. A bill to amend title XVIII of the Social Security Act to make certain changes

related to payments for graduate medical education 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. BLAGOJEVICH:

H.R. 1223. A bill to provide grants to 10 high-need local educational agencies or eligible consortium to establish or expand National Teachers Academies to serve as national models for teacher training, development, and recruitment and to facilitate high-quality curriculum development; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. STARK, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. LEVIN, and Mr. BENTSEN):

H.R. 1224. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to provide for comprehensive financing for graduate medical education; 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. COBLE:

H.R. 1225. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS:

H.R. 1226. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

By Mr. EVANS (for himself, Mr. FILNER, Mr. BROWN of Ohio, Ms. NORTON, Mr. BONIOR, Mr. PASTOR, Mrs. MINK of Hawaii, Mr. RUSH, Ms. KAPTUR, Mr. COYNE, Mr. MARTINEZ, Mr. KILDEE, Mr. BARRETT of Wisconsin, Mr. MASCARA, Mr. TIERNEY, Ms. KILPATRICK, Mr. FALEOMAVAEGA, Mr. OLVER, Mr. VENTO, Mr. DOYLE, Mr. BALDACCI, Mr. GEJDENSON, Mr. LIPINSKI, Mr. GREEN of Texas, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. KLINK, Mr. GEPHARDT, Mr. HINCHEY, Mr. HOLDEN, Mr. BROWN of California, Mr. STRICKLAND, and Ms. BERKLEY):

H.R. 1227. A bill to provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws; to the Committee on Government Reform, 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. FILNER:

H.R. 1228. A bill to amend the retirement provisions of title 5, United States Code, to extend to inspectors of the Immigration and Naturalization Service, revenue officers of the Internal Revenue Service, and certain others, the same treatment as is accorded to law enforcement officers; to the Committee on Government Reform.

By Mr. GEJDENSON (for himself, Mr. ENGLISH, Mr. METCALF, Mr. SHOWS, Mr. RAHALL, Mrs. THURMAN, Mr. HINCHEY, Mr. FROST, Mr. CALVERT, Mr. RANGEL, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. MCINNIS, and Mr. LATOURETTE):

H.R. 1229. A bill to amend the Internal Revenue Code of 1986 to expand the types of equipment which may be acquired with tax-exempt financing by volunteer fire departments and to provide a comparable treatment for emergency medical service organizations; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1230. A bill to require the Secretary of the Interior to make reimbursement for certain damages incurred as a result of bonding regulations adopted by the Bureau of Land Management on February 28, 1997, and subsequently determined to be in violation of Federal law; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 1231. A bill to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; to the Committee on Resources.

By Mr. HANSEN (for himself and Mr. MEEHAN):

H.R. 1232. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment of Federal government Medicaid claims to tobacco-related State settlements if the State uses a portion of those funds for programs to reduce the use of tobacco products and to assist in the economic diversification of tobacco farming communities; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Mrs. MCCARTHY of New York):

H.R. 1233. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

By Mr. GARY MILLER of California (for himself, Mr. SESSIONS, Mr. MCCOLLUM, Mr. BENTSEN, Mr. FOLEY, Ms. DUNN, Mr. FORBES, Mr. TANCREDO, Mr. TERRY, Mr. NETHERCUTT, Mr. THORNBERRY, and Mr. BOEHLERT):

H.R. 1234. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 1235. A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Resources.

By Mr. RANGEL:

H.R. 1236. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, DC, as the Robert C. Weaver Federal Building; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Ms. DELAURO, Mr. GILCHREST, Mrs. LOWEY, Mr. PALLONE, and Mr. SHAYS):

H.R. 1237. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER:

H.R. 1238. A bill to combat the crime of international trafficking and to protect the rights of victims; to the Committee on International Relations, and in addition to the Committee on the Judiciary, 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. VENTO (for himself, Mrs. JOHNSON of Connecticut, Mr. FORBES, Mr. BONIOR, Mr. UDALL of Colorado, Ms. WOOLSEY, Mr. HINCHEY, Mr. SHAYS, Ms. PELOSI, Mr. ACKERMAN, Mr. FRANKS of New Jersey, Mr. COYNE, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. LEACH, Mrs. MEEK of Florida, Mr. CAMPBELL, Ms. DEGETTE, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. SHERMAN, Mr. RAMSTAD, Mr. NADLER, Mr. MARKEY, Ms. KILPATRICK, Mr. WAXMAN, Ms. DELAURO, Mr. DEFAZIO, Mr. ANDREWS, Mr. DAVIS of Florida, Mr. COSTELLO, Mr. WYNN, Mr. BARRETT of Wisconsin, Ms. RIVERS, Mrs. TAUSCHER, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. BORSKI, Mr. WEYGAND, Mr. FRANK of Massachusetts, Mrs. MINK of Hawaii, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Mr. LOBIONDO, Mr. GEJDENSON, Mr. FARR of California, Mr. BERMAN, Mr. LAFALCE, Mr. CARDIN, Ms. NORTON, Mr. ALLEN, Mr. RANGEL, Mr. MARTINEZ, Mr. KUCINICH, Mr. MEEHAN, Mr. STARK, Mrs. KELLY, Mr. ROTHman, Mr. KLECZKA, Mr. TIERNEY, Mr. PASTOR, Mr. CLAY, Mr. WEXLER, Mr. HOLDEN, Ms. STABENOW, Mr. HOLT, Mr. MATSUI, Mr. DEUTSCH, Mr. FILNER, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. PAYNE, Mr. KIND, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. DIXON, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. EVANS, Mr. BALDACCI, Ms. ESHOO, Mr. INSLEE, Ms. MCCARTHY of Missouri, Mr. THOMPSON of California, Mr. SABO, Mr. PALLONE, Mr. HALL of Ohio, Ms. WATERS, Mr. LANTOS, Mr. HASTINGS of Florida, Ms. SANCHEZ, Mr. PORTER, Mrs. LOWEY, Ms. LOFGREN, Mr. SAWYER, Mr. HOEFFEL, Mr. LAMPSON, Mr. MOORE, Mr. PRICE of North Carolina, Mr. OLVER, Mr. MINGE, Mr. GUTIERREZ, Mr. SANDERS, Mr. SERRANO, Mr. BOUCHER, Ms. BROWN of Florida, Mr. LUTHER, Mr. SMITH of New Jersey, Mrs. CAPPS, Mr. OBEY, Mr. CAPUANO, Mrs. NAPOLITANO, Ms. HOOLEY of Oregon, and Mr. MALONEY of Connecticut):

H.R. 1239. A bill to designate certain lands in Alaska as wilderness; to the Committee on Resources.

By Mr. TRAFICANT:

H.R. 1240. A bill to amend the Professional Boxing Safety Act of 1996 to require that the scores of each judge be made public after each round; 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 Ms. WATERS:

H.R. 1241. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, 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. LANTOS (for himself, Mr. GILMAN, Mr. GEJDENSON, and Mr. BEREUTER):

H. Con. Res. 67. A concurrent resolution expressing the sense of the Congress that freedom of the news media and freedom of expression are vital to the development and consolidation of democracy in Russia and

that the United States should actively support such freedoms; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. CAMPBELL:

H. Res. 126. A resolution providing for the consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office; to the Committee on Rules.

By Mr. FILNER:

H. Res. 127. A resolution acknowledging the achievements of the late Robert Condon and the Rolling Readers USA program he founded in advancing children's literacy; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. KING, Mr. CROWLEY, Mr. PAYNE, Mr. MENENDEZ, and Mr. WALSH):

H. Res. 128. A resolution condemning the murder of human rights lawyer Rosemary Nelson and calling for the protection of defense attorneys in Northern Ireland; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SCARBOROUGH introduced A bill (H.R. 1242) for the relief of Mary Yaros; which was referred 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. 5: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. POMBO, Mr. LUCAS of Kentucky, Mr. ADERHOLT, Mr. LINDER, Mrs. EMERSON, Ms. DANNER, Mr. FILNER, Mr. SANDLIN, Mr. FROST, Mr. BISHOP, and Mr. SHADEGG.

H.R. 14: Mr. SOUDER.

H.R. 17: Mr. NUSSLE.

H.R. 27: Mrs. NORTHUP.

H.R. 38: Mr. NORWOOD and Mrs. CHENOWETH.

H.R. 40: Mrs. CLAYTON, Ms. NORTON, and Mr. PAYNE.

H.R. 44: Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. TANCREDO, and Mr. RILEY.

H.R. 45: Mr. DICKEY, Mr. BISHOP, Mr. DEUTSCH, Mrs. JOHNSON of Connecticut, and Mr. RYUN of Kansas.

H.R. 48: Mr. COX.

H.R. 49: Mr. SHOWS.

H.R. 50: Mr. ADERHOLT.

H.R. 65: Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. GUTKNECHT, Mr. TANCREDO, Mr. FORBES, Mr. MCCRERY, and Mr. RILEY.

H.R. 71: Mr. PAUL.

H.R. 72: Mr. SCARBOROUGH.

H.R. 86: Mr. ISAKSON.

H.R. 116: Ms. BERKLEY and Mrs. JOHNSON of Connecticut.

H.R. 152: Mr. PICKERING.

H.R. 165: Mr. GILMAN.

H.R. 197: Mr. RYUN of Kansas, Mr. MOORE, and Mr. TIAHRT.

H.R. 208: Mr. WOLF.

H.R. 219: Mr. MCINTOSH.

H.R. 254: Mr. LARGENT and Mr. PETERSON of Pennsylvania.

H.R. 274: Mrs. MALONEY of New York.

H.R. 275: Mr. POMBO and Mr. GARY MILLER of California.

H.R. 303: Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. GUTKNECHT, Mr. TANCREDO, Mr. MCCRERY, Ms. BROWN of Florida, Mr. RILEY, Mr. GEJDENSON, and Mr. COLLINS.

H.R. 306: Ms. BERKLEY, Ms. DEGETTE, Mr. KIND, Mr. KUCINICH, and Mr. LANTOS.

H.R. 351: Mr. BRADY of Texas and Mr. REYES.

H.R. 357: Mrs. BIGGERT.

H.R. 371: Mr. LUCAS of Oklahoma and Mr. MCGOVERN.

H.R. 383: Mrs. JOHNSON of Connecticut, Mr. FORBES, Mrs. MORELLA, Mr. GARY MILLER of California, Mr. SANDLIN, Mr. KLECZKA, Mr. MCNULTY, Mr. BALDACCI, and Mr. SHOWS.

H.R. 413: Mr. CAPUANO, Mr. BILBRAY, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. BROWN of Ohio, Ms. NORTON, Mr. COOK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARTINEZ, Ms. BERKLEY, Mrs. THURMAN, Mr. BALDACCI, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. DIXON, and Mr. TAYLOR of North Carolina.

H.R. 423: Mr. DOOLEY of California, Mr. JOHN, Mr. POMBO, and Mr. HERGER.

H.R. 430: Mr. NUSSLE of Mississippi.

H.R. 486: Mr. ADERHOLT, Mr. KENNEDY of Rhode Island, Mr. FORBES, Mr. CLEMENT, Mr. PETERSON of Minnesota, and Mr. HOLT.

H.R. 516: Mrs. CHENOWETH and Mr. SHOWS.

H.R. 531: Mr. BRYANT, Mr. RYUN of Kansas, Mr. KILDEE, Ms. DANNER, Mr. GEJDENSON, Mr. EHLERS, and Mr. ENGLISH.

H.R. 541: Mr. SNYDER, Mr. FILNER, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mr. FARR of California, and Mr. RODRIGUEZ.

H.R. 544: Mr. NUSSLE.

H.R. 546: Mr. WICKER.

H.R. 550: Mr. SHOWS.

H.R. 566: Ms. BERKLEY and Mr. HILL of Indiana.

H.R. 570: Mr. FORBES.

H.R. 573: Mr. FRELINGHUYSEN: Mrs. BIGGERT, Mr. ARMEY, Mr. BARRETT of Nebraska, Mrs. FOWLER, Mr. WHITFIELD, Mr. NORWOOD, Mr. KNOLLENBERG, Mrs. CHENOWETH, Mr. GEPHARDT, Mr. FLETCHER, Mr. GILMAN, Mr. RODRIGUEZ, Ms. DANNER, Mrs. CUBIN, Mr. MINGE, Mr. PETERSON of Minnesota, Mr. SMITH of Washington, Mr. KIND, Mr. DEFAZIO, Mr. BOUCHER, Mr. DOOLEY of California, Mr. BLAGOJEVICH, Mr. DELAY, and Mr. PICKERING.

H.R. 574: Mrs. MYRICK.

H.R. 576: Mr. JEFFERSON and Ms. BERKLEY.

H.R. 577: Mr. HILL of Montana.

H.R. 654: Mr. LUTHER.

H.R. 664: Mrs. MALONEY of New York, Mr. LARSON, and Mr. HASTINGS of Florida.

H.R. 674: Mr. JOHN.

H.R. 686: Mr. REYES, Mr. HINOJOSA, and Mr. GREEN of Texas.

H.R. 699: Mr. FILNER, Mr. SANDERS, and Ms. KILPATRICK.

H.R. 743: Mr. DIAZ-BALART and Mr. GOODE.

H.R. 750: Mr. THORNBERRY.

H.R. 773: Ms. BALDWIN, Mr. LEACH, Mr. PHELPS, and Ms. BERKLEY.

H.R. 783: Mr. CALLAHAN, Ms. PRYCE of Ohio, and Mr. DOYLE.

H.R. 784: Mr. DOYLE, Ms. BROWN of Florida, Mr. CALVERT, Ms. KAPTUR, Mr. DIAZ-BALART, Mr. ENGLISH, Mrs. KELLY, Mr. REYES, Mr. GUTIERREZ, Mr. PASCRELL, Mr. SESSIONS, Mr. HAYWORTH, Mr. UNDERWOOD, Mr. SMITH of New Jersey, Mr. BAKER, Mr. LANTOS, Mr. BURTON of Indiana, Mr. STEARNS, and Ms. CARSON.

H.R. 789: Mr. SHOWS and Mr. RAHALL.

H.R. 793: Mr. PAUL, Mr. NORWOOD, Mr. SMITH of Michigan, and Mr. HILL of Montana.

H.R. 796: Mr. BARTON of Texas and Mr. KING.

H.R. 811: Mr. HOYER, Mr. MARTINEZ, and Ms. KILPATRICK.

H.R. 827: Mr. CAMPBELL, Mr. TRAFICANT, Mr. OBERSTAR, and Mr. KUCINICH.

H.R. 833: Ms. BERKLEY, Mr. BLAGOJEVICH, Mr. BRADY of Pennsylvania, Mr. LUCAS of Kentucky, and Mr. SENSENBRENNER.

H.R. 850: Mr. SWEENEY, Mr. BAKER, Mr. CRANE, Mr. MCINNIS, Mr. WELDON of Florida, Mr. WISE, Mr. OSE, Mr. BALDACCI, Mr. MINGE, Mr. UNDERWOOD, Mr. DEMINT, Mr. WALDEN of Oregon, and Mr. HAYES.

H.R. 875: Mr. BONIOR and Mr. WYNN.

H.R. 881: Mr. HOYER, Mr. MARTINEZ, Ms. KILPATRICK, and Mr. SENSENBRENNER.

H.R. 886: Mr. GUTIERREZ.

H.R. 895: Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. SAWYER, and Mr. PASTOR.

H.R. 896: Mr. BOEHLERT and Mr. BARTLETT of Maryland.

H.R. 904: Mr. MCHUGH and Ms. BERKLEY.

H.R. 914: Mr. GUTIERREZ.

H.R. 924: Mr. BATEMAN, Mr. JOHN, Mr. BOUCHER, and Mr. THOMPSON of Mississippi.

H.R. 936: Mr. FORBES.

H.R. 938: Mr. MCNULTY, Mr. SANDLIN, Mr. PASTOR, Ms. DELAURO, and Mr. WYNN.

H.R. 939: Mr. SCOTT, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, and Mr. MEEKS of New York.

H.R. 998: Mr. SHOWS, Mr. FROST, Mr. BOUCHER, Mr. PAUL, Mr. BALDACCI, and Mr. TAYLOR of North Carolina.

H.R. 1008: Mr. ENGLISH, Mr. PETRI, Mr. LAHOOD, Mr. KUCINICH, Mr. BISHOP, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, and Ms. KILPATRICK.

H.R. 1018: Mr. LARGENT.

H.R. 1032: Mr. SALMON, Mr. ADERHOLT, Mr. GOODLING, Mr. SENSENBRENNER, Mr. RAHALL, Mr. HUNTER, and Mr. HAYES.

H.R. 1034: Mr. BATEMAN.

H.R. 1039: Ms. KILPATRICK, Mrs. THURMAN, Ms. ESHOO, Ms. SLAUGHTER, Mr. BECERRA, and Mr. SNYDER.

H.R. 1046: Mr. ANDREWS and Mr. RANGEL.

H.R. 1053: Mr. RANGEL.

H.R. 1055: Mr. CALVERT, Mr. KING, Mrs. FOWLER, Mr. HAYES, Mr. GILCHREST, Mr. POMBO, Mr. RYUN of Kansas, Mr. WELLER, Mr. WATTS of Oklahoma, and Mr. SESSIONS.

H.R. 1064: Mr. BLAGOJEVICH.

H.R. 1070: Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. MCINTYRE, Mrs. MCCARTHY of New York, Mr. CLAY, and Mr. GARY MILLER of California.

H.R. 1071: Mr. PICKERING, Mr. COYNE, Ms. MCKINNEY, and Mr. GUTIERREZ.

H.R. 1077: Mr. COOK.

H.R. 1082: Ms. PRYCE of Ohio, Mr. FRANKS of New Jersey, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. FRELINGHUYSEN, Mr. LUTHER, and Mr. RODRIGUEZ.

H.R. 1115: Mrs. KELLY, Mr. GARY MILLER of California, and Mr. WISE.

H.R. 1116: Mr. SMITH of Texas, Mr. NEY, Mr. JOHN, Mr. ARMEY, and Mr. BONILLA.

H.R. 1120: Mr. JOHN.

H.R. 1138: Mr. BILIRAKIS.

H.R. 1159: Mr. ISTOOK and Mr. GUTKNECHT.

H.R. 1160: Mr. ROMERO-BARCELÓ, Mr. GUTIERREZ, and Mr. SHOWS.

H.R. 1168: Mrs. CLAYTON, Mr. THOMPSON of California, Mr. CROWLEY, Mr. GEJDENSON, and Mrs. MEEK of Florida.

H.R. 1177: Ms. PRYCE of Ohio and Mr. HALL of Montana.

H.R. 1180: Mr. DEUTSCH, Mrs. WILSON, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. CASTLE, Ms. ESHOO, and Mr. SHAYS.

H.R. 1182: Mr. SIMPSON.

H.R. 1212: Mr. JOHN and Mr. CONDIT.

H.J. Res. 22: Mr. FORD, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. RUSH, Mr. NADLER, Mr. DIXON, and Mr. MCGOVERN.

H.J. Res. 35: Mr. WAMP.

H.J. Res. 37: Mr. TIAHRT, Mr. CAMP, Mr. SHERWOOD, Mr. RYUN of Kansas, Mr. KINGSTON, Mr. NUSSLE, and Mr. HASTERT.

H. Con. Res. 8: Mr. POMEROY.

H. Con. Res. 23: Mr. SHOWS, Mr. ENGLISH, Mr. CLEMENT, Mr. COOKSEY, Mr. HILL of Montana, Mr. DINGELL, Mr. LAHOOD, Mr. MCGOVERN, Mr. LATOURETTE, and Mr. WU.

H. Con. Res. 30: Mr. TAYLOR of North Carolina and Mr. COLLINS.

H. Con. Res. 31: Mr. FRANK of Massachusetts, Mr. REYES, Mr. FOSSELLA, and Mr. WAXMAN.

H. Con. Res. 37: Mr. DELAY, Mr. FOLEY, and Mr. PALLONE.

H. Con. Res. 38: Mr. JEFFERSON and Mr. DIXON.

H. Con. Res. 39: Mr. WATTS of Oklahoma.

H. Con. Res. 51: Ms. KILPATRICK.

H. Res. 41: Mrs. CLAYTON, Mr. GOODLING, Mr. INSLEE, Mr. KUCINICH, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. ROYCE, and Mr. SNYDER.

H. Res. 59: Mr. BILIRAKIS.

H. Res. 82: Mr. LUTHER, Mrs. MALONEY of New York, and Mr. NADLER.

H. Res. 89: Mr. MCINTYRE, Ms. CARSON, and Mr. PRICE of North Carolina.

H. Res. 95: Mr. ARMEY.

H. Res. 99: Mr. FROST, Mr. CROWLEY, and Mr. GOSS.

H. Res. 106: Mr. RANGEL, Mr. TAYLOR of Mississippi, Mr. FORBES, Mr. GILMAN, and Ms. JACKSON-LEE of Texas.

H. Res. 107: Mr. BROWN of California, Ms. BERKLEY, and Mr. BLAGOJEVICH.

H. Res. 115: Mr. KENNEDY of Rhode Island, Mr. VENTO, Mr. BRYANT, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, and Mr. THOMPSON of Mississippi.

H. Res. 118: Mrs. MYRICK and Mr. PICKERING.

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. 434: Mr. SHOWS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 472

OFFERED BY: MRS. MALONEY OF NEW YORK

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Local Participation in the Census Act''.

SEC 2. CENSUS LOCAL PARTICIPATION.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 13, United States Code, is amended by adding at the end the following:

''§ 142. Census local participation

''(a)(1) The 2000 decennial census shall include the opportunity for local governmental units to review housing unit counts, jurisdictional boundaries, and such other data as the Secretary considers appropriate for the purpose of identifying discrepancies or other potential problems before the tabulation of total population by States (as required for the apportionment of Representatives in Congress among the several States) is completed.

''(2) Any opportunity for local participation under this section shall be provided in such time, form, and manner as the Secretary shall (consistent with paragraph (1)) prescribe, except that nothing in this section shall affect any right of local participation in the 2000 decennial census otherwise provided for by law, whether under Public Law 103–430 or otherwise.

''(b) Any opportunity for local participation under this section in connection with the 2000 decennial census should be designed with a view toward affording local governmental units adequate opportunity—

''(1) to assure that new construction, particularly any subsequent to April 30, 1999, and before April 1, 2000, is appropriately reflected in the master address file used in conducting such census;

''(2) to verify the accuracy of those units or other addresses which the United States Postal Service has identified as being vacant or having vacancies; and

''(3) to assure that the Secretary has properly identified the jurisdictional boundaries of local governmental units, consistent with any measures taken under Public Law 103–430 and any other applicable provisions of law.

''(c) Any opportunity for local participation under this section shall be afforded in a manner that allows the Secretary to derive quality-control corrected population counts (as recommended by the National Academy of Sciences in its final report under Public Law 102–135 and as proposed in the census 2000 operational plan as part of the Accuracy Coverage Evaluation program) on a timely basis, but in no event later than the date by which all tabulations of population under section 141(c) (in connection with the 2000 decennial census) must be completed, reported, and transmitted to the respective States.

''(d) As used in this section—

''(1) the term 'decennial census' means a decennial census of population conducted under section 141(a); and

''(2) the term 'local governmental unit' means a local unit of general purpose government as defined by section 184, or its designee.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 13, United States Code, is amended by inserting after the item relating to section 141 the following:

''142. Census local participation.''.

Amend the title so as to read: ''A bill to amend title 13, United States Code, to require that the opportunity for meaningful local participation in the 2000 decennial census be provided.''.

H.R. 472

OFFERED BY: MR. MILLER OF FLORIDA

AMENDMENT NO. 2: Page 2, line 4, strike ''142'' and insert ''141''.

Page 2, line 5, strike ''**143**'' and insert ''**142**''.

Page 4, line 23, strike ''142'' and insert ''141''.

Page 4, after line 23, strike ''143'' and insert ''142''.

H.R. 1141

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 1: Page 36, after line 10, insert the following new section:

SEC. 3012. None of the funds made available in this Act or any other Act may be used to release from detention any criminal alien subject to mandatory detention pending removal from the United States.

H.R. 1141

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 2: At the end of title II (page 26, after line 2), insert the following new section:

SEC. 2003. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to enter into agreements to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a), unless the agreements made pursuant to the authority granted in subsection (a) provide for payments over a longer period.

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

H.R. 1141

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 3: At the end of title II (page 26, after line 2), insert the following new section:

SEC. 2003. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999 or unexpended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

H.R. 1141

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 4: Page 15, line 25, after the dollar amount, insert the following: ''(increased by $195,000,000)''.

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, MARCH 23, 1999 *No. 46*

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of all nations, You have enabled the United States to become the most powerful Nation on Earth. By Your blessings, we are rich in natural resources and human potential. We have achieved military might. Help us to know where and when to use our influence or military intervention for the greatest good. Bless the Senators with great wisdom as they consider their votes today on the nature and extent of our Nation's involvement in the crisis in Kosovo. You have told us that if we ask for guidance, You will help us to know what is both wise and creative. Most of all, Lord, we ask You to heal the historic hatred and ethnic prejudices causing this crisis. In today's vote and in all that is said and done in this Senate, may we accomplish the goal of using power wisely. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, this morning the Senate will resume consideration of the supplemental appropriations bill. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders, or their designees, for debate on the Lott amendment regarding Kosovo.

The Senate will recess from 12:30 until 2:15 p.m. today to allow the weekly party caucuses to meet. Upon reconvening at 2:15, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the Lott amendment. Notwithstanding the outcome of the cloture vote, it is still anticipated that the Senate will turn to the consideration of S. Con. Res. 20, the budget resolution.

Therefore, Members should expect rollcall votes throughout Tuesday's session, with the first vote occurring at 2:15 p.m.

I thank my colleagues and I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 679 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of the United States Armed Forces in Kosovo.

Lott amendment No. 124 (to amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

AMENDMENT NO. 124

The PRESIDING OFFICER. The time until 12:30 p.m. shall be equally divided between the two leaders or their designees on the Lott amendment No. 124.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, it appears that we are on the verge of sending American warplanes to bomb Serbian installations in and around Kosovo in an effort to force Yugoslav President Milosevic to accept the terms of a peace agreement that he has, so far, rejected. I stand on the floor of the Senate to express my strong opposition to this policy and warn the Administration that the United States may be blindly heading into a war whose outcome is far from pre-determined.

Mr. President, I believe the President has failed to articulate a rationale to the American people that can justify an act of war by NATO against Serbia. Nor do I believe that the Administration has demonstrated what vital interest justifies armed intervention.

When the President originally announced his plan to send 4,000 American soldiers to Kosovo as part of a larger NATO force, it was premised on the idea that the troops would be deployed, as in Bosnia, as a peacekeeping force. I had serious concerns about this commitment because it was not clear to me whether American troops would be stationed in Kosovo for a month, for a year, or for a decade. Nor did I believe that it was in our national interest to participate in this operation because I do not believe there is any vital interest of the United States that is at stake in this civil war. And I emphasize ''civil war.''

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. President, the peacekeeping commitment was made several weeks ago. In the intervening period, one thing has happened. There is no peace to keep.

Although the rebels in Kosovo have agreed to the terms of a peace agreement, the Yugoslavian government has rejected the terms of the agreement in part because it rejects the idea of having NATO troops police its sovereign territory in Kosovo.

Having failed to negotiate a peace agreement, the Administration has now changed its strategy. We are fueling up our warplanes, targeting our cruise missiles, and planning to launch air strikes against the Serbs in an effort to force Milosevic to accept the peace agreement. Never mind that the peace agreement he is being asked, or forced, to accept—could allow for the independent future of a province within his country.

Yes, Mr. President, this is an intervention by the United States in a civil war where rebels in one province seek independence. And by choosing to bomb the Serbians, we have directly taken the side of the Kosovo rebels.

Make no mistake, our air strikes against Serbian forces are strongly supported by the Kosovo rebels who have been fighting for independence. And by backing the rebels, the bombing will encourage the independence movement with the prospect that the borders of Kosovo and Albania ultimately will be redrawn along ethnic lines. Is that what our goal is? To break up a country?

Mr. President, American airstrikes are not going to be a cakewalk by any means. We have already been advised of this by our military.

The terrain in this area is heavily fortified with anti-aircraft emplacements. What will happen if American airmen are shot down by surface to air missiles? What happens if our bombing campaign does not force Milosevic to change his posture, just as our near-daily air strikes have done nothing to Saddam Hussein.

Are we willing to send in ground combat troops to convince Milosevic to accept the terms of the peace agreement? How many? 50,000? 100,000? 200,000? If we are unwilling to commit ground troops to force the terms of this so-called peace agreement, then I believe we should not commit a single American pilot.

Mr. President, I am sympathetic to the people in Kosovo who have been brutalized by Milosovic, just as my sympathy has run deep for the people throughout Yugoslavia who have known nothing but war for over a generation. But is our opposition to Milosevic reason enough to sacrifice American lives to an undefined cause? Milosovic is a terrorist; he is a killer. We should bring him to justice for crimes against humanity; but we should not engage in a war which will cost American lives and continue indefinitely.

Finally, Mr. President, I would simply remind my colleagues that from the outset I have been concerned that American involvement in Kosovo would become another Bosnia. I take it back. Knowing what I know now about the region, about the opposition, I am concerned that it will not be like Bosnia—and that many American lives will be lost in the process of enforcing an undefined objective.

Mr. President, I yield the floor, and I am pleased to yield to my friend from Idaho.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering S. 544, and the Lott amendment, No. 124, is under consideration at this point in time.

Mr. CRAIG. Is also the Smith-Craig amendment to the Lott amendment in order, or is the appropriate order at this time the Lott-Hutchison amendment?

The PRESIDING OFFICER. The Chair is under the impression that the Senator's language is incorporated into the Lott amendment, and, therefore, it would be prudent to debate that language at this time.

Mr. CRAIG. Thank you, Mr. President.

Mr. President, I am here to join my colleague from Alaska and others who have spoken with great concern about the situation in Kosovo, and as it transpires, some of our feelings and concerns about what this country might do, and most importantly, what this country should not do.

The Presiding Officer and I, on a weekly basis, engage ourselves in a telephone/radio conversation with a news program in Boise, ID. I was involved in that program yesterday morning, speaking about the atrocities in Kosovo, when I used the expression ''human hatred.'' This is not a difference in policy. This is not even a difference between Serbia and Kosovo in territory. This is a difference spelled out by 300 years of hatred, hatred that had boiled up out of differences of religious beliefs, and it is a hatred that has prevailed in the region so long and had cost so many lives that it is almost incalculable. Certainly in this American's mind it is. I have never known hatred of that kind.

After that radio conversation was over, the emcee of that program asked if I would stay on the line and we visited privately. He reflected to me about how he and his wife had in their home an exchange student from Serbia. He said, ''You know, Senator CRAIG, you were absolutely right to use the term 'hate.''' He said, ''When we broached this subject with this young exchange student,'' I believe a junior in high school, he said, ''we were astounded by the hatred that rolled up out of this young man. Because he believed that the only solution to the problem in Kosovo was to kill the Kosovars or to simply run them out of the country, and that if his forefathers had done that, they would have a peaceful nation today, and the only solution for peace in greater Serbia was just that.''

That is exactly what Milosevic is doing as we speak. The term, for diplomatic reasons, is ''ethnic cleansing.'' It is quite simple, what it is. It is: Either get out of my way or I'll kill you; or get out of my country or I'll kill you, even though the country you are being asked to leave has been your country for 4, 5, 6, 10—20 generations before you.

I think the current Presiding Officer and I would be hard put if somebody said: Idaho is not your home and you have to leave or we will kill you. That is what we are caught up in, those kinds of human dynamics. I must tell you, as an American I am drawn to the humanitarian arguments. It makes it very simple if you are drawn totally to those arguments to justify putting our men and women in uniform at risk.

But I am not totally drawn to those arguments because, if I am, then what the President is proposing to do at this moment might be justifiable if he would follow certain procedures. It is those procedures I think we must talk this morning. It is those procedures the Senate will vote on, or about, within a few hours. We are talking about U.S. military activity over and on the soil of Serbia, an independent, autonomous nation. That nation is at war at this moment. It is a civil strife over the province of Kosovo, which would be like the State of Idaho within the United States of America. We would not call that a world interest, if Idahoans were fighting the rest of the United States for Idaho's independence. I think the country would react violently if Great Britain or NATO or Russia, for that matter, sided with Idahoans against the United States if we were attempting to break loose from the United States of America.

Is that a reasonable parallel? Yes, I think it is, because that is the character of the political profile and the international structure in which we are about to engage ourselves. Kosovo is a place that most Americans could not find on a map, a place in which there is no direct American interest. I have defined its structure from a legal point of view, international point of view—a state sovereignty point of view. President Clinton has made it clear for some months that he will intervene there with an open-ended occupation force, perhaps preceded by airstrikes. That has been the context of the debate for the last good many months. Now we are associating ourselves with NATO as a partner of NATO. It appears that airstrikes may be imminent.

He has made it clear that he does not think he needs congressional authorization for such a mission. Why? The treaty relationship; our presence in NATO. That is the argument that he

makes. I will have to tell you, though, I think we should not make the mistake of simply arguing that is how you justify a certain approach of the kind that this President is taking. The U.S. airstrikes would be an attack on a sovereign nation. The administration has, in fact, admitted that. The State Department Under Secretary Thomas Pickering confirmed that Kosovo is sovereign territory of Serbia, and that attacking the Serbs because they will not consent to foreign occupation of a part of their territory would be an act of war. Again, hearkening back to the relationship: If Idaho were attempting to break away as an independent State from the United States, that would be called a civil war within the boundaries of the greater United States and this country would look with great concern if a foreign nation were attempting to involve themselves on the side of Idahoans.

I have to think this administration's policy is inconsistent with constitutional government and the rule of law. Let us not forget the Constitution of the United States gives the sole power to declare war to the Congress, article I, section 8—not to the President, but to the Congress. Nothing in the laws or the Constitution of the United States suggests that a determination by the United Nations Security Council or the North Atlantic Treaty Organization is a substitute.

The proposed mission in Kosovo is contrary to the principle of national sovereignty and is a major step toward global authority. Just last year we debated the expansion of NATO. I opposed that expansion. I opposed it for the simple reason it did not begin to disengage the United States from an ever-increasing, larger presence in the European Continent. Quite the opposite, it seemed to be expanding our presence. Russia, at that time, was quite concerned that they saw an international organization growing on their border. Now, they were appeased by us saying: Remember, by treaty NATO is a defensive organization. Only if the nations of NATO were attacked would NATO respond. Yet, today, NATO is proposing a major offensive effort against the nation of Serbia, a longstanding friend and once a part of the greater Soviet Union. It is not by accident that the armaments that we would go up against are largely Russian armaments.

Now what are we to say to the Russians, ''What we said about NATO last year is not true; NATO has become an offensive force, driven by a certain set of politics or international attitudes as to how the rest of the world ought to look''?

Can we justify an American national interest because this war might spread beyond the boundaries of Serbia? I am not sure we yet can do that. I am not sure this President has yet justified that or clearly explained to the American people, as he must, the role that the men and women of our armed services might play and the role that they would play in risking their lives. That is the issue at hand.

So, what kind of a precedent are we going to set with this action? All actions establish precedents, especially if they appear to be outside established law or proven law.

What country are we going to claim the right to attack next, if we determine that its behavior within its own boundaries, its own territory, is not up to some kind of international test or international standard? Should we attack Turkey to protect the Kurds, China to protect Tibet or Taiwan, India to protect the Muslims in Kashmir? It is reasonable for me to ask those questions on the floor, because today the President is contemplating participating in an attack on Serbia in behalf of the Kosovars.

Somalia, Haiti, Bosnia, and now Kosovo, these missions are profoundly damaging to our legitimate defense needs. This is not just a question of money or stretching defense dollars too far, although that factor will be considered as we debate defense budgets in the near future. Worse, it is an insult to the personnel in our Armed Forces who volunteer to defend America, not to go off on every globalist, nation-building adventure that our President appears to be willing to send them to. No wonder America's best are frustrated by the ever increasing changes in the role of our Armed Forces.

Putting American troops in a quagmire is something I know a little bit about. The Presiding Officer and I grew up in a period of American history where Americans were bogged in a quagmire in Southeast Asia, a quagmire that we finally simply had to drop our hands and walk away from, because we could no longer sustain it politically as a nation and we could no longer justify that another 1, 2, or 3 American lives should be lost, added to the list of over 60,000 young men and women of our age who lost their lives there.

I am not suggesting that Kosovo is that kind of fight, but I am suggesting that any long-term effort in the greater Yugoslavia that dramatically increases the role of the American soldier could put us at that risk.

Mr. President, I have asked some profound questions today and, I think, reasonable questions as to the role of this country in foreign policy and as to the role of the President as the Commander in Chief of our country.

Today we are debating and today we will vote on the right of the Congress to express its will to work with the President in shaping foreign policy. I understand how the Constitution works. I understand that our President is the chief foreign policy officer of our country. But when his foreign policy is questioned in the way that it is now being questioned, I think he has the responsibility not only to argue it clearly before the American people but to be willing to argue it here on the floor of the Senate.

Some of our leadership are at the White House as I speak, and they are listening to a President who is trying to convince them not to have the vote today here in the Senate. Quite the opposite should be happening. The President should be saying, let us debate this issue, let us vote this issue, and, more importantly, I will go to the American people and sell to them why America ought to be involved in Serbia or in Bosnia, that there are American interests there. He, the President, should lay them out, define them, clarify them and, therefore, justify the potential taking of American life that military adventure can always result in.

That is the responsibility of the Presidency, not to simply negotiate with NATO as a treaty organization and then come home to America and say: But we have already debated this, we are already involved in this, we can't back up now or it would implode NATO. Maybe NATO ought to be imploded, if it is becoming an offensive organization. Maybe it ought to step back and say: Wait a moment, we are by treaty only defensive. We should not become adventurists for the sake of a greater international philosophy on how greater Europe ought to be operated.

Having said all of that, let me close where I began. There are human atrocities. They are real, and they are horrible. We should engage ourselves in every way possible to help stop that kind of human atrocity, but then again, we didn't do that in Africa on many occasions, all just within the last 4 or 5 years. I am not sure why this is now so important when others were not. Is it because our allies have convinced us?

By the way, if we fly aircraft over Serbia, 58 percent, or a very large portion, the majority, of those aircraft will be ours. Is it because we are the ones who have the power and our European allies have convinced us to use that power in their behalf to stabilize their backyard? I am not sure.

I, like most Americans, am reasonably confused. I, like most Americans, have had to study to try to understand where Serbia is, where Kosovo is, what the politics of this region are. Those are the issues at hand.

This is not a vote that should be taken lightly. This could be the beginning of a very lengthy process, a very costly process, costly in human lives, American lives, and certainly in tax dollars.

Those are the issues at hand, Mr. President. Why should you shy from your responsibility as Commander in Chief of going to the American people to debate this and causing your people to come here to debate this, instead of in a close-door session at the White House, pleading with us not to take a vote on this issue?

Nobody should be embarrassed by an up-or-down vote. Nobody should be embarrassed by this kind of debate. It is

our responsibility as a country. We cannot walk away from it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that time under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield myself such time as I may consume on the pending resolution.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, we have been discussing for several days in this Chamber a variety of legislative proposals concerning what we will and will not authorize the President of the United States to do with respect to the tragic situation that is unfolding, as we speak and gather in this Chamber, in Kosovo.

This is a very important debate. It is more important, in my view, however, to remind ourselves at the outset of any discussion of this issue of what has happened to the innocent people of Kosovo over the last year, in the absence of clear and convincing steps to signal the end of international inaction in the face of gross and continuing violations of human rights by the Milosevic regime.

For just a moment I want to focus, if I may, the hearts and minds of this country and those in this Chamber on the very desperate situation of the people who find themselves trapped in the province of Kosovo.

Today, ethnic Albanian villages across Kosovo are quite literally in flames. Heavy smoke from the homes of innocent civilians fills the skies of Srbica, Prekaz, Gornja Klina, and others.

As we debate these issues, a massive force of 40,000 Serb soldiers and paramilitary police are moving slowly, deliberately, and methodically from village to village to village, taking lives, burning homes, and forcing tens of thousands of innocent civilians to flee without food or shelter.

Can anyone doubt in the face of such continuing atrocities that the American people would oppose participation by the United States in NATO authorized air strikes. I hope not, and I don't believe so.

Each day we have delayed has meant the difference between life and death and between shelter and homelessness for tens of thousands of people. In just the last two days, since the ethnic-Albanians signed the peace agreement on Friday, Serb soldiers have forced another twenty to twenty-five thousand civilians from their homes, according to United Nations officials. Over the past week, the Serbs forced a total of 40,000 to run for their lives. The totals for the past year are almost incomprehensible: at the very least 2,000 are dead and 300,000 to 400,000 have been forced to leave their homes and seek refuge.

Mr. President, we were all shocked by the horrific discoveries last January, just two weeks apart, in the towns of Racak, where Serbs murdered 45 ethnic Albanians and Rogovo where they slaughtered 23 ethnic Albanians.

The first of these attacks came on Friday January 15th when, according to witnesses, Serbian soldiers and policemen, backed by armored personnel carriers, surrounded the village of Racak, rounded up the men and drove them up a hillside. On that hillside, the Serbs tortured and murdered 45 people, including a young woman and a 12-year-old boy. Many of the victims were older men, including one who was 70. All were dressed in civilian clothes. None were armed.

When international observers arrived in Racak the following day, the sight that awaited them was beyond comprehension—dozens of bodies lay where they fell at the bottom of a muddy gulch. Most had been shot at close range. Many bore the signs of unspeakable torture. Although the Serbs claimed that the victims were rebels, not one wore a uniform nor carried a weapon. Those who survived the attack on Racak fled into the hills where two infants soon died of the cold.

While it is sometimes difficult to assign blame for such horrors, this killing field, Mr. President, left no doubt as to the killers' identities. Western military forces intercepted radio transmissions in which Serbian officials acknowledge their culpability and international pathologists blamed the Serbs.

It was hard to believe at the time that Milosevic's genocide could become more heinous or more calculated. Yet the past week proved our nightmares true.

It is at times like these, Mr. President, that we are forced to reexamine the founding premises of this great Nation. When faced with massive and wholesale human rights abuses, we must bow to our conscience and to our founding fathers' recognition of the right of all people to life, liberty and the pursuit of happiness and act to preserve those rights wherever possible. Kosovo, Mr. President, is just such a case. We have the power, the responsibility, and the opportunity to act.

That is not always available to us. We have been told in recent days that we did not take similar actions on the Horn of Africa or in other places around the world where there were massive human rights abuses. That analysis is correct. The difference here is that we have the opportunity, we have the ability, and we have the structure with the NATO organization to respond to this situation. That opportunity was not available in every other place that we have seen similar, or even more severe human rights abuses. Here we have the opportunity and the chance to do something about it. The issue is whether we in this body will signal to the administration, to Mr. Milosevic, to ethnic Albanians, and to the rest of the world that we understand the difficult choices and we will step up and join with others to try to bring an end to the incredible abuse that is occurring at this very hour.

Thousands of refugees have already fled into Macedonia. As history has shown, instability in the Balkans can destabilize all of Europe, a region highly critical to American interests. I respectfully disagree with our colleague from New Hampshire, Mr. SMITH, who has offered this underlying resolution, when he states in his amendment that our national security interests in Kosovo do not rise to a level that warrants military operations by the United States and our NATO Allies.

The challenge to the United States in Kosovo is not merely humanitarian. It is also a question of regional peace and stability. Finally, it is a test of the relevancy of NATO in the post Cold War era. All of these bear directly on the national security of the United States.

We have yet to hear whether the last effort by Ambassador Holbrooke to convince the Serbs to relent will bear fruit. Although, in the next 5 or 6 minutes, we may have the final word on that. His success would, of course, be welcomed. If he doesn't, then the time has come to act in a manner consistent with that agreed to by NATO members—the United States being a full party to that action.

Following military action, I believe that Yugoslav President Milosevic may be prepared to reflect more soberly on the proposed peace agreement that remains on the table. That agreement, proposed by the United States and our allies and signed by Kosovo's ethnic-Albanians, is fair and even handed. It will rid Kosovo of the fear, death and destruction of Milosevic's forces while maintaining Yugoslav sovereignty over the province.

As part of the agreement, NATO has pledged to send a sizeable force to ensure that its precepts are carried out. Such a force is critically important as evidenced by the Serbs unwillingness to abide by the cease-fire agreement they signed last fall. While Milosevic pledged to withdraw his soldiers from Kosovo's villages and end his campaign of ethnic cleansing against the ethnic Albanians who live there, he clearly

did neither. Milosevic's signature lacks credibility when it comes to Kosovo.

Congress must not constrain the President's ability to respond in the face of such atrocities, nor can it allow a pariah such as Milosevic to destabilize an entire region. The outrage at Milosevic's ethnic cleansing and disregard for international will should be viewed as a challenge to our nation as a whole, not simply to a President of another party.

Last year, our former colleague and Majority Leader, Bob Dole, traveled to Kosovo and Belgrade to assess the situation. Upon his return, he spoke of the atrocities perpetrated against civilians and the ''major, systematic attacks on the people and territory of Kosovo.'' We know now that the situation has only deteriorated.

One year ago, I was proud to join with my colleagues in crafting a bipartisan resolution calling on the United States to condemn Milosevic's ethnic cleansing in Kosovo. Today, I ask my colleagues, on both sides of the aisle, to join me once again in seeking to put an end to the bloodshed in Kosovo which will only happen when Milosevic understands that we truly mean business.

While we may not be entirely satisfied with all the exit strategies, we must send the message that this Nation can speak with one voice when we leave our shores to conduct foreign policy and make a difference in the lives of the people of Kosovo.

As I said last October, there is a time for words and a time for force.

We tried words in Dayton and we tried words last October. The cease-fire monitors tried words for five months and we tried words for weeks on end in Rambouillet, France. I am a great believer in negotiation and diplomacy, Mr. Milosevic has shown the world that he understands only one language. It is time we spoke to him in his native tongue.

The United States must demonstrate that it will carry forward with military action in the face of Serbian defiance. Congress should not weaken the projection of American power by suggesting that we do not stand behind the President. NATO's plans for air strikes, designed to stop the fighting and enforce the proposed peace agreement, have been complete for months. The United States has assumed leadership in this matter for the sake of the ethnic-Albanians facing Milosevic's genocidal plan and for the sake of regional stability.

If we play partisan politics with an issue as significant as this, we should also be prepared to accept that the consequences of our actions may be grave and irreversible.

I urge my colleagues to support the President and vote against the Smith amendment, an amendment that seeks to tie the President's hands and sends the wrong message to war criminals like Slobodan Milosevic.

I suggest the absence of a quorum, and I ask unanimous consent that the time be allocated to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, the United States is about to begin what very well might prove to be our most challenging and perilous military action since President Clinton took office. Many of our colleagues have come to the floor to express their grave and well-founded concern that we are embarking on a very dangerous mission without a clear sense of what will be required of us to achieve our objectives of autonomy for Kosovo and peace and stability in the Balkans.

Further, many of us cannot escape the nagging feeling that the United States and NATO credibility has been badly squandered by the Administration's many previous failures to impress upon Milosevic and the war criminals that make up his army that we are prepared to back up our rhetoric with action. Our threats of force have apparently lost their power to restrain the remorseless and blood-thirsty Serbian Government and military from giving full expression to their limitless brutality. Consequently, the level of force required to coerce Serbia into accepting a peace agreement has become all the greater, so great, in fact, that no one is entirely confident that Serbia can be coerced by the use of air power alone.

As the violence of an air campaign increases, so too does the risk to our pilots and to innocent people in Kosovo and Serbia. This will not, in all probability, be a casualty-free operation for the United States and our allies. And we must prepare ourselves and the American people for the likelihood that we will witness some heartbreaking moments at Dover Air Force Base. I hope I am wrong, but it would be irresponsible to pretend that the danger to our pilots in this operation is no greater than the danger we have encountered during our periodic cruise missile attacks on Iraq.

The President himself must deliver this message to the American people. He has not done so, and that, I agree, is a terrible derogation of his responsibilities as Commander in Chief. However, Members of Congress cannot evade our own responsibilities to speak plainly to our constituents about the great risks involved in this operation, We, too, must shoulder a share of the responsibility for the loss of American lives in a conflict that most Americans do not believe is relevant to our own security. That is why so many Senators are so reluctant to support this action and have spoken so passionately against it.

However, we also have a responsibility to speak plainly about the risks to America's security interests we incur by continuing to ignore Serbia's challenge to the will of NATO and the values of the civilized world. It is those risks that have brought me reluctantly to the floor to oppose those of my colleagues who would strip the President of his authority to take military action to defend our interests in Europe.

Two American Presidents have warned Serbia that the United States and NATO would not tolerate the violent repression of the movement by Kosovars to reclaim their autonomy. We have, time and again, threatened the direst consequences should Milosevic and his henchmen undertake the wanton slaughter of innocent life in Kosovo as they did in Bosnia.

President Clinton set two deadlines for Serbia to agree to the fair terms of a settlement in Kosovo or else face the direst consequences. I have been involved, one way or another, with U.S. national security policies for over 40 years. I cannot remember a single instance when an American President allowed two ultimatums to be ignored by an inferior power without responding as we threatened we would respond.

The emptiness of our threats is evident in the administration's more recent threshold for military action. In his press conference last week, President Clinton, acknowledging Serbia's scorched earth campaign in Kosovo, stated that the threshold for NATO military action had been crossed. Subsequent statements by administration officials, as quoted in the Washington Post, conceded that military action was unlikely ''unless Yugoslav troops committed an atrocity.''

Atrocities are the signature of the Serbian Army. There has been an uninterrupted pattern of atrocities since 1992, alternating with U.S. threats of force that were either not carried out or carried out so ineffectually that they encouraged greater bloodshed. The one occasion when force was applied convincingly, the result was the Dayton Accord.

We have dug ourselves a deep hole in which the world's only superpower can no longer manage a credible threat of force in a situation where our interests and our values are clearly threatened. As has been pointed out by many Senators, there is a realistic danger of this conflict destabilizing southern Europe, and threatening the future of NATO. And no one disputes the threat Serbia poses to the most fundamental Western motions of human rights. Our interests and values converge clearly here. We must not permit the genocide that Milosevic has in mind for Kosovo to continue. We must take action.

But I understand, all too well, the reluctance and outright opposition shared by many of my colleagues not only to air strikes but to the deployment of American troops in Kosovo as part of a peace agreement should we ever coerce Serbia into accepting the terms of that agreement.

Typically, the administration has not convincingly explained to us or to the public what is at stake in Kosovo; what we intend to do about it; and what we will do if the level of force anticipated fails to persuade the Serbs.

Should the Serbs acquiesce, and United States troops are deployed in Kosovo, the administration has not, to the best of my knowledge, answered the most fundamental questions about that deployment. What is the mission?; how will we know when it is accomplished?; what are the rules of engagement for our forces should Serbs or any force challenge their authority?

Thus, Congress and the American people have good reason to fear that we are heading toward another permanent garrison of Americans in a Balkan country where our mission is confused, and our exit strategy a complete mystery.

It is right and responsible for Congress to demand that the administration answer fully these elemental questions. It is right and responsible for Congress to debate this matter even at this time when we are trying to convince a skeptical adversary that this time we are serious about enforcing our will. I believe the administration should come to Congress and ask for an authorization of force. I believe that they would receive one.

Surely we are entitled to complete answers to the many questions about our eventual deployment of American peacekeepers to Kosovo in advance of that deployment.

But if the President determines that he must use force in the next hour, or the next day or within the week, I think it would be extraordinarily dangerous for Congress to deny him that authority or to constitutionally challenge his prerogatives as Commander in Chief. It seems clear to me that Milosevic knows no limits to his inhumanity and will keep slaughtering until even the most determined opponent of American involvement in this conflict is convinced to drop that opposition. but if we once again allow Milosevic to escape unharmed yet another American ultimatum, our mission will be made all the more difficult and dangerous.

Moreover, our adversaries around the globe will take heart from our inability to act in concert to defend our interests and values, and threats to our interests, from North Korea to Iraq, will increase accordingly.

Even the War Powers Resolution, legislation that I have always opposed, would allow the President to undertake military action for some time before he would be forced to secure Congress' agreement. I have long called on leaders from both parties to authorize Members to work together to repeal or rewrite this constitutionally suspect infringement of both the President's and Congress' authority.

But that, Mr. President, is a debate for another time. We are at the critical hour. American troops will soon be ordered into harm's way to defend against what I believe is a clear and present danger to our interests. That the President has so frequently and so utterly failed to preserve one of our most important strategic assets—our credibility, is not a reason to deny him his authority to lead NATO in this action. On the contrary, it is a reason for Congress to do what it can to restore our credibility. It is a reason for us to help convince Mr. Milosevic that the United States, the greatest force for good in history, will no longer stand by while he makes a mockery of the values for which so many Americans have willingly given their lives.

No, Mr. President, we must not compound the administration's mistakes by committing our own. We must do what we can to repair the damage already done to our interests. We must do what we can to restore our allies' confidence in American leadership and our enemies' dread of our opposition. We must do what we can to ensure that force is used appropriately and successfully. And we must do what we can to define an achievable mission for our forces, and to bring them home the moment it is achieved.

That should be our purpose today, Mr. President. Therefore, with an appreciation for the good intentions that support this resolution, I must without hesitation oppose it, and ask my colleagues to do likewise.

Mr. ASHCROFT. Mr. President, the possible deployment of United States troops to Kosovo demands the Senate's full attention and debate. I applaud the House of Representatives for addressing this issue in a timely manner, even though I do not support the House resolution authorizing the deployment of United States troops to Kosovo.

The pending deployment of United States troops to Kosovo is particularly ill-advised in light of the challenges and difficulties associated with our current mission in Bosnia. Now 2 years past the original deadline with no end in sight, the Bosnia operation has cost the United States over $8 billion in real dollars since 1992. Administration officials cannot identify an end-date for the Bosnia mission and have not been able to transfer the operation to our European allies. Progress in Bosnia has been painfully slow. In many ways the country remains just as divided as it was when the Dayton Accords were signed. Although Bosnia should be a poignant reminder of the limits of nation-building, the administration is considering another open-ended commitment of United States ground forces to the Balkans.

The violence and instability that has plagued the Balkans troubles me as it does every other Member of this body. Every Member of the Senate would like to see an end to the violence in Kosovo and a sustainable peace in Bosnia. But in addressing these difficult issues, the President and the Congress owe it to the American people to define a consistent policy for when their sons and daughters will be placed in harm's way. We have to define the American interests important enough to justify risking American lives. Unfortunately, the President has not done so in this case.

United States military deployments in the Balkans are not being driven by vital security interests, but humanitarian concerns that have not been defined clearly. As Henry Kissinger states, ''The proposed deployment in Kosovo does not deal with any threat to United States security as this concept has traditionally been conceived.''

U.S. humanitarian interests are important elements of America's foreign policy, but should not be considered alone as the basis for risking the lives of American soldiers. The violence in Kosovo is atrocious, but half a dozen other civil conflicts around the world offer more compelling humanitarian reasons for United States intervention. If United States troops are deployed to Kosovo where 2,000 people have died, why not to Sudan where a civil war has claimed 2 million casualties? Why not to Afghanistan or Rwanda or Angola where hundreds of thousands of people have died in civil wars that continue to this day?

Such questions underscore the need for a consistent policy which links the deployment of American troops to the defense of vital national security interests. The United States can and should provide indispensable diplomatic leadership to help resolve foreign crises, but we have to recognize the purposes and limits of American military power. The blood and treasure of this country could be spent many times over in fruitless efforts to reconstruct shattered nation states.

From Somalia to Haiti to Bosnia and now to Kosovo, I cannot discern a consistent policy for the deployment of United States troops. In a world full of civil war and humanitarian suffering, will American ground forces be deployed only to those conflicts that get the most media attention? The media cycle is no basis for a consistent foreign policy. The American people deserve better leadership from Washington for the prudent and effective use of U.S. military power.

The administration has not provided that leadership. The U.S. Armed Forces have been deployed repeatedly to compensate for a lack of foresight and discipline in our foreign policy. United States policy in the Balkans, for example, has dealt with symptoms of instability rather than the root of the problem. The administration has deployed peacekeeping forces to suppress ethnic conflict inflamed by President Milosevic but has missed opportunities to undermine Milosevic himself. A lack of diligence and resolve also can be seen in United States policy toward Iraq. Saddam is stronger today than at the end of the gulf war because the administration has not seized opportunities to undermine his regime.

The ill-defined deployment of United States troops to Kosovo only reinforces

my concerns about the misuse of American military resources. We have been asking our military personnel to do more with less, and the strain is showing in troubling recruiting, retention, and readiness statistics. The dramatic increase in the pace of military activity has been accompanied—not with an increase in defense funding—but with a 27-percent cut in real terms since 1990. In this decade, operational missions increased 300 percent while the force structure for the Army and Air Force was reduced by 45 percent each, the Navy by approximately 40 percent, and the Marines by over 10 percent. Contingency operations during this administration have exacted a heavy cost (in real terms): $8.1 billion in Bosnia; $1.1 billion in Haiti; $6.1 billion in Iraq.

The Kosovo agreement pursued by the administration is laying the groundwork for another open-ended United States military presence in the Balkans. The administration's strategy for resolving the conflict in Kosovo could very well lead to the worst-case scenario of a broader regional conflict now being used to justify United States intervention. The Kovoso Albanians see the proposed settlement as a 3-year waiting period leading to an eventual referendum for independence. The Serbians strongly oppose such a step. That will guarantee United States troops will be in Kosovo for at least 3 years and most likely much longer when the inevitable fighting resumes over the question of Kosovo's status.

Mr. President, the credibility of the United States is on the line when we commit our military personnel overseas. When United States soldiers were killed in Somalia, the President could not justify the mission to the American people. The hasty U.S. withdrawal from that African nation cost America dearly in terms of international stature. As we consider a possible deployment to Kosovo, the lessons learned 6 years ago in Somalia should not be forgotten. The American people will not support a Kosovo deployment that costs American lives when America's vital security interests are not at stake. Yet American casualties are a very real prospect in Kosovo, as potentially both the Kosovo revels and Serbians will be firing on United States military personnel.

Not only is United States credibility at risk in Kosovo, the credibility of the NATO Alliance is in jeopardy as well. NATOs success in the past has been based on the clearly defined mission of the NATO Treaty: collective defense of a carefully defined territory. Now, the administration is transforming the alliance into a downsized United Nations with a standing army for peacekeeping operations. NATO's membership has been expanded this year, but the real expansion has occurred in the alliance mission to include operations never envisioned in the NATO Treaty.

Managing Europe's ethnic conflicts was not the reason NATO was established and not a basis on which it can remain a vital organization in the future. The American people have not understood our commitment to NATO—a military alliance for fighting wars—to be another arm of the United Nations for peacekeeping operations. Ill-defined missions for NATO will lead to more misguided U.S. military deployments, the erosion of U.S. support for NATO, and the speedy demise of the alliance itself.

The U.S. Armed Forces should be deployed only to defend the vital national security interests of the United States. The American people understand that we live in a dangerous world where U.S. interests must be defended. But they also have a strong aversion to fruitless nation-building exercises to resolve the world's ancient hatreds, and rightly so.

Our country has learned through painful sacrifice the high cost of nation-building. In spite of the difficulties surrounding the Bosnia mission, however, we are on the verge of taking on our second nation-building exercise in a region of the world that has been wracked by war for centuries.

In the post-cold-war world, there will be no lack of civil war and ethnic conflict with serious humanitarian implications. The United States should continue to work to alleviate suffering and facilitate peace in other countries, but deploying American forces to quell centuries-old ethnic conflicts is often the least effective and most unsustainable way to address these problems. I am opposed to the deployment of United States forces to Kosovo and urge my colleagues to vote for cloture on the Lott second-degree amendment prohibiting the use of funds for a Kosovo operation unless previously authorized by Congress.

Mr. JEFFORDS. Mr. President, the situation in Kosovo is cause for grave concern to all of us. One cannot read the press reports flooding out of Kosovo for the past many months and not be moved. The suffering of the people of Kosovo is tragic, and the potential for this conflict to spread and to destabilize the entire region is very real. Something must be done.

But before we commit ourselves to military action, we must be sure that any action we undertake has a good chance of achieving our primary objectives. I am concerned about the current course of action as outlined by the President and Secretary of Defense Cohen. I agree that we need to be part of a NATO effort to resolve the current impasse and put an end to the fighting. But we should not be contributing ground troops to that effort. Our European allies must take the lead on the ground, and we should support that effort with our superior air power and intelligence operations. Just as we take the lead on problems in this hemisphere, it is important that Europe take the lead in Kosovo.

The airwaves are now heavy with the talk of impending air strikes against Serbia following Yugoslav president Slobodan Milosevic's final rejection of the proposed peace plan. Milosevic refuses to allow NATO troops on Yugoslav soil, even though NATO has agreed that Kosovo should remain a province of Yugoslav and the Kosovar Albanians have signed on to the peace deal. The United States has put a great deal of effort into trying to achieve a political settlement in Kosovo. We have taken the lead in the negotiations, and the personal intervention of Secretary Albright, Ambassador Holbrooke and Former Senator Bob Dole has done much to advance the cause. But Milosovic remains intransigent and the violence continues to escalate. Both sides are now poised for an all-out military offensive. And United States-led air strikes against targets in Serbia are imminent.

I am uncomfortable with the tactic of launching a major military bombing campaign in order to force someone to the peace table. For two reasons, one, it rarely works; and two, real peace will only come when both sides realize they have more to gain by setting aside the military option. If they do not really want peace, there is little we can do to force them into it. Targeted air strikes without a synchronized campaign on the ground are unlikely to make a serious change in the strategic situation in Kosovo. Stopping a large-scale Serbian offensive for anything more than a short period of time is extremely difficult if one's only tool is a stand-off air campaign.

However, we must do something and do it soon. But our action must be with the equal participation of our European allies, with each partner contributing what they do best. In our case, that is aerial control and intelligence collection and analysis. I would not oppose that kind of American participation in a closely coordinated operation led by our European allies where the objectives, duration and methodology were clearly explained to Congress and the American people. I believe this is the only operation likely to meet with success in the long run. And we have no time to waste!

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Eight minutes 40 seconds on your side; 37 minutes on the other side.

Mr. SMITH of New Hampshire. Mr. President, the legislation before us—which Senator LOTT has introduced—is an amendment which I drafted several weeks ago when I saw the administration lurching toward war in Yugoslavia. I believe that Congress should determine whether or not America should commit an act of war against a

sovereign nation inside its own borders.

Regardless of what your view is on the conflict in Kosovo, I sense that most of my colleagues agree that Congress should take a position on any action in Kosovo. We simply cannot turn this or any other administration loose to commit acts of war around the world without the demonstrated support of the American people. We did that once in Vietnam. We know the results. Politicians stood here and debated it, and men and women died every day.

The purpose of my amendment is very simple. It simply requires Congress to debate, and then approve or deny, the use of military force in the Federal Republic of Yugoslavia. That is it, pure and simple. If you want the Congress to have a say in this, you should vote for my amendment. If you think the President should be able to go to war against a sovereign nation without the support of Congress, you should vote against my amendment.

This raises constitutional issues for some of my colleagues. I want to dispense with them right away. It is clear that the President has the power to commit U.S. forces to battle—this President or any other President—and he has the power to command them once they are committed. I interpret this authority as allowing the President to respond swiftly and unencumbered to an immediate threat to U.S. lives, liberty, or property.

We have seen in history, some of it recent, that a President can interpret this authority very loosely. But we also have seen that when Presidents use force in a way that they do not or cannot explain to the American people, and for a cause the American people do not in their gut support, that policy collapses. We saw it by the end of the war in Vietnam. We saw it in Somalia, in 1994. We saw it in Beirut in 1983. Republican and Democrat Presidents alike have learned this lesson.

It is entirely constitutional for the Congress to withhold funds from any activity of the Federal Government. It is the Constitution itself, Article I, Section 8, which gives us that power. This so-called power of the purse is a blunt instrument—there is no question about that—and one we should use sparingly, but it is sometimes the only instrument we in Congress have. It is why the administration must seek consensus, or at least some majority, in support of military hostilities.

So we should undertake an examination of this proposed action and then speak for the American people. We must consider our interests, the question of sovereignty, the nature of the conflict and the risks, and what we are trying to accomplish.

What are our interests? The administration has a hard time explaining why U.S. interests are at stake in Kosovo. This is not surprising. There are certainly no American lives at risk—not yet, at least. American liberty and American property are not threatened. It is not a humanitarian mission like the assistance we have given to Central America in the wake of Hurricane Mitch.

Nor is loss of life the administration's standard. Two thousand people have been killed in the fighting in Kosovo in the past year. That is a lot of people. However, in just 6 weeks in 1994, half a million Rwandans died. We didn't launch any cruise missiles in Rwanda, Mr. President. There, we did not launch any cruise missiles when half a million people died.

If anything, the administration's statements have added confusion to a very complex issue. During a recent Armed Services Committee hearing, I asked Under Secretary of State Thomas Pickering whether or not an attack on the Federal Republic of Yugoslavia would be an act of war. His response goes right to the heart of the problem I have with the actions of this administration. Here is what Mr. Pickering said:

> Well, an act of war, as you know, and I have recently found out, is a highly technical term. My lawyers tell me . . . that an act of war, the term is an obsolete term in anything but a broad generic sense. If you would say that Milosevic, in attacking and chasing Albanians, harassing, torturing, killing Albanians and sending them to the hills is anything but an act of war, I would certainly agree with you on that particular judgement. If, in fact, we need to use force to stop that kind of behavior and also to bring about a settlement which recognizes the rights of those people which have been denied, I would tell you that it might well be a war-like act, although the technical term ''act of war'' is something we ought to be careful to avoid in terms of some of its former meanings that have consequences beyond merely the use of the term.

That sounds like a pretty bureaucratic explanation to me, Mr. President, but I will tell you one thing: To the young men and women who are going to be asked to put their lives on the line in Kosovo, there can be no bureaucratic explanation about what a declaration of war is or is not. It is not the lawyers Mr. Pickering is referring to who are going to fight. It is not the lawyers who are going to be manning the aircraft. It is not the lawyers who are going to be captured as POWs. It is not the lawyers who have to go in and get those POWs if they are shot down. It is the young men and women of our Armed Forces. I was then, and I continue to be, absolutely astounded by Mr. Pickering's response.

The administration tells us that we must become involved in the internal affairs of Yugoslavia to prevent the spread of this conflict into neighboring nations, including perhaps NATO members. This is a bogeyman argument, and it is meant to scare us into resolving this conflict by using American military forces. It obscures the real issue: should American troops be placed at risk in an area of the world where we have no real interests which justify direct intervention? Risking U.S. troops in a war in Kosovo is far more dangerous to American interests than the small risk that the conflict would spread.

The argument is also made that the conflict in Kosovo threatens NATO and threatens American leadership of NATO. There is nothing in the North Atlantic Treaty that authorizes NATO to commit the kinds of actions we are talking about here. NATO is not an offensive alliance, it is a defensive alliance. As a matter of fact, it was created to prevent aggression against the sovereign nations of Europe. By using NATO to attack a sovereign nation, we are about to turn the alliance on its head.

We are only weakening the alliance by using its forces offensively in the Federal Republic of Yugoslavia. The core of the alliance has always been to protect members from attack, not to be peace enforcers, not to meddle in the internal affairs of a sovereign nation—no matter how despicable the acts that are being committed are—and certainly not to dictate a peace agreement under the threat of violence. By intervening in this civil war, I fear the alliance is not showing strength to the world, but weakness and confusion.

Mr. President, NATO expansion has already diluted NATO's strength. By becoming enmeshed in the internal affairs of the Federal Republic of Yugoslavia, the alliance is distancing itself further from its core mission, which is to ensure the protection of its members. Although I opposed and continue to oppose expansion of NATO, I am a supporter of NATO and its core mission. But if this is what NATO has become—a means of dragging the United States into every minor conflict around Europe's edges—then maybe we should get out of NATO.

We are about to begin a high-risk military operation—a war—against a sovereign nation. Not because Americans have been attacked, not because our allies have been attacked, but because we disapprove of the internal policy of the Federal Republic Yugoslavia. That policy is easy to disapprove, but that is a very low standard to apply the use of force. If we applied that standard around the world, we would be launching cruise missiles around the world.

The fundamental question is whether the lives of American soldiers are worth interfering in the internal affairs of a sovereign nation where there are no vital U.S. interests at risk. This is not Iraq in 1990, where a ruthless tyrant invaded a peaceful neighboring country. This is a case of a disaffected population revolting against its government. Is Milosevic a tyrant? Yes, absolutely. But his tyranny is happening inside his own nation.

We are dictating, under the threat of military action, the internal policy of Yugoslavia. We may not like that policy, but is that reason to go to war? Moreover, is it reason to let the President of the United States go to war without an act of Congress? That is the question before us today. It is a very

serious question, and our actions in this body will have ramifications for many years to come. This very well may be one of the most important votes we make on the Senate floor this year.

The conflict in Kosovo is a civil war. Neither side wants to be involved in the peace agreement that we are trying to impose. It took weeks of arm twisting and coercion just to get the Kosovo Liberation Army to agree to the deal. The administration had to send our distinguished former leader, Bob Dole, to persuade them to accept the agreement.

Both the KLA and the Serbs still want to fight, and they will fight until they do not want to fight anymore. We will be using U.S. troops, not as peacekeepers, but as peace enforcers. There is a difference. Peacekeepers are there to assist the transition to stability. Peace enforcers are there as policemen to separate two parties who want to do nothing but fight. They are not interested in an agreement. They still want to fight. By jamming the agreement down their throats, the administration is not solving the problem. At best, it is delaying it.

Many proponents of military intervention in Kosovo cite World War I as a lesson as to the ultimate danger of a crisis in the Balkans. They have it exactly backwards. A Balkan war became a world war in 1914 not because there was strife, but because the great powers of that day allowed themselves to become entangled in that strife. We need to heed this lesson. We did not fight and win the Cold War just to be dragged into marginal conflicts like this one.

Why are the Balkans so prone to conflict? The main reason is that this is where Christianity and Islam collide. Strife along these lines has gone on virtually uninterrupted for a millennium. This is no place for America to get bogged down. I believe in America and American power, but these are conflicts that America cannot solve.

The administration is prepared to send our pilots into combat against a combat-hardened nation that is well equipped to defend itself from attack. Let there be no doubt—I will say it here now in this Chamber—let there be no doubt, American lives will be in danger. This act will result in the deaths of American servicemen. The Joint Chiefs testified before the Armed Services Committee last week. They tried to tell us, as carefully as they could.

General Ryan, Air Force Chief of Staff, said:

> There is a distinct possibility we will lose aircraft in trying to penetrate those defenses.

General Krulak, Commandant of the Marine Corps, said:

> It is going to be tremendously dangerous.

He went on to ask the same questions I have: What is the end game? How long will the strikes go on? Will our allies stay with us?

In the coming days, if air strikes do go forward, we need to be ready to answer the questions of the families of those young men and women who will not be returning from Yugoslavia. We have to be prepared to answer those questions. We can begin to answer them today: Are we prepared to fight in Yugoslavia month after month, slugging it out with the Serb forces in those mountains, losing Americans day after day? Are we prepared for that?

I want to say one thing about the troops. If we go in tonight or tomorrow, they will have my support. That is the way it should be. But I have an obligation to the Constitution, and under the Constitution, the U.S. Congress must decide whether or not we go to war. That is the purpose of my resolution.

Mr. President, I abhor the bloodshed in Kosovo. But as much sympathy as I have for those victims, we must remember that the Federal Republic of Yugoslavia is a sovereign nation. We can provide safe haven for those refugees as they exit Kosovo. We don't need to go to war.

Throughout the cold war, we fought to protect the rights of sovereign nations, and in 1991 we sent American soldiers to war to turn back the unlawful and immoral invasion of the sovereign nation of Kuwait. George Bush sought to defend a sovereign nation after it had been attacked, and he came before Congress to seek that authorization. He came before the Congress. And he barely got our approval.

George Bush risked losing a vote in Congress because he believed that the American people should comment on whether or not we would go to war. In that case, the nation of Iraq had attacked and conquered the sovereign nation of Kuwait. What a change in just eight years; here we are today, preparing ourselves to attack a sovereign nation, and the administration at this very minute is trying to avoid this vote.

This is a terribly difficult time for all of us. Having been in the Vietnam war, watching politicians who could not decide whether they wanted to support the troops or not, day after day, month after month, year after year, I don't want to see us get embroiled in another conflict the American people are going to lose their taste for after we start losing young men and women.

I just came back from a 4-day trip around the country—Louisiana, Alabama, and Colorado—talking to the troops. They are the best. They can handle anything we ask them to do. But they should not be asked to die in a conflict where the national security of this country is not at risk. This is exactly what they will be asked to do it if we go into Kosovo.

Mr. President, I urge my colleagues to carefully think about the implications of what we are about to do at 2 o'clock or so this afternoon. I urge my colleagues to support the Smith amendment.

I thank the Chair. I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I ask unanimous consent to speak up to 5 minutes from the time of the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I rise today to address my thoughts on the situation in Kosovo. This is a very complicated and dangerous issue. There are no good alternatives, there are no good options, there are no good solutions. I have listened with great interest and great respect to my colleagues on both sides of the aisle, on both sides of the issue. Their perspectives have been important, they have been enlightening. The threads of who we are as human beings—in America's case, as leaders of the world, as leaders of NATO—are intertwined in this very complicated morass that we call the Kosovo issue.

With that said, I don't believe America can stand by and not be part of a unified NATO response to the continued slaughter in the Balkans. I say that mainly for three reasons.

First, the very real potential for this crisis widening and deepening is immediate and there will be consequences. If this goes unchecked and unstopped there is the real risk of pulling in other nations into an already very dangerous and complicated situation. I believe if this goes unchecked and unstopped we run the very real risk of the southern flank of NATO coming unhinged. We are on the border now of Macedonia, Macedonia being on the border of Greece.

Second, the humanitarian disaster that would result if NATO stood by and did nothing would be immense. The consequences of that humanitarian disaster would move up into Western Europe; nations will take issue and sides against one another in Europe. This would have consequences in the Muslim world. The humanitarian element of this, as much as the geopolitical strategic elements involved in this equation, are real. There would be tens of thousands of refugees pouring into nations all over Western Europe. This would further exaggerate the ethnic and the religious tensions that exist today.

The third reason I believe that the United States cannot stand aside and not be part of any NATO activity to stop the butchery in Kosovo is because if the United States is the only NATO member who refuses to deal with this problem—all other NATO members are committed to deal with this problem—

if we are the only NATO member not part of this effort, it surely will be the beginning of the unraveling of NATO. If NATO does not deal with this crisis in the middle of Europe, then what is the purpose of NATO? What is the relevancy of NATO?

I have heard the questions, arguments, the debate, the issues raised about NATO being a defensive organization, the very legitimate questions regarding acts of war, invading sovereign nations. These are all important and relevant questions. However, I think there is a more relevant question: What do we use the forces of good for, the forces that represent the best of mankind, if we are going to be held captive to a definition that was written 50 years ago?

Every individual, every organization, every effort in life must be relevant to the challenge at hand. The consequences of the United States not being part of NATO in this particular effort would be disastrous. America and NATO's credibility are on the line here. I suggest to some of my colleagues who are engaged in this debate, where were they last fall? Where were they when Ambassador Holbrooke reached an agreement with President Milosevic in October? At that time, the United States and all nations in NATO gave their commitment that there would be a NATO military response if Milosevic did not comply with the agreement that he made on behalf of NATO with Ambassador Holbrooke.

Part of the debate we are having now—if not all of it—should have been done last fall. To come in now after the administration and our NATO partners are trying to bring together some peaceful resolution using the leverage of NATO firepower and the leverage of military intervention, for the Congress now to come in and undermine that is not the right way to have the Congress participate in its constitutional responsibility to help form foreign policy.

However, the President of the United States must take the lead here. I, too, have been disappointed in the President not coming forward to explain, to educate, on this issue. If the President feels this is relevant and important to America's interests, the President must come forward and explain that to the American people. He has thus far not done that. I understand that may be done today or tomorrow. I talked to Secretary Albright Sunday night and encouraged Secretary Albright, as I have others, to encourage the President to do that. Only the President can lead. Only the President can make the case as to why this is important for our country and explain the consequences of the United States doing nothing. The President must come before the Nation and explain why this military intervention in Kosovo is relevant and important, and why the very significant risk of life is worth it, why the significant risk of life is worth it.

I also want to point out that I have heard an awful lot of debate and conversation that we, the United States, would take on Milosevic. It is not just the United States. It is our 15—actually 18—other partners in NATO. I might add, too, that the Europeans have stepped into this with rather direct action and a call for arms in using and committing their ground troops and other military assets. So it is not the United States against Milosevic. It is NATO; it is the forces of good. We must not be confused by that difference.

The President has to explain all of this to the American public. Yes, there are great uncertainties and great risks at stake. But to do nothing would create a far worse risk for Europe, the United States, NATO, and I believe all over the world, because the United States' commitment and work and credibility is being watched very carefully by Saddam Hussein, the North Koreans, and others who would wish the United States and our allies ill. Actions have consequences. Nonactions have consequences.

Mr. President, history will judge us harshly if we do not take action to stop this rolling genocide. As complicated as this is, I hope that as we debate this through today, my colleagues will support the President on his course of action.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, before my colleague departs the floor, I wish to commend him for his final set of remarks. I listened very carefully. Those precise steps of reasoning were discussed in great detail beginning at 9:30 this morning up through 11:30 with the President and the Senate and House leadership. The very points that our colleague makes were reviewed and responded to by the President.

Time and time again—and I am sure you share this with me —I want to accord the highest credit to our colleague from Texas, Senator HUTCHISON, and our colleague from New Hampshire, BOB SMITH, and others, who have repeatedly over the past week or 10 days, through filing amendments and otherwise, brought to the attention of the Senate the urgency of this situation and the need to address it.

Today's meeting with the President was the second one, the previous one being last Friday of similar duration. Senator LOTT has tried his best to reconcile a rather complicated procedural situation together with Senator DASCHLE, and they are still conferring. We are going to address that in our respective caucuses here starting momentarily. I see—and I am speaking for myself now—a clear movement within the Senate to address this within the framework of a resolution. There are several working now whereby the American public can follow with much greater clarity exactly what is the issue before the Congress and how this body will respond to the challenge. It is an extraordinary one. The case—as you laid out—of inaction is just unacceptable to the world. We are about to witness a continuation, taking place at the moment, of ethnic cleansing of a proportion reaching those that we experienced in Bosnia.

A very courageous diplomat, Mr. Holbrooke, has made several excursions—I think the most recent completed within the hour —and all indications are that the situation, diplomatically, as much as it was, say, 72 hours ago, despite the best efforts of the United States, Mr. Holbrooke representing this country, but indeed he spoke for 18 other nations—the important consideration here is that there are 19 nations—16 in NATO and several others—who are locked with the determination not to let this tragedy continue. As the Senator said, the consequences of no action are far more understandable than the consequences of action. Now, the military action proposed is largely, I say largely, but almost exclusively, an air type of operation. Those pilots are taking tremendous risks.

The Senate Armed Services Committee, last Thursday, had all the Chiefs present. As the first indications of the concern in the Senate were beginning to grow through questioning by myself and other members of the committee, we had each Chief give their appraisal of the risk, and General Ryan, speaking for the air arms of our country, was unequivocal in saying this is dangerous, that these air defenses are far superior to what we encountered in Bosnia and what we are today encountering in Iraq, and this country runs the risk of casualties. What more could he say? He was joined by General Krulak, Chief of Staff of the Army, and the Chief of Naval Operations. All of them very clearly outlined the risks that their respective personnel would take—that, together with our allies.

Numerically speaking, about 58 percent of the aircraft involved will be U.S. Why? It is very simple. Fortunately, through the support of the Congress and the American people, we have put in place a military that can handle a complication such as this. I say ''complication'' because going in at high altitudes and trying to suppress ground-to-air munitions is difficult. It requires precision-bombing types of instruments, precision missiles, and many of the other nations simply do not have that equipment. But it is interesting, if we get a peace accord—and I have long supported the United States being an element of a ground force under the prior scenario where we had reason to believe that there would be a peace accord—and maybe there is a flicker of hope that it can be reached before force is used in this instance—but there the European allies would have about 80 percent of the responsibility, and the United States, I think by necessity, as leader of NATO, should have an element.

So another message that we have to tell the people is that the countries of the world—indeed NATO—are united. It is just not to be perceived as a U.S. operation. It is a consolidated operation by 19 nations. Milosevic should be getting the message now, if he hasn't already, that this is not just a U.S. operation. It is a combined operation of 19 nations.

Now, the proposed air operation is the best that our Joint Chiefs, in consultation with the North Atlantic Council and the respective chiefs of the NATO, can devise given that air assets are to be used. It is spelled out, I think, in a convincing way.

The President, again, went over this very carefully with the Secretaries of State and Defense, the National Security Adviser, and the Chairman of the Joint Chiefs present this morning. This operation, in stages, unequivocally I think, will bring severe damage to, first, the ground-to-air capabilities; and then if Milosevic doesn't recognize the sincerity of these 19 nations, then there will be successive air operations on other targets designed to degrade substantially his military capability to wage the war of genocide and ethnic cleansing taking place at this very minute throughout Kosovo.

In addition, as I am sure the Senator is aware, there are many collateral ramifications to this situation, which leads this Senator to think it is in our national security interest to propose action. I shall be supporting as a cosponsor the joint resolution as it comes to the floor this afternoon.

Right on the line I will sign and take that responsibility.

Mr. President, I ask unanimous consent that the time be extended for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is very important that this air operation degrade his capability to do further damage in Kosovo. But the instability in the region, as stated by the President this morning, in many ways parallels Bosnia, but could be considered more serious because of Greece, Turkey, and the spillover of the refugees into Macedonia and Montenegro. It is just not an isolated situation of repression and oppression by Milosevic against Kosovo civilians. They are now flowing in and causing great problems in these nations who are trying to do the best they can from a humanitarian standpoint to accept them.

So I always come back to the fact that this Congress went along with the President as it related to Bosnia. History will show that we were misled in certain instances by the President hoping we could be out by yearend. It had not been the case. But we are there, and the killing has stopped. How soon the economic stability of that country can create the jobs to give it some permanence we know not. But we could lose an investment of up to $8 billion or $9 billion that this Congress has authorized and appropriated through the years to bring about the degree of achievement of the cessation of hostilities in Bosnia if Kosovo erupts and spills over the borders in such a way as to undo what has been done over these years since basically 1991.

So there are many ramifications. It is difficult for the American people to understand all the complexities about the credibility of NATO and the credibility of the United States as a working partner, not in just this opposition, but future operations with our European nations. But they do understand quite clearly that genocide and ethnic cleansing, murdering, rape, and pillaging cannot go on. And we have in place uniquely in this geographic area the political organization in NATO, together with such military assets as are necessary to address this situation.

So it is my hope that the leaders will be able to resolve a very complex situation as it relates to the procedural matter before the desk and that we can have before the Senate this afternoon a resolution with clarity of purpose and clarity of how each Senator decides for themselves and speaking for the constituents about what the country should do.

I am convinced that the President has to go forward within 24 or 48 hours with the other NATO nations.

So I sort of put myself in the cockpit with those brave aviators, where you have been in a combat situation, Senator, many times, and you know that situation better than most of us. And you know how it is important to that soldier, sailor, or airman that has the feeling—or she in some cases—that this country is behind them and stands with them as they and their families take these risks.

I thank the Senator for the opportunity to have a colloquy with him on this important question. I commend him for his leadership on this and many other issues.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 682 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take just about 3 minutes now and I will speak longer than this later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, it seems we are moving irrevocably towards war in the Balkans. It appears that the U.S. forces along with NATO forces will soon be engaged in open warlike activity against Serbian forces. This Senator took the floor in January of 1991, prior to the engagement of our forces in the Persian Gulf, to state my feelings that before any President commits our troops to a military action of this nature, that President should seek the advice, consent, and approval of Congress.

Only Congress has the power to declare war; it is quite clear in the Constitution. It is this Senator's strong feeling that this President would be remiss, and we would be shirking our duties, if in fact we did not, today, set aside whatever other business this Senate has, to debate fully a resolution supporting or not supporting the use of our military force in Kosovo. That debate should be held today and the vote should be held today, or tomorrow, but as soon as possible, so we fulfill our constitutional obligations.

I said, in 1991, if the President were to engage in war in the Persian Gulf without Congress first acting, not only would it be a violation of the War Powers Act but I think it would be a violation of the Constitution of the United States. I still feel that way, regardless of whether it is President George Bush or President Bill Clinton.

So the sounds of war are about us. I am hearing the rumblings that our planes and our pilots might start flying soon, that bombs might start dropping soon. Our military people will be engaged in military activities of a warlike nature. Now is the time and here is the place to debate that. We cannot shirk our constitutional responsibilities. The debate should be held this afternoon. The vote should be held, no later than tonight or early tomorrow, on whether or not this Congress will support that kind of activity in Kosovo.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would ask if you will notify me when I have talked 6 minutes.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent to extend the time?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HCFA'S A NO-SHOW

Mr. GRASSLEY. Mr. President, yesterday the Special Committee on Aging, which I chair, held a hearing on the government's oversight role in ensuring quality care in our Nation's nursing homes. The committee has been investigating systemic flaws in nursing home care for two years. A series of reports by the General Accounting Office and the HHS inspector general have now shown this to be a national problem.

The Aging Committee investigates in a bi-partisan manner. The rules of the committee require it. The committee's

ranking member, Senator BREAUX, has very ably assisted the committee's work. His insightfulness and interest in issues affecting the elderly population has brought greater credibility to our work.

At yesterday's hearing, we learned much about the breakdown in the complaints process. In other words, when someone makes a formal complaint about the treatment of a loved-one in a nursing home. The various states operate the process. But the federal government has the ultimate responsibility to oversee it to make sure complaints are being addressed.

Yesterday we heard from two citizen witnesses who experienced firsthand a broken-down complaints process. Their stories were tragic, yet real. The committee, the government, and the public learned much from their testimony.

We also heard from the GAO and from the HHS IG.

The committee did not hear from the Health Care Financing Administration, or HCFA. HCFA is the federal agency charged by law to protect nursing home residents. HCFA must ensure that the enforcement of federal care requirements for nursing homes protects the health, safety, welfare, and rights of nursing home residents. Yet, HCFA was a no-show.

There is a very specific reason for yesterday's hearing, and this series of hearings. It's because the health, safety, welfare, and rights of nursing home residents are at great risk. Yet, the agency responsible was not here.

The committee invited the two private citizens in the public interest. Through their eyes, we saw a complaint process turned upside-down. It's a process that has put some nursing home residents at risk. Their testimony could help correct the process so others don't have to suffer the same wrongful treatment.

The reason HCFA wasn't here is puzzling, given the committee's focus on listening to citizen complaints. HCFA is an agency within the Department of Health and Human Services—HHS. HHS determined that HCFA should not show up because HHS witnesses do not follow citizen witnesses. That's their so-called policy.

In other words, HCFA—the organization that is supposed to serve our elderly citizens by protecting the health, safety, welfare, and rights of nursing home residents—was not here because its protocol prevents them from testifying after citizen witnesses.

Last Friday, when discussing this matter with HHS officials, my staff was told the following: ''Our policy is that we testify before citizen witnesses.''

Now, I have four comments on this. First, how serious is the Department about the problems we're uncovering in nursing homes when a protocol issue is more important than listening to how their complaints process might be flawed?

Second, I have conducted hearings, in which citizen witnesses go first, since 1983. Other committees have done the same. I don't recall any department at any hearing I conducted since 1983 that became a no-show, even when private citizens testified first. Especially for an issue as important as this.

Third, the Department may be trying to convince the public it cares. But this no-show doesn't help that cause. The public might confuse this with arrogance.

Finally, this situation yesterday could not possibly have illustrated better the main point of the hearing; namely, that citizens' complaints are falling on deaf ears. These witnesses traveled many miles yesterday. They were hoping that government officials—the very officials responsible—would hear their plea. Instead, what did they get? A bureaucratic response. Their agency-protectors were no-shows because of a protocol. Because of arrogance, perhaps.

So, we'll move forward with yesterday's testimony, learning how the nursing home complaint system is in shambles. And the agency responsible for fixing it wasn't here to listen. Of course, they can read about it once it's in writing—a process they are comfortable with.

Since I have been in the Congress, I have never taken partisan shots at an administration. I believe only in accountability. My heaviest shots were against administrations of my own party. The record reflects that very clearly.

The easy thing to do would be to take partisan pot shots over this. It's much harder to redouble our efforts, in a bipartisan way on the committee—which I intend to do—until HHS and HCFA get the message. When will HHS and HCFA hear what's going on out there in our nation's nursing homes? Perhaps when they learn to listen to the citizens we—all of us in government—serve. Until they get the message, these problems will get worse before they get better.

One key reason why HCFA's presence was important, yesterday, was to nail down just who is in charge. At our hearing last July, Mr. Mike Hash, HCFA's deputy administrator, told the committee that HCFA is responsible for enforcement for nursing homes. Yet in yesterday's written testimony submitted for the record, Mr. Hash says the states have the responsibility.

This needs to be clarified. Who's in charge, here? Is this why we're seeing all these problems in nursing homes? Because no one's in charge?

In my opinion, this matter has to get cleared up at once. Every day that passes means more and more nursing home residents may be at risk. The Department of HHS has to restore public confidence that it truly cares, that it's doing something about it, and that improving nursing home care is a higher priority than protocols for witnesses at a hearing.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE.) 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.

The majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, we are obviously dealing with very serious matters for the future of our country and our military men and women today. We want to make sure we proceed properly. We are looking at how to proceed on the Kosovo issue and the supplemental appropriations and be prepared for consideration of the budget resolution beginning tomorrow.

We have looked at a lot of options. Obviously, we have been talking among ourselves and the administration, and Senator DASCHLE and I have gone through a couple proposals.

Our conclusion is, at this time we should go forward with the cloture vote as scheduled. The cloture vote is on the Smith amendment, which is an amendment to the Hutchison amendment to the supplemental appropriations bill.

When that vote is concluded, depending on how that vote turns out, then we will either proceed on the Smith amendment or we will set it aside, if cloture is defeated, and work on the supplemental appropriations bill while we see if we can work out an agreement on language or how we proceed further on the Kosovo issue.

We thought the better part of valor at this time is to have the vote on cloture. Is that Senator DASCHLE's understanding, too? We will continue to work with the interested parties. A bipartisan group will sit down together and look at language to see if we can come up with an agreement on that language. We may be able to, maybe not. But we should make that effort. Then we also will press on the supplemental appropriations bill while we do that.

With that, Mr. President, I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Lott amendment No. 124 prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia:

Trent Lott, Paul Coverdell, Bob Smith of New Hampshire, Jeff Sessions, Don Nickles, Charles E. Grassley, Sam Brownback, Tim Hutchinson, Michael B. Enzi, Bill Frist, Frank Murkowski, Jim Inhofe, Conrad Burns, Mitch McConnell, Ted Stevens, and Jim Bunning.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 124 to S. 544, a bill making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Feingold	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Hutchison amendment, No. 81, be temporarily set aside under the same terms as previously agreed to with respect to the call for the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we will resume consideration of the supplemental appropriations bill with amendments in order as outlined in the consent agreement reached on March 19.

I should advise the Senate that there is beginning now a working group of Senators who will be working to determine if they can draft language for the resolution regarding the Kosovo situation. We still have pending the Hutchison amendment and the Smith amendment. And there will be a bipartisan effort to see if there can be some compromise language worked out or some language that might be voted on in some form before the afternoon is over.

In the meantime, we are working now toward an agreement with regard to consideration of the supplemental appropriations and beginning of the consideration of the budget resolution. The managers are here, and they are ready to begin to work on some amendments, I believe, which have been cleared. We hope that within the next 30 minutes we can enter into an agreement with regard to finishing the supplemental today, with Kosovo language being considered in the process as a possibility, and then begin tomorrow on the budget resolution.

With that, I yield the floor so that the distinguished chairman can begin to have these amendments considered that are ready to be cleared.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I now ask unanimous consent that there be stricken from the amendment list Senator HARKIN's relevant amendment, Senator JEFFORDS' three relevant amendments, and Senator REED's OSHA small farm rider amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 125, 126, AND 127, EN BLOC

Mr. STEVENS. Mr. President, let me state, so that everyone understands, that there is a sense-of-the-Senate amendment offered by Senator BINGAMAN regarding the use of sequential billing policy in making payments to home health care agencies under the Medicare Program; an amendment by Senators LEAHY, JEFFORDS, and COLLINS providing additional funds and an appropriate rescission to promote the recovery of the apple industry in New England; and the third amendment is offered by Senator LINCOLN to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year.

I send these amendments to the desk and ask for their immediate consideration, and ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments en bloc numbered 125 through 127.

The amendments (Nos. 125 through 127), en bloc, considered and agreed to are as follows:

AMENDMENT NO. 125

(Purpose: To express the sense of the Senate regarding the use of the sequential billing policy in making payments to home health agencies under the medicare program)

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed be ''seamless'' so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in subsection (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing.

AMENDMENT NO. 126

(Purpose: To appropriate an additional amount to promote the recovery of the apple industry in New England, with an offset)

On page 2, between lines 20 and 21, insert the following:

AGRICULTURAL MARKETING SERVICE

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), $200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), $500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 37, between lines 9 and 10, insert the following:

FARM SERVICE AGENCY

EMERGENCY CONSERVATION FUND

Of the amount made available under the heading ''EMERGENCY CONSERVATION PROGRAM'' in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 68), $700,000 are rescinded.

AMENDMENT NO. 127

(Purpose: To provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year)

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. ____. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.—(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as ''CRCPLUS'') for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

Mr. STEVENS. Mr. President, I move to reconsider the votes by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have, I think, a process now to sort of relieve the roadblock, or remove the roadblock, on this supplemental bill and get it ready to go to conference tomorrow with the House. The House will pass this bill tomorrow. So I urge Senators to offer their amendments, and we will, to the best of our ability, take the Senators' amendments to conference, if at all possible.

AMENDMENT NO. 128

(Purpose: To eliminate any emergency designations from the bill and provide additional offsets from unused fiscal year 1999 emergency spending)

Mr. GRAMM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. GRAMM) proposes an amendment numbered 128.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of $2,250,000,000 is rescinded as provided in section 3002 of this Act.

AMENDMENT NO. 129 TO AMENDMENT NO. 128

(Purpose: To eliminate any emergency designations from the bill)

Mr. GRAMM. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. GRAMM), for himself, and Mr. NICKLES, proposes an amendment numbered 129 to amendment No. 128.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. GRAMM. Mr. President, a continuing problem with the emergency supplemental appropriations is that it is not paid for.

I would like to remind my colleagues—and I will try to be brief—that last year the President in the State of the Union Address took the hard and fast position that we should save Social Security first. The idea was that the whole surplus of the Federal budget should go to Social Security and should be used to reduce the outstanding debt of the Government.

As everyone remembers, in the waning hours of the session last year we passed an emergency appropriations bill that contained numerous nonemergency items. And the net result was to spend $21 billion—roughly one-third of the surplus—every penny of which was Social Security surplus. Therefore, in the words of the President, we had plundered the Social Security trust fund to fund all of these other programs of Government.

As I am sure everyone is aware, along with the budget that will come to the floor of the Senate immediately following disposition of the issue on Kosovo, we will consider a lockbox provision that requires a reduction in the debt held by the public by the amount of Social Security surplus. That will automatically lower the debt limit we will set by law each time we have a Social Security surplus. So the net result will be that each and every penny of the Social Security surplus will, in fact, be locked away, going to debt reduction in the name of Social Security. While none of that saves Social Security, it does mean that none of it is spent on general government and that we actually reduce the indebtedness of the Federal Government in the process.

Right in the face of this effort to lock away the Social Security surplus for Social Security, we found ourselves with an emergency supplemental appropriations bill which is not paid for. And, in fact, in its current form, the bill increases spending and therefore takes $441 million right out of the Social Security surplus in fiscal year 1999. And then, adding this year and the next 4 years, it would take almost $1 billion out of the surplus; $956 million would, in fact, be taken out of that surplus.

It seems to me we can't be credible talking about a lockbox to lock this

money away for Social Security at the very same moment that we are spending the money.

So I have sent two amendments to the desk. One makes across-the-board reductions in the previous emergency bill we passed in areas other than agriculture and defense to such a degree that we pay for the $441 million. So the emergency supplemental at that point will be deficit neutral in fiscal year 1999.

The second-degree amendment, which I have submitted on behalf of myself and Senator NICKLES, because in fact it was his amendment that he reserved the right to offer—the second-degree amendment is an amendment which waives the emergency designation, which will mean that this $515 million of spending in the years 2000 through 2005, will count toward the spending caps in those years. So by spending the money now, we will lose the ability to spend that amount of money in future years.

These are two straightforward amendments which have one overriding virtue, and that is, they pay for the supplemental.

Let me say of my colleague, the Senator from Alaska, that I am very grateful he has decided to accept these amendments. I know this only means postponing the battle until conference.

There was a clever little poem I learned as a boy. And I am sort of ashamed to say that I forget exactly what the rhyme was. But it was, ''He that is convinced against his will is unconvinced still.'' And I know that in this case, wanting to get on with this bill, our dear colleague, our loving colleague from Alaska, is convinced against his will to take these amendments, and I know he is unconvinced still.

But the point is, we would have the ability to go to conference with our bill fully paid for and with no emergency designation. That would put those of us who believe that this should be the way we do business in this country in a position in conference to try to sway others. On that basis, I will be willing, with the adoption of these amendments, to let the bill go to conference where, obviously, at that point this will be fought out again.

Let me conclude, before the Senator from Alaska changes his mind, by simply saying we are going to have to come to a moment of truth here. We cannot write budgets that say we are going to control spending and then continue to spend. We cannot lock away money for Social Security and then spend the money for Social Security. I know it is hard—when the President says one thing and does another—for Congress to say something and then actually do it because, obviously, it is easier to say it and not do it than it is to say it and then do it. But I do believe the American people have a higher standard that they apply to us, and I think the adoption of this amendment, especially if it can be held in conference, is a major step forward in getting credibility back into the budget.

On that basis I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Alaska.

Mr. STEVENS. Mr. President, my friend brought a smile to my face because I remembered Miniver Cheevy:

Miniver Cheevy, child of scorn,
Cursed the day that he was born.

He was born too late. Just think, I might have been chairman of the Appropriations Committee back in the days before the Budget Act, before scoring fights, when we just talked about what the country needed. Right? But it is one of those things.

Mr. GRAMM. But then you would be dead, Mr. Chairman.

Mr. STEVENS. No, Cheevy just hoped he had lived sooner. You understand? By definition, he is dead.

Mr. GRAMM. Oh, OK.

Mr. STEVENS. I cannot match the memory of my friend from West Virginia as far as poetry is concerned. I was trying to think of another poem I remembered that would have been appropriate, but right now I will say this:

Mr. President, here is the problem. We had a massive bill last fall. It had emergency monies appropriated that were outside the budget. Now we are reprogramming much of that money to new emergencies or to new programs which take the money away from the programs we appropriated for last fall. But now we are going to spend it somewhere else. OMB did not score that money last fall because it was outside the budget. Now the Senator from Texas has gone to the CBO and the CBO has scored that as money that is just being appropriated. We are really reprogramming appropriated money to new uses.

When they score it, they do not come up with budget authority, which is the problem of the legislative committees. They come up with outlays, which is our problem. We do not have the outlays. By definition, the money, if we leave it where it is, it is going to be spent. It is going to be spent unscored.

As a consequence, I have told the Senator from Texas, and I hope my friends from the other side of the aisle would agree, we will take this to conference. I made a commitment. I will sit down with the CBO and see if I can understand their point of view of why they should do this to us. Most people do not agree. It is only the Senate Appropriations Committee that is subject to this control. The House just waived the points of order. Over here, our bills are subject to points of order.

The amendment of the Senator would lead to dramatic cuts in several priorities that were funded in the omnibus bill as emergency issues and not scored on outlays. And we have a provision in this bill that says those monies will continue to not be scored as outlays if they are spent for the purposes we redesignated them for: Diplomatic security, to rebuild our embassies destroyed in Kenya and Tanzania, the funding that we put up for the U.S. Government's response to the Y2K computer problem. At my request last year, we went forward very early and the Senate started that process, $3.25 billion to deal with Y2K. It was not scored, and we are reallocating some of that. The agriculture relief from last year—again, it was an emergency. We are reprogramming some of that.

Above all, the FEMA disaster relief monies, all of those were not scored for outlays, Mr. President. But I understand what my friend is doing. He is trying to do the same thing we are trying to do, and that is preserve Social Security. I will be willing to do anything I can to preserve the position we have taken that Social Security funds not be touched. They were touched last fall. We are not touching them, we are reusing them. That is something the CBO cannot quite grasp right now, and I have said I will go sit down and talk to them. As a matter of fact, I will invite the Senator from Texas to come along so he will have a worthy advocate as we try to understand the new concepts of scoring outlays on monies that were already appropriated on an emergency basis.

I think the Senator from Texas raises some interesting points. I do hope we will be able to accept this. I have to tell the Senator from Texas that my decision to recommend these be taken to conference is still subject to being reviewed on the other side of the aisle, and I will have to defer the final approval of the amendment of the Senator until that time. But I will call him if there is any discussion to be had on his amendment.

I hope he agrees we set it aside temporarily while awaiting that response to my request. But I do intend to recommend the amendments of the Senator be taken to conference where we will explore them and try to see if we can accommodate what the Senator is trying to do without disturbing the process that we feel is our duty—to meet the emergencies as they are presented to us this year, not last year.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President and Senator STEVENS, before he leaves the floor, I am going to ask a question of the Senator from Texas on the speech that he just made, although it is not directly on point. I thank Senator GRAMM for the comments he made about Social Security and protecting it and the lockbox. He has explained the lockbox as legislation he has reviewed in my behalf, and described it as making it very difficult, if not impossible, to spend the Social Security surplus, because to do so one would have to increase the debt beyond that which is agreed upon, the debt held by the public, and in so doing they would need a supermajority.

Since the administration says they want to save the Social Security trust

fund, do you have any idea—can my colleague imagine why the Secretary of the Treasury would be against it?

Mr. GRAMM. Yes, I can tell you I not only have an idea, I think it is clear there is only one reason anybody would be against it, and that is they want to say they are saving Social Security, but they do not want to do it. They want to have it both ways. They want to give great and flowery speeches about ''Save Social Security first, save Social Security now,'' but when it gets right down to it, what the provision of my colleague in the budget does by changing the debt ceiling is it actually makes it impossible for them not to do it unless they can get 60 votes in the Senate to raise the debt ceiling. So the only reason they would oppose it is they do not intend to do it.

Mr. DOMENICI. That would require statute law to do what I have recommended and what my staff and I have worked out? We would have to bring that to the floor, and that will be another test after the budget resolution about how serious people are about not touching the Social Security trust fund; is that correct?

Mr. GRAMM. Anybody who is opposed to your bill is refusing to write into law in a binding manner what everybody pledges verbally to do. The provision of the Senator from New Mexico is an enforcement mechanism. And the only reason anybody would be against enforcing an antiplundering provision on Social Security is if they intend to plunder. I think that is what the whole issue is about.

Mr. DOMENICI. I ask one thing further. My colleague has been here working with me for most of my time on the Budget Committee, although I was there for a while when he was in the House working on budgets there. I have talked, heretofore, about whether or not we can lock up the Social Security trust fund. But it is my recollection that no legislation of the type that I propose has ever been suggested to the Congress as a means of not spending that money. Is that your recollection also?

Mr. GRAMM. Well, first of all, I don't know of any effort in the past, prior to 1979, when I came to the Congress. There had been no legislative action since 1979 that would have locked in a process to enforce debt reduction. This is the first in my experience of service in the Congress. My guess is there has never been a similar proposal before, but we do have an extraordinary circumstance. We have a President who is committed to saving Social Security money and using it for debt reduction. We have 100 Members of the Senate who say they are for it. Your amendment gives us a happy opportunity to marry all this up with a binding constraint. The question is, who is for real and who is not for real on this issue. That is what will be determined.

Mr. DOMENICI. I thank the Senator.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to put in the RECORD the scoring that we got on the supplemental bill as it came out of committee. It shows the problem. CBO showed we had $319 million in savings on outlays, and OMB said we had $567 million savings in outlays. OMB now has gone back and has changed the minuses to plus, and they say that we are over $441 million. It is because of a revision, I guess, of the way they have approached the bill.

Mr. President, I ask unanimous consent the scoring that we received on S. 544, as reported to the Senate, be printed in the RECORD and that it be followed by the Senator's chart, as of March 22, of scoring from CBO of the bill as it stands before the Senate today.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FY 1999 SUPPLEMENTAL S. 544, AS REPORTED

[In millions of dollars]

	Senate bill		
	BA	CBO Outlays	OMB Outlays
OFFSETS			
Agriculture:			
Food stamp program	−285	.....	.....
Net	−285	.....	.....
Commerce-Justice:			
DoJ OIG	−5	−5	−5
INS enforcement & border affairs	−40	−32	−32
INS citizenship & benefits, immigr. support	−25	−20	−20
NOAA operations, research & facilities	−2	−1	−1
NOAA procurement, acquisition & constr	−2	−1	−1
Contributions to Int'l organizations	−22	−22	−22
Contributions to Int'l peacekeeping	−21	−21	−21
Int'l broadcasting operations	−1	−1	−1
Net	−118	−103	−102
Defense:			
Operations & maintenance, defense-wide	−210	−78	−155
Net	−210	−78	−155
Foreign Operations:			
Global environmental facility (GEF)	−60	−5	−5
Economic support fund	−10	−1	−1
Assistance for E. Europe & Baltic States	−10	−1	−1
Assistance for Newly Independent States	−10	−2	−1
Int'l organization and programs	−10	−9	−9
Net	−100	−18	−16
Interior:			
BLM management of lands & resources	−7	−5	−5
Net	−7	−5	−5
Labor-HHS-Ed:			
State unemployment service	−16	−16	−16
Education, research, statistics	−8	−2	−1
TANF (deferral)	−350	.....	.....
Net	−374	−18	−17
Military Construction:			
BRAC	−11	−2	−3
Net	−11	−2	−3
VA-HUD:			
Emergency community development grants	−314	−1	−7
HUD management and administration	.....	−5	.....
EPA science and technology	−10	−4	−4
Net	−324	−10	−11
Chapter 1, title V, division B of P.L. 105–277	−23	−18	−18
Reduction in non-DoD emergency appropriations in division B of P.L. 105–277	−343	−67	−187
Reduction in non-defense discretionary spending from revised economic assumptions	−100	.....	−53

FY 1999 SUPPLEMENTAL S. 544, AS REPORTED—Continued

[In millions of dollars]

	Senate bill		
	BA	CBO Outlays	OMB Outlays
Total	−1,894	−319	−567

IMPACT OF S. 544 (EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FY1999) ON DISCRETIONARY SPENDING

[Net Impact of Appropriations and Rescissions, in millions of dollars]

	Outlays, FY1999	Total outlays	Budget authority
S. 544 as Reported	+$275	+$719	0
Amendments Adopted	+166	+237	+$4
Current Total	+441	+956	+4

Preliminary Congressional Budget Office estimates as of March 22, 1999. Total outlays in future years may be affected by subsequent legislation.

Mr. STEVENS. I think it demonstrates that there is a legitimate battle here over people who make estimates. We have one group of estimators downtown, another group of estimators over in CBO. We have our own on the committee. We make estimates of what we are doing, and it is like three groups of lawyers. Fifty percent of them are wrong all the time. I say this as a lawyer.

As a practical matter, there is no answer to the Senator from Texas' approach, unless we just set them all down in the same room and say find a way to come to an agreement. In the final analysis, there are three computers working on this bill and, as they say, if you put stuff in, stuff is going to come out; right? That is the trouble. I am not sure what color the stuff is that the Senator from Texas is using, but it is coming out. It disagrees with our conclusions of what this bill means.

I am told that the other managers of the bill agree with my concept that this is something we should explore in conference, and we will give it our best review in conference. We are willing to accept the Senator's amendments now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the second-degree amendment is agreed to.

The amendment (No. 129) was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as amended, is agreed to.

The amendment (No. 128), as amended, was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the votes by which the amendments were agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 130

(Purpose: To maintain existing marine activities in Glacier Bay National Park)

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 130,

At the appropriate place in the bill, insert the following:

''SEC. . GLACIER BAY.—No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105–277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit.''

Mr. MURKOWSKI. Mr. President, if I may have the attention of my colleagues, let me identify specifically what is intended by this amendment.

First of all, I should identify the specific area about which we are concerned. This is my State of Alaska. Over here on the right is Canada. We have our State Capitol here in Juneau. Just north of Juneau is an extraordinary jewel of our National Park Service called Glacier Bay. Glacier Bay is a pretty substantial area in size. It consists of about 3.3 million acres. That is about the size of 3 Grand Canyons or 4 Yosemites or 17 Shenandoah National Parks or 825 Gettysburgs. It is part of the State of Alaska which has about 33,000 miles of coastline.

Let me further identify specifically what Glacier Bay consists of relative to the map of Alaska which is before you.

We have in southern Alaska in the northern tip, before you cross the Gulf of Alaska to go up to the Anchorage area, the area specifically known as Glacier Bay National Park and Preserve. Over in this corner we have Gustavus, which is a small community, Bartlett Cove, where the Park Service has its concessions, and down here we have Chichagof Island, and over here, Juneau. The purpose of this map is to give the visitor some idea of the extraordinary size and attractiveness of Glacier Bay and the realization that there are absolutely no roads in this area, with the exception of this very short road from Gustavus, where there is an airfield, to Bartlett Cove. This is very rugged, glacier-bound terrain. The only entry is by vessel or aircraft flying over the area. There are kayaks, small boats, and so forth. The activity is monitored by the Park Service quite effectively.

If you look at the map of Alaska, you also find that this entire area of Canada has no outlet to the Pacific Ocean. That is from roughly Cordova down through Ketchikan, all this area of northern British Columbia, Whitehorse, the Yukon Territory. There is no access. But there is in Glacier Bay a very tiny area, at the Tarr Inlet, where a glacier occasionally recedes and provides a bit of real estate in Canada at the head of Glacier Bay. Of course, the difficulty is you cannot go through a glacier for access. I just point this out to you so you will have a little better view of the real estate, the topography, and so forth.

What we have before us in this issue is the traditional right of fishermen and subsistence gatherers who live in the area, either in Gustavus or Hoonah, which is a Native village. These are gatherers. What does that mean? To these people it is part of their heritage, part of their lifestyle.

Mr. President, we do not have any chickens in this particular area. It is pretty wet, pretty cold. So the Natives occasionally go in and gather sea gull eggs. Now, there is not much demand for sea gull eggs. The question of their continued right to go in and gather those eggs as well as fish is what this issue is all about, because the action by the Park Service would preclude traditional fishing and gathering, which has been going on here for hundreds of years.

The fishermen and subsistence gatherers really can't go someplace else. It is my opinion and that of my senior colleague, Senator STEVENS, that their rights should be respected.

What have we got that is different about this issue? The difference is the State of Alaska has indicated its intent to file suit and our Governor, Governor Knowles, has asserted claim to the submerged lands within the park. Granted, the Park Service has control of Glacier Bay National Park and Preserve. The State, under the Statehood Act, was given control of the inland waters. The question is, Who has jurisdiction over waters within the park? That is the issue.

The conflict today is that the Park Service is enforcing today an elimination of fishing and an elimination of subsistence gathering, but the State has indicated it intends to bring suit.

I have a press release by the Governor of the State of Alaska dated March 4 indicating the State's intent of bringing suit against the Interior Department over Glacier Bay fishing. It is titled, ''Governor asserts claim to submerged lands within park.'' This matter is being brought before us today, because the existence of the suit suggests that until it is decided, the residents of the area should not be disallowed their conventional access for fishing and gathering.

In real terms, the delay does not jeopardize any park value. Gathering and fishing is fully regulated by the State of Alaska, the Department of Fish and Game, very effectively and very efficiently. All important fisheries are under the system that would prevent any increase—any undue effort on the resource. In the thousands of years that the Natives have been in the area, there has been no evidence of any resource problem.

Let me also identify a couple of other specifics here. This is a traditional Hoonah Tlingit village that existed at the turn of the century. You can see the fish drying on the racks and the homes, the summer camps, where the Native people resided. This picture was actually taken in Bartlett Cove in Glacier Bay.

The unfortunate part of this is, this village no longer exists. The Park Service eliminated it. The Park Service burned several Indian houses and smokehouses like this in the seventies. Again, this was a summer camp, a summer village.

The history of subsistence in Glacier Bay spans, as near as we can tell, Mr. President, about 9,000 years. The Tlingit name of the bay means ''main place of the Huna people'' or was referred to as the ''Huna breadbasket,'' because they depended, if you will, for their livelihood on some of the renewable resources there.

As many as five Native strongholds once existed inside the park boundary, but, as I have indicated, the Natives were gradually forced out of their traditional places, and in the seventies the National Park Service burned down the Tlingit fishing camps like this in the park.

Limited fishing began back in 1885, long before Glacier Bay was named as a national park. Again, it is interesting to reflect on the claim of jurisdiction of the Park Service. Not only did they claim the inland waters, but they claimed 3 miles out along the Gulf of Alaska, from roughly Dry Bay, which is near Yakutat, 3 miles out into these rich fishing grounds, which have always been open for commercial fishing under the State department of fish and game. They have the enforcement capability, and that is the point of mentioning this, for 3 miles out, to close that as well.

Again, my appeal is, let the court determine who has control over the inland waters of the park, and let's get on with allowing the traditional gathering and limited commercial fishing activity that takes place there.

As we look at a couple of things that are dos and don'ts, this is no longer allowed under the Park Service proposal. One- or two-person family-operated boats are not welcome. They are not welcome in the park anymore. There is no good reason for it. They say they do not want a commercial activity. But this is what they do allow in the park: A 2,000-passenger cruise ship as big as three football fields. That is allowed. If that is not a commercial activity, I don't know what is. I happen to support it. You can look at the topography, the glaciers. There is no better way to see Glacier Bay National Park than from the deck of a cruise ship. But to suggest there is something wrong with the subsistence dependence of the Native people and something wrong with limited commercial fishing because it is commercial, and then to support what is truly commercial—the cruise ships—why, I think that is a grave inconsistency.

I think it is important to go back to what the local residents were assured they would have—the local residents of southeastern Alaska. They were assured, as local residents, that the Government would not eliminate traditional uses, including fishing and subsistence gathering. That certainly is not the case anymore, is it?

I think it is also important to recognize that while nationwide park regulations adopted in 1966 prohibited fishing in freshwater parks, these did not prohibit fishing in the marine or salt waters of Glacier Bay.

I wish I had this in chart. The Park Service proposes closing fisheries in Glacier Bay, as we have already ascertained. But what is their overall policy nationally? In Assateague Island National Seashore in Maryland and Virginia, the Park Service authorizes commercial fishing. Biscayne National Park in Florida, the Park Service authorizes commercial fishing. Buck Island Reef National Monument, U.S. Virgin Islands, commercial fishing is OK there. Canaveral National Seashore in Florida, fishing is OK there. Cape Hatteras National Seashore, North Carolina, commercial fishing is OK. Cape Kruzenstern National Monument in Alaska—way, way, way up here by Kotzebue—commercial fishing is OK there. Channel Islands, California, commercial fishing is OK. Fire Island National Seashore in New York, commercial fishing is all right. Gulf Island National Seashore, Mississippi, Alabama, and Florida, commercial fishing is OK. Isle Royale National Park in Michigan, commercial fishing is fine. Jean Lafitte National Historic Park, Louisiana, commercial fishing is OK. Lake Mead National Area, Nevada, fishing OK. Redwood National Park, California, commercial fishing is OK. Virgin Islands National Park, fishing is OK.

Why kick out just Alaska, a few residents who rely on their traditional gathering? That is the question. And another question is, What is the justification?

The fisheries consist of small numbers of small vessels, as I indicated. These are a type of traditional vessels, trollers, mom-and-pop—many are a lot smaller than that—fishing for salmon. But Glacier Bay is not a significant salmon spawning ground, because there are no major rivers. The water is very glacially silty and, as a consequence, anadromous fish do not use habitat in the upper parts of the bay. They move in here a little bit to feed, that's all. Mostly, we have some crab fishing, we have some halibut fishing that is seasonal, and some bottom fish. These fish, as I have indicated, are not under any threat. There is no danger to the resource. All are carefully managed for subsistence harvest by the State of Alaska, and most of them are under limited entry.

There is an argument out there that fishing is incompatible with such uses as sports fishing or kayaking, but these have been rejected by the various groups, the sport fishing groups, the kayak concessions, who favor continuation of limited commercial fishing and subsistence gathering.

What are we really talking about in numbers? Because the big Department of Interior comes down and says they are opposed to this. They want to eliminate this activity. But for the people, this is their livelihood. They have no place else to go. They appeal to the Senate. I, as one of the two Senators from Alaska, proudly represent them in their voice crying out for fairness, crying out for justice.

The Gustavus community has 436 residents; 55 are actually engaged in fishing. Gustavus is right here. Elfin Cove across the way, directly across, has 54 people. Out of those 54 people, 47 are engaged in fishing. Hoonah, a Tlingit Indian village, has 900 people, 228 involved in fishing. Pelican City, 187 residents, and 86 in fishing. That might not sound like much, but these are real people. This is their real lifestyle, and they are pleading for fairness and justice. I think we have an obligation to them.

Mr. President, let me just read a note from Wanda Culp, a Tlingit historian. This was written February 13, 1998. I quote:

> The 1980 ANILCA law has done more damage to the Tlingit use of Glacier Bay through National Park Service management. Since the 1925 establishment of Glacier Bay National Park, the National Park Service has been systematically eliminating the native people, the Tlingit people, out of Glacier Bay through their management practices.
>
> In the 1970s, the National Park Service destroyed the Huna fish camps, burned down the smoke houses when tourism began its importance in Glacier Bay.

That is a little bit of the history. I could comment on the fisheries at greater length. I could comment on the research that suggests that the French explorer, LaPerouse, in 1746, saw the local Tlingit fishing here. The park was established in 1916. But the Tlingit people have used it as a fishing camp as long as recorded or verbal traditional history of that proud people exists.

I know we are going to have objections relative to prior arrangements concerning Glacier Bay, and I hope my colleagues will note that in the amendment we address the issue of the crab fishing, and I should like to refer to that.

In the amendment, we specifically say ''with the exception of the closure of the Dungeness crab fisheries under section 123(b) of the Department of Interior and Related Agencies Appropriations Act.'' This is a certain type of fishery, a crab fishery, and we concede that a previous agreement to close it is binding. So that crab fishery is closed. There is no question about that. Compensation for that closure was provided for, but has not yet been to fishermen.

The appeal to each and every Member is that while the State contests the question of who has jurisdiction in Glacier Bay, the Native people continue to be allowed to subsist and gather, and that the limited commercial fishery that is under the authority and management of the State of Alaska be allowed to continue.

Why deprive these people simply because this matter is going to be resolved in the courts of the United States, particularly—again, I would emphasize—when we have acknowledged the number of national parks, marine refuges, and so forth that commercial fishing is allowed to take place in. So if we get into a debate, as we may, about any reference to the Dungeness crab and the compensation issue, I want to make sure the RECORD reflects the reality that no binding agreement has been made on other fisheries in the bay. There was reference to allowing them to continue to fish without compensation for one generation. So we are accepting the agreement on the Dungeness crab, but we are asking respectfully that we be allowed to continue the other present practices within Glacier Bay until the court suit is settled.

You may wonder how this sits in the scheme of things, as we have expended a good deal of time and effort debating Kosovo and whether we should initiate an action there.

Well, here we are talking about a few real people in my State of Alaska, people who are out there whose lives and livelihoods, as they view it, are at risk. They are looking to us for relief. So by this amendment, I implore my colleagues to recognize equity and fairness; how these people have been, if you will, removed from their heritage by the Park Service, and now that heritage is about to be terminated inasmuch as it would remove subsistence activities.

I remind my colleagues that while there has been proposed remuneration for fishermen, there has never been any proposed remuneration for the subsistence-dependent Native people. So I encourage consideration be given to the merits of what we are asking. I think it is right. I think it is just. I think it is fair. If you consider the overall scheme of things, the Park Service, while managing Glacier Bay, for reasons unknown to me, has had a difficult time trying to determine what is, indeed, a commercial activity that is OK; namely, these large cruise ships, and what is no longer OK, which is a small fishing activity or the traditional rights of the Native people to gather in that area. There would be absolutely no harm done by allowing this moratorium to stand, if, indeed, it prevails, until such time as the courts resolve this issue once and for all as a consequence of the fact the State has seen fit to bring suit on who has jurisdiction over the inland marine waters.

I see some of my colleagues may wish to discuss this amendment. I am happy to respond to any questions.

I gather we are under no time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. So if my colleagues want to talk about the amendment, I shall be pleased to respond to questions or comment a little later.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. MURKOWSKI. Yes. I intend to speak on this later though.

The PRESIDING OFFICER. The Senator yields the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my good friend from Alaska. After all, he is one of the two Senators who represent the State of Alaska, and he believes strongly in this matter.

Mr. President, this is the very same matter we discussed 6 months ago, exactly the same. This is one of those environmental riders which has popped up again. It is the Glacier Bay environmental rider. That is the environmental rider on the Interior appropriations bill of last year, a bill that never came before the Senate, I think, with all due respect to my good friend from Alaska, because a lot of Senators did not want to have those votes on those environmental riders. There were several of them. And so the whole Interior appropriations bill was then submerged into the omnibus appropriations bill, that giant and super granddaddy bill that came up before the House and Senate last year, and in that omnibus bill there was an agreement—this was a provision which was an agreement essentially between the White House and the Senator from Alaska, the chairman of the Appropriations Committee, Mr. STEVENS, on this matter. We have already dealt with this. There is an agreement. It was written into the law, and let me read you the agreement. This is the law. The agreement says very simply:

> The Secretary of Interior and the State of Alaska shall cooperate in the development and the management and planning for the regulation of commercial fisheries in Glacier Bay National Park.

On and on. Then it goes on to say:

> Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay proper and within marine waters within Glacier Bay as specified in paragraph . . .

Anybody who wants to can read all of the relevant provisions. Basically, the agreement is this: That fishing, commercial fishing, outside of Glacier Bay is fine.

It is fine. Even fishing next to the boundaries of Glacier Bay is fine. A commercial fishery within Glacier Bay was to have certain restrictions because there was a conflict between the national park values within Glacier Bay—for example, wilderness areas within Glacier Bay—and commercial fishing interests within Glacier Bay.

So we worked out an agreement—the White House and Senator STEVENS, the chairman of the Appropriations Committee—worked out an agreement, of which I read part. Other parts of the agreement are not quite as relevant as the parts I read. That is the essential nature of the agreement.

We have debated this before. This is not new. I stood on this floor several hours, with other Senators, debating other environmental riders. Izembek was an environmental rider; now we have Glacier Bay, another environmental rider. After several hours of debate on the Senate floor, we concluded debate because the Interior appropriations bill never came up. It was withdrawn. It was then subsumed into the large omnibus appropriations bill with the agreement that I just outlined between the White House and the senior Senator from Alaska.

Now, here we are all over again; same issue, same subject; nothing new.

I say to my colleagues, we have discussed this. We have debated it. We have reached an agreement on this issue. We are here now on the supplemental appropriations bill. We want to get this bill passed today so we can send it over to the other body and have a conference, come back, and be through with the supplemental appropriations this week.

Why prolong the Senate on an amendment which has already been debated, an amendment which has already been agreed to, in the sense that a compromise was worked out that recognized both the National Park interests and the wilderness interests—which, after all, are American interests—in Glacier Bay on the one hand, with the fishing interests and particularly the indigenous interests on the other hand?

I say to my colleagues, we are hearing this argument all over again. We have an agreement. Essentially, what the amendment by the Senator from Alaska provides is to rescind that agreement. That is what the amendment does, rescind it. It is couched a little bit by saying rescind it and tell the State that it will be rescinded until the State of Alaska has resolved its lawsuit with the Federal Government—but we don't know when that will be; some lawsuits go on forever with appeals and so forth. It is essentially a recision of the agreement that we already agreed to.

The State of Alaska and the Department of Interior are now engaging in discussions as to what the management plan at Glacier Bay should be. Those are ongoing discussions. To override the agreement we have reached just because a couple weeks ago we heard that the State of Alaska intends to file a lawsuit—a suit which may or may not occur, a suit which may last for years; who knows if it will ever be finally terminated—and for us to then stop an agreement on that basis, I think, does not make a lot of sense, frankly.

I think it makes much more sense—and this is a bit presumptuous on my part—for the State of Alaska to, in good faith, sit down with the Department of Interior and see if they can work out any remaining issues. Certainly filing a lawsuit raises questions as to how feasible an agreement is, whether one can be reached. I say don't file the suit. Sit down with the Department of Interior and try to work it out. If in good faith the State of Alaska believes the Department of Interior is not acting in good faith, then we will see what we can work out at that point. We are not at that point. We are certainly not at that point when a lawsuit has been filed by the State of Alaska which only muddies the waters—no pun intended—on this whole issue.

I am not going to go into all the details of this because we have gone over it so many times and in so many hours, except to say this has been debated, this very subject. This is one of those environmental riders which, incredibly, has popped up again. We have reached an agreement; the White House and the senior Senator from Alaska reached an agreement. I say abide by the agreement, try to make that work. If it doesn't work, then we will see if we can resolve it later.

We all understand the Senator from Alaska is here standing up for the people at Glacier Bay, and I understand that. However, there is an agreement worked out in the omnibus appropriations bill. I say let's stand by that agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I reiterate some of the points that the Senator from Montana just made. I don't think anybody will dispute this. The facts are as follows: In last year's Interior appropriations bill, there was a provision prohibiting the Secretary of Interior from promulgating regulations affecting commercial or subsistence fishing in Glacier Bay. As the Senator from Montana said, first of all, the Department of Interior found that provision objectionable in the appropriations bill, so they worked out with the senior Senator from Alaska a compromise that was included in the omnibus appropriations bill.

In other words, this is ''deja vu all over again.'' We have been down this road. We reached a compromise, a compromise between Alaska and the Department of Interior. I really have great difficulty understanding why we are revisiting this 6 months later. I guess it isn't quite 6 months.

What did the compromise do? It required the Secretary of the Interior and the State of Alaska to develop a management plan, and the Senator from Montana has just referred to that. The management plan would allow commercial fishing in the waters outside Glacier Bay and it would regulate a closed fishery within the bay. The compromise consists of this management plan. They are going to work on it together.

In addition, shortly after that, in the supplemental appropriations bill, there

is an increase in compensation to the fishermen as a result of the compromise. In other words, the fishermen are receiving more money as a result of the compromise—the Federal Government is paying out money. We are doing our part of the bargain.

I hope that the Senator from Alaska, Senator MURKOWSKI, will not press this amendment. There is, as I say, the groundwork for a management plan and the State of Alaska has filed notice of an intent to sue within the past 2 weeks. They are in that suit; they are going to claim ownership over the submerged lands.

If they don't like the management plan that they work out, then they can go back to their suit. But I don't think we ought to be here debating this all over again just after we reopen everything. Can't we arrive at any conclusions around this place?

As I say, less than 6 months ago a deal was reached with the senior Senator from Alaska. My question to the chairman of the Energy Committee is, Why don't we stick with that agreement? Indeed, as I mentioned before, the Alaska fishermen have benefited from it because there have been payments to them pursuant to the compromise that was worked out.

Let me say I can totally understand the enthusiasm of the Senator from Alaska to get more. We all like more. It seems to me at some point we have to reach closure on these things. Indeed, as both of us have mentioned and referred to the compromise that seemed to settle this, the issues were exactly the same.

Mr. MURKOWSKI. If I may respond to my friend from Rhode Island, I think he is confusing or misinterpreting the intent of our amendment.

If one examines the amendment closely, there is a recognition of the deal that was made last year. That recognition is in line 5 where it says,

> . . . except the closure of Dungeness crab fisheries under Section 123(b) of the Department of Interior and Related Agencies.

We are abiding by that arrangement that was made and we are not changing that.

The crab fishermen, I might add, would much rather fish than be paid by the Federal Government not to fish. They are, in fact, being eliminated from their fishery in that particular part of Glacier Bay.

To suggest that we are changing the deal is, in fact, totally inaccurate and, again, is a misinterpretation.

I hope that my distinguished colleague will recognize that, indeed, there is a difference. First of all, the crab fishermen have not been paid one red cent by the Federal Government. They will, hopefully, be paid, but that has not occurred yet. We are talking about the balance of the fishery, which amounts to some bottom fish and some halibut.

We are also talking about something that is more important, which really, I say to the Senator from Rhode Island, is overlooked: What is the value of the subsistence to the dependent Native people who are being kicked out and eliminated? They are not receiving any remuneration or being taken care of in any deal. Would that be just, I ask my friend from Rhode Island, if it were his State? Would it be right if the indigenous people could no longer gather sea gull eggs when they don't have chickens? I mean that in a literal sense because, as the Senator is well aware, we don't have any chickens up there; it is too wet, too cold. They rely on a few sea gull eggs, and they have always been allowed to do that, for generation after generation. Is that justice?

Mr. CHAFEE. Mr. President, in last year's appropriations bill, there was language that went beyond the crabbers. It included a provision prohibiting the Secretary of the Interior from promulgating regulations affecting commercial or subsistence fishing. So that was the provision in last year's bill. The Department of the Interior found those, as I mentioned, provisions objectionable, so they worked out a compromise. The compromise was meant to cover the entire rider that was involved. It wasn't meant to settle the deal.

Mr. MURKOWSKI. That isn't what the amendment says.

Mr. CHAFEE. Which amendment?

Mr. MURKOWSKI. It eliminates the crab fishery. That was the arrangement made last year. Those fishermen are to be given remuneration for not fishing by the Federal Government. They would much rather fish.

Mr. CHAFEE. In other words, you exclude them?

Mr. MURKOWSKI. They are excluded, yes. That is the only agreement that has been made and binding for remuneration.

Mr. CHAFEE. There may not be provisions for remuneration, but the provisions that you originally had last year in your rider were encompassed within the deal with Senator STEVENS, and so the matter was settled as far as everybody goes, plus the admonition—I guess you can call it that—that they would reach this management plan—I don't know what has become of that—but also the State of Alaska proceeded to file suit in this thing anyway.

So it seems to me that what you are proposing here is to undo something that was agreed to last year—not just in connection with the crabbers, which you mentioned, but with the total package that you had in your rider last year. And so it was settled, it seemed to me. That is all I have to say.

Mr. MURKOWSKI. Well, Mr. President, perhaps I can enlighten my colleagues a little bit. I would be prepared to respond to questions. He refers to waiting for a management plan from the Park Service. We have that management plan, Mr. President. That management plan is quite explicit. It is to close the commercial activities associated with fishing. I encourage my colleague to recognize it for what it is. If you look at this picture, this is commercial fishing activity. They don't want commercialization of the park. I don't see my friends from Montana or Rhode Island commenting about this commercial activity, where 2,000 people are aboard this ship. That is a commercial activity. They are paying to come into Glacier Bay.

The management plan is a management dictate by the Department of the Interior to kick out the fishermen and to eliminate the Native people from Hoonah, Elfin Cove, and so on. There is not an awful lot of affection for the Park Service, which I think my friend from Montana, who knows something about rural America, understands when the Federal Government just comes in through a process of osmosis and dictates more and more attention.

Now, we have not changed this deal. Last year's deal eliminates the Dungeness crab for compensation. It is in the amendment. The other fisheries inside the bay were proposed to be closed—and this is what I think he is referring to—after one generation without compensation. They don't have any compensation. So basically, when you suggest that the State and Federal Government can work together on some kind of a management resolve, the Federal Government has spoken. It is kicking them out.

The Federal Government maintains that it has jurisdiction over the inland waters. The State has seen fit to indicate that it is going to file suit to determine who has jurisdiction. Make no mistake about it, Mr. President, the Federal Government and Department of the Interior has a philosophy of creeping bureaucracy where they extend their jurisdiction; and they can do it if the State is not successful in resolving its suit. They have jurisdiction 3 miles out from Federal land. Believe me, it is just a matter of time before they come around for Bartlett Cove and go out to Cape Spencer and north from Cape Spencer up toward Yakutat.

So we are accepting the Dungeness crab deal. But there is no justification for more—and I implore my colleagues to recognize this. Let the courts decide it, but for goodness sake, in the meantime, allow the Native people to continue what they have been doing for thousands of years; allow the limited commercial fishery to continue until such time as the court gets it resolved.

I would love to compromise on this, but there is no compromise with the Park Service. They want to eliminate the fisheries. The State has brought suit. That is what is new and different about this. My colleagues fail to recognize that the State is saying, OK, it is time to settle the jurisdiction issue. We have tried to negotiate and work out with the Park Service a management plan that would allow the State to continue to manage it. What does the Park Service know about managing fisheries? They have no biologists. The State of Alaska spends more than any other State on fishery biology; we are

good at it. That is why we have fish. To suggest that the Park Service should enter into an process to generate expertise in this area is unreasonable, impractical and, finally, unnecessary.

We have nothing but creeping advancement by the Department of the Interior within our State because we are a public land State. But it is time that the people of Alaska express their views, and they have expressed their views through the Governor's announcement of the suit.

Again, it is not the same as 6 months ago. The lawsuit changes that. The omnibus bill, in spite of what my colleagues from Montana and Rhode Island have said, was not ever considered satisfactory; it was only considered to delay more sweeping closures. To suggest that this matter has been debated on this floor is totally inaccurate. It has not been debated before. This is to allow the judicial process to be completed, and that is what the suit is all about.

Again, in the interest of fairness, Mr. President, why does the Park Service say it is OK to commercially fish in Maryland, in Assateague; in Florida, Biscayne; in the Virgin Islands, Buck Island; in Canaveral, Florida; in Cape Hatteras, North Carolina; in Channel Islands, California; in Fire Island, New York; in Gulf Island, Alabama and Florida, on and on and on. But it is not OK anymore here. Here you have an added dimension. You have the people—the few hundred people who are dependent on Glacier Bay for a subsistence lifestyle and a small amount of commercial fishing.

We are not reneging on any deal, we are merely keeping people working—keeping people working, keeping people employed, keeping people productive while the jurisdictional issue is decided. What in the world is wrong with that? The courts are going to make this decision. But, for goodness' sake, let the people who are dependent on it for their lifestyle and their traditions continue.

Mr. President, I have gone on long enough. If there are some questions of my friend from Montana, I would be happy to answer.

Mr. BAUCUS. Mr. President, I have a few brief questions, if I might. The question is, Has the State of Alaska filed a lawsuit?

Mr. MURKOWSKI. No. As I indicated, the State indicated its intent to file a lawsuit and will be filing it late this summer or early this fall.

Mr. BAUCUS. Assuming they will file late this summer, or early this fall, on this issue, how long might that lawsuit be pending?

Mr. MURKOWSKI. I am sure the Senator from Montana would agree that neither he nor I has any idea. The point is, these people have had access to the park for thousands of years. And what difference does 6 months or a year make?

Mr. BAUCUS. Might that lawsuit conceivably take a couple, or 5, or 10 years before it is resolved? Is that possible?

Mr. MURKOWSKI. I hope it will not. I hope it will be very short.

Mr. BAUCUS. But it is possible.

Mr. MURKOWSKI. I don't know. We have had access since we became a State in 1959 and the Federal Government always recognized the state's management. They have technically allowed this to go on since 1959. Suddenly, under this administration, they are kicking us out.

So I don't know what a year, or 2, or 3, necessarily has to do with it. The point is, it is going to be resolved. If the State loses, it is all over.

Mr. President, let me conclude by explaining why it is important for the Senate to address this issue. Again, we should not put people on public assistance without a cause. That is what we are doing here with these subsistence dependents. We shouldn't second-guess the court. Let the court decide, and recognize that there are real people out there—real constituents of mine and yours—whose lives and livelihoods are really at risk, and they are looking to you and me for relief. This is all they have.

So I implore my colleagues to recognize the legitimacy of this.

It will be my intention, Mr. President, at the appropriate time, to ask for the yeas and nays, subject to whatever the joint leadership decides to do about future votes. But I will ask for a vote on the amendment.

I thank the Chair.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will be very brief. I don't know why this issue needs to go on forever. It is deja vu all over again.

The Senator from Alaska has admitted that his amendment has the effect of preventing the management plan from going into effect for years—5, 10, who knows how many years—because his amendment essentially says no funds may be expended by the Secretary of Interior to implement the plan until such time as the State of Alaska's legal claim over ownership and jurisdiction, et cetera, is resolved. Who knows how long that is going to take? That could take a long, long time. That would mean for up to many, many years that this issue remains unresolved.

We resolved this issue in the omnibus appropriations bill. It was resolved. The senior Senator from Alaska agreed with the White House on the compromise, recognizing, on the one hand, the interests of the national park and the wilderness area and, on the other hand, the fishing interests of the people who live in and about Glacier Bay. It has already been agreed to. There is a compromise agreed to by both sides—the Senator from Alaska, the senior Senator, Senator STEVENS, and the White House—in the omnibus appropriations bill. It has been agreed to.

So here we are now faced with an amendment which undoes that agreement. It very simply undoes that agreement by saying no funds may be expended with respect to any management plan in Glacier Bay until a lawsuit, not yet filed, is resolved. I say that we should go ahead with the plan. We should go ahead with working out the provisions of the plan. The State of Alaska can still file its lawsuit if it wants to. And that lawsuit may or may not change the result.

In addition, I might add, this is a national park. This is a wilderness area. This has very pristine values which all Americans want to protect. We do at the same time want to recognize—and do recognize—the interests of the fishermen in Glacier Bay; thus, the compromise. The compromise, the agreement, is already reached. It has been debated ad nauseam. So I am going to stop right here.

I urge the Senate to uphold the original agreement, which most Senators already agreed to when they voted for the omnibus appropriations bill last year.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I urge all of my colleagues to read my amendment and recognize the consideration that has been made to live by the agreement by recognizing that the closure of a Dungeness fishery under this section will occur as agreed to, and the balance of the fisheries have never been addressed on this floor or debated.

I conclude by referring to one remark, which my friend made concerning this beautiful wilderness and the opposition of commercial activity. Just look at this cruise ship with nearly 3,000 people on it, if you want to see the commercial activity and compare that to the sensitivity of my subsistence-dependent Native people whose lives are at risk as a consequence of not having an opportunity to pursue their traditional resources and their appeal to you and me for relief.

I have no further statements. I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may take up an amendment which I believe has been or will be cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 131

(Purpose: To authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps A–6 aircraft on February 3, 1998, near Cavalese, Italy)

Mr. ROBB. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Ms. SNOWE, Mr. LEAHY, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mr. KERREY proposes an amendment numbered 131.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, between lines 11 and 12, insert the following:

SEC. 203. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

Mr. ROBB. Mr. President, I rise today not only in my capacity as a U.S. Senator but also as a former U.S. Marine and as a father.

Along with Senators SNOWE, LEAHY, FEINSTEIN, KERREY, BINGAMAN, and others, I am offering an amendment that will permit the United States to shoulder unambiguously its responsibility, uphold the honor of the U.S. military, both at home and abroad, and begin to ease the grieving of 20 families who lost their loved ones in a tragic accident near Cavalese, Italy, last year.

On February 3, 1998, a U.S. Marine Corps EA–6B Prowler was flying low and fast through the Italian Alps on a training mission. Just minutes from its scheduled return to base, the pilot suddenly caught a glimpse of a yellow gondola off to his right at eye level.

A split second later, he spotted the two cables that carried the gondola, and, fearing for his life, he put the plane into a dive. His action probably saved the lives of the four-member crew, but it was not enough to prevent the wingtip from clipping the cables.

Unaware of the devastation left in his wake, he completed his mission and returned the damaged plane to Aviano Air Base.

The plane's wing had stretched and then snapped the cables supporting the gondola, which was then 307 feet above the valley floor. Inside were 20 people; among them, a Polish mother and her 14-year-old boy, seven German friends, and five Belgian friends, including an engaged couple.

I am told that those 20 people had just 8 seconds to live from the time the cable was struck. Eight seconds doesn't seem like a long time, unless you know you are going to die.

[Pause.]

That was eight seconds. The next day in Cavalese, Italy, a lone bell tolled. Shops ''closed for mourning,'' a memorial mass was planned and skiing was halted out of respect for the dead. And the families of those dead spent their first day of grief.

One year later, Cavalese is once again teeming with tourists. The cable car has been rebuilt, and a memorial stone erected.

One year later, however, the United States has not yet acted to accept full responsibility for those twenty deaths. Following a lengthy court martial, the pilot of the jet was acquitted of any criminal wrongdoing. President Clinton reacted by stating that the United States would ''unambiguously shoulder the responsibility for what happened.'' We need to follow those words with deeds. We need to accept our responsibility by compensating the families of the victims, quickly and fairly. While many factors contributed to this accident, and we may never know exactly which one was the proximate cause, we do know that it was our fault. They were our air crew. It was our plane.

Because there is no question whether the United States is responsible for the accident, the only question is whether we have the will to act honorably and settle the issue of compensating the families quickly—doing everything we can to not prolong their agony—for they have already suffered unspeakable grief.

Since last summer, I have repeatedly urged the Department of Defense to develop a mechanism that acknowledges our responsibility and allows the families to begin putting their lives back together. And I believe every official in the Department associated with this matter shares this desire to put the tragedy behind us. Unfortunately, the Department of Defense does not believe it has the authority to resolve these claims on its own.

This belief stems from the Department's conclusion that this case is governed solely by the Status of Forces Agreement, or SOFA, which regulates the relationship among the military forces of NATO allies. Following an accident in a host country involving a NATO ally, the SOFA requires injured third parties to file claims in the host country and pursue them as if the host country itself had caused the injury. Then, the claims are litigated or settled as the host country determines. Once a level of compensation is decided, the host country pays the claim and seeks reimbursement of 75% of that claim from the country at fault.

The Department of Defense has informed me of its belief that the SOFA provides the sole remedy in this case and that therefore the DoD does not have the authority to settle the claims of the families arising from this accident.

While I disagree with that conclusion, this amendment resolves the question. My amendment specifically grants the Department the authority they believe they presently lack, rather than forcing the families to wait to resolve this question in a judicial process that could take many years. The amendment allows the Secretary to settle the claims and sets aside $40 million for that sole purpose. It leaves to the Secretary the discretion to determine an amount of compensation, but limits the Secretary to offering no more than $2 million for any single claim. Further, it requires the Secretary to move quickly and resolve the claims within 90 days after enactment of this legislation. Finally, my amendment explicitly avoids interfering with the ongoing SOFA process.

This is an important point. The SOFA allows civil claims to be decided in the host country but criminal allegations to be decided in the country at fault. This structure protects local citizens in the host country from having civil claims decided on the ''home turf'' of the wrong-doer, while also protecting our troops from criminal prosecutions in another nation. Some have suggested that if we adopt this amendment, we put at risk this entire structure of the SOFA. I fail to see the logic of this assertion. I doubt any country would move to scrap the SOFA and begin trying members of our military in their courts simply because we offered a supplemental payment to own up to our responsibility for a tragic accident. In fact, I believe such an act of acknowledgment would have just the opposite effect, and reduce the tensions that the acquittal in this case have created. My belief is based in part on the fact that three of our NATO allies who lost citizens in this accident support this amendment. In fact, the ambassador from Belgium wrote to me that his country ''would welcome each initiative that might contribute to a quick settlement of the claims of the victims' families. In that spirit, we fully support your proposed amendment to S. 544, the Emergency Supplemental Appropriations Act, and hope that your proposal will gain the necessary support in the U.S. Senate.'' He goes on to state his belief that this

''legislative initiative is not incompatible with the SOFA-procedure.'' The German and Polish governments share this view.

I've been sensitive to the concerns of the Department of Defense regarding the importance of the SOFA, which is why the amendment speaks in terms of supplementing the SOFA, not displacing it. The SOFA has worked well for over forty years and I have no intention of disrupting that process with this amendment.

But we also need to consider the purpose of that process. In 1953, when the Senate Committee on Foreign Relations was considering the SOFA, they wrote that the structure of the claims process was ''calculated to reduce to a minimum the friction that almost inevitably arises from [injuries caused by members of a foreign military] against members of the local population.'' In this case, however, I believe blind adherence to the perceived requirements of the SOFA is causing friction with our NATO allies, not reducing it.

The procedures established in the SOFA are designed to do justice. In this case, under these circumstances, justice is best served by having the United States take responsibility for the harm we've caused.

Last July, the Senate adopted unanimously a Sense of the Senate I offered stating that ''the United States, in order to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by United States military aircraft'' and that ''without our prompt action, these families will continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability.''

Since last July, each of our predictions have sadly been realized. Our allies, especially Italy where we have strategically important basing agreements, are outraged by our lack of accountability. They feel angry and betrayed. Americans everywhere cannot understand why we don't act to accept responsibility for the deaths of these 20 people. Editorial writers from the New York Times to the San Francisco Chronicle, the Cleveland Plain Dealer to the Atlanta Constitution have called for prompt and adequate compensation to the families of those who were killed.

Finally, I have met with many of the family members. Some have been pushed nearly into poverty, having lost their primary means of financial support. Last September, I met with three of the Belgian families, as well as the Polish doctor who would have been in the gondola with his wife and son if he had not strained a leg muscle and decided not to take the final run of the day. Last Thursday, I met with families of the German victims.

Having met personally with the families, I can tell you they are not angry with the United States, but they don't understand. They are grieving, but they are not greedy. They want accountability, but they are not vindictive. They simply want someone to be held responsible for the deaths of their children, their husbands, their wives.

That is what my amendment is about—responsibility. It is not about money. Compensation is no substitute for the companionship of a lost loved one. By resolving these cases now, however, the United States can clearly and unambiguously acknowledge its undeniable culpability in the deaths of these twenty people, something the families have so far sought without success.

In speaking with the families following the first court-martial, I have been struck by a single seemingly incomprehensible fact regarding its outcome. They were not so much determined that the pilot spend his life in jail. They simply sought closure on the question of who was responsible for the deaths of their loved ones so they could begin to cope with the loss. They also wanted the chance, at sentencing if it had come to that, to talk about those who had died. I invited them to do that when I met with them. As they described their children, I thought of my own. Last week, I asked the mother of one of the victims if she had a picture. She removed the locket from around her neck, with the photos of her dead son and his wife she keeps near her heart.

The Belgian families also shared pictures with me last September. I wanted to show those to you. Stefan, aged 28, shown here with his mother; and Hadewich, aged 24; and Rose-Marie, also aged 24. In an interview late last year, Rose-Marie's father said he drove by the graveyard every day, and said hello to his daughter. He explained why he did this: ''It's easy. We have lost our daughter, but she is still a little bit alive there. To say hello to her is a way for me to ease the stress a little bit. And it is also a tribute to her. I say: Rose-Marie, you gave us so much love and joy, I am trying to give it back to you as much as possible.''

Mr. President, I urge my colleagues to support this amendment and set aside $40 million for these families. To put that into some perspective, the plane involved in this accident cost some $60 million, and fortunately for us neither the plane nor the crew were lost.

In the Defense Appropriations bill last year, the Congress set aside $20 million to enable the town to rebuild its gondola, a project which has cost nearly $18 million to date. In fact, my amendment is modeled after Section 8114 of the bill we adopted last year, which set aside the $20 million from the Department of the Navy's Operation and Maintenance account to pay for ''property damages resulting from the accident.'' The President has acknowledged that our willingness to set aside these funds has helped ''speed the economic recovery process'' of the town.

Here is a picture of that new gondola. Last year, the Congress passed an amendment to help rebuild the gondola our aircraft destroyed. This year, the Congress should pass an amendment to help rebuild the lives of the loved ones our aircraft destroyed. Let us show the world we care as much about loss of life as we do about loss of property.

I urge adoption of my amendment. The honor of the United States is at stake.

I yield the floor.

Ms. SNOWE. Mr. President, I rise as an enthusiastic co-sponsor of the Robb amendment to the fiscal year 1999 emergency supplemental appropriations bill.

By giving the Secretary of Defense the discretionary authority to compensate the families of the 20 victims of the tragic Marine Corps aircraft accident near Cavalese, Italy last Winter, Congress would close a moral gap between the United States and millions of grieving citizens in our allied countries.

The victims of the Cavalese accident came from six European countries, and the depth of this tragedy has led Secretary Cohen to appoint a panel under the leadership of retired Adm. Joseph Prueher to determine whether faulty training, mapping, or equipment malfunctions contributed to the plane's severing of a ski resort cable that led to the 20 innocent deaths.

Depending on the findings of the Prueher Commission, the judgment of Secretary Cohen, and the outcome of ongoing U.S. military litigation regarding the Cavalese incident, our amendment gives the Pentagon the flexibility to provide direct cash payments of up to $2 million per victim to the families of the deceased.

Under the Status of Forces Agreement, or SOFA, between the United States and each of its NATO Allies, we have already repaid the $60,000-per-victim amount given to the families by the Italian Government. In addition, the administration has agreed to furnish up to 75 percent of any wrongful death civil suit damages awarded to the families by the Italian courts.

But SOFA culpability applies only to the negligent acts of U.S. military personnel operating on the territory of an allied nation. The agreement does not apply to reckless activities that occur on U.S. territory but contribute to the causes of an accident overseas.

These possible activities in the Cavalese case, such as reliance on an insufficiently detailed map, a potentially malfunctioning aircraft altimeter, or inadequate pilot training, remain unresolved. But if conclusive findings show that developments on American soil had a relationship with the tragedy of Cavalese, SOFA would prohibit the United States from offering any further compensation to the families of the victims. In the meantime, the Italian litigation could end

inconclusively and continue for several years.

Beyond our moral obligation on this matter, Mr. President, we have strong legislative precedents for the Robb amendment. The fiscal year 1999 Defense appropriations bill set aside $20 million for the property damage that the military plane caused at the resort.

In addition, the Senate unanimously adopted a resolution last summer calling for the United States to resolve the claims of the Cavalese victims ''as quickly and fairly as possible.''

Finally, this new funding would require no offsets, and the Congressional Budget Office has certified the Robb amendment as revenue-neutral.

Congress, Mr. President, acted wisely last year in compensating the Italians for the physical damage done at the ski resort. It should take similar action today to provide the Defense Department with legal authority for the compensation of the families who lost their loved ones in this tragedy.

I therefore urge all of my colleagues to support this amendment on a strong bipartisan basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Virginia for his courtesy in working with us to try to assure that the provisions regarding the timeframe for decision by the Secretary were not a mandate but, rather, a period of time within which the discretion conferred on the Secretary must be made. Under the circumstances of the changed form of this amendment that the Senator has now presented, one which I find we are all very sympathetic to, I am prepared now to accept this amendment and ask that the Senate allow this amendment to go forward.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ROBB. Mr. President, I thank the Senator from Alaska for his effort to resolve this so that we can go forward. I very much appreciate that. We have been working with the Department of Defense and many others, but I particularly appreciate his willingness to accept the amendment at this point.

I have no additional debate, and I yield the floor.

Mr. STEVENS. Mr. President, I know this part of Italy. I know what the Senator is trying to do. I think there is a national obligation on our part to try to reach out as much as we possibly can under the circumstances. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 131) was agreed to.

AMENDMENT NO. 130

Mr. STEVENS. Mr. President, if I may, in connection with the debate that just took place involving my colleague, Senator MURKOWSKI, I would like to point out the statement that I made on October 21 of last year in connection with the proposal that was in the conference report regarding Glacier Bay commercial fishing. I made this statement about matters the way that we finally arranged them in that bill and the provision that was passed at my suggestion. I said:

I view this compromise as an insurance policy, a safety net that offers better protection to Glacier Bay's fishermen than was offered by the draft Park Service regulations, but I do not view it as the end of the story. There are provisions that I do not like.

For that reason, I have cosponsored Senator MURKOWSKI's amendment this year.

I yield the floor.

Mr. BINGAMAN. Mr. President, I want to speak briefly about the amendment that Senator STEVENS just referred to. Senator MURKOWSKI's amendment related to Glacier Bay. Senator MURKOWSKI's amendment would prohibit the Secretary of Interior from expending any funds to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering within Glacier Bay National Park. This prohibition would continue under the language of the amendment. The prohibition would continue until the State of Alaska's claim to jurisdiction over ownership of the submerged lands in Glacier Bay were resolved, either by a final determination by the judiciary or by a settlement between the parties.

The amendment, as I understand it, would undo a compromise that Senator STEVENS entered into last year with Secretary Babbitt. Certainly it was understood by the Secretary of Interior as a compromise on last year's appropriation bill. In addition, Senator STEVENS has already included an amendment earlier this week in the supplemental appropriation bill which provides additional money to buy out commercial crabbing operations in Glacier Bay.

The issue of regulating commercial fishing in Glacier Bay is an extremely contentious issue. There were attempts in the last Congress to include an appropriations amendment that would have prohibited the Park Service from enforcing restrictions on commercial fishing in Glacier Bay National Park. The amendment was strongly opposed by the administration. The Secretary of Interior indicated that he would recommend the President veto the bill if the amendment was included. I have been informed that the Secretary of Interior will, if this amendment is included in the final version of this bill going to him, again recommend a veto.

The provision that was finally agreed upon last year between Secretary Babbitt and the Senator from Alaska, I understood, resolved the issue and provided the Park Service and commercial fishing operators with certainty as to future fishing operations in the park. If this current amendment is adopted, that certainty, of course, will be disrupted.

The amendment that is being offered this year would make major policy changes in the management of Glacier Bay. These changes should not be considered as part of this emergency spending bill.

As I am sure we all know, Senator MURKOWSKI is chairman of the appropriate committee to consider this legislation. I serve as the ranking member of that committee. What we should do is consider this matter in a hearing before that committee before bringing it to the Senate floor.

The amendment states that no funds may be expended by the Secretary to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park. This would mean that the Park Service would be completely unable to regulate commercial fishing operations within the park.

The amendment would appear to override wildlife and resource protections required by other laws, including the Endangered Species Act. For example, fishing is currently prohibited for four fish species which provide critical food resources for the endangered humpback whale. No other park in the country is prohibited from protecting its resources as this amendment would prohibit this park from protecting its resources.

The amendment states that the funding and enforcement prohibition is to remain in effect until the claim of jurisdiction of the State of Alaska claim ''has been resolved either by a final determination of the judiciary or by settlement.''

Last week, the State of Alaska filed a notice of intent to file a lawsuit, but it should be clear to all here, everyone should understand that there has not been a suit filed yet.

The amendment that has been offered would prohibit the Park Service from taking any actions to protect any of its resources from commercial or subsistence fishing or from subsistence gathering for the entire time period that this future lawsuit might be litigated.

Senator MURKOWSKI is claiming that the amendment simply allows local Native communities to gather seagull eggs from the park. However, unlike some other parks in Alaska, subsistence is not an authorized use in this park. If these types of fundamental changes to the Alaska National Interest Lands Conservation Act are required, then it should be considered in the normal legislative process. This is not simply a Native issue. The amendment would allow all Alaskans to collect plant and wildlife resources in the park and with the Park Service unable to regulate any of these activities.

In short, Mr. President, this amendment makes far-reaching policy changes in the law that applies to this particular national park. It is contrary to the policy that applies in all other national parks. It is contrary to the action we took last year, and it is one which I am constrained to oppose.

I hope the Senate will not adopt this amendment as part of the bill. If it is adopted, I am advised that the Secretary of the Interior will urge the President to veto the bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I see the Senator from Alaska on the floor. I am about to move to table the MURKOWSKI amendment and to give the Senator notice as to when he may or may not want to vote on this.

Mr. STEVENS. Mr. President, will the Senator withhold that? I understand my colleague would like to respond briefly before that motion is made. If the Senator will accord him that courtesy, I will appreciate it.

Mr. BAUCUS. Fine.

Mr. NICKLES. Mr. President, in 1995, the Department of Defense agreed to evaluate a British missile, the Starstreak, for use as a helicopter borne air-to-air missile as an inducement to the British Ministry of Defence to choose the U.S. Army Apache Longbow helicopter as its own attack helicopter over a competing European candidate. The British did indeed agree to buy the Apache.

Increasingly, military helicopters are being outfitted with air-to-air missiles that increase their lethality, a development that began with the Russian HIND helicopter. According to the Army Air to Air Mission Need Statement, the proliferation of technology available on the open market will make it likely that U.S. forces will encounter threat helicopters, fixed-wing aircraft, lethal unmanned aerial vehicles and cruise missiles. The Army believes the probability is increasing that Army helicopters will encounter an airborne threat and recognizes that Army helicopters need an improved air-to-air capability to counter that threat.

This is why the Congress has been directing the Army to fulfill its commitment to the British Ministry of Defence and its own air-to-air needs by conducting an operational test and evaluation of the Starstreak through a live fire side-by-side shoot-off of the Starsteak and the Army's preferred alternative, the air-to-air Stinger.

Mr. President, at this time I would like to engage the chairman and ranking member of the Appropriations Committee in a colloquy along with my colleague from Oklahoma and the distinguished senior Senator from Vermont.

Mr. INHOFE. I thank my colleague from Oklahoma. He and I have worked together on this issue over the past several years. We proposed that the Appropriations Committee address the issue of an operational test and evaluation in its bill and they did so after the Army failed to comply with report language that was included in the FY 1998 Defense Appropriations Conference Report. To me, it is clear that the Congress directed the Army, in bill language in Title IV of the FY 1999 Defense Appropriations Act, to begin the development of a test and evaluation plan during this fiscal year using the $15 million provided in Title IV as well as to commence work integrating the two candidate missiles on an AH–64D helicopter; and that the money could be used for no other purpose. Does the distinguished Chairman agree with me?

Mr. STEVENS. I do.

Mr. LEAHY. As a member of the Defense Appropriations Subcommittee, I am familiar with the Congress' involvement in this program and the specific provisions under discussion. The law requires that the Secretary of the Army make certain certifications concerning the missiles and the program prior to the conduct of the actual test. The required certifications must be made at the appropriate time, which is just prior to the actual live-firings. I understand that the requirement for these certifications has caused some confusion about what efforts the Army can take during Fiscal Year 1999. I believe the law is clear with respect to what the Army should be doing. The Army was directed to commence its efforts in Fiscal Year 1999. We believe that such efforts should include, at a minimum, development of a test plan and the letting of contracts, using the $15 million provided by the Appropriations Committee, to begin the systems integration work. Is this the Chairman's understanding also?

Mr. STEVENS. Yes it is.

Mr. INHOFE. I am very familiar with this issue and have discussed it at length with the Army. We expect that the Secretary of the Army will provide the requisite certifications at the appropriate time, which is just prior to the actual conduct of the live-fire tests. I know that in the case of Starstreak, the missile contractor must make certain modifications at its own expense in order to make the missile compatible for use at air speeds consistent with the normal operating limits of the Apache helicopter and consistent with the survivability of the aircraft. The missile contractor has briefed these fixes to the Army and informed the Army in writing that the fixes will be made at no expense to the United States. By the time the Army is ready to conduct actual live firings the Secretary will be able to make all the certifications required by law.

Mr. LEAHY. So, I ask the Chairman and Ranking Member of the Appropriations Committee, is there anything in the law to prevent the Army from releasing the FY 1999 funds and beginning the necessary efforts to conduct an operational test and evaluation?

Mr. STEVENS. No there is not.

Mr. BYRD. I have been listening to this colloquy. I agree with the Chairman, the Senator from Vermont as well as the distinguished Senator from Oklahoma.

Mr. LEAHY. I thank the Chairman and the Ranking Member.

TRANSFER OF SUPPLEMENTAL CDBG MONEY FROM HUD TO FEMA

Ms. SNOWE. Mr. President, I rise to engage the Senator from Missouri, Mr. BOND, the Chairman of the VA/HUD Subcommittee, in a colloquy.

Senator BOND and I have been working, for over a year now, to see that Maine and the Northeast have their needs from the January 1998 Ice Storm which devastated much of New England and upstate New York addressed.

Mr. BOND. The Senator is correct, and I know that neither of us thought we would be here, almost a year later, still trying to ensure that adequate funding was provided to the Northeast, as we felt we had provided for that in the FY98 Supplemental.

Ms. SNOWE. The Senator from Missouri has been a real champion for my state of Maine in our efforts to ensure that the money this Senate appropriated went to alleviate some of the costs from the Ice Storm which could not be covered by FEMA.

Mr. BOND. I appreciate the Senator's kind words. I did a colloquy on the Senate floor last March on this issue with the then junior Senator from New York, Mr. D'Amato, outlining the funding needs of the Northeast. In that colloquy we discussed the fact that of the $250 million the Senate was appropriating for HUD's Community Development Block Grant Program (CDBG) , that $60 million was meant for Maine and the rest of the Northeast.

Ms. SNOWE. Of course in the conference the final funding figure was $130 million as the House had only appropriated $20 million.

Mr. BOND. Yes, the figure was smaller, but the fact remained that the Ice Storm, as the first big storm of the year, was the impetus for us to provide supplemental funding to the CDBG program to help Maine and other states cover the costs of the disaster where FEMA wasn't able to assist.

Ms. SNOWE. The FY98 Supplemental was signed into law on May 1. On November 6, the Department of Housing and Urban Development announced that it was giving Maine $2.1 million to address $80 million in unmet needs as reported by FEMA to HUD. Needless to say, this amount was wholly unacceptable, and I have been working with HUD to try and address this very serious situation, which has left Maine unable to fully address the costs of the disaster.

Mr. BOND. As the Senator and I have discussed, I also was dismayed at the treatment Maine and the other Northeast states received—the fact that the money was not provided until six months after the bill was enacted, and the fact that I have yet to receive an acceptable explanation from HUD as to

the funding formula used to allocate the money. The Northeast's experience is one of several reasons why the bill before us today transfers the money to FEMA.

Ms. SNOWE. At one point in Maine more than 80 percent of the people in the State were without power. In fact, as Vice President Gore explained it, during a visit to Maine on January 15, 1998 '' We've never seen anything like this. This is like a neutron bomb aimed at the power system.'' We asked for your assistance in obtaining money for the CDBG program because it would allow States to use the money for utility infrastructure costs, Maine's largest unmet need according to both FEMA, who listed it as first in their February 1998, ''Blueprint for Action'' and the Governor. With the transfer of the funding, will FEMA be able to provide funding for a State, like Maine, which wants to use the money to address the damage to the utility infrastructure in order to keep the utility rates—which are already the fourth highest in the country—from increasing to cover the storm costs?

Mr. BOND. The language will allow FEMA to assess and fund the States unmet needs, as determined by FEMA and the State.

Ms. SNOWE. Again, I wish to thank the Senator for his concern and hard work to help close this chapter in Maine's Ice Storm Disaster. I look forward to continuing to work with you, Mr. Chairman, HUD, and FEMA to ensure that Maine's disaster needs are finally addressed.

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation. This measure provides much-needed federal funding for foreign assistance, and recovery from the recent plague of natural disasters that have hammered many parts of the United States and its neighboring countries in recent months.

Mr. President, I am glad that the Appropriations Committee decided to reject the President's designation of this entire disaster supplemental appropriations bill as ''emergency'' spending. While the need for relief is clear, I believe it is important to provide offsets for any additional spending so that we avoid dipping into the surplus that is desperately needed to shore up the Social Security system and provide meaningful tax relief to American families.

Unfortunately, although well-intentioned, the Committee did not succeed in fully offsetting the costs of this bill. In future years, hundreds of millions of dollars in spending resulting from this bill will eat into future surpluses, whether we want to account for it or not. The better course would have been to fully offset all of the new spending in this bill, rather than continue the dangerous practice of profligate ''emergency'' spending.

Speaking of profligate spending, I regret that I must again come forward this year to object to the millions of unrequested, low-priority, wasteful spending in this bill and its accompanying report. This year's bill originally contained $72.25 million in pork-barrel spending. But, as usual, we added pork on top of pork through a litany of amendments. To make matters worse, many of these amendments were adopted without ever being seen by most Senators. This time around, we added an additional $13 million of pork-barrel spending to this already pork-laden spending bill.

Projections of surpluses into the foreseeable future should not lead to an abandonment of fiscal discipline. CBO now projects a non-social security budget surplus of over $800 billion over the next 10 years, but projections do not equate to ''real'' dollars until they actually materialize.

While each individual earmark in this bill may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars to low-priority programs.

I have compiled a list of the numerous add-ons, earmarks, and special exemptions provided to individual projects in this bill, such as:

Earmark of $50,000 for a feasibility study and initial planning and design of an effective CD ROM product to the Center for Educational Technologies in Wheeling West Virginia. The CD ROM product would complement the book We the People: The Citizen and the Constitution.

$1,136,000 earmarked for suppression of western spruce budworm on the Yakama Indian Reservation, and

$1,000,000 for construction of the Pike's Peak Summit House in Colorado.

I ask unanimous consent that a list of objectionable provisions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS CONTAINED IN S. 544—EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR RECOVERY FROM NATURAL DISASTERS AND FOREIGN ASSISTANCE FOR FISCAL YEAR ENDING SEPTEMBER 30, 1999

BILL LANGUAGE

A $3,880,000 earmark for additional research, management, and enforcement activities in the Northeast Multispecies fishery, and for acquisition of shoreline data for nautical charts.

An earmark of $4,000,000 for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama.

A $2,200,000 earmark to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games to Wasatch County, UT, for both water and sewer.

Earmark of $50,000 for a feasibility study and initial planning and design of an effective CD ROM product to the Center for Educational Technologies in Wheeling, West Virginia. The CD ROM product would complement the book We the People: The Citizen and the Constitution.

REPORT LANGUAGE

Committee language recommending $20,000,000 for farm workers in areas of California and Florida impacted by natural disasters through the Emergency Grants to Assist Low-Income Migrant and Seasonal Farm workers Program.

An earmark of $2,000,000 in section 504 of the Rural Housing Insurance Fund Program, for very low-income repair loans, and to meet rural housing needs in Puerto Rico resulting from Hurricane Georges.

$12,612,000 for construction to repair damage due to rain, winds, ice, snow, and other acts of nature in the Pacific Northwest and Nevada.

$2,000,000 in emergency funding earmarked for the Holocaust Memorial Council.

Language urging FEMA to work to ensure that the City of Kelso, Washington, receives such assistance as is necessary and appropriate to compensate homeowners in the federally-declared disaster area impacted by the Aldercrest landslide.

An earmark of $20,000,000 for partial site and planning for three facilities, one which shall be located in McDowell, West Virginia, to house non-returnable criminal aliens being transferred from the Immigration and Naturalization Service (INS).

$921,000 earmarked for FY 1999 to fund the hiring and equipping of 36 additional police officers to staff the security posts established to improve security for the Supreme Court.

$1,136,000 earmarked for suppression of western spruce budworm on the Yakama Indian Reservation.

A $1,000,000 earmark for the Bureau of Land Management's Wyoming and Montana state offices to pay for activities necessary to process applications for Permits to Drill (APD) in the Powder River Basin.

$5,200,000 for eradication of the Asian Long-horned Beetle, from the Commodity Credit Corporation. $2,500,000 of this $5,200,000 is set aside for the Chicago, Illinois area.

Committee report language urging the Forest Service to transfer funds appropriated in the Interior and Related Agencies Appropriations Act of 1999 to Auburn University for construction of a new forestry research.

OBJECTIONABLE PROVISIONS ADDED ON AS AMENDMENTS TO S. 544

AMENDMENT PROVISION LANGUAGE

An earmark of $5,000,000 for emergency repairs to the Headgate Rock Hydroelectric Project in Arizona.

$239,000 to be used to repair damage caused by water infiltration at the White River High School in White River, South Dakota.

An earmark of $750,000 for drug control activities which shall be used specifically for the State of New Mexico, to include Rio Arriba County, Santa Fe County, and San Juan County.

Earmark of $500,000 for technical assistance related to shoreline erosion at Lake Tahoe, Nevada.

Language for funds for the construction of a correctional facility in Barrow, Alaska to be made available to the North Slope Borough.

The Corps of Engineers is directed to reprogram $800,000 of funds made available in Fiscal Year 1999 to perform the preliminary work needed to transfer Federal lands to the tribes and State of South Dakota and to provide tribes within South Dakota with funds for protecting invaluable Indian cultural sites.

Language to appropriate $700,000 under the Agricultural Marketing Act of 1946 and the Consolidated Farm and Rural Development Act to promote the recovery of the apply industry in New England.

An earmark of $2,000,000 for the regional applications programs at the University of Northern Iowa.

$1,000,000 for construction of the Pike's Peak Summit House in Colorado.

$2,000,000 earmark for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska.

Mr. McCAIN. Mr. President, I also wish to state my objections to a provision that creates a $1 billion loan guarantee program to support the domestic steel industry.

Specifically, this provision provides a loan guarantee of up to $250 million for any domestic steel company that ''has experienced layoffs, production losses, or financial losses since the beginning of 1998.'' The purported reason for this program is to help steel companies suffering because of a flood of foreign steel. The measure, however, does not require that the losses relate to the so-called ''steel crisis.'' The measure also fails to set terms, conditions or interest rates for the guarantees. Instead, it leaves these critical decisions to the discretion of the board making the loans. The only guidance given to the board is that the terms should be reasonable. These provisions are problematic and will eventually result in the taxpayer guaranteeing bad loans.

In the mid-sixties, the Economic Development Administration operated a similar program. The result of that program was disastrous for the taxpayer. Steel companies defaulted on 77% of the dollar value of their guarantees. An analysis of the loan program by the Congressional Research Service concluded that steel loans represent a high level of risk. Nevertheless, we are poised today to provide an additional $1 billion in guarantees.

I also have to question the need for such legislation. In a recent editorial, the Wall Street Journal declared ''there really is no U.S. steel 'crisis'.'' They went on to note that several U.S. companies are posting significant profits. For example, last year, Nucor earned $263 million, USX earned $364 million and Bethlehem Steel earned $120 million.

Finally, Mr. President I have problems with how this provision came before the Senate. The creation of a program like this on an appropriations bill is just wrong. The provision places at risk hundreds of millions of taxpayers' dollars. The Senate should have the opportunity to fully consider and debate this provision.

Mr. President, again, the amount of wasteful spending in this bill is less onerous than many other bills I have seen. However, I still must object strenuously to the inclusion of $85.5 million in pork-barrel spending. We cannot afford pork-barrel spending, even in the amount contained in this bill, because the cumulative effect of each million wasted is a million dollars robbed from the surplus or an additional million dollars in debt on which we must pay interest.

In the upcoming FY 2000 appropriations season, I look forward to working with my colleagues on the Appropriations Committee to ensure that we do not waste taxpayers dollars on projects that are low-priority, wasteful, or unnecessary, and that have not been evaluated in the appropriate merit-based review process.

OIL ROYALTY RIDER ON THE EMERGENCY SUPPLEMENTAL

Mrs. BOXER. Mr. President, I had planned to offer an amendment to repeal a special interest rider attached to the Emergency Supplemental Appropriations bill.

This rider prevents the Interior Department from acting to ensure that oil companies pay a fair royalty for oil drilled on public lands. My amendment would have stripped that rider—allowing the Interior Department to finalize their rule so that the taxpayers will receive the millions of dollars they are owed in royalty payments.

I have decided that while I still firmly believe that this rider should be stripped, because of recent action taken by the Interior Department, this amendment would not be timely. However, I would like to assure you that if I will block any future attempts to further delay this necessary and important rulemaking process.

Mr. President, this is a very simple issue.

For years, oil companies have been cheating the American taxpayers out of millions—if not billions—of dollars.

The Department of Interior took action to stop the cheating.

Now, Congress is preventing the Interior Department from stopping the cheating.

Just as the Interior Department was about to finalize a new rule to resolve arguments over royalties, here comes yet another rider on an unrelated must-pass bill to stop the new rule from going into effect.

So who benefits from this rider? Big Oil. And who loses? The American taxpayer.

We had this same debate last Congress. Some of my colleagues will say that this delay is necessary to force the Interior Department to listen to the oil companies.

Mr. President, the Interior Department has listened. In fact, in response to pressure from the Big Oil, the Interior Department has re-opened the comment period on the proposal to—once again—see if there is anything new.

Because of the Interior Department's action, it is unlikely that the Department will be able to finalize the rule before October 1, 1999 despite this rider. The rider is unnecessary and is just another attempt by Congress to bully the Interior Department.

The Interior Department has gone through a thoughtful and detailed process to get this rule done. The Interior Department has acted in good faith to respond to concerns of the oil industry and members of the Senate—meeting with Members of Congress on several occasions and reopening the comment period on the rule.

It is now time for the Congress to act in good faith and let the Interior Department proceed.

Mr. President, let me explain how royalty payments work. When oil companies drill on public lands, they pay a royalty to the federal government. This royalty is like paying rent. The oil companies want to use federal land or offshore tracts, so they pay rent—a percentage of the value of the oil—to the federal government to use this land. A share of this royalty is given to the state, and the remaining money is used by the federal government for the Land and Water Conservation Fund and the Historic Preservation Fund.

The oil companies sign an agreement to pay a fixed percentage of the value of the oil they produce on federal lands—12.5%. The question is 12.5% of what? It's that number that the big oil companies understate.

According to the signed agreement, that number for the value of the oil, ''shall never be less than the fair market value of the production.'' But the oil companies are currently understating the value, and as a result, they underpay their royalties.

The debate is over how to determine the true value of oil. Is the true value of the oil the value that the oil companies themselves decide? Or is the true value of the oil the market price that one would pay if they actually purchased a barrel of oil? I agree with the Interior Department that the oil companies must base their royalty payments on the market price.

Currently, oil companies themselves determine the value of the oil and pay a royalty based on that value. The value determined by the companies is called the posted price and merely reflects offers by purchasers to buy oil from a specific area. It is just an offer to buy and does not represent any actual sale of oil.

Now you may be hearing from the oil companies that this proposed system is unfair and that it harms the small independent producers. The Department of Interior has informed me that the new regulations will only increase royalty payments for 5% of all the companies. This 5% is not your mom and pop operations—this is Shell, Chevron, Exxon, Texaco, Mobil, Marathon and Conoco. This is the large integrated companies that trade with their affiliates and have no actual sale of oil.

You may also hear from my colleagues that the oil companies are hurting. With oil prices the lowest they've been in decades, how can we increase their royalties? This isn't about increasing the royalties, this is about the American public getting their fair share—whatever the value. And with the Interior Department's proposed regulations, as oil prices fall, so does the royalty. It's all based on the market.

So in summation, to guarantee taxpayers a fair royalty payment in the future, the Interior Department proposed a simple and common sense solution: pay royalties based on actual market prices, not estimates the oil companies themselves make up. The

new rule was proposed over 3 years ago. Since that time, the Department has held 14 public workshops and published 7 separate requests for industry comments on this rule—and three more public workshops are scheduled in the next month. High level Interior officials have met with Members of Congress and industry on several occasions and have made several changes to the regulations to address industry's concerns.

At some point the negotiating must stop and the Interior Department must be allowed to move forward with this fair rule.

This rider is outrageous. It saves the wealthiest oil companies in the world millions of dollars while shortchanging taxpayers and, in the case of California, our schoolchildren which is where my state's oil royalty payments go. What does this say about our nation's priorities?

The Interior Department's proposed regulations are fair and they are accurate. They are not based on the subjectivity of the big oil companies, but are based on actual market prices.

It is time that we end this flawed system of calculating royalties and move to an objective, market driven system. The Department of Interior has spent much time developing an equitable system and we should allow it to move forward.

While I am not offering my amendment this time, I am here to say that this cheating must stop and these riders must stop. Let the Interior Department do its job and move forward with these regulations.

Mr. President, I ask unanimous consent that a letter from the Secretary of the Interior, Bruce Babbit, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 18, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: I am writing to call on you and your colleagues to delete from the Fiscal Year 1999 Emergency Supplemental appropriations legislation the Senate provision extending the moratorium prohibiting the Department of the Interior from issuing a final rulemaking on the royalty valuation of crude oil until October 1, 1999.

Prior to a series of congressionally imposed moratoria, the Department was prepared to publish a final rule on oil valuation on June 1, 1998. On March 4, 1999, I announced that the Department would reopen the comment period for the federal oil valuation rule. On March 12, 1999, we formally reopened the comment period and announced a series of public workshops to discuss the rule in Houston, Texas, Albuquerque, New Mexico, and Washington, D.C.

We are committed to a constructive dialogue over the next few weeks as we seek new ideas that can help move the rulemaking process forward while ensuring that the public receives fair value for the production of its resources. Extension of the current moratorium, which ends on June 1, 1999, will not be conducive to constructive discussions.

Any action that further delays implementation of a final rule on oil valuation causes losses to the Federal Treasury of about $5.3 million per month. States, which use this money for education and infrastructure development, lose about $200,000 per month. In addition, potential delay of the proposed Indian oil valuation rule could cost Indian tribes and individual Indian mineral owners about $300,000 per month.

We urge you to delete the moratorium proposal and allow the rulemaking process to proceed. The process we have set in motion will ensure full and open consideration of all new ideas for resolving the concerns that have been raised and will lead to a solution that best meets the interests of the American public.

As you are aware, the Statement of Administration Policy on the Emergency Supplemental states that the President's senior advisers would recommend that he veto the legislation if it is presented with currently included offsets and objectionable riders.

Thank you for your continued involvement in this issue.

Sincerely,

BRUCE BABBITT.

TRANSFER OF SUPPLEMENTAL CDBG MONEY FROM HUD TO FEMA

Ms. COLLINS. Mr. President, I rise today to engage the Senator from Missouri, Mr. BOND, the Chairman of the VA/HUD Subcommittee, in a colloquy.

Senator BOND, you and I and the other members of the Northeast delegation have been working, for over a year now, to ensure that Maine and the Northeast have their needs from the January 1998 Ice Storm which devastated much of New England and upstate New York addressed.

Mr. BOND. The Senator is correct. It has been almost a year and I know that we are both extremely frustrated that we are still wrestling with using emergency CDBG funds for appropriations needs.

Ms. COLLINS. You have been a real champion for our state of Maine and of our efforts to ensure that the money this Senate appropriated went to alleviate some of the costs from the Ice Storm which could not be covered by FEMA.

Mr. BOND. I appreciate the Senator's kind words. I did a colloquy on the Senate floor last March on this issue with the then junior Senator from New York, Mr. D'AMATO outlining the funding needs of the Northeast. In this colloquy we outlined the history of the funding including the significant needs of Maine and New England.

In fact, as we both discussed at that time, the Ice Storm, as the first big storm of the year, was the impetus for us to provide supplemental funding to the CDBG program to help Maine and other states cover the costs of the disaster where FEMA wasn't able to assist.

Ms. COLLINS. For those that did not experience it, the devastation this storm caused in Maine is hard to imagine. Thick ice, in some cases up to ten inches thick, encased virtually every inch of the state and decimated our electric infrastructure. As a result of the Herculean efforts of hundreds of utility crews, power was restored to Maine after 17 long days. Like other Americans who have suffered natural disasters, Mainers need this assistance to recover from the costs incurred from the devastating blow nature dealt us.

Mr. BOND. As the Senator and I have discussed, I remain very concerned by HUD's treatment of Maine and the other Northeast states, especially the fact that initial funding was not provided until six months after last year's supplemental bill was enacted, and the fact that I have yet to receive an acceptable explanation from HUD as to the funding formula used to allocate the money. The Northeast's experience is one of several reasons why the bill before us today transfers the money to FEMA.

Ms. COLLINS. It is my sincere hope that FEMA will expedite this process and provide to Maine the assistance it has been promised by the current Administration and has been in need of for over one year. I wish to thank the Senator from Missouri for his continuing efforts on behalf of the people of Maine. He has truly been a champion in this long process, and his cooperation is greatly appreciated by the people of Maine.

ENVIRONMENTAL RIDERS IN THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. FEINGOLD. Mr. President, I rise today to express my concerns regarding two troubling sections of S. 544, the Supplemental Appropriations bill. Section 2002 further delays the promulgation of new regulations governing the management of hardrock mineral mining operations on federal public lands. Section 2005 extends the moratorium on the issuance of new regulations by the Minerals Management Service regarding oil valuation. I hope that all provisions which adversely affect the implementation of environmental law, or change federal environmental policy, will be removed from this legislation when it returns to the floor.

I want to note, before I describe my concerns in detail, that this is not the first time that I have expressed concerns regarding legislative riders in appropriations legislation that would have a negative impact on our nation's environment.

Mr. President, for more than two decades, we have seen a remarkable bipartisan consensus on protecting the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires that I express my strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated by the federal agencies that carry out federal law.

Mr. President, the people of Wisconsin continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being

made without the benefit of an up or down vote.

Wisconsinites have a very strong belief that Congress has a responsibility to discuss and publicly debate matters affecting the environment. We should be on record with regard to our position on this matter of open government and environmental stewardship.

Mr. President, I have particular concerns regarding Section 2002. I think this rider is another attempt to move us away from implementing new mining regulations. This is the third time, in as many years, that a rider has been put forward on this matter. The rider, as drafted, would delay the regulatory process for at least an additional 120 days beyond the final rider compromise language in the Omnibus bill which passed in October 1999. The Omnibus language says that the regulations can not be issued before September 30, 1999. There is no basis for arguing that the Interior Department would not have time to review the on-going National Academy of Sciences study on this topic, which the Omnibus language required to be completed by July 31, 1999.

The ''3809'' mining regulations, as they are called, are the environmental rules that govern hardrock mining on publicly owned lands.

The Federal Land Policy and Management Act of 1976 directs the Secretary of the Interior to ''take any action necessary, by regulation or otherwise, to prevent unnecessary or undue degradation on the federal lands.'' The regulations in question are the Bureau of Land Management's promulgated in response to the requirements of this federal law.

The Emergency Supplemental Appropriations bill mining rider blocks the issuance of the final 3809 regulations certainly through the end of the fiscal year. The language further blocks the Administration from spending funds to seek public input on its new draft regulations until after the National Academy of Sciences issues its on-going study examining the adequacy of the existing patchwork of fedeal and state mining rules, as I mentioned earlier.

The rules are important, Mr. President, and so is the need to update them. Mining technologies, according to the Interior Department, have outgrown existing safeguards. The original regulations, released in 1981, have never been revised. Since that time, the mining industry has widely adopted new extraction technologies which raise environmental questions and concerns. One such technique, which caused grave concern two years ago in my state when it was proposed for use on private lands in the Upper Peninsula of Michigan, was the use of sulfuric acid mining.

In addition, Mr. President, existing regulations also need to allow the BLM to balance the fact that multiple activities take place on lands before permitting new mines. In determining whether a proposed mine is appropriate, BLM is not permitted to take into account other land uses that would be displaced by mining.

Finally, I believe that existing regulations don't do enough to require meaningful cleanup. Currently there is no requirement to restore mined lands to pre-mining conditions and they leave taxpayers paying for the mining industry's mistakes. To address this issue, I recently introduced legislation to repeal the percentage depletion allowance for mining on public lands and I set aside a portion of the increased revenue to be used to create an Abandoned Mine Reclamation fund. Any clean-up fund, however, needs good clean-up standards to put it to use.

In conclusion, I think that continued delay of these regulations is indefensible, and certainly inappropriate as part of a supplemental bill.

CROP INSURANCE REQUIREMENTS

• Mr. SESSIONS. I wish to thank Senator COCHRAN and Senator KOHL for agreeing to my amendment to provide fairness to the administration of the crop disaster program enacted by Congress last Fall. I also wish to thank Senator HARKIN for his interest in this issue.

Mr. KOHL. I thank the Senator for his remarks and would like to engage him and other Senators in a discussion regarding the purpose of the Senator's amendment and the overall policy considerations attached to it. When Congress enacted farm disaster legislation last Fall, we recognized the dire circumstances of farmers from both natural and economic conditions. Not only did that legislation recognize the problems farmers faced in 1998, but it also dealt with problems farmers have had over the past several years. From a policy perspective, it is well recognized that a sound, reliable risk management program, which includes crop insurance, needs to be established to avoid the inherently unfair and unpredictable ad hoc disaster programs of years past.

The amendment by the Senator from Alabama recognizes that crop insurance is available to farmers through both federally reinsured policies and policies based solely by private companies. His amendment modifies language included in last year's omnibus appropriations bill regarding the requirement that the Secretary not discriminate or penalize producers who have taken out crop insurance by stating the requirement applies to both federally reinsured policies and those offered solely by private companies. We all recognize the difficult times facing farmers and we want to see all farmers treated fairly and equally.

It is equally important that we do not take steps that inadvertently undermine our overall objectives for both long-term farm policy and immediate administration of the pending disaster payments. In accepting the amendment by the Senator from Alabama, we hope to continue a dialogue with him and other Senators as we approach conference to ensure the amendment is in the best interest of farmers.

Mr. HARKIN. I also want to thank the Senator from Alabama for his remarks and I want to associate myself with the remarks by my friend from Wisconsin. It is clearly our objective to make the administration of farm program as fair as possible, recognizing the geographical differences of agriculture in America.

Senator KOHL is correct in his observation that farmers need and deserve a reliable risk management program that will not be tied to the political winds of any given year. For that reason, we must do all we can to improve and promote the availability of crop insurance products to farmers across the country. I point out to my colleagues that farmers could have purchased federal catastrophic coverage for a cost of fifty dollars to cover an entire crop. That is a bargain and I am still troubled by the reluctance of some farmers to invest in that minimal amount. Had a farmer made that simple investment in recent years, the amendment by the Senator from Alabama would not be necessary.

I am also concerned, as is Senator KOHL, about the effect this amendment may have on administration of the pending farm disaster program. Secretary Glickman came under criticism lately when he announced that payments to farmers would not begin until this summer. I admonish my colleagues that we must take no action that would exacerbate that problem. Farmers in Iowa, in Wisconsin, and in Alabama all need assistance sooner rather than later.

Mr. KOHL. I agree with the remarks by my friend from Iowa and I would like to further note that farmers in Wisconsin are equally in need of assistance immediately. As we approach conference, I hope to stay in close contact with all interested Senators to ensure that nothing is done to overwhelm the Department's administration of the disaster program by imposing a new series of control and verification requirements. We want to be responsive to all Senators' interests, but we know farmers are looking for a responsive, and timely disaster program. As some have noted, many farmers believe we are past the period of a proper and timely response.

Mr. COCHRAN. I join my colleagues in approving the amendment by the Senator from Alabama and agree that we must proceed in a fair manner that will not disrupt the delivery of disaster payments to farmers. There is need for immediate and necessary relief from natural and economic losses. I will continue to work with the Senator from Alabama and my colleagues from Wisconsin and Iowa in order to address the concerns they have raised.

Mr. SESSIONS. Again, I thank the Senators.•

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE KOSOVO QUAGMIRE

Mr. INHOFE. Mr. President, it seems we are about to go to war with Yugoslavia. Our stated purpose is to stop the humanitarian disaster there caused by a civil war. If we do not act, we are told, innocent people will be killed, will be wounded, will be displaced from their homes. Indeed, over 2,000 have already been killed in the Kosovo civil war in just the last year. Many more have been uprooted. There are serious problems there. No one disputes that.

My question is, Where is the vital U.S. national interest?

The National Defense Council Foundation recently reported that there are at least 60 conflicts going on in the world involving humanitarian suffering of one kind or another. There are 30 wars being waged—civil wars, guerrilla wars, major terrorist campaigns. Many are driven by ethnic quarrels and religious disputes which have raged for decades, if not for centuries.

Just consider a partial list from recent years: 800,000 to 1 million people have been brutally murdered in Rwanda alone; tens of thousands killed in civil wars in Sudan, Algeria and Angola; thousands killed in civil war in Ethiopia; in January, 140 civilians killed by paramilitary squads in Colombia; including 27 worshipers slain during a village church service.

Why is there no outcry for these millions of people who are being brutally murdered in other places in the world, but we are all concerned about the humanitarian problems in Kosovo?

I have to say this, and I know it is very unpopular to say it, but I am going to quote a guy whose name is Roger Wilkins. He is a professor of history and American culture at George Mason University:

> I think it is pretty clear. U.S. foreign policy is geared to the European-American sensibility which takes the lives of white people much more seriously than the lives of people who aren't white.

Let me read a couple paragraphs from an article in the Minneapolis-St. Paul Star Tribune on January 31, 1999:

> But no one mobilized on behalf of perhaps 500 people who were shot, hacked and burned to death in a village in eastern Congo, in central Africa, around the same time. No outrage was expressed on behalf of many other innocents who had the misfortune to be slain just off the world's stage over the past few weeks.
>
> Why do 45 white Europeans rate an all-out response while several hundred black Africans are barely worth notice?

And this is all in that same timeframe.

Further quoting the Minneapolis-St. Paul Star Tribune:

> While U.S. officials struggled to provide an answer, analysts said the uneven U.S. responses to a spurt of violence in the past month illuminates not just an immoral or perhaps racist foreign policy, but one that fails on pragmatic and strategic grounds as well.

So now the President wants us to send the U.S. military into Kosovo, not to enforce a peace agreement—we do not have a peace agreement, as we were told 2 weeks ago—but to inject ourselves into the middle of an ongoing civil war, with no clearly defined military objective, no assurance of success, no exit strategy and great, great risk to our pilots and men and women in uniform.

We know that the Yugoslav leader, Mr. Milosevic, is a bad guy. No one disputes that. But are we absolutely sure that there are some good guys, too? Are there any good guys in the fight that stretches back over 500 years?

When I was in Kosovo recently, I was horrified as I was going through the main road—Kosovo is only 75 miles wide and 75 miles long, and there is one road going all the way through it. I was only able to see two dead people at the time. They turned them over and both of them were Serbs. They had been executed at pointblank range. And they were Serbs, not Kosovars, not Albanians. So the national interest here is not at all clear.

Let me quote Dr. Henry Kissinger, the former Secretary of State and National Security Adviser. In an op-ed piece in the Washington Post on February 24, Kissinger said he was opposed to U.S. military involvement in Kosovo. He is not unaware of the humanitarian concerns that the President and others talk about. Here are just a few of the highlights of what he said:

> The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived.
>
> Kosovo is no more a threat to America than Haiti was to Europe.
>
> If Kosovo, why not East Africa or Central Asia?
>
> We must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northeast Asia.
>
> Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea.

I think this is very, very significant, the last two points.

First of all, I have asked the Chairman of the Joint Chiefs of Staff, I have asked the Chiefs, I have asked the CINCs, the commanders in chief, this question: If we have to send troops into Kosovo—keep in mind that people may lie to you and say this is going to be an airstrike. Anybody who knows anything about military strategy and warfare knows you can't do it all from the air. You have to ultimately send in ground troops. So we are talking about sending in ground troops. That is in a theater where the logistics support for ground troops is handled out of the 21st TACOM in Germany. I was over in the 21st TACOM. Right now, they are at 110 percent capacity just supporting Bosnia. They don't have any more capacity. The commander in chief there said, if we send ground troops into Iraq or Kosovo, we are going to be 100 percent dependent upon Guard and Reserve to support those troops. And look what has happened to the Guard and Reserve now because of the decimation of our military through its budget, finding ourselves only half the size we were in 1991.

Right now, we don't have the capacity. We have to depend on Guard and Reserves, and in doing this we don't have the critical MOSs. You can't expect doctors in the Guard to be deployed for 270 days and maintain their practice, so we now have ourselves faced with a problem, a serious problem, and that is we cannot carry out the national military strategy, which is to be able to defend America on two regional fronts. We don't have the capacity to do it. If we could do it on nearly simultaneous fronts within 45 days between each conflict, then we go up from low-medium risk to a medium-high risk, which is translated in lives of Americans.

Going into Kosovo for an unlimited duration at who knows what cost, who knows the amount of risk, the risk will be higher.

I chair the readiness subcommittee of the Senate Armed Services Committee, Mr. President, and I can tell you right now that we are in the same situation we were in in the late 1970s with the hollow force. We can't afford to dilute our military strength anymore. And that is not even mentioning the immediate risk to our forces that they will face in Yugoslavia where the Serbs have sophisticated Russian-made air defense and thousands of well-trained and equipped troops motivated to fight and die for their country.

In recent testimony before the Senate Armed Services Committee, some of our top military leaders were very frank about what they expected for any U.S. military operation in Kosovo.

Air Force Chief of Staff General Ryan said, ''There stands a very good chance that we will lose aircraft against Yugoslavian air defense.''

Navy Chief of Staff, Admiral Johnson, said, ''We must be prepared to take losses.''

Marine Commandant, General Krulak, said it will be ''tremendously dangerous.''

And then George Tenet, the Director of Central Intelligence, said this is not Bosnia we are talking about, this is Kosovo where they are not tired, they are not worn out, and they are ready to fight and kill Americans.

So we are faced with that serious problem, Mr. President. We should not under any circumstances go into Kosovo. Our vital security interests are not at stake, where we don't have a clear military objective or an exit

strategy, or where our policy doesn't fit into any coherent broader foreign policy vision.

So let me go back to my opening statement. Since we have no national security risks at stake, there must be another reason for our involvement. It is not humanitarian because of the following:

800,000 to 1 million killed in ethnic strife in Rwanda;

tens of thousands killed in civil wars in Sudan, Algeria, and Angola;

thousands killed in civil war in Ethiopia;

in January, 140 civilians killed by paramilitary squads in Colombia, including 27 worshipers slain during a village church service.

Why is there no outcry for U.S. involvement in these obvious humanitarian situations?

''I think it's pretty clear,'' said Roger Wilkins, professor of history and American culture at George Mason University. ''U.S. foreign policy is geared to the European-American sensibility which takes the lives of white people much more seriously than the lives of people who aren't white.''

Anyone who supports our sending American troops into Kosovo must be aware this will come back and haunt them. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of our colleagues, the majority leader will soon be coming over to make a unanimous consent request concerning the vote on a resolution dealing with Kosovo. I have been involved in the negotiations of the resolution. I might read it for my colleagues, for the information of my colleagues, and then I am going to state my opposition to it. But for the information of all of our colleagues, it is our hope and our expectation we would have a vote on this resolution in the not too distant future, possibly as early as 6 or 6:30 or 7 o'clock. So I wanted my colleagues to be aware of that.

Mr. President, this resolution authorizes the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia, Serbia, and Montenegro.

The resolution reads,

Resolved by the Senate and House of Representatives of the United States of America and Congress assembled, That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia, Serbia and Montenegro.

It is very simple. It is very short. There are not a long list of ''whereases,'' not a lot of confusion. It says we authorize the President of the United States to conduct airstrikes against Serbia.

I oppose this resolution. I will take a couple of minutes to explain my opposition. I understand and I have great respect for many of our colleagues who are supportive. I have joined with colleagues who went to the White House on Friday and also earlier today to talk to the President and hear his side of the issue. He tried to make a very strong case for airstrikes and for military intervention. He didn't convince me. I respect his opinion. I just happen to disagree with him.

Time and time again I ask, If we are going to war, why are we going to war? Make no mistake, if we conduct airstrikes against Serbia, we are going to war. I don't think we should do that lightly.

I tell my colleagues, the resolution that we are voting on, in my opinion, is a very important resolution. It is probably one of the most important votes we will conduct, certainly this session of Congress. Maybe Members will look back over their Senate career and it may be one of the most important votes Members will cast in their Senate career.

I urge my colleagues to vote no on this resolution. That means I think that we are making a mistake by conducting a bombing campaign in Serbia. A bombing campaign will also lead to ground campaigns. A lot of people have the false assumption that if we have airstrikes, that is it. Many times there has been a tendency by this administration—and maybe previous administrations as well—that we can do things by air and that will do it.

We had an air campaign, we had military strikes in the air against Iraq in December—I believe December 18, 19, and 20. It was a significant military operation. Why? Because we wanted to get the arms control inspectors back into Iraq. We bombed them like crazy. Guess what. We don't have any arms control inspectors in Iraq today, so air didn't do it. Saddam Hussein is now able to build weapons of mass destruction. The air campaign didn't change his policies one iota.

What about in Serbia? The whole purpose of this—I will read from yesterday's New York Times, an interview with Madeleine Albright, Secretary of State,

Two days after President Clinton warned that the Serbs had gone beyond ''the threshold'' of violence in their southern province, Secretary of State Madeleine K. Albright said she was sending Mr. Holbrooke to present Mr. Milosevic with a ''stark choice.''

That choice, she said, was for him to agree to the settlement signed in Paris last week by the ethnic Albanians . . . or face NATO air strikes.

In other words, if the Serbs don't sign on to the agreement that was negotiated in France, they are going to face airstrikes. In other words, we are going to be attacking a foreign country because they refused to allow an international force to be stationed in their country. That is what the Paris agreement is.

Some of our colleagues say they will vote for airstrikes but they won't vote for ground forces. The Secretary of State says we are going to bomb them until they agree to sign up to a peace agreement, a peace agreement that calls for stationing 28,000 international troops into Kosovo.

I just disagree. I don't think you can bomb a country into submitting to a peace agreement. That is more than coercion, and I don't think you get real peace by coercing somebody. Maybe cajoling people, maybe a little leverage here and there, but to say we will bomb your country until you sign a peace agreement is probably very shortsighted and not real peace, and to station the 28,000 troops into hostile territory I think would be a very serious mistake.

I have heard the President's arguments. I haven't made the argument this is not in our national interest, but I will say there is—I started to say a civil war is going on in Kosovo, but it is not even to the point of a civil war. There is certainly an armed conflict. There is guerrilla warfare going on. There has been sniping going on. There have been people killed on both sides. I think that is unfortunate, but it has been happening. But this is not the only civil conflict that is going on around the world. Yet in this conflict, we will take sides. Maybe if you declare it is a civil war going on, a total civil war going on in Kosovo—why should we be taking sides? Should we be the air force for the KLA, the Kosovo Liberation Army? Should we be trying to help them fulfill their goals?

Their goal is not autonomy; their goal is independence. They were somewhat reluctant to sign on to the France so-called peace agreement because they didn't want autonomy; they wanted independence. They will never be satisfied until they have independence. The French peace accords say we will insert this peacekeeping force of 28,000 troops for 3 years, we will have autonomy at that time, and then we are somewhat silent on what happens at the end of 3 years. If anyone has talked to the KLA, they know that the KLA wants independence. Should we be intervening to the extent of taking that side?

Some of my colleagues say if Serbia is really massing and having military actions against the KLA, instead of us just bombing, why don't we just give them some support? Why don't we give them some munitions and help them defend themselves? It is similar to the argument many of us made in Bosnia: Instead of sending troops, we wanted to take the arms embargo off and allow them to defend themselves. Senator Dole stood on the floor many times and said let's allow them to defend themselves.

Some people made that same argument today, dealing with the Kosovars. The problem is, the peace agreement

that has been negotiated says we will disarm the KLA. I think the chances of that happening are slim, if nonexistent. They will hide the arms. We will not be successful in disarming, nor do I really think that we should. We will be very much involved in a civil war. We are taking the side of the Kosovars. Many of the Kosovars are great people and I love them and some are very peace loving, but there are some people on the other side, on the KLA side, who have assassinated and murdered as well.

I have serious, serious reservations about getting involved in a civil war. I have very strong reservations about the ability to be able to bomb somebody to the peace table and making them agree to a peace agreement that they were not a signatory to.

I am reminded by some of our friends and colleagues that this is a continuation of President Bush's policy. As a matter of fact, in December of 1992 President Bush—and he was a lame duck President at the time—issued a very stern warning to Mr. Milosevic: If he made a military move in Kosovo, there would be significant and serious consequences. Mr. Milosevic rightfully respected President Bush, and he didn't make that move. I supported President Bush in making that statement. I think he was right in doing so.

However, there is a big difference between that statement and saying we will move militarily if he moves aggressively against the Kosovars. There is a big difference between that and saying we will bomb you until you agree to a peace agreement, and part of that peace agreement is stationing 28,000 troops in Kosovo. There is a big difference. I hope our colleagues will understand that difference. That is one of the reasons I am vigorously opposed to this resolution. I don't think you can bomb a sovereign nation into submission of a peace agreement.

Let me mention a couple of other reservations that I have. Somebody said, What about the credibility of NATO? NATO, for 50 years, has helped sustain peace and stability throughout Europe. It has been a great alliance. That is true. NATO has been a great alliance. It has been a defensive alliance. NATO has never taken military action against a non-NATO member when other NATO countries weren't threatened. Now we are breaking new ground and we are moving into areas which I believe greatly expand NATO's mission far beyond the defensive alliance that it was created under.

Another reservation I have: The Constitution says that Congress shall declare war; it doesn't say the President can initiate war. The President started at least consulting Congress on Friday. He also consulted with Congress today, Tuesday. We understand that war is imminent. I don't consider that consultation. I remember about 4 weeks ago when Secretary of State Albright and Secretary of Defense Cohen briefed a few of us on the Paris negotiations, or the negotiations in France. They basically said: We are trying to get both sides to sign; we think maybe the Kosovars will sign, but the Serbs and Mr. Milosevic are not inclined to. But if we can get the Kosovars to sign, we will bomb the Serbs until they do sign.

I left there thinking, you have to be kidding. That is their policy? I want peace. I want peace as much as President Clinton. I want peace as much as Secretary Albright, throughout Yugoslavia, but I don't think by initiating bombing we will bring about peace. I am afraid, instead of increasing stability, it might increase violence.

There might be adverse reactions that this administration hasn't thought about. Instead of bringing about stability, it may well be that the Serbian forces are going to move more aggressively. In the last 24 hours, it looks like that may be the case. So instead of convincing Mr. Milosevic to take the Serbs out of Kosovo, they may be moving in more aggressively. It looks as if that is happening now. Instead of dissuading him from oppression on the Kosovars, he may be more oppressive, more aggressive, and he may run more people away from their homes and burn more villages. Instead of bringing stability, it may be bringing instability, and it may be forcing, as a result of this bombing, Mr. Milosevic—instead of his response being to move back into greater Serbia and away from Kosovo, he may be more assertive and aggressive and he may want to strike out against the United States. If airplanes are flying, he might find that is unsuccessful. I hope he has no success against our pilots and our planes, but if he is not successful against our planes, what can he be successful against? Maybe the KLA, or maybe he would be more aggressive in striking out where he can have results on the ground.

So by initiating the bombing, instead of bringing stability, we may be bringing instability. We may be igniting a tinderbox that has been very, very explosive for a long time. I hope that doesn't happen, but I can easily see how it could happen. I have heard my colleague, Senator INHOFE, allude to the fact that former Secretary of State Henry Kissinger alluded to that.

I will read this one sentence: '' The threatening escalation sketched by the President to Macedonia, Greece and Turkey are, in the long run, more likely to result from the emergence of a Kosovo State.'' Well, the President, in this so-called peace accord, is supporting autonomy for Kosovo. I have already stated that the Kosovo Liberation Army doesn't want autonomy, they want independence. If they are an independent state, many people see that usually aligned with Albania and may be including the Albanians in Macedonia. So you have a greater Albania which would be very destabilizing, certainly, toward the Greeks and maybe other European allies. So the peace accord says we don't want independence for Kosovo, we just want autonomy.

Former Secretary of State Kissinger says maybe that makes it more dangerous and maybe violence would be escalated in that process. Instead of being a stabilizing factor, it may be an escalating factor. That is not just me saying that. That is Henry Kissinger and other people I respect a great deal saying that, also.

I am glad we are going to be voting on this resolution. We are going to have this vote—at least that is our expectation. I know the leader is going to propound a request before too long. It is important that we vote on this. It would be easy for this Senator, or any other Senator, to say we are never going to vote on this; we can stop this, and frankly, if you stop it long enough, maybe the President will be bombing and then you can say, hey, it doesn't make any difference, he already started bombing. I think that would be a mistake. We ought to have an up-or-down vote. Is this the right thing to do or not?

So I urge my colleagues to support the leader in his efforts to come to an agreement on a vote on this resolution. I, for one —I say ''for one'' because even though I am assistant majority leader, I have not asked one colleague to vote one way or another on this resolution. Some issues are too important to play partisan politics on. I am not playing partisan politics. I refuse to do so. These are tough votes.

I remember the vote we had on the Persian Gulf war in 1991, authorizing the use of force. We already had 550,000 troops stationed in the Persian Gulf ready to fulfill our obligations as outlined by President Bush to remove Saddam Hussein and the Iraqis from Kuwait. We had a good debate on the floor. It wasn't easy. It was a close debate and a close vote—52–47. I thought it was a good vote the way it turned out.

I am going to vote against this resolution because I think it is a mistake. Maybe I am wrong, and if bombing commences, I hope and pray that every single pilot will be returned safely, and that there will be peace and harmony and stability throughout Kosovo. But I am concerned that we are making a mistake. I don't believe you can bomb a country into submission and force them into a peace agreement that they determine is against their interest. I don't think you can bomb a country and say we are going to bomb you until you agree to have stationed 28,000 troops in your homeland. And this is Serbian homeland, and if you go back centuries, fighting has been going on in this country for centuries.

One other comment. Somebody said, ''What about the atrocities?'' I am concerned about the atrocities, but we have to look at what is in our national interest. There were 96 people killed in Borneo last weekend. In Turkey, something like 37,000 Kurds have lost their lives. They want independence. The

Kurds in Iraq want independence; they want their own homeland. What about in Sudan where there have been over a million lives lost? What about Burundi, where 200,000 lives have been lost. Or Rwanda, where 700,000 lives have been lost?

We have to be very careful. We had a Civil War in this country 130-some years ago, and 600,000 Americans lost their lives. I am glad we didn't have foreign powers intervene in our Civil War. I think that would have been a mistake. I am afraid that we are making a mistake by intervening in the war now going on in Kosovo. I hope this resolution that we are getting ready to vote on is not agreed to. I urge colleagues to vote no on the resolution.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senate is about to be presented with a resolution authorizing the President of the United States to intervene in a civil war in the Republic of Yugoslavia—one of many civil wars taking place around the world, in which one dominant group is repressing, killing, and displacing a minority group within their borders.

Mr. President, the cause of this civil war is Mr. Milosevic, the dictator of Serbia and of the Yugoslav Republic. But nowhere in any of the administration's stated goals justifying this intervention is included the removal of Mr. Milosevic from his position of power. The goal is neither a stated nor an unstated goal. Therefore, we are about to engage in a civil war in which we do not go after the cause of the war.

Just a few years ago, the last occasion on which we debated authorizing the President of the United States to engage the Armed Forces of our country far from the borders of the United States, in Iraq, after its invasion of Kuwait, we made the determination, and after successfully removing the symptom, the invasion and occupation of Kuwait, that we would not remove the cause—Saddam Hussein. As a consequence of not going after the cause, we have been involved in either a cold or a hot war with Iraq ever since, at great cost in money to the United States, and at a considerable cost to our support for that cause around the world.

Mr. President, once burned, twice shot. Why, having learned during the war and its aftermath with Iraq that if you are going to use your Armed Forces, you ought to go after the cause, are we failing to do that in this case? Here, as far as I can determine from what I hear from the administration, our goals are as follows:

We hope by the use of our Armed Forces to be permitted to send ground troops to Kosovo for a period of a minimum of 3 years to enforce a peace that neither side in this civil war wishes. We will be there to enforce an autonomy for the Kosovars. That is not their ultimate goal, that ultimate goal being independence.

Is there the slightest chance that this will be a peaceable, casualty-free, 3-year occupation, at the end of which, having settled all of the problems of the Kosovars, we will come home? That certainly has not happened in Bosnia, even after all sides were totally exhausted by a civil war.

Those goals of being allowed to occupy Kosovo and enforce an autonomy that neither side wants are not goals justifying or warranting our American military involvement. They are not goals involving the vital security interests of the United States. In fact, if simply stopping a slaughter is a primary goal—and I believe that it is—there are far greater slaughters taking place in Sudan, in several countries in Africa, and in a number of other places around the world in which there has been no request on the part of the administration to intervene. No, Mr. President. This is an intervention that is highly unwise, highly unlikely to be successful, and not worth the investment of our money and lives, if it is successful, with the intermediate goals that the administration uses to justify it.

Mr. President, this Senate Gulf of Tonkin Resolution, this Senate first step into getting into a situation, the consequences of which we simply cannot envisage, and getting into it perhaps with less justification than there was in Vietnam in the midst of a cold war, getting into it to involve ourselves in a civil war that for all practical purposes has already gone on for 600 years, is not—I repeat, not—going to be settled by the United States of America in its intervention in a period of 2 or 3 years antiseptically cost free and casualty free.

With my colleague from Oklahoma, I believe it more than appropriate that we should be debating this resolution here tonight. I believe it more than appropriate that we should vote yes or no on whether or not we agree with the President. That President has finally grudgingly sent us a letter not asking for our authorization but for our support. This is an authorization. It is an authorization that the Senate of the United States, in its wisdom, should reject out of hand. This is not a matter for the use of the Armed Forces of the United States. This is not a matter demanded by our national security. This is not a way that we would even settle the civil war taking place in Kosovo today.

I hope my colleagues will vote with me and will reject this resolution of authorization.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I get confused by this because I think the analyses, although clearly heartfelt and searching, are totally out of proportion. This is Europe, not Asia. This is a place where we fought two world wars, where we got involved in the circumstances based upon the legitimate concern of the spread of communism. This is part of an industrialized world, not where we were in Vietnam. This is not a Tonkin Gulf Resolution, which was clearly open ended. This is closed ended. This is the circumstance. I find it fascinating—all these bad lessons we learned. What is the bad lesson we learned in Bosnia? We stopped bloodshed. We have 7,300 troops there. We have had as many as 365,000 troops in Europe to preserve stability and democracy in Europe for the past 54 years. We have 100,000 troops in Europe right now. We have 100,000 troops who sit there.

If, in fact, it is a bad idea, and it is an open-ended commitment to keep troops in Bosnia, to keep the peace with not a single American life having been lost, without the destabilization of the region, without Croatia and Serbia being at war, without a flood of refugees into Germany and into the rest of the area—if that is a bad idea—then we shouldn't even have anybody in all of Europe. This is about stability in Europe.

The idea of comparing this to Somalia—a life in Somalia is equally as valuable as a life in Kosovo. But the loss of a life in Somalia and the loss of a life in Kosovo have totally different consequences, in a Machiavellian sense, for the United States interests. If there is chaos in Europe, we have a problem. We are a European power. If, as a consequence of this, there is a flood of refugees into any of the surrounding—let's take Albania. Albania has a Greek population that is a minority population, where there is already a problem. If radicalized Albanian Kosovars are thrown out of Kosovo into Albania radicalizing that society—because, by the way, when they burn down your home, when they kill your mother, when they kneel your child on the ground and put a gun to the back of his head and blow it off, it tends to radicalize you. It tends to have that impact. We are talking about 400,000 to 800,000 refugees. What happens if, in fact, the flood of refugees goes rolling into Macedonia, where you have two-thirds of the population that is Slav, one-third Albanian? Just play out that little scenario for me. What happens in that region?

I will not take the time of the Senate to go through the litany of why this clearly is in our interest. But at least let's agree that this isn't anything like Vietnam in terms of our interests—like Africa, or like a whole lot of other places. We have an alliance called NATO. All 19 members of NATO are in agreement that this is necessary. All of Europe is united. All of Europe is united in that we have no choice but to deal with this genocidal maniac.

With regard to this notion of a peace agreement that this is designed—my friend from the State of Washington, I

respectfully suggest, misstated the objectives of the administration. The objectives of the administration are the objectives of the rest of Europe—all 19 other nations as well as the contact group, I might add—and the objectives are these: To stop the genocide, stop the ethnic cleansing, stop the routing, stop the elimination of entire villages in Kosovo, to have some guarantee that the civil rights, civil liberties, life and liberty of the people living in that region, 2 million people, are somewhat secure.

Why do we do that? Beyond the humanitarian reasons, why we do that is, we know what happens if it spins out of kilter. We know what the downside is if the entire area is engulfed in this chaos. We also know from experience what happened in Bosnia. When we acted, when we put ourselves on the line, when we demonstrated that we would not allow it to ''happen'' again, it worked.

My friends say it isn't working in Bosnia, because, if we move through, all of a sudden everything will fly apart.

That was the case in most of Europe for 30 years. If we removed the troops in Europe in 1954, or 1958, the concern was all of Germany would go. The concern was all of Europe would go. So we held out. We decided that democracy tends to bring stability. I, for the life of me, do not understand why you can just cut out an entire—I wish I had a map here—segment of Europe and say it can be in flames and chaos, and it has no impact on us; it will have no impact on the alliance; it will have no impact on our national security. That I do not understand.

I do agree that this is not an easy choice. I do agree that to know exactly what to do is debatable, legitimately debatable. But I do not agree that the purpose of the administration is, as was stated, to hope to be permitted to send ground troops.

The only reason why the proposal that was put forward by 19 NATO nations in Europe was put forward was not because we want to put in ground troops. It was because we wanted a commitment that the genocide and ethnic cleansing in Kosovo would stop. I remind everybody, by the way, in 1989 and 1990 their rights were taken away. Their autonomy was stripped. During that first 7-year period, there was a policy of nonviolence on the part of the Kosovars led by a doctor named Rugova. And what happened was what some of us predicted: By failing to stop any of the actions of Milosevic and the ultranationalists in Serbia, one thing was bound to happen. Maybe it is because I am Irish I understand it. I watched it. We watched it historically for 80 years in Ireland. That is, when peaceful means fail and people continue to be cleansed, denied their civil rights and their civil liberties, denied the ability to work, denied the ability to worship, denied the ability to speak their language, they become radicalized. So all of a sudden Rugova found himself odd man out, as the KLA gained credibility and momentum, basically saying: You are not getting it done for us so we are going to use the violent means.

What do we think is going to happen if we walk away? The objective is to stop the oppression of men, women and children who are a minority in Serbia, but make up the majority in Kosovo; to say it will stop. The only way it will stop is one of two: Either Mr. Milosevic is denied the means to continue his oppression, or he comes to the table, agrees to stop it, and allows international forces in there to guarantee that he will stop it.

That is what this is about. You may not think that is a worthwhile goal. I understand that. I understand that. But this is not about the desire to send troops. It is about the desire to keep that part of the world from spinning out of control. I see two of my colleagues wish to speak so I will cease with the following comment.

Mr. STEVENS. Will the Senator yield to me for just a question?

Mr. BIDEN. I sure will.

Mr. STEVENS. I am constrained to go back to the time when we had the Persian Gulf crisis and we had Iraq in Kuwait, threatening to go into Saudi Arabia. What is the difference between that situation, where it actually had taken place, and this threat the Senator is describing in Serbia and in Kosovo now?

Mr. BIDEN. There is a big difference. The difference is it is in the center of Europe, No. 1. No. 2, if Europe in fact becomes destabilized, we are deeply involved in matters far beyond what is existing now.

I acknowledge to my friend, though, what was at stake in the Middle East was oil, was economic security, and was a lot of other things at the time. So it is, in fact, a legitimate point to make that that was a critical vote. I voted against that involvement—I am sure the next point my friend was going to make. I voted against that involvement. I insisted, along with others, there be a resolution to authorize the use of force.

But the argument I would make is, although you can argue it made sense to do what we did, it is a different reason why we moved; a different reason why it occurred; a different reason why it was necessary. It seems to me, comparing what we did in the gulf, comparing that to what we do here either for purposes of justifying action here or not justifying action here, is an inappropriate analogy. It stands on its own. It either made sense or it didn't make sense. It turns out it made sense to move in the gulf and I argue it makes sense for us to take this action now in the Balkans.

So, if I can conclude so my friend from Kentucky, who has been seeking the floor, can get the floor, Senator NICKLES started off a few moments ago pointing out that seven of us, assigned by the leadership, met to see whether we could work out a compromise resolution. Senator NICKLES pointed out that the resolution that we agreed to move with, assuming the procedural circumstances allowed it to be done, was one that was a straight-up authorization for the use of airpower in conjunction with NATO against Serbia and Mr. Milosevic. That was the language as to how to proceed that was agreed to.

Senator NICKLES indicated he would vote against that, notwithstanding the fact that he helped craft what the language would be. And that makes sense, by the way. He was trying to figure out what is the best, simplest, most straightforward way to get an up-or-down vote on what the President wants to do.

In the meantime, the President has sent us a letter asking for legislation to be able to do this. He has asked us whether or not we would support the use of airpower in conjunction with NATO. I think we should get, at the appropriate point, an up-or-down vote on that. I understand my friend from Alaska may have an amendment to that resolution, if it ever comes up freestanding, dealing with a prohibition of ground troops, but we should get to the business of dealing with that which we are getting at now. I hope through the leadership of the majority leader we can somehow clear the decks and get to a vote on the resolution.

Mr. WARNER. Mr. President, if the Senator will yield?

Mr. BIDEN. I will be happy to yield the floor.

Mr. WARNER. Mr. President, I worked with the Senator from Delaware and others you mentioned. You used the phrase, ''we agreed to it.'' Yes, the group of six or seven did, but it was a recommendation to our respective leadership.

Mr. BIDEN. That is correct.

Mr. WARNER. I have, since that time, worked with Senator LOTT and we pretty well, I think, have this thing ready to be presented to the Senate. As you mentioned, our distinguished colleague from Alaska has possibly some thoughts on it that have not been completed yet—that are to be incorporated—but I want to be sure nothing has been agreed to. It is just a recommendation to the leadership. Our group did, I think, a very fine job in consolidating the thoughts of a number of us who have been working on this for several days. I am hopeful we can bring it up very shortly.

I know the Senator is looking for one Senator who was a part of that group to give his blessing to certain phraseology.

Mr. BIDEN. Mr. President, I appreciate the intervention by the Senator from Virginia. He is absolutely correct. Let me be even more precise. Seven of us agreed on the vehicle that we recommend to the leadership that we should be voting on. We agreed to that language. I came back with one of my

Democratic colleagues, Senator LEVIN, spoke with the minority leader, and indicated that this is what we had agreed to. He indicated he thought that was an appropriate vehicle, appropriate way to proceed and I might add, some of the Senators in the room, although they agreed to the language, I want to make clear, were not agreeing to the substance of the language. They agreed that this is an appropriate test vote. This is an appropriate vote to determine whether or not the Senate agrees or disagrees with the President. Several of them—one of them at least—said, ''I will not vote for it''; two of them said, ''I will not vote for it but I agree this is how we should decide the issue.''

I understand that the majority leader has to make a judgment as to what vehicle we use, when we use it, how we will use it, but I hope we can get an up-or-down vote on some direct vote.

Mr. WARNER. Mr. President, the Senator is correct. I think very shortly we will have a document to present to the Senate.

Mr. BIDEN. Mr. President, I thank the Senator.

Mr. BUNNING addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BUNNING. I am more than happy to yield.

Mr. STEVENS. Mr. President, I would like to have some parameter on these discussions so that we might get back to the bill and finish it this evening. Could I inquire of the Senator from Kentucky how long he intends to speak?

Mr. BUNNING. Not very long, Mr. President.

Mr. STEVENS. More than 10 minutes?

Mr. BUNNING. No.

Mr. STEVENS. I see Senator BROWNBACK. Does he wish to speak on this subject?

Mr. BROWNBACK. Mr. President, I would like to speak on Kosovo about 7 minutes.

Mr. STEVENS. I see that Senator WARNER's hand is up.

Does the Senator intend to speak also?

Mr. WARNER. Mr. President, I intend to address the remarks of my two colleagues. I am a cosponsor, with Senator BIDEN, and I have some very definite statements to make.

Mr. STEVENS. Mr. President, with due deference to my friend from Virginia, that matter is not pending before the Senate and the supplemental is. I wonder if the Senators would agree to some time limit so we can tell Members when we will get back to the bill.

Mr. WARNER. Mr. President, we want to accommodate the distinguished chairman. It is important that this colloquy ensues. The distinguished Senator from Kentucky is in opposition to me. I presume my colleague likewise is in opposition to the Senator from Virginia.

Mr. STEVENS. Mr. President, I ask unanimous consent that these Senators have 30 minutes to continue this discussion and at that time we return to the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Reserving the right to object, Mr. President, could we establish a discussion order?

Mr. STEVENS. He has 10 minutes.

Mr. WARNER. Mr. President, I would like to have the opportunity to, on occasion, interject, have a colloquy with both of you, not to exceed 10 minutes.

Mr. BROWNBACK. I agree to 10 minutes, as will the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, this resolution which is about to come before the Senate will be something we should have voted on maybe 2 weeks ago. Unfortunately, we are voting on it under an extreme timeframe, and I think that is unfortunate for all of us.

If there are negotiations that have really gone on, it has been one-sided. The Serbs have never sat down and really negotiated in good faith with anyone. Only because they were asked to show up at the table, they showed up for a short time and left immediately. Now the debate has shifted and is not about peacekeeping, not about deploying peacekeepers anymore; it is about going to war with a foreign government. NATO, the United Nations, have never gone to war in a civil war situation. That is what we are about to do, and we have been consulted to the point of being told exactly what the President intends to do, whether or not—whether or not—we agree or disagree.

In 1991, President Bush came to the House and to the Senate and asked for specific resolutions to go to war to defend Kuwait against Iraqi invasion. It was a major vote to go to war in the House. It was a very narrow vote in the Senate. I think by five votes they voted to support President Bush.

I read on the Internet today what was supposed to be a private briefing that we all had at lunch by the Secretary of Defense and by the head of the Joint Chiefs of Staff. That private personal briefing was totally on the Internet this afternoon.

Let me tell my colleagues what it said so everybody in the United States can understand exactly what is going to happen. There will be two different types of airstrikes. There will be a preliminary airstrike—and this is on the Internet; all you have to do is look it up—two kinds of airstrikes to force Belgrade into accepting NATO ground troops.

The first strike would be a demonstration strike by air- and sea-launched cruise missiles to soften up Milosevic to know that we are really serious about this. Then there would be a pause to give the Serbian leadership a chance to realize that we are serious. If the Serbs do not comply, there would be a second wave of strikes that would be targeted to air defense and missile installations by the same type of military hardware. In fact, 55 percent, or a little less, of all of the airstrikes done will be 70 percent by U.S. hardware and, if we use aircraft, 54 percent of it exactly will be by U.S. aircraft.

This is in the middle of Europe. This is not at our borders in Mexico or Canada.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUNNING. The second wave would be to take down the missile defenses.

Let me give you a little background. In 1991, we had a briefing in the House of Representatives by Dick Cheney, who was Secretary of Defense, and by Colin Powell, who was the head of the Joint Chiefs. They both said the same thing: The worst thing we can do is to send ground troops into Bosnia and Kosovo or any of that area, because of the logistics, because of the terrain, because of the weather. One of the things that they also said was that airstrikes would be very questionable. The reason they were going to be questionable was that the sophistication of the missile defenses and of the air defenses of the Serbs was much better than many other places. The terrain is much more difficult.

What we are doing is wrong. What the President asked us to do at the 11th hour is wrong. We should not be going into an independent nation's civil war and imposing our will, no matter what the situation is.

Now, the Senator from Oklahoma brought up many other places we could be intervening that we could save more lives—many places in Africa. If we expend the same amount of dollars like we are going to expend in Kosovo, we could save many more lives. This attack is premeditated and the Congress is an afterthought. They want us to agree to it after they have already decided to go.

This is a great institution, the Senate. I have come to love it in a very short time. These debates should be before the fact, not after the administration has already made up their mind to bomb. The same is true about sending ground troops.

I want to ask President Clinton these questions: What vital American security interests are at stake? What is the long-term strategy for the region? Not only do we bomb one wave and a second wave, and a third request is to send in 4,000 additional men and women from the United States in ground troops. What is the long-term strategy for the region? How do we get in and how do we get out? How long will the troops be deployed? What is their mission?

What is the mission they are supposed to accomplish?

Will we be forced to deploy more ground troops if the 4,000 are not sufficient?

Will foreign commanders be commanding our troops under NATO?

What are the rules of engagement?

How will the mission be paid for?

What valuable dollars will be taken away from military readiness accounts to pay for this?

What is our exit strategy?

President Clinton, you have not answered these questions. You have not come before the Congress of the United States and asked for our help. I think it is essential that you do so before you send one American into harm's way when you have not proven the need to do it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. WARNER. Mr. President, I wonder if I might use my 5 minutes and engage the Senator in a colloquy and then yield the floor.

Mr. BROWNBACK. Mr. President, I have to preside at 6.

Mr. WARNER. At some point, we have to have some rebuttal to the strong arguments on this side. I yield to the Senator.

Mr. BROWNBACK. Mr. President, I thank the Senator from Virginia very much. I am sorry to assert myself at this point, but I have to preside shortly.

Mr. President, I think the Senate and the American people, hopefully, heard a number of strong arguments questioning whether or not we should start this bombing campaign at this point in time.

Let me say categorically, I am concerned about the carnage that is taking place in Kosovo and in Europe and the number of people who are displaced that the newspapers put at 45,000, the number of people who have been killed, and the possibility of refugees in the surrounding area.

Let me also say that if our troops are engaged and are starting to bomb or are put there, I will support the troops. If they go to battle, I will support them. But this action at this point in time seems to me to be ill-advised. If the Senate has not been properly consulted, the American people have not been properly consulted and brought along, and we should back up and rethink what we are about to do in this area. We are making an act of war against a sovereign nation, with likely loss of U.S. life, and neither the Senate nor this Nation has been adequately consulted.

The Senator from Delaware previously spoke and talked about the objective is to stop oppression that is occurring. I am supportive of stopping oppression, but if we are looking at oppression, that occurs a number of places around the world.

If we want to stop oppression, I have a better suggestion. Let's engage in the Sudan, not with troops, not with bombing, but let's support the southern Sudanese. They have 4 million people displaced at the present time. Two million have had a loss of life, and there you have a government in Khartoum that is supporting terrorism in the surrounding region in Uganda, Eritrea, and Congo, that is expanding, that is a militant fundamentalist regime that seeks to do us harm. There you have a vital strategic United States interest.

If we want to stop oppression, let's supply and support the southern Sudanese. If that is what the objective is, then let's do something there where we can help save more lives, help more people, and also a vital and strategic U.S. interest.

I do not see us doing that. The situation taking place in Europe is a sad situation, but one where I really question whether we should put forth the loss of U.S. lives which is contemplated at this point in time.

Perhaps this can be explained over some period of time. Perhaps the administration can engage the American public and the Congress to get that kind of support. But I cannot give that at this point in time on the basis of the information I have to date.

Plus, what is the plan? The Senator from Kentucky just asked a number of very simple and very basic questions. Here is a Member of the Senate asking these sorts of simple and basic questions, saying, ''I don't know the answers to these things.'' Nor do I.

Have we been sufficiently brought along and engaged and had discussions on these items that we can have such basic questions and not even know the answers to them? We have been told there is going to be a bombing campaign, maybe several ways of bombing. What if Mr. Milosevic does not blink at that point in time and says, ''OK, we are going to support some kind of autonomy in Kosovo''? What then? What is the plan at that point in time? Are we engaging ground troops not in a peacekeeping but aggressive fashion? I do not think people will support that.

After Kosovo, is it Montenegro next where we will be going in and supporting, supplying people who want a separatist movement, if that were to happen in that region of the former Yugoslavia? What next? And what is the full plan?

We just do not have the answers to these questions, and we are about to take an act against a sovereign nation that is likely to result in the loss of U.S. lives.

Now is the time to debate and discuss and to back up and slow down on this, have the administration engage the American public, engage the Congress in answering the simple questions that my colleagues have put forward. Now is the time to do that.

I ask the President, please, let's have that sort of discussion on those sorts of specifics with the American public before we move in to what I think could be a very ill-fated, ill-timed, and inappropriate action at this point in time by the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Chair.

It is my hope to engage, through some questioning, my colleagues. The distinguished Senator from Kentucky left. I did not want an impression left with the Senate that nothing has been done on the complicated issues of Kosovo as related to Bosnia, as related to the region.

The Armed Services Committee has had a series of hearings, a series of briefings. The distinguished chairman of the Appropriations Committee knows of an amendment that the bill contained last year by Senator ROBERTS which outlined considerable work in this area. So I believe the Senate has addressed this issue off and on for some time.

The Armed Services Committee last week, when we had all four of the Service Chiefs up, we asked each one specifically, regarding the risk of this operation, what opposition they were going to meet in terms of air defense alone, and they replied it was significant, it was multiples of two or three of what had been experienced in Bosnia, which is being experienced almost every day in Iraq. We have had a considerable deliberation, I think, in various areas of the Senate. This is, of course, the first action.

It is my hope that very shortly, with the concurrence of the two leaders, Mr. LOTT and Mr. DASCHLE, we can send to the desk a relatively short resolution which will provide Senators with a clear up-or-down vote. I will just read a draft. It as yet has not been finally approved. It is submitted by Mr. BIDEN, myself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, and Mr. MCCONNELL. Those are the sponsors to date.

It reads:

Concurrent resolution—Authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Resolved by the Senate . . .

That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

That clarity was achieved by a group of six of us. The distinguished majority whip, Mr. NICKLES, sort of had the unofficial job of presiding over the group. He made it clear from the beginning his opposition to this, but, nevertheless, I think we succeeded in devising what the Senate desired, and hope will be concurred in, in terms of bringing it up for further debate of this resolution.

I yield the floor.

Mr. DOMENICI. Mr. President, are we under some time agreement?

The PRESIDING OFFICER (Mr. BROWNBACK). The time agreements have expired.

Mr. DOMENICI. Thirty minutes has expired?

The PRESIDING OFFICER. The 30 minutes has expired.

Mr. DOMENICI. May I have 3 minutes? I ask unanimous consent that I have 3 minutes.

The PRESIDING OFFICER. There is no time limit now. The Senator can speak as he wishes.

Mr. DOMENICI. Then I will speak to my heart's content.

Mr. STEVENS. No. No. No.

Mr. DOMENICI. I say to the Senator, you don't think that should be the case? Who knows. My heart's content may be only 3 or 4 minutes on this issue.

Mr. President, I believe under the guise of the Constitution, which gives the President, as Commander in Chief, some very, very strong powers over what he does, where he places, and what he asks our military to do, that we are beginning now, in this President's administration, to go down the slippery path that the President can engage our military almost anywhere, any time, so long as it pleases him and he decides it is in our national interest.

I say, shame on the President. If this is such an important matter, why could he not trust the Senate and the House to ask us whether we concur?

Let me say, Mr. President—not the President who occupies the Chair, but our President down on Pennsylvania Avenue—with your last budget, we will have spent $12.3 billion in Bosnia—$12.3 billion. There was not even enough money in the defense budget. At one point we had to declare it an emergency, after 3 years of being involved, to pay for it, because to pay for it would have stripped our military of other things that they desperately need to be our strong military force.

What are we up to? We are going to take up the budget on the floor, and I predict that if we authorize, or do not authorize the President, he is going to do it anyway. And there will be Senators from the other side of the aisle who will stand up and want to take money out of the Defense Department to spend on domestic programs. But they will vote here tonight to send our men and women off to this war and claim they will never go in there.

But let me tell you, this is a very, very unintelligible plan. You cannot rationally accept the President's reasoning unless you conclude that they do not want to tell you where it is going to end up. It does not take a lot of sense to say airstrike No. 1 may not work, airstrike No. 2 may not work. We have been told by military experts years ago that airstrikes would not work in this area of the world.

So what then happens? That is the extent of our plan? Who believes that? I ask those who believe in the great United States of America, with its President leading the way, who sent the bombers in, sent in the stealth fighters, sent in the Tomahawk missiles—and the big leader who has caused all the trouble is not dead yet and will not quit, what are we going to do?

I asked the question already of the leaders representing the President, and they say there is no plan. Wait a minute. No plan? Well, NATO may have a plan, but America does not have a plan for the third phase, which is probably putting military men and women in harm's way.

What is NATO without America? They have just described, NATO without America in these airstrikes probably could not get the job done. The whole of NATO without us probably would not undertake it. So do you believe the third phase, which we do not want to talk about, is going to get done without America, if there is a third phase?

And will there be a third phase? I do not know. I have a hunch that phase 1, of airstrikes from a distance through Tomahawk missiles, and phase 2, with actual airplanes of one sort or another, may not work. I would think it would be fair for the President of the United States, since we have been at this issue for months—as it got worse they threatened and then pulled the threat—to ask the Senate, as George Bush did, and get concurrence. And if we did not concur, wouldn't it be a pretty good signal that we do not think it is right? What is wrong with that?

As I understand it, there will be an amendment, there will be a proposal, freestanding perhaps, asking that we concur with the President of the United States in airstrikes. I am not going to vote for it, because I do not think that is the end of it.

I ask one simple question: Is this not a declaration of war without asking us, who, under the Constitution, were given authority to declare war? Isn't it an invasion of a sovereign country by a military that is more than half American? I believe it is. You can make all kinds of rationalizations that it is not an invasion, but it is. Is it not a civil war? Yes, it is. Is it not a civil war of long lasting? It did not start last week.

These people have been at civil war for God knows how long. And they are going to be there after the airstrikes unless there is a large contingent of soldiers to keep the peace. Is that what we are going to do? Are we going to have soldiers in there under the third phase or the fourth phase? What if they just do not agree to a peace treaty after all these bombs? Do we walk away? I do not believe we will. From my standpoint, we never should have gone in.

So, Mr. President, I believe the President of the United States, once again, has waited so long that he has us right in a spot. He does it all the time. He has us in the spot that a terrible tragedy is going to occur unless we agree with him in the next 24 hours, or perhaps he even thinks unless you have already agreed with me today. But who knows, the Tomahawks may be flying tonight. At this point it is dark over there. And that is when they will start. Everybody knows that.

So I say to the President of the United States, since you like us to consider your prerogatives under the U.S. Constitution—and we do it all the time—why don't you consider ours? Why don't you ask us? And why don't you wait until we give you an answer? That seems fair to me. What we are doing is not fair to the Congress. And if it isn't fair to us, it is not fair to our people.

I yield the floor.

Mr. WARNER. Would the Senator yield for a moment of colloquy here?

Mr. DOMENICI. Sure.

Mr. WARNER. A group of us met this morning with the President. We had a very thorough exchange of views. Senator BYRD raised the issue of the President asking the Senate. I followed Senator BYRD and repeated the question. And he said orally: ''Yes, I do want the support of the Senate, indeed, the Congress.'' And he has now sent a letter to the leadership of the Congress.

Mr. DOMENICI. What does it say?

Mr. WARNER. I say to the Senator, I will be happy to read it.

DEAR MR. LEADER: I appreciate the opportunity to consult closely with the Congress regarding events in Kosovo.

The United States' national interests are clear and significant. The ongoing effort by President Milosevic to attack and repress the people of Kosovo could ignite a wider European war with dangerous consequences to the United States. This is a conflict with no natural boundaries. If it continues it will push refugees across borders and draw in neighboring countries.

NATO has authorized air strikes against the Former Yugoslavia to prevent a humanitarian catastrophe and to address the threat to peace and security in the Balkan region and Europe. Mr. Milosevic should not doubt our resolve. Therefore, without regard to our differing views on the Constitution about the use of force, I ask for your legislative support as we address the crisis in Kosovo.

We all can be proud of our armed forces as they stand ready to answer the call of duty in the Balkans.

Sincerely,

BILL CLINTON.

I say to my colleague, what is the consequence if we do nothing, if we do nothing, if we stand there? Here we are, the leader of NATO. Here we are, the leader of so many agreements throughout Europe that have provided for the greater security of Europe in the past, throughout the history of NATO.

What do we say to the men and women of the Armed Forces who will be in the airplanes, perhaps as early as tomorrow some time? I am not predicting the hour, but it could be. What do we say to them? That the people of the United States, through their elected Representatives, are not supportive?

I know the strong arguments against going in. And I respect my colleague. But I say to my colleague, it has not been spoken, with clarity, as to what the consequences are if we do nothing. I predict it would be an absolutely disastrous situation in that region, that it could grow in proportion far beyond the crisis of the moment, and that at that juncture, if military action were required, it would require greater military force than envisioned by the limited airstrike, limited in the sense that that component of our arsenal and that

of 18 other nations—this is a 19-nation operation—be required to stamp out a literal implosion of that whole Balkan region. I say to my good friend, I respect his views, but I think we also have to address what happens if we do nothing.

I recognize we are intruding on the time of the distinguished chairman of the Appropriations Committee and others. I know of no more significant issue than to send our people into harm's way, which requires the debate of the Senate. I shall stand here at every opportunity I can to give my views on why I think it is essential that we approve the actions as recommended.

Mr. DOMENICI. Mr. President, I don't believe Senator WARNER, with all the respect that we hold for him, should stand on the floor of the Senate and say that anyone who votes that we should not go in there will not be in support of the military people who happen to go in there because the President prevailed.

As a matter of fact, most of the Senators who have supported the military of the United States to the highest extent over the years will probably be voting against sending them in, but will be right there supporting them, and the Senator knows that and they should know that.

I do my share in my little role as a budgeteer to see that the military gets sufficient money, and I will do that again this year. I hope you all come down here when people want to take the money away from them. Just because I don't like what they are doing doesn't mean I don't love the military and the men and women out there doing it. We will support them, but we have a right to warn the American people and tell them what this is all about.

If you say, What is going to happen if we don't? I ask you, what happened in the other countries of the world that had revolutions where hundreds of thousands of people were killed and we didn't go in because it wasn't in our national interest?

I happen to think that is the case here. It is not in our national interest.

Mr. WARNER. If I could reply, nothing in the remarks by the Senator from Virginia in this moment or earlier today from this period infer that a Senator voting against this proposed resolution in its draft form in any way does not support the men and women of the Armed Forces.

I simply say at this hour when we are trying to debate this, it would seem to me that those who can come and support this resolution—it is clearly in support of what they are about to do; they are likely to go.

I am convinced that the President has a resolve with the other leaders of NATO to go forth with this military mission. It is important that debate here in the Senate take place. Every Senator will vote his or her conscience, and I know that there will be 100 votes in support of the troops if they are called upon to take on this high risk together with their families.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. STEVENS. Mr. President, I have been waiting here for an hour. I was supposed to get the floor at 6:10.

Mr. REID. Mr. President, that is why I asked permission to get the floor. I am happy to yield to the Appropriations chairman. In fact, I will direct the question to the chairman of the Appropriations Committee.

I wanted to make an inquiry through the Chair to the manager of this bill and the chairman of the Appropriations Committee as to how we are coming on the supplemental emergency appropriations bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I think the Senator from New Mexico still has the floor.

Mr. DOMENICI. I will use only 1 minute.

Let me say, I had no reluctance to ask the distinguished chairman of the Armed Services Committee to read the President's letter. Without having seen it, I know it would not contain words saying ''and if you do not vote in support I will not send them in.'' It merely said, ''I sure would like to have you joining me.''

President Bush didn't do that. He said, ''Concur or we don't have a war.'' There is a big difference.

Mr. STEVENS. Mr. President, I yield to my friend for a comment or question or whatever he wants, but I want to get back to this bill.

Mr. REID. Mr. President, directing a question through the Chair to the chairman of the Appropriations Committee, could the Senator bring us up to date as to how we are doing on the underlying legislation; namely, the supplemental appropriations bill?

Mr. STEVENS. Mr. President, I am delighted to do that. I hope to get involved in this statement about Kosovo sometime tonight, and I think it will be a late night. Everybody ought to be on notice. I am going to try to finish the supplemental bill tonight.

We have the managers' package coming and it is being brought to me. I hope the people are listening right now. I am prepared to outline that. We do have an amendment that is pending, the Murkowski amendment. I understand the Senator from Montana will make a motion to table that and that will require a vote. We also have an amendment that I have been requested by the leader to offer concerning the question of rule XVI. I understand that may be objected to. We will have to see how to handle that when it occurs. I do believe we will have to handle it tonight. I have the managers' package of about 10 amendments that have been cleared on both sides and are being analyzed from the point of view of the budget. It would be my hope we could proceed with that matter now.

Mr. WARNER. Would the Senator allow me to make a unanimous consent request?

Mr. STEVENS. Yes. I am not saying I might not object to it, though.

Mr. WARNER. I am trying to put a record together for the benefit of all Senators. I simply ask unanimous consent to have printed in the RECORD the letter that President Bush sent the Senate in 1991, so each Senator can compare them.

Mr. STEVENS. Reserving the right to object, so long as the Senator also has printed at the same time for the RECORD the joint resolution that was adopted by a vote of 52–47, following President Bush's letter.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I shall not object because I drew up the resolution, if the Senator will look at the first name on it.

There being no objection, the letter and joint resolution were ordered to be printed in the RECORD, as follows:

[Letter dated January 8, 1991 from President George Bush to Hon. Thomas S. Foley, Speaker of the House of Representatives, requesting that the House of Representatives and the Senate adopt a resolution stating that Congress supports the use of all necessary means to implement U.N. Security Council Resolution 678]

THE WHITE HOUSE,
Washington, January 8, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The current situation in the Persian Gulf, brought about by Iraq's unprovoked invasion and subsequent brutal occupation of Kuwait, threatens vital U.S. interests. The situation also threatens the peace. It would, however, greatly enhance the chances for peace if Congress were now to go on record supporting the position adopted by the UN Security Council on twelve separate occasions. Such an action would underline that the United States stands with the international community and on the side of law and decency; it also would help dispel any belief that may exist in the minds of Iraq's leaders that the United States lacks the necessary unity to act decisively in response to Iraq's continued aggression against Kuwait.

Secretary of State Baker is meeting with Iraq's Foreign Minister on January 9. It would have been most constructive if he could have presented the Iraqi government a Resolution passed by both houses of Congress supporting the UN position and in particular Security Council Resolution 678. As you know, I have frequently stated my desire for such a Resolution. Nevertheless, there is still opportunity for Congress to act to strengthen the prospects for peace and safeguard this country's vital interests.

I therefore request that the House of Representatives and the Senate adopt a Resolution stating that Congress supports the use of all necessary means to implement UN Security Council Resolution 678. Such action would send the clearest possible message to Saddam Hussein that he must withdraw without condition or delay from Kuwait. Anything less would only encourage Iraqi intransigence; anything less would risk detracting from the international coalition arrayed against Iraq's aggression.

Mr. Speaker, I am determined to do whatever is necessary to protect America's security. I ask Congress to join me in this task. I can think of no better way than for Congress to express its support for the President

at this critical time. This truly is the last best chance for peace.

Sincerely,

GEORGE BUSH.

JOINT RESOLUTION

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990;

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression;

Whereas, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace;

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored;

Whereas the United Nations Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the United Nations Charter;

Whereas, in the absence of full compliance by Iraq with its resolutions, the United Nations Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for Use of Military Force Against Iraq Resolution''.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) that those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Approved January 14, 1991.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. REID. Will the chairman yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. REID. I wonder if the chairman could attempt to get clearance from the two leaders—maybe one way to move this along is to vote on the underlying motion to table that will be made shortly.

Mr. STEVENS. I am pleased to do that, but we have to check with both sides to see about the timing. I hope the Senator will help me on that. I will check, also, to see if we can get an agreement as to when that should be.

At the present time, am I correct, Mr. President, the pending business is the Murkowski amendment?

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas is recognized for a parliamentary inquiry.

Mrs. HUTCHISON. Where in the line is the Hutchison amendment?

Mr. STEVENS. The Hutchison amendment was put aside. It is my understanding, I say to the Senator from Texas, it was put aside so we could proceed with the balance of the supplemental. It will be the last amendment to be considered. It could be called up by requesting the regular order by either the majority leader or myself.

Mrs. HUTCHISON. At some point following the Murkowski amendment, I would like the opportunity to address my amendment and set it aside.

Mr. STEVENS. Is my understanding correct that the amendment of the Senator from Texas is set aside?

The PRESIDING OFFICER. It is set aside, subject to being called back by the Senator from Texas or the Senator from Alaska.

Mr. STEVENS. Very well. Then the Senator has that right. It was not my understanding at the time, but I am prepared—I am not prepared to yield this floor until I can find out how we can get back to getting some votes and get these matters resolved and finish this bill tonight.

I know my colleague is seeking to be recognized. There was a Senator who was supposed to come over and make a motion to table the amendment of my colleague. As my colleague knows, I don't do that.

Mr. MURKOWSKI. Will the floor manager yield for a question?

The PRESIDING OFFICER. Will the Senator from Alaska yield to the Senator from Alaska?

Mr. STEVENS. Mr. President, it would be my pleasure at this time to yield briefly to my colleague for a question.

Mr. MURKOWSKI. What I am attempting to do is accommodate the floor manager by advising him that we are certainly ready for a vote on a tabling motion, so that you can advise Members of the scheduled for the balance of the evening. Maybe we can get a time certain.

Mr. STEVENS. I say to my friend and colleague that we are checking out the time of 6:45. I hope that clears. It is my understanding that Senator REID will make the motion to table the amendment of the Senator from Alaska. I could at this time start with the process of reviewing some of these amendments in my manager's package.

Mr. MURKOWSKI. I wonder if I could pretty much count on that. I would like to leave for about 20 minutes.

Mr. STEVENS. My friend can be assured that it won't happen before 6:45. Mr. President, I yield to the Senator from Nevada for the purpose of making a motion to table.

Mr. REID. Mr. President, on behalf of the Senator from Montana, Senator BAUCUS, I move to table the Murkowski amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote occur at 6:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 113 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to vitiate Senate action on amendment No. 113 and ask that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have the manager's package that I mentioned, which includes 10 amendments. As I have said, we tried our best to clear these amendments throughout the Senate. I hope the Senate will agree to this package. It has been cleared on both sides.

First is an amendment by Senator HELMS to appropriate, with a corresponding rescission, funds for the U.S. Commission on International Religious Freedom. Second is an amendment by Senator GRASSLEY to appropriate, with a corresponding rescission, funds for regional applications programs, consistent with the direction and the report to accompany Public Law 105–277. Third is an amendment by myself to allow military technicians, while deployed, to receive per diem expenses. Fourth is an amendment by myself clarifying the intent of the fiscal year 1998 and 1999 Interior and related agency appropriations bills in relation to Pike's Peak Summit House. Fifth is an amendment by Senator GREGG in relation to an issue for renewal of fishing permits and fishing

vessel operations. Sixth is an amendment on behalf of the minority leader dealing with reprogramming of funds by the Corps of Engineers. Seventh is an amendment by myself dealing with the authority to release aircraft by the Department of Defense. Eighth is an amendment on behalf of Senators ENZI and BINGAMAN providing funds and appropriate rescission for the Livestock Assistance Program. Ninth is an amendment on behalf of Senators BINGAMAN and ENZI providing emergency relief to the domestic oil and gas industry. Tenth is an amendment by Senator DOMENICI and others establishing an emergency oil and gas guaranteed loan program.

AMENDMENTS NOS. 132 THROUGH 141, EN BLOC

Mr. STEVENS. Mr. President, I send these 10 amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 132 through 141, en bloc.

The amendments are as follows:

AMENDMENT NO. 132

(Purpose: To appropriate, with a rescission, funds for the United States Commission on International Religious Freedom)

On page 30, between lines 10 and 11, insert the following:

CHAPTER 7

DEPARTMENT OF STATE RELATED AGENCY

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–282), $3,000,000, to remain available until expended: *Provided,* That the amount of the rescission under chapter 2 of title III of this Act under the heading ''CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS'' is hereby increased by $3,000,000.

AMENDMENT NO. 133

(Purpose: Climate research)

At the appropriate place, insert the following:

On page 24, line 2, after ''expended.'' insert the following:

''*Provided further,* That from unobligated balances in this account available under the heading 'climate and global change research', $2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105–277.''

On page 38, line 13, strike ''$2,000,000'' and insert ''$1,000,000''.

AMENDMENT NO. 134

(Purpose: To allow military technicians while deployed to receive per diem expenses)

On page 27, line 12, insert the following:

SEC. . Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5 may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in Section 1002(b) of title 37, United States Code.

AMENDMENT NO. 135

At the end of Title II of the bill insert the following:

''SEC. . A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, P.L. 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in Division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.''

AMENDMENT NO. 136

At the appropriate place in title II insert:

SEC. . Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

''(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)''; and

(2) in subsection (b), by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

AMENDMENT NO. 137

At the appropriate place at the end of Title II, insert:

SEC. . The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in Fiscal Year 1999 for the operation of The Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and state of South Dakota, and to provide the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

AMENDMENT NO. 138

(Purpose: To provide limited operational leasing authority to the Secretary of the Air Force)

In the appropriate place in the bill, insert the following new section:

''SEC. . OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT.

''(a) AUTHORITY TO LEASE.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

''(b) MAXIMUM LEASE TERM FOR MULTIYEAR LEASE.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

''(c) COMMERCIAL TERMS.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a non-governmental lessor to a non-governmental lessee.

''(d) TERMINATION PAYMENTS.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

''(e) OBLIGATION AND EXPENDITURE OF FUNDS.—Nothwithstanding any other provision of law—

''(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d) above, and

''(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d) above, may be made from—

''(A) appropriations available for the performance of the lease at the time the lease takes effect;

''(B) appropriations for the operation and maintenance available at the time which the payment is due; and

''(C) funds appropriated for those payments.

''(f) OTHER AUTHORITY PRESERVED.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.''.

AMENDMENT NO. 139

(Purpose: To provide emergency relief to the livestock industry)

At the appropriate place in title II of the bill, insert the following:

''SEC. . For an additional amount for the Livestock Assistance Program under Public Law 105–277, $70,000,000. *Provided,* That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit

Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

And:

An additional amount of $250,000,000 is rescinded as provided in Section 3002 of this Act.

AMENDMENT NO. 140

(Purpose: To provide emergency relief to the domestic oil and gas industry)

At the appropriate place in title II of the bill, insert the following:

''SEC. . DEDUCTION FOR OIL AND GAS PRODUCTION.

''(a) DEDUCTION.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

''(A) increase oil or gas production from existing wells on public land;

''(B) drill new oil or gas wells on existing leases on public land; or

''(C) explore for oil or gas on public land.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'lessee' means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

''(2) the term 'public land' has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

''(3) the term 'qualifying well' means any well for the production of natural gas, crude oil, or both that is on public land and—

''(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

''(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

''(c) SUNSET.—The Secretary of the Interior shall not allow a deduction under this section after—

''(1) September 30, 2000;

''(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude oil on the New York Mercantile Exchange closes about $18 per barrel; or

''(3) lessees have deducted a total of $123,000,000 under this section—whichever occurs first.

''(d) ADMINISTRATIVE COSTS.—For necessary expenses of the Department of the Interior under this section, $2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

''(e) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

''(1) shall be available only to the extent an official budget request for $125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, and

''(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; and

An additional amount of $125,000,000 is rescinded as provided in Section 3002 of this Act.

AMENDMENT NO. 141

(Purpose: To establish an emergency oil and gas guaranteed loan program)

On page 23, between lines 8 and 9, insert the following:

SEC. ___. PETROLEUM DEVELOPMENT MANAGEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Oil and Gas Guaranteed Loan Program Act''.

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term ''Program'' means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term ''qualified oil and gas company'' means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their by-products as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed $500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office, before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain

available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, again, I say to the Senate that I appreciate the consideration of all concerned for having not objected in areas where they might have objected. The bulk of these amendments are amendments we will consider at length with the House. I hope we will be able to convince the House of their merit. We will also consider some of the objections that may be raised from Members of the Senate individually, from the administration, or from the Congressional Budget Office. We will do our best to have a bill that warrants the approval of the Senate.

Mr. REID. Will the manager yield for an inquiry?

Mr. STEVENS. Yes.

Mr. REID. It is my understanding that, other than the Kosovo amendment, there are no other amendments in order; is that true?

Mr. STEVENS. That is not quite true. We still have many amendments on the list. We are led to believe that no other amendments will be raised from that list based on the negotiations we have had so far, with one exception, and I have it in my hand. It is the majority leader's amendment.

AMENDMENT NO. 142

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT, proposes an amendment numbered 142.

At the appropriate place, insert the following:

''that the presiding officer of the Senate should apply all precedents of the Senate under Rule 16, in effect at the conclusion of the 103rd Congress.''

Mr. LOTT. This amendment is a very simple one. In March 1995, the beginning of the 104th Congress, the Senate overturned a ruling of the Chair with respect to legislation on an appropriations bill. Ever since that March day, Senators have not been able to raise a point of order against certain amendments offered to appropriations bills. Any amendment dealing with matters not addressed in the specific appropriations bill would no longer be subject to a point of order and therefore are always in order, regardless of the subject matter.

In this Senator's opinion, once that prohibition was lifted, the appropriations process was weakened by Senators on both sides of the aisle offering nonrelated amendments to very vital and time-sensitive appropriations bills. Having said that, I, along with the chairman of the Appropriations Committee, the ranking minority member and the Democratic leader have been attempting to resolve this and other issues we believe weaken the appropriations process. There are several resolutions pending in the Rules Committee that address some of these issues. However, final committee disposition has not been reached with respect to those resolutions.

Therefore, I think it is time for the Senate to take this first step toward strengthening the appropriations process and reinstating what had been a part of the Senate Rules for well over 100 years. The time is now and I hope all Senators will be able to support this initial but important step to a more responsible legislative process.

Mr. STEVENS. Mr. President, I might say to the Senate that I made the statement that the managers would object to any amendments that were not agreed to on both sides. We made an exception in that case for the leaders' amendments. We have taken the amendments from the distinguished minority leader. This is the last one of the majority leader. I understand there will be objection on the other side. Therefore, I will ask that it be set aside temporarily awaiting the majority leader's return, so he can decide what he wants to do with his amendment. He asked me to offer it.

I also state for the RECORD that although I did agree to make a motion to table on any amendments that were not agreed to on both sides, I made an exception in that situation for my colleague from Alaska, which I had cosponsored. That has been taken care of. My friend from Nevada made a motion to table that. We will let the Senate decide that issue. Other than that, as I understand it, we are in the situation that the last remaining matter is the amendment of the Senator from Texas.

I ask unanimous consent that the amendment of the majority leader be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I give notice to the Senate that following the vote on the tabling motion offered by the Senator from Nevada, I shall ask unanimous consent to vitiate the remainder of the amendments on the list, and the only remaining amendments will be Senator LOTT's amendment and the amendment of the Senator from Texas, the Kosovo amendment, which has to be disposed of one way or another for us to finish this evening. So at this time, does any Member have an amendment they wish to offer?

Mr. President, if not, let me take a couple minutes for myself on the Kosovo question. I am glad the Senator from Virginia has given me this. I was one of those that was invited to the White House this morning. As I approached the problem of listening again to the question of what we should do in Kosovo, I listened to a President that I think has made up his mind to initiate the air war.

I am a very pragmatic Senator. My feeling was that if that was going to go forward, the people who were going to carry out that order deserve the support of this Congress. But I also had the feeling that we should assure ourselves that none of the funds that we have made available to the Department of Defense in the past, or through this bill we are considering now, could be used for initiating a ground war in this area. I so stated to the President that while I had severe reservations about the air war, he is the Commander in Chief, and if he has made the decision that it is going to take place, we have no way to stop that. But we do have a way to signal to the men and women of the Armed Forces that we do understand they are subject to the commands of their Commander in Chief, and when they undertake fulfilling those commands by going outside the United States in particular to carry out the policies of this country, I think they deserve to know that the Congress supports them.

I therefore came back thinking we would have a joint resolution that the President would be asked to sign setting forth those two conditions which were ably set forth by Senator BYRD. Senator BYRD spoke ahead of me at that meeting, and he, strangely enough, made the statement that I had determined I was going to make at the meeting. The situation was that I returned thinking we would have a joint resolution.

We now will have before us a Senate concurrent resolution, which is a form that we all know does not require the signature of the President. I understand that is being done for reasons beyond our control. But we no longer have the resolution Senator BYRD originally discussed, and it is my understanding from talking to Senator BYRD that he has consented to consolidating that into a direct statement of one sentence. I expect that to be offered soon.

The second version I had intended to propose and Senator BYRD did propose

was about the introduction of the Armed Forces of the United States into this area that I understand was to be deleted.

I am now informed by Senators BIDEN and WARNER that there is an agreement that that section will be put back into this concurrent resolution, which will once again contain the prohibition against funds to introduce ground forces of the United States into this area in a nonpermissive environment, meaning in terms of combat or in terms of imminent combat. They could go into a nonpermissive environment to carry out the procedure we thought we might be involved in, in terms of introducing 4,000 troops along with NATO in a peacekeeping effort. Section 2 of this resolution does not address that from the point of view of the intent of this Senator.

But I do want to make it clear that I believe this is probably the most dangerous area of the world for our Armed Forces to be involved. I know really of no place in the world I would fear more, as a pilot flying over those mountains with the ground-to-air defenses that I know exist there, as much as this area of the former Yugoslavia. It is, beyond question, the most complicated area for military activity, far beyond Bosnia and far beyond what we might have contemplated in World War II in Europe in terms of where we operated with American Armed Forces.

This area consumed several Nazi divisions—21. Is that correct, Mr. President? It consumed them, destroyed them, in terms of the action of the partisans in that area.

If this bombing does not bring about a cessation of the genocide we believe is going to take place or is taking place, then it is going to be a very, very difficult problem to decide what to do. And I think the Congress has to be involved before that plan is agreed to by the U.S. representatives and NATO.

Above all, I hope the message will go out to the people who represent this country in connection to NATO, they are not to make agreements about injection of Armed Forces of this country in a ground war before approval of the Congress. That, to me, would be unconscionable. And I am delighted my friends have agreed to put this section 2 in.

Mr. President, I just want to close with this. There is no other word. I used it with the President. I have a ''gut feeling,'' a ''deep gut feeling,'' that we have initiated something which will be very hard to control from now on. This will require the consideration and really the absolute concentration of every American to try to get out of this place without severe loss of life.

I urge the Members of Congress to understand that the President has made this decision. And it is not ''if.'' It is ''when.'' And when it happens, we have to be united behind our Armed Forces. That is all there is to it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank our colleague from Alaska.

There is an important provision we have incorporated in the draft resolution which Senator BIDEN and I have circulated among our colleagues. I think it is important, since it is not at the desk, that I just read it so that it can be reviewed by Senators.

Section 1 remains as I read it.

Section 2, which is a derivative of, again, work by the Senator from Alaska and, indeed, the distinguished Senator from West Virginia—the original concept of this was in drafts prepared by Senator BYRD earlier today. And I shall read it.

None of the funds available to the Department of Defense (including funds appropriated for fiscal year 1999 or prior years) may be used for the introduction of ground forces of the Armed Forces of the United States into the Federal Republic of Yugoslavia (Serbia and Montenegro) in a non-permissive environment, with the exception of (1) any intelligence or intelligence-related activities or surveillance or the provision of logistical support or (2) any measures necessary to defend the Armed Forces of the United States or NATO allies against an immediate threat or to defend United States citizens in the area described in this resolution.

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. WARNER. Yes.

Mr. STEVENS. Mr. President, I believe Senator BYRD is correct that there should be a reporting requirement added to this. But I leave that for us to determine at a later time.

I thank the Senators involved, and, with the reinsertion of section 2, I ask that I be made a cosponsor of the resolution.

Mr. BIDEN. Mr. President, will the Senator yield for a brief comment? Because I know the Senator from West Virginia wishes to speak on this.

I want to be clear. I think the recommendation and the suggestion of the Senator from Alaska, which is consistent with what the Senator from West Virginia and he both said today to the President, is a good idea. I personally am prepared to accept that.

I just add one caveat. I need another 3 or 4 minutes to run the traps. I want to make it clear, I accept this. I accept this personally. I think it makes sense. But I have calls in to several of our colleagues as to whether or not, since they were part of this on our side, they will go with this. I am confident. I believe they will. But I just want to be absolutely clear, and I think we should proceed. But I see the Senator from West Virginia who wishes to speak. I think it is a great and significant commitment that he has made with regard to the nonpermissive piece of this. I think it makes sense.

Mr. STEVENS. Mr. President, I withhold my request to cosponsor until I know the section 2 is in the resolution.

The PRESIDING OFFICER. The Senator from Virginia holds the floor.

Mr. WARNER. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, may I inquire of the Senator how long he thinks it might be before we may be voting?

Mr. STEVENS. Mr. President, the Senator has inquired of me, and I am pleased to say by previous order we shall vote at 6:45 on a motion to table the Murkowski amendment. Following that, we hope to get back to the two other amendments. One is the amendment of the Senator from Texas on Kosovo, and the other one is the distinguished majority leader's amendment. I think we will dispose of them rather quickly and vote on the bill.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business until the time of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I also ask unanimous consent that Brendan O'Donnell of my staff be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

''STORM IN MY MIND''

Mr. KERRY. Mr. President, I want to speak for a few minutes today about a very special young man who has been working in my office as an intern over the last months and someone who has shared endless enthusiasm with me personally and with my staff, and who has taught a great many of us in my office in the extended Kerry political family a very important lesson about the ability of individuals to overcome learning disabilities and about the power of the human spirit.

Brendan O'Donnell has a terrific story to tell. He comes from a wonderful and loving family that has always encouraged him to set his goals high, to pursue his aspirations to the very best of his ability, and to refuse to allow any label or characterization of his potential to stop him. He is a young man who literally does not give up. Brendan's character, his determination, his terrific attitude and positive energy that drive his efforts are really something to behold, Mr. President. They are, in so many ways, the lasting imprint of his father, my friend and the friend of many of us on this side of the aisle, the late Kirk O'Donnell, and of his mother, Kathy Holland O'Donnell.

Kirk O'Donnell, many people may recall, was taken from us far too young, last year. I think all of us would agree that he left a lasting legacy, an imprint on all of our lives. Brendan, of course, will also tell you that one of the people who encourages him and

gives him such a huge amount of confidence is his sister, Holly O'Donnell.

We have been very lucky to have Brendan on our team these past months, and I look forward to continuing for a long time to get to know this young man even better.

Brendan has written a speech for me about a subject that he believes is very important, and I agree with him it is. He thinks it is important that here in the Senate, and all across the country, in our homes, in our schools, that we start talking about the efforts we can make together, in partnership with one another, to help those with learning disabilities make the most of their own lives.

Brendan's remarkable achievements are testimony enough to what individuals with learning disabilities can achieve. His words on this subject, though, are really something special. I would like to share with you what Brendan wrote. He said:

This is an important topic for kids today, kids like me. We should try to talk about learning disabilities and really get the point across—we can all be teachers about this subject. And we should all try to make a difference.

I think that there should be a different name for learning disabilities. My Mom and I have thought a lot about this, and to me it's not a disability—it's just that I have something which causes a storm in my mind. When I look at something—I have to take my time and take it all in. People need to be understanding and make things clear to me. To do that, though, people need to know more about learning disabilities, whether they're kids or adults.

People need to know that they should not look down at us. They should try extra hard to be nice to us and not make fun of us. We are the same as everyone else—and if someone takes the time to teach us, to work with us to help us understand, we can do whatever we want.

Right now I don't think we do enough to help kids with learning disabilities. You don't see enough people with learning disabilities in the best jobs—even though they are bright enough, even though they are talented enough. This needs to change.

It can happen, I think, if we have really good schools. I went to a high school called RiverView School. When you had a problem, when you needed special attention, they were willing to help.

Our school did not believe in the kind of tests you put on paper—they thought it was best for us to push and test ourselves, That's what I do every day. I test myself.

That's why I love to play sports. At our school anyone could play a sport. We had a cross country team, and a basketball team and swimming team and tennis team. And I learned a lot about swimming and trying my best when I played basketball and football.

And now I want to push myself again. I want to go to cooking school, and learn to be a chef so that some day I can have a restaurant of my own in Massachusetts, in Scituate. It'll be hard to do—but I'll do it.

I think there needs to be a program where kids with learning disabilities can learn how to do jobs in the real world, like cooking programs and art programs—progams so more kids can be like me. We can all try our best—and we can all do our best—if we help each other and if we care about each other. That's something I think we also need to take about in this country.

Those are Brendan's words, but I think he speaks for a lot of Americans, Americans who don't let anyone put limits on their potential, Americans who have dreams and do not give up. I agree with Brendan—each of us, in our own personal way, should do all we can to help those Americans who get up every day and do their best to overcome learning disabilities. And I thank Brendan for making that case better than any scientific study ever could.

I have been lucky to know Brendan O'Donnell, to be inspired by his strong will, his good nature, and his work ethic. I am proud of the work he has done in my office. I want to offer him my warmest wishes as he leaves us to pursue his ambitions. I am looking forward to the day when I can go to a restaurant in Scituate and know that Brendan O'Donnell is at once the owner and the chef, cooking up lobster and oyster for everyone. And I know that day will come because Brendan O'Donnell never gives up.

I yield the floor.

Mr. KENNEDY. Mr. President, I ask consent for 30 seconds?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I commend my friend and colleague for sharing with all of the Senate the really enormously sensitive, informed, and wonderful comments of Brendan. I, too, have known this young, extraordinary man, and know what a difference he has made in so many different lives. He really ought to be commended.

Brendan shared with the Senate, with all of us, these very eloquent words. I thank my friend and colleague, and join with him in commending Brendan and for all he has done, not only for my friend and colleague, but for all of those who are facing challenges in the area of learning disabilities.

Mr. KERRY. Mr. President, I thank my colleague, Senator KENNEDY. I particularly want to point out Brendan has just enjoyed his first floor privileges and has been able to listen to his own words on the floor of the Senate. I think that is a great accomplishment and great thrill for him.

I thank my colleagues, and I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 130

The PRESIDING OFFICER. It is now 6:45. By unanimous consent, the vote occurs on the tabling of the Murkowski amendment.

The yeas and nays have been ordered.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HARKIN. There is a vote now. What is the sequence of the votes that will take place?

The PRESIDING OFFICER. That is the only vote ordered, the motion to table the Murkowski amendment.

Mr. HARKIN. Further parliamentary inquiry. After that vote is taken, then the floor will be open for further discussion on the Kosovo issue?

Mr. STEVENS. We still have pending amendments, Mr. President.

The PRESIDING OFFICER. After that vote is taken, we will be on the Lott amendment, amendment No. 142.

Mr. HARKIN. Which is open for discussion?

The PRESIDING OFFICER. It is debatable.

Mr. HARKIN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—40

Baucus	Graham	Murray
Biden	Harkin	Reed
Bingaman	Jeffords	Reid
Boxer	Johnson	Robb
Bryan	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Collins	Kohl	Snowe
Daschle	Lautenberg	Torricelli
Dodd	Leahy	Warner
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden
Feingold	Lugar	
Feinstein	Mikulski	

NAYS—59

Abraham	Enzi	Mack
Akaka	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Conrad	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Inouye	Thomas
Crapo	Kyl	Thompson
DeWine	Landrieu	Thurmond
Domenici	Lincoln	Voinovich
Dorgan	Lott	

NOT VOTING—1

Cochran

The motion to lay on the table the amendment (No. 130) was rejected.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 130) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order. There is a pending motion to reconsider.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. If the Senate will give us just a few minutes here, I ask unanimous consent that I may be allowed to yield to the Senator from Texas for 3 minutes to discuss her amendment.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized for 3 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

AMENDMENT NO. 81 WITHDRAWN

Mrs. HUTCHISON. Mr. President, the amendment that is the regular order is my amendment on Kosovo. A lot has happened since I offered this amendment early last week, because my amendment actually asks the President to come forward and tell us what he was going to do in Kosovo. This assumed a peace agreement. It assumes that we would have a plan put in place before we would take action in Kosovo.

Unfortunately, time has bypassed this amendment. Unfortunately, the President made up his mind, I think, before he ever talked to Members of Congress that we would bomb Kosovo. I think we are taking a very important step and one that I hope everyone will take seriously.

Bombing a sovereign country that has not threatened the United States of America is a very serious step. I think we also need to look at the NATO mission. We are changing the mission of NATO without debate, without a vote of Congress. We are turning NATO from a defense alliance to an alliance that has now decided it is going to take an offensive action against a country that is not in NATO. This is unprecedented.

So I do think the President needs to come to Congress with a plan. If we are going to take step 1, we need to know what step 2, 3, and 4 are. We need to know what could happen and what circumstances would cause us to have more commitments in the Balkans.

Mr. President, I think it is premature for us to be doing what we apparently are going to be doing. But I think my amendment has been bypassed by time. So I am going to withdraw my amendment and let the supplemental appropriations bill go forward on the promise from our leadership that we will take up a bill on Kosovo that will have teeth, that will have an up-or-down vote, as Congress is required to do when we have this kind of action by our military forces.

So, Mr. President, I withdraw my amendment. I look forward to the debate. I look forward to Congress exercising its responsibility under the Constitution that if there is going to be a war declared, that it will be Congress that will declare it.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 81) was withdrawn.

AMENDMENT NO. 142 WITHDRAWN

Mr. STEVENS. Mr. President, I now ask unanimous consent to withdraw amendment No. 142 that I submitted on behalf of the leader.

The PRESIDING OFFICER. Without objection, it is so ordered. That amendment is withdrawn.

The amendment (No. 142) was withdrawn.

Mr. STEVENS. Mr. President, third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 544), as amended, was passed.

(The bill will be printed in a subsequent edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Is there not an order already entered that holds this bill now for the receipt of the bill from the House on the same subject?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Therefore, we are finished with the supplemental, correct?

The PRESIDING OFFICER. That is correct.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I send an amendment to the desk.

Mr. WARNER. Will the Senator yield so I can speak on behalf of the majority leader?

Mr. BIDEN. Sure. I withhold.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 21

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to the concurrent resolution sent to the desk regarding Kosovo and there be a time period, of which I think we will have a discussion first, for debate equally divided between the two leaders, no amendments or motions be in order. Further, I ask that following the time constraints the Senate proceed to vote on agreeing to the resolution, with no intervening action or debate.

Mr. President, for the convenience of Senators, I have—

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I have not put anything to the Chair yet. If I could just—

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. WARNER. Thank you. I will just place on the desks copies of it so Senators can have an opportunity to read it. We have now dropped the second section. We have gone back to the original provision, and I shall read it, and then Senators can have copies. ''Concurrent Resolution, Authorizing''—

The PRESIDING OFFICER. The Senator has made a unanimous consent request. Is there objection?

Mr. WARNER. I am still in the process of making it, if I may, Mr. President, if that is agreeable.

Mr. WELLSTONE. Reserving the right to object. I am not clear what the request is.

Mr. WARNER. If I could just finish my comments, then I will be happy to entertain any objections or otherwise.

It is a concurrent resolution authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia, Serbia and Montenegro.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

The reason I have not formally proposed the UC is we are trying to determine the time that would be required by both sides.

Might I suggest a period of, say, 2 hours for purposes of debate?

Mr. BIDEN. Mr. President, I suggest that we need a lot less time than that. I suggest 30 minutes equally divided.

Mr. WARNER. Thirty minutes equally divided is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, my objection is still standing but I withdraw it.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. BIDEN. Parliamentary inquiry: Is the Senate concurrent resolution at the desk?

The PRESIDING OFFICER. It is at the desk.

Mr. BIDEN. It is at the desk.

The PRESIDING OFFICER. It has not been reported, however.

Mr. BIDEN. I suggest that it be reported.

AUTHORIZING THE PRESIDENT OF THE UNITED STATES TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Parliamentary inquiry: How much time is involved?

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. STEVENS. Who is handling the opposition?

The PRESIDING OFFICER. The two leaders or their designees.

Mr. WARNER. I am, of course, in favor, as the cosponsor with Mr. BIDEN, so I suggest that the Senator from Idaho, Mr. CRAIG, be a manager.

Mr. BIDEN. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, this is a very straightforward concurrent resolution, but I think it bears reading again.

It says,

Authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

It is straightforward and simple. It is a clear up-or-down vote on whether or not we support the action that is contemplated by the President, that NATO, through its action order—so-called action order—has authorized Solana to call for at his discretion and concurrence with the leaders of the 19 NATO countries.

I think we have debated this a lot. There are very strong views on this. I happen to think this is an authority that Congress should be giving the President, but at a minimum I think most of us agree that the President needs to hear from the Congress as to what our position is.

I strongly urge my colleagues to support this resolution.

I reserve the remainder of the time.

Mr. WELLSTONE. May I ask the Senator a question?

Mr. BIDEN. I am happy to respond to a question.

Mr. WELLSTONE. I thank my colleague.

Could my colleague, for the purposes of the legislative record, spell out the objective? The President is authorized to ''conduct military operations.'' Could my colleague spell out what his understanding is?

Mr. BIDEN. My understanding of the objective stated by the President is that his objective is to end the ethnic cleansing in Kosovo and the persecution of the Albanian minority population in Kosovo and to maintain security and stability in the Balkans as a consequence of slowing up, stopping, or curtailing the ability of Milosevic and the Serbian VJ and the MUP to be able to go in and cause circumstances which provide for the likelihood of a half-million refugees to destabilize the region.

The objective at the end of the day: Hopefully, this will bring Milosevic back to the table. Hopefully, he will agree to what all of NATO said they wanted him to agree to, and hopefully that will occur. In the event that it does not occur, the objective will be to degrade his military capability so significantly that he will not be able to impose his will upon Kosovo, as he is doing now.

Mr. WELLSTONE. Mr. President, I thank my colleague for his response and would like to make it clear that I believe my support would be based upon these kinds of objectives.

Mr. BIDEN. I thank the Senator.

Does the opposition wish more time?

Mr. CRAIG. Mr. President, I stand in opposition to the Senate concurrent resolution and yield 2 minutes to Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President. I appreciate our colleague from Idaho recognizing me to speak briefly on this amendment.

I rise in opposition to this amendment to this resolution. I think this is an ill-advised, ill-timed, inappropriate action to take, given the situation that we have, given the potential and the actual probable loss of U.S. lives, the lack of involving the entire United States in this and saying to the American people: Why are we doing this? We don't know where it is going on step 2, step 3, and step 4.

This is step 1. We go in and we bomb a sovereign nation involved in a civil war. What if he doesn't fall back? What if Milosevic doesn't say: OK, I give up, and you can have autonomy in Kosovo? What if we go ahead into Montenegro and say we want to split off. Will the United States bomb and support Montenegro in that process?

This is a very, very serious step we are taking of such foreign policy, and we have not had sufficient debate about what the U.S. position is. This is not in our strategic and vital interest of what is taking place. Yet we are going to go forward and start a bombing campaign. We need to have a thorough, extensive debate here, involving the American people, as to whether or not this is in our vital and strategic interests. I submit that has not taken place to date. The administration has not brought the Congress along, and this is an inappropriate, ill-timed event and action for us to take and is not being supported by the American people.

For those reasons, I will be opposing this resolution.

Mr. BIDEN. Mr. President, I yield 2 minutes to the distinguished Senator from Massachusetts, Senator KERRY.

Mr. KERRY. Mr. President, I believe that the way we have arrived here is less than ideal. However, the choices we have are also not ideal. The choice of doing nothing is absolutely unacceptable.

While I will have more to say about the process by which we got here, there are powerful strategic, humanitarian, and historical reasons that the United States, in a broad-based, NATO-based effort, ought to be doing what it is engaged in.

I think it is important for all of our colleagues to reflect on the fact, this is not the United States acting unilaterally; this is all of the allies, all together, all of them coming together, with a preponderance ultimately of European involvement if there ever is a peace process to enforce.

I want to emphasize one thing with respect to the goals and objectives. I view these as very limited in their current structure. I view it as essentially an effort to try to minimize Milosevic's capacity militarily to ethnically cleanse. It is hoped that you might also secure the peace. It is hoped that you might also be able to move to a more broad-based enforcement process. But I don't view that as the essential objective. The essential objective is to minimize his capacity to work his will without any contravening forces that would equalize the battlefield, if you will, and minimize the capacity for ethnic cleansing. That is the overpowering strategic and, I think also, humanitarian interest here, and I think it is important for the Senate to stay focused on the limitations.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are in this situation because sometime last year the administration authorized our representatives of NATO to enter into an agreement that would allow NATO forces to conduct strike operations against the Serbs if they did not sign an agreement that was sought—the ''peace agreement'' so-called. That did not occur. Suddenly, we find that now here we are with one sentence, one sentence approving the concept of sending in airstrikes against that nation. We do not have a prohibition against the use of ground forces, and I told the President this morning I would support this resolution if it did.

But beyond that, I am constrained to say that I remember standing here on the floor in 1991 when Iraq invaded Kuwait, when racial cleansing was not

only taking place, they were murdering people in public. They had taken over a nation and they were obviously going to go into Saudi Arabia. We were in the minority and we sought to support our President, and we got very little support. I put in the RECORD already the letter that President Bush sent. He said if the Congress did not agree, he would not dispatch forces. Today, I looked in the eye of a President that had already made up his mind on the air war. I seriously regret that we have not put a parameter around this war so it will prevent the use of our forces on the ground. I believe we are coming close to starting World War III. At least I know we are starting a process that is almost going to be never-ending, unless it never starts.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I cosponsor this resolution because, year after year, we have asked Europe to take the lead before we are leading in their own back yard, to become united, to take care of troubles before they spread. They have done so. They are now waiting for us. It has been asked, will our European allies stay with us? That is not the question. The question is whether we will now join our European allies who are waiting for us to sound a clear call that we will not permit ethnic cleansing to spread to destabilize a region and to destabilize Europe.

The stakes here are huge. The objective here, we should be very clear, is to reduce the military capability of Milosevic to ''ethnically cleanse'' Kosovo and thereby touch off a broader war and massive instability in Europe. That is our military objective—to reduce that military capability to ethnically cleanse Kosovo.

If we had acted earlier in Bosnia, we could have avoided that genocide. We did not act. NATO has now decided to act, and it is the future stability of Europe which we are going to help determine here tonight, as well as the support for our troops. It was asked of the President, ''Request our support, Mr. President.'' We heard that at the White House over and over again. The President has now requested our support. Our military leaders have set forth a clear military objective. They have done so before the Armed Services Committee. They have done so before other committees and each of us. So now it is up to us to decide whether or not we will support our troops, and whether we will support NATO. The risks of not acting are greater than the risks of acting.

Mr. President, I believe it is important for the United States to participate in NATO air and missile strikes. NATO is ready to act because of the threat that the conflict in Kosovo could spread to the neighboring countries of Macedonia, Albania, and Bosnia and could involve nations such as Greece, Turkey, Bulgaria, Romania, and Hungary, and to prevent a humanitarian disaster.

I believe the military mission for our forces should be clearly and carefully stated as to reduce the military capability of the Serbian special police and Yugoslav Army to ethnically cleanse Kosovo and touch off a broader war and major instability in Europe.

It is tempting and would be easy to justify NATO action against the Serbian police and Yugoslav Army forces as a way to punish Milosevic. He has destroyed the economy of former Yugoslavia; shut down its independent media; ousted all democracy-learning professors from its universities and substituted his cronies; has threatened President Djukanovic of the Yugoslav Republic of Montenegro, who favors democracy and a free market economy; has seized privately-owned property, including property owned by an American citizen; and has violated every agreement he has ever made, including, in particular, the Dayton Peace Accords and the October 12, 1998 agreement with Richard Holbrooke.

But it is the threat to regional peace and security that justifies NATO air strikes.

The United States is the leader of NATO and the credibility of NATO is on the line; the future stability of Europe is on the line; and the ethnic cleansing of the population of Kosovo is on the line. With all of these important interests on the line, I believe the United States must do its part, in cooperation with our NATO allies, to carry out air operations and missile strikes to reduce the military capability of the Serbian special police and Yugoslav Army to ethnically cleanse Kosovo and touch off a broader war and create major instability in Europe.

I have been a strong supporter of the development of the European Security and Defense Identity within NATO and I want to take particular note of the role that our NATO allies have been and are playing with respect to Kosovo. First of all, the Organization for Security and Cooperation in Europe or OSCE—a European dominated Organization of 55 nations—stepped up to the plate and established the Kosovo Verification Mission or KVM. The KVM has as its mission the monitoring of compliance with the October 1998 agreement negotiated between Ambassador Holbrooke and President Milosevic.

Because the OSCEs KVM is unarmed, NATO established an Extraction Force, which, as the name implies, is designed to come to the aid of KVM personnel and to remove them from situations in which their safety might be imperiled. The Extraction Force is led by a French general and is made up entirely of forces provided by our NATO allies. The United States has provided 2 military personnel to serve in the Extraction Force headquarters, but no combat forces. Once again, our NATO allies delivered.

When NATO was planning for a ground force to implement an interim peace agreement in Kosovo with the consent of the parties, it was decided that approximately 28,000 troops would be needed. Our NATO allies agreed to provide more than 24,000 troops. The United States would contribute less than 4,000 troops to that force. The on-scene commander for the force would have been a British general. The force contribution of our NATO allies would dominate the force. Once again, our NATO allies delivered. And the foreign ministers of Great Britian and France co-chaired the negotiations that provided the opportunity for a peaceful settlement of this crisis.

Finally, Mr. President, I want to describe my visit to Kosovo in November. In the course of that visit, I accompanied a U.S. Kosovo Diplomatic Observer Mission team on its daily tour that stopped in the village of Malisevo. Malisevo was a ghost town. The Kosovar Albanians who had previously lived there were afraid to return because of the damage that had been caused by the Serbian special police and Yugoslav Army and the continuing presence of Serbian police forces in the village. In order to conceal the extent of the destruction they had wrought, the Serbian forces had bulldozed a large square block of the village and carted off the debris. The bullet and shell holes in the remaining structures bore silent witness to the cruel way in which President Slobodan Milosevic's forces punished the civilian population in response to the resistance of the Kosovo Liberation Army or KLA.

Kosovo is the scene of a horrendous humanitarian disaster. The United Nations High Commissioner for Refugees estimated last week that at least 230,000 persons were displaced within Kosovo as a result of the conflict and a further 170,000 have fled from Kosovo in the past year. That adds up to a total of about 400,000 people who had fled their homes. That number increases on a daily basis as Milosevic's forces continue their rampage.

During my visit to Kosovo, I met with the political representative of the KLA, Adem Demaci, with the elected President of the Kosovo shadow government, Dr. Ibrahim Rugova, and with the editor of the Albanian language newspaper Koha Ditore, Veton Surroi.

My meeting with Adem Demaci, the then political representative of the KLA, who was first arrested in 1958 and, by his own admission has been fighting for Kosovo independence, ever since, had spent 28 years in Yugoslav jails for his campaign for independence for Kosovo, involved a friendly and occasionally heated discussion. He stated that he could not endorse any agreement that did not have a guarantee that the ethnic Albanians could decide their own future after three years. Mr. Demaci resigned his position in protest when Kosovar Albanian negotiators' agreed in principle to the agreement at Rambouillet.

Dr. Rugova, who has consistently espoused a policy of peaceful resistance, stated his preference for the agreement to provide a mechanism for the people to express their will at the end of three years but was flexible on that point since he was committed to reaching an agreement that would stablize the situation. Dr. Rugova and a number of his lieutenants participated as part of the ethnic Albanian negotiating team that went to Rambouillet.

Veton Surroi, who has courageously published an independent newspaper in Pristina, the capitol of Kosovo, expressed his concern about achieving an agreement in view of the difficulty he anticipated in reconciling the positions of the KLA and the Rugova camp. He was not optimistic. He also participated in the Rambouillet negotiations as a member of the ethnic Albanian team.

Mr. President, despite the Kosovar Albanians strong desire for independence, a goal which is supported by the international community and is not provided for by the Interim Peace Agreement, they signed that Agreement. The Yugoslav delegation, by contrast, has stonewalled and, as characterized by Mr. Verdine and Mr. Cook as co-chairmen of the negotiations, ''has tried to unravel the Rambouillet Accords.'' And Slobodan Milosevic, when given a final chance to avoid NATO air and missile attacks, stubbornly continued his ethnic cleaning of Kosovo.

I will support the resolution, of which I am an original cosponsor, and I urge my colleagues to support it as well.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, we have heard the debate on this floor. Now what is at hand? How many questions have we asked ourselves? Are we crossing international boundaries to inflict heavy damage or to destroy the ability to make war in a sovereign nation? Are we not making war? Are we not using a treaty organization to participate in a civil war? Is there a possibility that we are being used to deal with a very acute and serious problem in the stability of a region?

No one should question the motive of any vote on this issue. Every Member of this body is capable of casting the hard vote. One cannot clear his or her conscience of the atrocities that have been committed, and one can see the desperation on the faces of those who are being displaced. But I say to you, the nations that are most affected must now assume the responsibility that confronts them. To ask us to participate in a civil war, which is not our character, is a lot to ask. Can we help? Yes, we can. We can do it in different ways. But to ask us to place our men and women in harm's way, to force submission of a people with deep resolve in an area where not very many folks have ever been beaten into submission, that is asking of us a great deal.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank my friend from Delaware. Mr. President, on Christmas Eve, 1992, President George Bush issued what is known as his ''Christmas warning'' to President Milosevic that if he attacked Kosovo, NATO would have to respond. We had President Clinton reinforce that threat as recently as last October. Milosevic signed a cease-fire agreement in which we again said to him, if you attack Kosovo, we will have to respond with force. What has happened? He is attacking Kosovo. The International Finnish Pathological Team said a massacre occurred there in January. Kosovar women and children were put on their knees and shot in the back of their heads.

Mr. President, if NATO does not act, and if the United States does not act to be consistent not just with the threats we have made to him, the warnings he has ignored, but the principles that underlie those warnings, it will be more than the Kosovars who will suffer irreparable damage at the hands of the Serbians; NATO will be irreparably damaged and so, too, will the credibility of the United States.

Mr. President, some of my colleagues say, ''What's the plan?'' There is a plan here and we have heard it. There is a response and we have options as we go along. But I ask, what will happen if we don't act? If we don't act, a massacre will occur. There is great danger of a wider war in Kosovo, wider even than the one that would have occurred if we left the conflict in Bosnia unattended. With all due respect to my friend and dear colleague from Alaska who suggested we may be beginning world war III—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LIEBERMAN. Mr. President, I ask the Senator for 30 seconds more.

Mr. BIDEN. I don't have it. I am sorry.

Mr. LIEBERMAN. I will finish by saying I think what we are doing in authorizing this action is making sure that world war III does not begin in the Balkans.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator. I rise in opposition to the resolution. I have all the confidence in the world in the capability of our military. But I think this is an ill-advised mission. I heard my good friend from Delaware, and I also heard the Senator from Massachusetts use the word ''hopefully.'' In fact, that word was used repeatedly. ''Hopefully,'' the airstrikes will work. ''Hopefully,'' the airstrikes will bring Milosevic to the bargaining table. ''Hopefully,'' there will be a peace agreement.

The question I ask is, What if our best hopes are not realized? What if it doesn't work? What happens then? I raised that question to Secretary of Defense Cohen. I don't believe the answers were sufficient or satisfactory. There were far more questions than answers. The President has not made the case to the American people or to the Congress. We all know the great limits there are on airstrikes, the capability of airstrikes in changing behavior. There will be limits on these airstrikes and how successful they can be. Our hearts go out to those who are suffering, and they should. But I remind my colleagues that there are massacres taking place in many places in this world, including Sudan, where the level of carnage is far greater than what we have seen in Kosovo.

I asked the Secretary this afternoon what will be the cost in financial terms? To my dismay, there is no estimate of what kind of dollars or costs, budgetary costs there will be. But the far greater cost will be in potential American casualties. We all know that the probability is high that there will be the loss of American lives. So this afternoon I did a lot of soul searching. I thought about my 20-year-old son, Joshua.

If it were him going in, could I in my mind justify sending him in, and the tens of thousands of Joshes who are 20 years old?

I believe stability in the Balkans is not a satisfactory answer.

Mr. BIDEN. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the resolution. I believe the danger of inaction—of doing nothing—greatly exceeds the dangers of action. What are the dangers of inaction? There are three, in my judgment.

First, disintegration of instability in a key part of Europe.

Second, the acceleration of existing humanitarian catastrophes, which we have all seen.

Third, the unloosening of bombs that tie us to NATO, bombs that cannot easily be renewed in the days ahead when the need for NATO cooperation will be ever greater than it now is.

So, for these three reasons, the dangers of inaction, I hope the resolution will be supported.

I thank the leader.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

Mr. President, first of all, let me declare that this is not a vote to support or not to support the troops. This is an authorization to the President to use military force against Serbia.

If this were an appropriations bill to support a mission already underway, a mission which the President had ordered American troops to engage in, there is no question that I assume all of us would have to support that and

would not vote against an appropriation of funds—at least I would not vote against an appropriation of funds—to support the troops. That is not what is involved here. This is an authorization for the President.

Second, this is a vote to tell the President two things, I believe: No. 1, before you send American troops in harm's way, you need to have a dialog with the Congress and with the American people to explain two things.

No. 1, you need to explain why there is a direct threat to the national security of the United States. And there isn't in this case. And, No. 2, you need to explain how your plan is going to achieve the goals.

There are two goals there: to repeal an attack by Serbia against Kosovo and to force the Serbs to enter into a peace agreement.

The particular kind of military campaign planned here cannot achieve either goal, in my opinion. The quasi-police forces going into Kosovo are not easily stopped or impeded in their progress by cruise missiles. And, second, I suggest that the kind of plan here of a 48-hour, or similar hour, campaign with cruise missiles against Milosevic is not going to force him to his knees to invite peacekeepers into Kosovo. My guess is that he will, in fact, rebel against it rather than succumb to it.

For both of those reasons, I will vote ''no'' on the resolution.

Mr. BIDEN. Mr. President, parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. BIDEN. I yield 1 minute to the Senator from Minnesota, and then 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. Mr. President, as a member of the Senate Foreign Relations Committee, I have for months been closely monitoring the situation in Kosovo, hoping and praying for a peaceful resolution to the crisis. I traveled there about 5 years ago, and have seen for myself the conditions under which millions of ethnic Albanians have struggled under increasing Serb repression. I have seen and visited with U.S. military personnel posted along the Macedonian border—including some very young men from my home State—and I am well aware of the stakes involved in this debate.

I and some of my colleagues have been briefed by Secretary Cohen, National Security Advisor Berger, Secretary Albright, Joint Chiefs of Staff Chairman Shelton and others recently about the very fluid and violent situation there.

Now that the Albanian Kosovars have signed the Rambouillet agreement, and the Serbs have forcefully rejected it, it is clear that the crisis has moved into a new phase. And now that the Serbs have in the last few days begun—slowly, brutally, methodically—to expand their grip on Kosovo with a massive force of an estimated over 40,000 Serb police and army regulars, the situation becomes more urgent with every passing hour. Those Serb forces have been burning homes, taking the lives of innocent civilians along with KLA insurgents, and forcing tens of thousands of innocent civilians to flee their homes without food and shelter. Just in the last few days, tens of thousands more civilians have been forced from their homes, with Serbian forces leaving their villages smoldering and in ruins behind them in what appears to be their brutal final offensive. While reports have been barred from many areas by Serb forces, it is clear what is going on there. Atrocities of various kinds have become the signature of Serb military forces in Kosovo, just as it was for years in parts of Bosnia.

In recent days, including in his press conference last Friday, the President has begun to articulate more clearly to Americans what he believes to be at stake there. The humanitarian disaster that's been unfolding of months, and has now been accelerated by the recent Serb onslaught, coupled with the serious concern that increased violence in Kosovo could spread throughout the region, must be addressed forcefully. While I know some of my colleagues believe strongly that the administration has not articulated forcefully, consistently and clearly the mission and goals of this use of force, and I still have some unanswered questions about the administration's military plans—including the precise timing and strategy for withdrawing U.S. and NATO forces from the region once their mission is accomplished, provisions made to protect United States forces against sophisticated Serb air defense systems, and likely casualties expected from any military action—I believe there is little alternative for us but to intervene with airstrikes as part of a NATO force.

I come to this conclusion, as I think many Americans have in recent days, reluctantly, and recognizing that all of the possible courses of action open to the United States in Kosovo present very serious risks.

But I am pleased that we are finally having a real debate on this question on the Senate floor. As Senators, I believe we should make it clear on the record what we believe our policy should be in Kosovo.

I have agonized over this decision, and consulted widely with those in Minnesota whom I represent, with regional political and military experts, and with others, and have tried to place in historical perspective what is at stake here for our Nation. I have tried, as I know my colleagues have, to weigh carefully the costs of military action in Kosovo against the dangers of inaction.

Mr. President, one thing that is clear is that the situation on the ground in Kosovo today is unacceptable and likely to worsen considerably in the coming weeks. The ongoing exodus as refugees flee this latest major military operation mounted by the Yugoslav Army over the last 3 weeks must be contained.

This conflict has created, by some estimates, more than 400,000 refugees. A spokesman for the United Nations High Commission for Refugees estimated that 20,000 have been displaced just in the last week by military operations, most of them in the mountain range just northwest of Pristina. As we all know, Milosevic has already carried out numerous massacres and other atrocities in Kosovo, including the killing of more than 40 ethnic Albanian civilians in the village of Racak in January.

Right now, there are tens of thousands of refugees on the move in Kosovo. These refugees are facing very basic problems of survival. They lack shelter. They need blankets and stoves. The fighting has knocked out the electricity and water supplies. There are people right now huddling in cellars, and in unfinished houses, with their families. According to an account in the New York Times, people who are refugees themselves are giving shelter to refugees. One family is giving shelter to 80 people.

Serbian forces that have been massed on the border of Kosovo are on the march, and it is widely believed that they are planning to accelerate their advance west into the heartland of the rebel resistance and the base of its command headquarters. The people of Kosovo are terrified of such a massive offensive. It is almost certain that we will soon be hearing more stories of massacres and displacements, of women and children and elderly men being summarily executed, and of further atrocities.

I have called for months for tougher action by NATO to avert the humanitarian catastrophe that has now been re-ignited by the latest Serb attacks. I find it hard to stand by and let Milosevic continue with his relentless campaign of destruction. But I also recognize the grave consequences which may follow if the U.S. leads a military intervention into this complicated situation.

The airstrikes proposed by NATO, if Milosevic does not relent and sign on to the peace agreement, will represent a very serious commitment. If NATO carries out these airstrikes, U.S. pilots will confront a well-trained and motivated air defense force that is capable of shooting down NATO aircraft. Serbian air defense troops are knowledgeable about U.S. tactics from their experience in Bosnia, are protected by mountainous terrain and difficult weather conditions, and are well-prepared and equipped to endure a sustained bombardment.

Air Force Chief of Staff Gen. Michael Ryan told the Senate Armed Services Committee last week that casualties are a ''distinct possibility,'' and Marine

Commandant Gen. Charles Krulak said. ''It is going to be tremendously dangerous.''

We not only risk losing our own pilots, but, even if our attacks are carefully circumscribed, we run the risk of killing innocent Serb civilians.

Before we decide to send our pilots into harm's way we must be certain that we have exhausted all diplomatic options and that we essentially have no other choice.

As I have grappled with this decision, I have tried to reduce it to its simplest form: Will action now save more lives and prevent more suffering than no action.

Despite the dangers, I have concluded that the NATO airstrikes which may soon be underway will save more lives in the long run than they will cost. I hope and pray that we do not suffer any American casualties in these air operations, and that innocent civilian casualties on both sides are kept to a minimum, but I fear that if we do not act now thousands will lose their lives in the coming months and years.

A decision to use force is also justified by reasons that go beyond humanitarian concerns. It has been argued by the Administration that an intense and sustained conflict in Kosovo could sent tens of thousands of refugees across borders and, potentially, draw Albania, Macedonia, Greece, and Turkey into the war. We will not be able to contain such a wider Balkan war without far greater risk and cost. And we could well face a greater humanitarian catastrophe than we face now. I am not just talking about a geopolitical abstraction, the stability of the region. I am talking about the human cost of a wider Balkan conflict.

So as I see it, the immediate goal of NATO airstrikes would be to degrade Serbian military forces so that they could not seriously threaten the ethnic Albanians in Kosovo and also to force Milosevic into signing a peace agreement that could end the fighting in Kosovo and bring stability to the region.

I am not a Senator who supports military action lightly. I still hope this conflict can be settled without an actual military engagement. But I feel that we simply must act now to forestall a larger humanitarian crisis.

Mr. President, in the end my support for airstrikes in this situation arises from my deep conviction that we cannot let these kinds of atrocities and humanitarian disasters continue if we have ti in our power to stop them. I believe that it is our duty to act. In this case we cannot shirk our responsibility to act. We cannot stand idly by. That's why I intend to support the President's decision.

Mr. President, I have agonized over this vote. But I very honestly and truthfully believe that if we do not take this action as a part of the NATO force that we will see a massacre of innocent people—men, women, and children. I do not believe that we or the international community can turn our gaze away from that.

Therefore, I rise tonight with concern, but, nevertheless, I want to say it as honestly and as truthfully as I can as a Senator from Minnesota. I do support this resolution. I hope and pray that our forces will be safe. I hope and pray that there will be minimum loss of civilian life. And I hope and pray that by our actions we can prevent what I think otherwise will be an absolute catastrophe.

I yield the floor. I thank my colleague.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BIDEN. Mr. President, I would suggest we alternate back and forth.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in opposition to the pending resolution.

NATO was formed to defend Europe against Soviet aggression, not to settle domestic problems. The NATO treaty was ratified with the advice and consent of the Senate. NATO's mission has clearly changed without congressional consultation. Whether for good or bad reasons, NATO combat power is being used to intimidate a sovereign country—Serbia—into signing a peace agreement on domestic problems.

What NATO has done in Bosnia should not be used as reasoning for U.S. action in Kosovo. President Clinton wrongly claims that NATO succeeded in Bosnia because of its air strikes and economic sanctions against Yugoslavia. In fact, it was the successful Croat ground offensive against Bosnian Serbs just before the 1995 Dayton agreement that forced Serbia's compliance with the peace agreement. Likewise, to resolve the problem NATO faces today, ground force will probably be required in Kosovo.

Today, the most important issue to the U.S. is our credibility in NATO. For NATO, it was credibility that pushed the majority of NATO members down the dangerous path toward military intervention. At home and abroad the President's problem is credibility. Likewise, it may be America's problem abroad. NATO has issued a clear ultimatum to a vicious aggressor. If Congress does not back U.S. efforts in NATO, will the credibility problem reflect on the United States? It may. However, these issues and questions come to us from the Administration's faulty policies. Such policies have resulted from timid piecemeal reasoning and lack tough-minded decision-making worthy of the problem at hand.

Bad national defense policy is about to get us into serious trouble—again. The list of the administration's failed peace missions is long and growing. I am unconvinced that trying to resuscitate these failed nation-states is in the U.S. vital interest. The costs of U.S. involvement in nation-building are not in our national interests and should be reduced. The price tag of the Bosnia mission, for example, has already hit $12 billion, with no end in sight. The question is simple: Is it in the United States' best interest to have our troops in imminent danger, preoccupied with defending themselves against people whom they have come to help, who have shown little inclination for reform at a great cost to America? This is the path down which the administration has taken the United States. We are now involved in a steady run of civil wars without clear solutions which involve failed nation-states. We will soon drown in this kind of foolishness. Stemming civil wars should not be the main strategic challenge for the United States. These kinds of misadventures do not really engage the strategic interest of the United States. Certainly, such ill-conceived adventures do arrogantly endanger our troops. I cannot support endangering our troops without good reason.

Mr. BYRD. Mr. President, our worst fears have been realized. Months of patient negotiations, bolstered by repeated threats of air strikes, have failed. Yugoslav President Slobodan Milosevic has defied the will and the prayers of the world and has turned his back on the prospect of peace in Kosovo. Indeed, he is intensifying his relentless assault on the ethnic Albanian population of the Serbian province of Kosovo. It was made clear to me and to many of us at the White House this morning that the question is no longer ''whether'' NATO will launch air strikes against Yugoslavia but ''when''. It is entirely possible that by the time these words are uttered, the machinery to launch an air offensive against Yugoslavia will have been put into motion.

This is a matter of immense importance and far-reaching consequence for the United States. Senior defense officials have warned that an air operation against Yugoslavia will be extremely dangerous for U.S. and allied forces. This is not Iraq. This is a rugged, mountainous region frequently shrouded in fog and protected by a sophisticated air defense system. If the United States sends aircraft into Yugoslav air space as part of a NATO strike force, we must understand—and accept—the risk of that operation. That risk includes the possibility of downed aircraft, American hostages, and American casualties.

An operation of this magnitude and risk should not be undertaken without the express support of Congress and the backing of the American people. We saw in Vietnam what happens when the will of the people is not taken into consideration.

Only the President can lead the way in this crisis. Only the President can rally the American people. Only the President can mobilize the troops. Only

the President can unite our NATO allies. Only the President can explain to the American people the reasoning for his intended action and the risks attendant to it. I urged him last week to make his case to the people as well as to the Congress.

Mr. President, I again urged the President at the White House this morning to seek the support of the Congress for air strikes against Yugoslavia. I asked him to make that request in writing to the Majority and Minority Leaders of the Senate. I am pleased that he has done so. I commend him for recognizing the need to seek the support of Congress when the use of force is contemplated.

We do not know where this conflict will lead. The winds of war are blowing over Kosovo today. Who knows what fires those winds might fan. Bosnia. Montenegro. Macedonia. Albania. All are in danger of being drawn into a conflagration in the Balkans. With enough sparks, Greece and Turkey could be drawn into the inferno. Although the conflict in Kosovo is far from our doorstep today, it could spread quickly, as wildfires are wont to do. Today our credibility as a world leader is threatened. If the conflict in Kosovo spreads, much more than our credibility will be at stake. If we are to act at all, the time to act is now.

All we know for certain is that Slobodan Milosevic is a ruthless and desperate leader. If anything, his defiance of NATO and his repression of the Kosovo Albanians are increasing as his options dwindle. Violence is mounting in Kosovo, and thousands of ethnic Albanian refugees have already fled their homes and villages. The bloodshed has begun. Let us pray to God that it will not turn into a bloodbath.

The United States cannot stand idly by and watch the catastrophe unfolding in the Balkans. It is in our national interest to support stability in this volatile region, to prevent the downward spiral into violence and chaos, and to stem the humanitarian disaster spreading out of Kosovo like a contagion. Having raised the stakes so high, a failure to act decisively could have untold consequences.

The President may have the primary responsibility in the formulation and execution of foreign policy, but the Congress has an equally weighty responsibility, which is to authorize or refuse to authorize military action.

The resolution that we are currently considering, which was drafted by a bipartisan group of Senators, endorses air strikes, and only air strikes, against the Federal Republic of Yugoslavia. The goal of this resolution is twofold: to stop the violence in Kosovo before it escalates into all-out carnage, and to convince President Milosevic in the only terms he understands—brute force—to abandon his campaign of terror against the Kosovars.

Mr. President, my thoughts and prayers today are with the brave men and women of the United States military who are willing to put their lives on the line in order to save the lives of countless strangers in a strange land. And my thoughts and prayers are with their families, the parents, spouses, and children who will wait at home, fearing the outcome of every air strike, until this madman Milosevic can be brought to his senses. These are the people to whom we have a duty to show courage in the execution of our responsibility. My prayers are also with the President. His is a heavy burden of responsibility. The decisions he makes in the coming days will affect the lives of many Americans. He is embarked on a somber, sober, and serious undertaking, and I pray that he will find the strength and guidance to bear the burdens of office that will weigh heavily on his shoulders as he faces this crisis.

Mr. LAUTENBERG. Mr. President, I rise today to express my strong support for President Clinton's decision to use United States Armed Forces, together with our NATO allies, to stop the killing in Kosovo and help bring peace and stability to a troubled region of Europe.

International intervention to stop the killing and atrocities in Kosovo is long overdue. The United States, as the world's sole remaining superpower, must lead that international effort.

Mr. President, I firmly believe NATO must follow through on threats of air strikes unless Milosevic immediately ends his assault on the people of Kosovo and accepts the Contact Group's interim agreement. If we do not, Milosevic will pursue his kind of peace in Kosovo—through ''ethnic cleansing.''

Air strikes are a means to an end. I hope Belgrade will agree to sign the Contact Group's interim peace agreement, as the Albanian side has done, without further revisions.

President Clinton has decided and the Pentagon has planned to deploy about four thousand U.S. troops to participate in a NATO-led peacekeeping force to help implement the interim agreement, once it has been signed by both sides. I support this plan because I stand behind its goals. United States armed forces should participate in a peacekeeping force in Kosovo.

I support the President's determination that this must be a NATO-led force, with sufficient forces and appropriate rules of engagement to minimize the risk of casualties and maximize prospects for success.

U.S. participation is essential to the credibility of NATO's presence in Kosovo.

NATO's peacekeeping role is essential to the implementation of a peace agreement for Kosovo. And implementation of a peace agreement is essential to stop the killing—and end the atrocities in Kosovo—and allow people to return to their homes and rebuild their shattered lives.

But today we face a more immediate question: whether NATO should launch air strikes to stop the killing and end the atrocities in Kosovo.

In my view we must end Milosevic's reign of terror.

Some in this body have argued that these atrocities are an internal matter, that we should not get involved.

Others have said U.S. national security interests in Kosovo do not rise to a level that warrants military intervention.

I strongly disagree with those assertions.

Allow me, therefore, to remind my colleagues of the fundamental United States interests which are at stake here:

The first is U.S. credibility, going all the way back to the Christmas warning issued by President Bush and reaffirmed by President Clinton.

If we fail to act, our threats in other parts of the world will not be taken seriously, and we may find ourselves having to actually use force more often.

The second is the credibility, cohesion, and future of NATO. As the 50th anniversary Summit approaches, I believe we need to strengthen the Euro-Atlantic partnership.

Particularly when a crisis arises in Europe, we need to be able to act in concert with allies who generally share our interests and values and who have the capability to undertake fully integrated military operations alongside U.S. armed forces.

Third, we need to prevent this conflict from spreading. How can we expect Albania to stay out of the conflict as their kin are being slaughtered? What is to prevent citizens of Macedonia from joining up with different sides along ethnic lines? Would Bulgaria, and NATO allies Greece and Turkey, be drawn into a widening conflagration?

I don't claim to be able to fully predict what will happen if we do not act, but it seems to me we're better off stopping the conflict now than risking another world war sparked in the Balkans.

Finally, I would remind my colleagues that Milosevic and his police and military forces are killing people and driving them from their homes on the basis of their ethnicity—they are committing genocide. We have an obligation and a responsibility to act to stop genocide.

How can we stand by and allow these massacres to continue and claim to stand for what is right in this world?

The time has come to stop threatening and start making good on our threats. There is too much at stake.

I thank the Chair and yield the floor.

Mr. KERREY. Mr. President, I rise to discuss the crisis in Kosovo. President Clinton and our NATO allies are at the point of having no other option except to conduct air attacks against Yugoslav forces operating in and near the Yugoslav province of Kosovo. I regret we are at this point, but that doesn't change the facts. At this crucial moment, Congress should not tie the President's hands or give Mr. Milosevic the slightest reason to believe the

United States will not join with its allies in airstrikes against the Yugoslav units that are burning and shooting their way through Kosovo as I speak. For this reason I will vote for the resolution.

A requirement to use military force often follows a failure of diplomacy. That is not the case in Kosovo; this Administration and our major European allies have worked hard to bring about a just and peaceful outcome in this Albanian-majority province which also has such powerful historic and emotional significance for Serbs. A just and peaceful outcome would have been possible, but for the unwillingness of the Milosevic regime to govern Kosovo on any basis other than force and fear. Common sense and appeals to higher motives did no good, and now force will meet overwhelming force in what can only be a tragic outcome for many Yugoslav soldiers.

The President is out of options, and we must support him and the aircrews who will carry out his orders. But I am under no illusions that airstrikes will fix the Kosovo problem. The best I hope for is that the airstrikes will bring Milosevic back to the table to accept a NATO-brokered agreement for a peaceful transition in Kosovo. Such an outcome would at least stop the killing and would accustom all in the region to the idea of an autonomous Kosovo. Even if we succeed to this extent—and it is by no means certain we will—the underlying instability in the region will persist.

The Kosovo problem is really the problem of a minority ethnic group, the Albanians of Serbia, who have not been fully accommodated. The Albanian minority in Macedonia has the same problem. Within Albania proper there is an ethnic Greek minority, and concern for that minority has created tension in the past between Greece and Albania. My point is not to induce despair about the complexities and complexes of this one small corner of the Balkans, but rather to encourage Congress and the Administration to see the region as a unity and work simultaneously in all the affected countries to promote solutions. Just fixing Kosovo won't do it, and I'm not confident we can do even that.

If airstrikes can begin a transition to a Kosovo settlement, the next step will be the insertion of a ground force to keep the transition peaceful. The Administration has proposed this force include about 4,000 American soldiers or Marines, and has promised to deploy this force only in a ''permissive'' environment—meaning a Kosovo in which at least the leaders of the various factions agree to the presence of our troops. Mr. President, the resolution before us does not deal with the question of ground troops. When that question does arise, I will oppose any deployment of U.S. personnel on the ground in Kosovo. The stability of the entire planet depends on the readiness and availability of the U.S. Armed Forces. We should not fritter them away in peacekeeping missions in countries which do not rise to the level of vital American interests. We should keep them ready for the contingencies that are truly in our league: Iraq and the Persian Gulf, the Koreas, Russian nuclear forces. Europe contains wealthy countries with the militaries that could take on local European missions like Kosovo. It is their problem, and they should step up to it.

Mr. President, several other reasons are raised to justify U.S. deployments to Kosovo. Some assert a ''domino effect'' from Kosovo will plunge Europe into war. After all, they say, World War I started in the Balkans. But the alliance systems, rival empires, and hair trigger mobilization plans of 1914 are nowhere apparent in today's Europe, so there is no need to fear a return of World War I. We are then told the instability could eventually cause war between Greece and Turkey. But Greece and Turkey could have fought over many things over the last forty years, most recently the Ocalan affair, and they did not. There are rational leaders in Athens and Ankara who know their own interests. Kosovo will not set them off.

As I said, the Administration should be praised for working for years on the thankless task of trying to bring peace to Kosovo. At this point, airstrikes are the last option available. The people of Kosovo, as well the Serbian people and all the people of the region, deserve a dignified, secure peace. Diplomacy, supported by U.S. and other NATO airpower and, when appropriate, European ground troops, should aim to bring this peace about. The United States should concentrate on the bigger problems which truly threaten us.

I yield the floor.

Ms. MIKULSKI. Mr. President, the Senate is now considering the gravest decision we are ever called upon to make. Do we send our troops into harm's way to defend America's values and interests? Do we use our military to seek to end the brutal repression in a faraway country?

After careful thought and serious discussions with our Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Secretary of Defense, I will support U.S. participation in strategic NATO air strikes against Serbian military targets. Our objective is to stop the killing and to weaken Yugoslav President Milosevic's ability to further hurt the people of Kosovo. These objectives are crucial to achieving durable peace and security in Europe.

There are two primary reasons that I support the limited use of force. First of all, we must prevent further Serbian acts of genocide and ethnic cleansing. Serbian actions have resulted in terrible human suffering. The Serbs abolished the Parliament and government of Kosovo in 1990. In response, the Kosovar Albanians maintained a policy of nonviolent resistance for seven years. During this time, Milosevic ethnically cleansed Kosovo—driving over 400,000 people out of their homes and destroying hundreds of villages. For those who wouldn't flee, Milosevic sought to starve them out—destroying farm land and blockading the shipment of food.

Reports from last night indicate that further humanitarian catastrophes are imminent. Serbia is moving aggressively to overrun and drive thousands more ethnic Albanians from their homes. The Serbs have deployed 40,000 army and police units in Kosovo. Over the past weekend, over 10,000 Kosovars were forced to flee their homes fearing for their lives. And for good reason: a brutal Serbian attack on the village of Racak in January resulted in the death of 45 civilians.

Some of my colleagues have argued that we should consider military action only if further humanitarian atrocities occur. We cannot wait for genocide to occur before we act.

Our second goal must be to stop this war from spreading and from threatening stability and our national interests throughout central Europe. The ethnic tensions in Kosovo could spread to Albania, Macedonia and even to our NATO allies, Greece and Turkey. Serb actions threaten the stability of the entire region.

I would not support the use of military force unless we had first exhausted all other options. There are three ways that America can best exert our leadership. First, through diplomacy. There is no question that we have done everything possible to resolve the Kosovo crisis peacefully through diplomacy. Second, we can apply sanctions or rewards. We have applied sanctions to Serbia for many years with little tangible result. And third, we can use our military to fight for our interests and our values. That is the decision we face today. After exhausting diplomatic and economic options, do we now use our military to force the Serbs to end their intransigence and repression?

The military action proposed by President Clinton meets three principles I consider before supporting military action.

First of all, whenever possible, military action should be multilateral. In Kosovo, we will be acting as part of NATO—with the nineteen allies sharing the burden.

Second, the military actions should be strategic and proportional. We are authorizing air strikes against military targets—like bases, military storage depots, and command and control centers—and against key infrastructure—like roads and bridges that Serbs use to reinforce Kosovo.

And third, military actions must be intended to achieve a specific goal. In this case, we are seeking to prevent further atrocities and to weaken Milosevic's ability to hurt the people of Kosovo.

Mr. President, I am disturbed by the process that was initially established

for this vote. The Senate should vote on whether or not to authorize the use of force. Plain and simple. Instead, we are asked to cast a cloture vote on a second degree amendment to an appropriations bill. That is not the way to conduct foreign policy in the Senate.

That is why I voted against cloture on this matter—and I will vote for a bipartisan resolution to authorize U.S. participation in NATO air strikes against Serbia.

Mr. President, I still hope that the Serbs will back down. But if they don't, the Senate must show that we back our troops one hundred percent. Our airmen have excellent training and the best equipment in the world. They will have the participation of our NATO allies. And they will have the prayers and support of the American people—who recognize their heroism.

Mr. BIDEN. Mr. President, I yield myself 1 minute. Of the 3 minutes remaining, I yield myself 1 minute, and I ask my friend from Virginia to close on behalf of the proponents.

There are a number of Senators who wished to speak today—Senator SPECTER, Senator HAGEL, Senator SMITH. There are a number of people who wanted to speak. In the interest of a limited time, we have been unable to do that. And I apologize for that.

But the reason why I think it is appropriate that the Senator from Virginia close the case for us is that no one has been more instrumental in bringing about the ability to vote up or down on this proposal as well as the outline of the proposal.

I thank him for his leadership.

I yield the remainder of the time under the control of the Senator from Delaware to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Thank you, Mr. President.

I thank my distinguished colleague from Delaware. We have joined together many times in our two decades-plus here to work on what we felt was absolutely essential in the best interests of the country. I respect every colleague and their votes, whichever way it goes. There has been, I think, a substantial debate—perhaps not as long as I hoped. But, nevertheless, we had the debate. And this is essential now. We could not have done it had it not been for the Senator from New Hampshire, Mr. SMITH, the Senator from Texas, Mrs. HUTCHISON, and the Senator from West Virginia, Mr. BYRD, and others who joined in to make this possible—and my good friend from Michigan, Mr. LEVIN. We made it happen.

But this started with this Senator last September when I made my second visit to Kosovo. Having come out of Bosnia and seeing that situation at that time, I have tirelessly worked on this issue ever since that period. And now I join my colleague from Delaware to make it happen.

But, Mr. President, my main concern has always been the investment of the American people through this Congress in Bosnia—8-plus years, $9-plus billion, which could be severely at risk if this area of the Balkans known as Kosovo and the environs thereto were to erupt and begin to take down what little progress we have achieved in Bosnia, and display before the world a magnitude of human suffering and ethnic cleansing and crimes of horrific nature.

So I know it has been a painful subject for many. But I honestly believe that by supporting this vote we are doing what is in the best interests of mankind.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 2 minutes to the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I spoke at length today, so I will try very hard to not even use the 2 minutes.

Mr. President, this President has decided that he doesn't need our approval. This vote tonight has nothing to do with whether we agree or disagree, and we are sending that message to him, because he has already told us he is going to do it. So it is a different request. It is a request saying, ''I am going to do this. Would you tonight concur that it is OK?''

What a difference a President makes. George Bush didn't do that when the United States had a far more serious problem dependent upon oil—oil in jeopardy in the Middle East, Iraq invades a sovereign country. And what does he do? He sends us a letter and says, ''Would you concur, and if you do not I will not do it.'' Now that is the kind of true, dedicated President that gives credit to the elected representatives of the American people.

We talk about this great Senate. Well, there is a great House, also. And they deserve the right to pass judgment on this. And for us to sit around here tonight saying we finally made the point, and we are going to get to decide whether he is or isn't, that is just a hoax. I do not believe we ought to meddle in civil wars that have been going on for 800 years. We are not going to solve it unless we commit to have a military force on the ground for perhaps 100 years, because we are going to get involved through NATO. In fact, I think we ought to begin to ask our NATO general, we ought to begin to wonder how in the world does he get in the middle of these negotiations and then he makes commitments through NATO and we say we have to live up to what has been committed through NATO? I think we ought to be able to commit that, too. It is our law. It is not the other countries. They are putting in very little.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield 1 minute to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, as my good colleague from Virginia, I appreciate the conscientious nature of every vote that will be cast tonight. I was among those who visited with the President this morning and have struggled with this. I have concluded that I cannot vote for this resolution. It is a declaration of war. There are going to be casualties. This resolution will not bring about the adjusted behavior of Mr. Milosevic that is sought.

The lingering question throughout the day and throughout all the deliberations is: What is next? That question has not been answered and it will surely come upon us as a result of this vote tonight. This is a very grave decision we are making for which the prospects of a solution, as proposed in this resolution, are nil.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I ask unanimous consent the letter from President Clinton to the leaders be printed in the RECORD.

Mr. STEVENS. It is already in the RECORD.

Mr. BIDEN. I understand it is, but I want to point out again where he says, ''I ask for your legislative support as we address the crisis in Kosovo.''

I point out I was here, too, during the gulf crisis. I recall we were not even going to hold hearings in the Foreign Relations Committee. I recall the President said he would not send up a request for authority until it was clear that the Congress was going to revolt. Every President, of the six while I have been here, has been reluctant to do so.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I had the letter read to us this afternoon. There is nothing in that letter that says he will not do it if we do not agree. That is the difference. It says: I ask, but I am going to do it anyway.

Mr. BIDEN. If the Senator will yield, neither did President Bush; he didn't say I will not do it if you do not do this. Let's get that straight.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I reclaim my time and yield the remainder of it to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. SMITH of New Hampshire. Mr. President, that is not very much time, but this is a very serious matter. It is

a vote that I wanted. I have been asking for it for a number of days and weeks. Now we are here, and the President has already made up his mind. He didn't really care particularly one way or the other how the Congress felt, which is pretty much the way the foreign policy has been conducted. Thousands of people, hundreds of thousands have died in Rwanda. We are not firing missiles there. This is a mistake. This is a civil war. We are attacking a sovereign nation without a declaration of war and we are going to regret it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the concurrent resolution.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—FIRST CONCURRENT BUDGET RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the first concurrent budget resolution at 9:30 a.m. on Wednesday and there be 35 hours remaining for debate as provided under the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In light of that agreement, the vote on the Kosovo resolution will be the last vote tonight. The Senate will start the budget resolution tomorrow. Obviously, hard work will be in order for the Senate to complete action on the budget resolution prior to the recess, but we must do that. Hopefully we could get it completed by Friday.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER. (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—58

Abraham	Dorgan	Landrieu
Akaka	Durbin	Lautenberg
Baucus	Edwards	Leahy
Bayh	Feinstein	Levin
Biden	Graham	Lieberman
Boxer	Hagel	Lincoln
Breaux	Harkin	Lugar
Bryan	Hatch	Mack
Byrd	Inouye	McCain
Chafee	Jeffords	McConnell
Cleland	Johnson	Mikulski
Conrad	Kennedy	Moynihan
Daschle	Kerrey	Murray
DeWine	Kerry	Reed
Dodd	Kohl	Reid
Robb	Shelby	Warner
Rockefeller	Smith (OR)	Wellstone
Roth	Snowe	Wyden
Sarbanes	Specter	
Schumer	Torricelli	

NAYS—41

Allard	Enzi	Kyl
Ashcroft	Feingold	Lott
Bennett	Fitzgerald	Murkowski
Bingaman	Frist	Nickles
Bond	Gorton	Roberts
Brownback	Gramm	Santorum
Bunning	Grams	Sessions
Burns	Grassley	Smith (NH)
Campbell	Gregg	Stevens
Collins	Helms	Thomas
Coverdell	Hollings	Thompson
Craig	Hutchinson	Thurmond
Crapo	Hutchison	Voinovich
Domenici	Inhofe	

NOT VOTING—1

Cochran

The concurrent resolution (S. Con. Res. 21) was agreed to as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I referenced earlier the significant help and leadership of the Senator from Virginia, but what I did not mention was the person who carried the ball on this side of the aisle, the Senator from Michigan, Senator LEVIN.

You know that old expression, success has a thousand fathers and mothers and failure is an orphan. Hopefully, I am not going to be praising him and others and it turns out that what we have done tonight is a mistake. I think it is not a mistake. I think it is necessary. I think it is going to make for the possibility of some peace in the region.

I want to tell the Senator from Michigan how much a pleasure it is to work with him. I mean with him. As my grandfather used to say, he is the horse that carried the sleigh. He is the guy who maneuvered us through all this to get to the resolution. I personally thank him and tell him how much I enjoyed working with him.

Mr. LEVIN. Will the Senator yield?

Mr. BIDEN. I yield the floor.

Mr. LEVIN. Madam President, I thank my friend from Delaware. His leadership is what carried this resolution to a bipartisan conclusion, along with the Senator from Virginia. I pay particular, really, homage to both of them. This is a very difficult vote for all of us, whichever side of this resolution we voted on. It is very important it be a bipartisan vote. It is important to our troops, first and foremost. It is important we send a bipartisan message to Milosevic so there not be any misunderstanding or miscalculation. The leaders in the effort to do that were the first two names on that resolution, and they are Senators BIDEN and WARNER.

I commend them for their leadership.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, while I opposed the concurrent resolution which was adopted this evening, I think it is very important that it be said, once again, that this resolution does in no way authorize the commitment of ground troops and that the President certainly—I think this Senator believes as many others do—needs to seek the counsel of the Congress if that day should become necessary, in at least the eyes of our Commander in Chief, that he consult fully with us on that issue.

Mr. BIDEN. Madam President, I concur with the Senator from Idaho on that score. I want to say just one more thing. This was a very difficult vote, and I echo the words that were stated by several people here. On these matters—and I give credit to Senator NICKLES, who is the No. 2 man on the Republican side—when we were negotiating, I asked him how many votes are for this. He said, ''I did not whip this.'' In our jargon, we know that to mean: ''I did not go out and count votes. This is not a partisan matter. This is something that should be left to the conscience of each Senator.''

The fact of the matter is, when my colleagues came up to me before the vote started and said, ''How many votes do you have?'' I said to them, ''I did not do it.''

I did not know how many votes were here for this resolution, but I thought it was important that the Senate go on record exercising its responsibility in this area. I do not think the President has the authority to use force in this nature without our approval, a concurrent resolution, or any statement by us, assuming the House makes a similar statement, and meets the constitutional criteria that he has the authority.

But again I want to make it clear that I respect those who voted against it. There are very strong reasons to vote no. I think the reasons to vote yes are stronger. And no one, particularly the Senator from Delaware, can tell this Senate where this action is going to lead. It is a very tough call.

I am confident, in my view, that there is more of a danger in not acting than in acting, both constitutionally and practically. But I just want the record to reflect that everyone in this debate, including the discussion at the White House—the Presiding Officer is younger than the Senator from Delaware, as is the Senator from Louisiana, who is on the floor, is younger than the Senator from Delaware. I came here in 1973 as a Senator. I was 29 years old.

I remember one of the things that I resented the most keenly was that at the time, for those of us who opposed the Vietnam war, at least in some quarters on this floor, and at times with the then-sitting President, we were told we were giving, by our opposition, this great deal of help to the

North Vietnamese; we were hurting our troops who were overseas; we were basically un-American for objecting to the war.

One of the generational changes that has taken place—I want the record to show this—sitting with a number of Senators and Congresspersons—I am guessing the number at 20—in the private residence this morning, the President of the United States said to us assembled he wanted to make one thing clear, that he respected the Congress voting. He knew some who opposed were going to be told that Milosevic is listening and he is going to take some confidence from this; he is going to somehow be emboldened by the opposition.

He said, ''I want you to know I think you have an absolute right and obligation, if you believe that way, to object. I will never be one who will tell you that, notwithstanding he is watching this on CNN in Belgrade, that somehow you're undermining our effort. Were we to apply that standard,'' he said, ''we would never be able to debate in this society the important issues.''

So the reason I mention that is not to give particular credit to the President, although in this case he deserves it, but he came from that same generation. I think we have moved to a position here where we have debated, in the last several years, the major contentious issues relating to our peace and security, and that when the debate has been finished, when it has gone on, it has been cordial and it has not been partisan.

When it has been finished, there has been unanimity and support of American forces. The same occurred in the gulf. After the gulf, many of us voted no. I was one who voted no. And at the end of the day, we all said, once the Senate spoke, once the President spoke, once the Congress spoke, we would stay the course.

So I thank my friend from Idaho who was in opposition, my friend, the Presiding Officer, who had a different view on this to tell you. And I am not being solicitous. It is important for the American people to know we do not always disagree based on our partisan instincts here.

The judgments made by every Senator on this floor today were made with their intellect and their heart, on the direction that they thought was in the best interest of the country. I think the right outcome occurred, but I do not in any way—in any way—question the motivation, or am I so certain of my own position that I would be willing to guarantee either of my colleagues that they are wrong. I think they were wrong. I think I am right. But we are approaching this in the way we should, openly and in a nonpartisan way. I want to thank the Republican leadership for proceeding this way and thank my colleagues for the way in which we conducted this debate earlier.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank my colleague from Delaware for those remarks.

MORNING BUSINESS

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Monday, March 22, 1999, the federal debt stood at $5,642,227,279,510.37 (Five trillion, six hundred forty-two billion, two hundred twenty-seven million, two hundred seventy-nine thousand, five hundred ten dollars and thirty-seven cents).

Five years ago, March 22, 1994, the federal debt stood at $4,557,220,000,000 (Four trillion, five hundred fifty-seven billion, two hundred twenty million).

Ten years ago, March 22, 1989, the federal debt stood at $2,736,549,000,000 (Two trillion, seven hundred thirty-six billion, five hundred forty-nine million).

Fifteen years ago, March 22, 1984, the federal debt stood at $1,465,629,000,000 (One trillion, four hundred sixty-five billion, six hundred twenty-nine million).

Twenty-five years ago, March 22, 1974, the federal debt stood at $471,830,000,000 (Four hundred seventy-one billion, eight hundred thirty million) which reflects a debt increase of more than $5 trillion—$5,170,397,279,510.37 (Five trillion, one hundred seventy billion, three hundred ninety-seven million, two hundred seventy-nine thousand, five hundred ten dollars and thirty-seven cents) during the past 25 years.

GEORGE MITCHELL'S MEDAL OF FREEDOM

Mr. KENNEDY. Madam President, few individuals have made a greater contribution to the cause of peace in Northern Ireland than our friend and former Senate colleague, Senator George Mitchell. His leadership was indispensable in helping the political leaders of Northern Ireland achieve the historic Good Friday Peace Agreement of 1998.

Last Wednesday, on St. Patrick's Day, President Clinton presented Senator Mitchell with the nation's highest civilian honor, the Presidential Medal of Freedom. In accepting the award, Senator Mitchell demonstrated again why he has been so vital to the peace process. He spoke directly and movingly to the political leaders on both sides of Northern Ireland, many of whom were in the White House audience. He reminded them of how far they had come in their search for peace. He urged them to resolve the current difficulties and enable the peace agreement to continue to be implemented.

As he said so eloquently, ''History might have forgiven failure to reach an agreement, since no one thought it possible. But once the agreement was reached, history will never forgive the failure to carry it forward.''

SIXTIETH ANNIVERSARY OF BOONVILLE, MO, LIONS CLUB

Mr. ASHCROFT. Madam President, I am pleased to offer my enthusiastic congratulations to the Boonville, Missouri Lions Club which celebrates its 60th anniversary on April 17, 1999.

Long before President Bush spoke of a ''thousand points of light,'' the Lions sparkled in Boonville. Over the years they have been recognized for their tireless work to aid both research and victims of sight and hearing impairments, diabetes, and other maladies. Always a strong force in local charities, they truly embody their moto: ''We Serve.''

The Lions Club of Boonville has enjoyed sixty years of achievement through good deeds and good fellowships. I salute them.

THE TENTH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. SPECTER. Madam President, I congratulate the Department of Veterans Affairs on its 10th anniversary of becoming a cabinet level department of the federal government. On March 15, 1989, the new Department of Veterans Affairs was established, headed by a Secretary of Veterans Affairs.

Over the past ten years, VA has worked hard to fulfill its commitments to our nation's veterans by providing benefits and health care to millions of Americans who have given so much to protect and defend our country and its liberties. Among VA's many contributions: VA research scientists and practitioners have led in the advancement of medical research and health care delivery; VA benefits such as home loans, life insurance and educational support have been immensely helpful in transitioning active duty military members back into civilian life; and VA disability payments aid veterans injured in the line of duty as partial compensation by a grateful nation for their many sacrifices.

As Chairman of the Committee on Veterans' Affairs, I will help ensure that VA sustains these many programs to meet the myriad needs of an aging veteran population. I am certain my colleagues share that commitment as well.

The mission of the VA, as enunciated by President Abraham Lincoln, is ''To care for him who shall have borne the

battle, and for his widow, and his orphan.'' Congratulations to the Department of Veterans Affairs, and may it continue to serve our nation well for years to come.

CONGRATULATIONS TO LIEUTENANT COLONEL ALLEN ESTES, P.E.

Mr. ASHCROFT. Madam President, congratulations to Lieutenant Colonel Allen Estes, P.E., for being selected as one of ten finalists for the National Society of Professional Engineers (NSPE) Federal Engineer of the Year Award. This is an intense engineering competition of highly trained and dedicated federal employees, both military and civilian. The candidates are accomplished in their education, service, and leadership to accomplish their agencies' missions. They have performed above and beyond their job descriptions and represent the best and the brightest among those who work for all the citizens of the United States.

Lieutenant Colonel Estes commands the 169th Engineer Battalion at Fort Leonard Wood, Missouri, where he oversees the training, discipline, and management of over 2,000 new soldiers a year in nine different military engineering occupational specialities. He contributes immeasurably to his community by teaching night courses to soldiers and donating that salary to charities and battalion activities. Lieutenant Colonel Estes is a pioneer in the application of system reliability and optimization techniques for engineering structures. His leadership, accomplishments, community service, and participation in professional organizations make him ideally suited for the Federal Engineer of the Year Award.

Other finalists for this award who deserve recognition are Gregory M. Cunningham, Gary M. Erickson, James D. Wood, George L. Sills, Georgine K. Glatz, Brent W. Mefford, Luis Javier Malvar, Lieutenant Kirsten Lea Nielsen, and Charles D. Wagner.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries, on March 22, 1999.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received yesterday were printed at the end of the Senate proceedings of March 22, 1999).

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MEASURE REFERRED

The Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following measure which was referred to the Committee on Foreign Relations:

S. Con. Res. 1. Concurrent resolution expressing the congressional support for the International Labor Organization's Declaration of Fundamental Principles and Rights at Work.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2261. A communication from the Director of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Program-Specific Guidance About Self-Shielded Irradiator Licenses'' (NIREG–1556) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2262. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard Review Plan on Foreign Ownership, Control, or Domination'' received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2263. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Policy and Procedure for NRC Enforcement Actions; Interim Enforcement Policy for Generally Licensed Devices Containing Byproduct Material'' (10 CFR 1.5) received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2264. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma'' (FRL6312–5) received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2265. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan and South Coast Air Quality Management Districts and San Joaquin Valley Unified Air Pollution Control District'' (FRL6239–8) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2266. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Administrative Reporting Exemptions for Certain Radionuclide Releases'' (FRL6309–3) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2267. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL6310–7) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2268. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills'' (FRL6311–3) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2269. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transportation Conformity Rule Amendment for the Transportation Conformity pilot Program'' (FRL6309–6) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2270. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan'' (FRL6306–2) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2271. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Phase 2 Emission Standards for new Nonroad Spark-Ignition Nonhandheld Engines At or Below 19 Kilowatts'' (FRL6308–6) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2272. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Recourse Loan Regulations for Mohair'' (RIN0560–AF63) received on March 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2273. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Recourse Loan Regulations for Honey'' (RIN0560–AF62) received on March 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2274. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerance'' (FRL6064–6) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2275. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dicloran; Extension of Tolerance for Emergency Exemptions'' (FRL6065–6) received on March 11,

1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2276. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Maneb (manganous ethylenebisdithiocarbamate); Pesticide Tolerances for Emergency Exemptions'' (FRL6067–9) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2277. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Extension of Tolerances for Emergency Exemptions'' (FRL6063–9) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2278. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Establishment of Time-Limited Pesticide Tolerances'' (FRL6068–4) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2279. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Extension of Tolerances for Emergency Exemptions'' (FRL6064–2) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2280. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Pesticide Tolerances for Emergency Exemptions'' (FRL6065–2) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2281. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report entitled ''National Plan of Integrated Airport Systems, 1998–2002''; to the Committee on Commerce, Science, and Transportation.

EC–2282. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's report on the Baldrige National Quality Program's first 10 years; to the Committee on Commerce, Science, and Transportation.

EC–2283. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on safety considerations for transporting hazardous materials via motor carriers in close proximity to Federal prisons; to the Committee on Commerce, Science, and Transportation.

EC–2284. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes Equipped With General Electric CF6–80C2 Engines'' (Docket 96–NM–66–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2285. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes'' (Docket 98–NM–375–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2286. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Oakdale, LA'' (Docket 94–ASW–03) received on March 04, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2287. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29475) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2288. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29474) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2289. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B–1 Helicopters'' (Docket 94–SW–23–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2290. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 98–NM–76–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2291. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The New Piper Aircraft, Inc. PA–23, PA–24, PA–28, PA–32, and PA–34 Series Airplanes'' (Docket 98–CE–110–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2292. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1 Series Turbofan Engines'' (Docket 98–ANE–76–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2293. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–100–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2294. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA. 315B, SA. 316B, SA. 316C, SA. 319B, and SE. 3160 Helicopters'' (Docket 97–SW–14–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2295. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200 Series Airplanes'' (Docket 98–NM–238–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2296. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters'' (Docket 98–SW–34–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2297. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 97–NM–254–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2298. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–99–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2299. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company 17, 18, 19, 23, 24, 33, 35, 36/A36, A36TC/B36TC, 45, 50, 55, 56, 58, 58P, 58TC, 60, 65, 70, 76, 77, 80, 88, and 95 Series Airplanes'' (Docket 98–CE–61–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2300. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Neosho, MO'' (Docket 99–ACE–11) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2301. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Crockett, TX'' (Docket 99–ASW–03) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 507: A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 106–34).

By Mr. HELMS, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations'' (Rept. No. 106–35).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 432: A bill to designate the North/South Center as the Dante B. Fascell North-South Center.

S. Res. 54: A resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

S. Res. 68: A resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

S. Res. 73: A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 688. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation.

EXECUTIVE REPORTS ON COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

William Lacy Swing, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Nominee: Swing, William Lacy.

Post: Democratic Republic of the Congo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Self, none.

2. Spouse, none.

3. Children and Spouses Names: Brian (son), Nicole (daughter-in-law), Gabrielle (daughter), none.

4. Parents Names: (all deceased).

Baxter Dermot Swing/Mary Frances (Barbee) Swing.

5. Grandparents Names: (all deceased).

James Ruffin Swing/Bessie (Sowers) Swing—Lacy Lee Barbee/Anna (Jones) Barbee.

6. Brothers and Spouses Names: James (brother), ca $400–$500 annually to Republican National Committee over each preceding year.

Arlene (spouse), none.

7. Sisters and Spouses Names: Anna (sister), Lawrence (spouse), none.

Kent M. Wiedemann, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: Kent M. Wiedemann.

Post: Kingdom of Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, Kent M. Wiedemann, None.

2. Spouse, Janice L. Wiedemann, None.

3. Children and Spouses Names: Conrad K. Wiedemann, None.

4. Parents Names: Jean Hyatt Wiedemann, None. Mansell H. Wiedemann—Deceased.

5. Grandparents Names: Niles Hyatt—Deceased. Frances Pauwels—Deceased. Thomas Wiedemann—Deceased. Harriet Wiedemann—Deceased.

6. Brothers and Spouses Names: Dean Hyatt Wiedemann—Deceased.

7. Sisters and Spouses Names: Harold and Sandra Schroeder, None.

Robert A. Seiple, of Washington, to be ambassador at Large for International Religious Freedom. (New Position).

Nominee: Robert A. Seiple.

Post: Washington, D.C.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me if the pertinent contributions made by them. To the best of knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, None.

2. Spouse, None.

3. Children and Spouses Names: Chris, Army (Donald B. Hebb), Jesse, None.

4. Parents Names: Gertrude Seiple, Chris Seiple, None.

5. Grandparents Names, Deceased.

6. Brothers and Spouses names: Bill (Didi), None.

7. Sisters and Spouses Names: Christina (Dabney Wooldrige), None. Nancy (Rob Zins), None. Mary (Kevin Earl), None. Carole (John Kenney), None.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Mary A. Ryan, of Texas.

The following-named Career Member of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Richard Lewis Baltimore III.

The following-named Career Members of the Senior Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Warren J. Child.

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Mary E. Revelt.

John H. Wyss.

The following-named Career Members of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service to the class indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Weyland M. Beeghly.

Larry M. Senger.

Randolph H. Zeitner.

The following-named Career Member of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Danny J. Sheesley.

(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.)

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 Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. BRYAN):

S. 678. A bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMS:

S. 679. A bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GORTON, Mr. ROBB, Mr. ABRAHAM, Mr. ASHCROFT, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. GRAMM):

S. 680. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. LAUTENBERG, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. SARBANES, Mrs. MURRAY, and Mr. HOLLINGS):

S. 681. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS (for himself and Ms. LANDRIEU):

S. 682. A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRYAN (for himself and Mr. REID):

S. 683. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for disposal; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 684. A bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United

States Code, permanent; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 685. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. SCHUMER, and Mr. TORRICELLI):

S. 686. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufactures, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 687. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

By Mr. HELMS:

S. 688. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation; from the Committee on Foreign Relations; placed on the calendar.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 689. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. REID, Mr. MURKOWSKI, Mrs. BOXER, Mr. KENNEDY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mrs. MURRAY):

S. 690. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 691. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. KYL (for himself and Mr. BRYAN):

S. 692. A bill to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

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:

S. Res. 72. A resolution designating the month of May in 1999 and 2000 as ''National ALS Awareness Month''; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, and Mr. DODD):

S. Res. 73. A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, Mr. MCCONNELL, Mr. HAGEL, Mr. STEVENS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. ROBB):

S. Con. Res. 21. A concurrent resolution authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro); considered and agreed to.

By Mr. DODD (for himself and Mr. GRASSLEY):

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. BRYAN):

S. 678. A bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SALVAGED AND DAMAGED MOTOR VEHICLE INFORMATION DISCLOSURE ACT

● Mrs. FEINSTEIN. Mr. President, today I am introducing legislation on behalf of myself and Senators LEVIN and BRYAN that will offer consumers protection against unknowingly purchasing a vehicle that has been rebuilt after sustaining substantial damage in an accident.

The sale of rebuilt vehicles that have been wrecked in accidents has become a major national problem. According to the National Association of Independent Insurers, about 2.5 million vehicles are involved in accidents so severe that they are declared a total loss. Yet, more than a million of these vehicles are rebuilt and put back on the road.

In a report to the state Legislature, the California Department of Consumer Affairs found, with respect to California alone ''More than 700,000 structurally damaged and 150,000 salvaged vehicles are returned to streets and highways every year without a safety inspection, and they pose a potential hazard to all of California's twenty million unsuspecting motorists.''

In many cases, ''totaled'' cars are sold at auction, refurbished to conceal prior damage, then resold to consumers without disclosure of the previous condition of the car. The structural integrity of these vehicles has been so severely weakened that the potential for serious injury in an accident is greatly increased.

In one case, a teenage who purchased a rebuilt wreck was rendered quadriplegic after an accident in which her vehicle rolled 360 degrees at about five miles an hour. The vehicle had been in a previous accident. It had been badly repaired and then resold without disclosure of its previous condition. The vehicle's roof was replaced after the first accident, but in the subsequent accident, the roof collapsed when the substandard welds failed.

In another incident, a mother purchased a Honda Prelude for her daughter's high school graduation. Although only hail damage was reported at the time of sale, the car had actually been totaled in Texas and rebuilt in Arkansas. The repair shop acknowledged that they had spent only about $3,000 on repairs, despite an insurance company's estimate of over $10,000 worth of damage. The inadequate repair resulted in the collapse of the right front suspension inflicting a debilitating head injury on the driver.

In yet another case of fraud, Jimmy Dolan bought a used Toyota from a dealership in Clovis, California. The odometer had only 19,000 miles on it and he was told the car was like new and in original condition. In fact, that was untrue. The previous owner had been involved in a serious accident that required $8,700 in repairs. After a series of problems with the car, the original owner took it back to the dealership and traded it in. The dealership then resold the car to Jimmy Dolan for almost $14,000.

After only a minor accident, Mr. Dolan found out the truth about his car. He managed to trace the car back to the original owner who described the extent of the damage. Despite having full knowledge of the vehicle's history, the dealership refused to give Dolan a refund. Eventually, he had to file a civil lawsuit to recoup his losses.

These are just three cases in which serious physical and financial losses were inflicted on innocent victims who unknowingly purchased a vehicles that had sustained major damage.

The bill that I am introducing will address the problem of rebuilt wrecks by: providing nationwide written disclosure for every vehicle sale of previous salvage and major damage; providing widespread coverage for all vehicles including vehicles of any age or value, motor homes, pickups, and motorcycles; allowing states to maintain existing salvage laws; strengthening the Federal rebuilt vehicle database to promote instant access to vehicle accident histories for consumers, dealers, and law enforcement; requiring certification by a qualified repair facility of the proper repair of any salvage vehicle before it is returned to the road.

This bill has been endorsed by the Attorneys General of California, Connecticut, Iowa, and Michigan. In a letter of support, Attorneys General Blumenthal, Lockyer, and Miller state that this bill ''has strong disclosure requirements that will put consumers on notice before they agree to buy a car concerning any prior collision or flood damage.''

They also state ''We especially appreciate that this bill tracks the Resolution adopted in 1994 by the National Association of Attorneys General. That Resolution calls for the strong national standards and remedies that are provided for in this bill.''

Mr. President, I submit this letter for the RECORD.

This bill also has the support of a number of consumer advocates including: Center for Auto Safety, Consumer

Federation of America, Consumers for Auto Reliability and Safety, Consumers Union, National Association of Consumer Advocates, Public Interest, and U.S. Public Interest Research Group.

In a letter of support from the National Association of Consumer Advocates, Pat Sturdevant writes ''This bill is entirely consistent with views of the major national consumer groups in that it would require disclosure of major damage to vehicles. Provide broad coverage of most used vehicles, prevent laundering or washing of titles to conceal prior damage, provide for effective criminal and civil enforcement, and provide a minimum standard of consumer protection while allowing states to offer stronger protection to their citizens.''

I submit this letter for the RECORD.

The bill is also strongly supported by the Automotive Recyclers Association and the Auto Dismantlers Association.

Mr. President, there is no question that the sale of rebuilt vehicles is a major national problem. We need to insure that we provide the proper solution. I believe that this bill is that solution and I urge my colleagues to support it.

I want to thank the Senators from Michigan and Nevada for their assistance with this legislation. Their input and support has been invaluable to the development of this bill. I ask that letters in support of the bill be printed in the RECORD.

The material follows:

OFFICE OF THE ATTORNEY GENERAL,
STATE OF CONNECTICUT,
March 18, 1999.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Washington, DC.

Re: The Salvaged and Damaged Motor vehicle Information Disclosure Act

DEAR SENATOR FEINSTEIN: We are writing in order to express our support for the Salvaged and Damaged Motor Vehicle Information Disclosure Act, a bill which we understand you and Senators Levin and Bryan intend to offer.

We are very aware of the harm caused to consumers who unwittingly purchase used cars that had sustained major damage. They not only pay far more than the vehicle's market value, they may be placing themselves and their families in danger.

Despite state efforts to vigorously enforce state laws requiring car sellers to make salvage and damage disclosures, the problem continues to be our nation's top consumer compliant regarding used car sales. It is right for Congress to act. However, in acting, Congress must protect consumers, while permitting the states flexibility to deal with this growing problem.

Your draft bill achieves those two major goals. It has strong disclosure requirements that will put consumers on notice before they agree to buy a car concerning any prior collision or flood damage. It uses definitions that provide strong baselines of protection, while permitting individual states to impose tougher standards, if that is their choice. It effectively deals with the problem of ''title-washing'' by ensuring that information about prior collision or flood damage remains on vehicle titles, regardless of the state of titling. Finally, it provides strong remedies, by subjecting violations to criminal penalties, civil law enforcement actions by state attorneys general, and substantial private civil remedies.

We especially appreciate that this bill tracks the Resolution adopted in 1994 by the National Association of Attorneys General. That Resolution calls for the strong national standards and remedies that are provided for in this bill.

Another reason we support this bill is that it follows the successful mode of the federal odometer law, originally enacted in the 1970's. That law provided for the same types of strong national standards and remedies found in your bill. States have relied on the federal odometer law to file many civil and criminal law enforcement actions against odometer spinners and have recovered millions of dollars in restitution for consumers. Strong federal and state enforcement, plus the private actions brought under the odometer law, have put a real dent in odometer fraud. We look forward to similar results as we join forces to tackle auto salvage fraud.

Thank you for your leadership on this issue. We look forward to working with you in the fight to protect used car buyers.

Very truly yours,

RICHARD BLUMENTHAL,
Attorney General of Connecticut.
BILL LOCKYER,
Attorney General of California.
TOM MILLER,
Attorney General of Iowa.

NATIONAL ASSOCIATION OF
CONSUMER ADVOCATES,
March 19, 1999.

DEAR SENATORS FEINSTEIN, LEVIN AND BRYAN: We are a consumer protection organization very concerned about the safety hazard posed by the resale of rebuilt wrecked cars. We strongly support the national salvage and damaged motor vehicle disclosure bill which you intend to offer because it will protect consumers against the unsuspecting purchase of a rebuilt wrecked car. This would require disclosure of major damage to vehicles, provide broad coverage of most used vehicles, prevent laundering or washing of titles to conceal prior damage, provide for effective criminal and civil enforcement, and establish a federal minimum standard of consumer protection while allowing states to offer stronger protection to their citizens. The bill is consistent with the recommendations embodied in the 1994 Resolution of the National Association of Attorneys General and adopted by the Attorneys General of all 50 states, so we anticipate that it will receive broad support from law enforcement.

We remain strongly opposed to competing legislation, which the Washington Post termed ''controversial'' and featured as a example of ''special interest'' legislation. That bill was opposed by the Attorneys General of 39 states, encountered major opposition in the House, and was removed from the Omnibus Appropriations package after objection by the White House. The current measure remains flawed, failing to cover more than half the used cars on the road, and eliminating many of the state law protections that consumers now have against unscrupulous sellers of rebuilt wrecks. Its definitions of ''flood'' and ''nonrepairable'' vehicles are extremely loose, and its standard of proof and weak and inadequate enforcement mechanism would do nothing to deter the fraudulent sale of dangerous rebuilt wrecks.

It can hardly be disputed that automobile salvage fraud is a serious problem which requires federal action. Each year, more than one million ''totalled'' cars are rebuilt and sold to unsuspecting consumers. These consumers need protection from salvage fraud. I am looking forward to continuing to work closely with leading state Attorneys General on this important public safety issue, and would welcome the opportunity to wok with you and your staffs in obtaining the genuine reform which your pro-consumer bill will provide.

Sincerely yours,

PATRICIA STURDEVANT.●

● Mr. LEVIN. Mr. President, today I am introducing legislation along with my colleagues, Senators FEINSTEIN and BRYAN, that will protect consumers from the unscrupulous practice known as ''title washing'' the current practice of selling rebuilt wrecks to unsuspecting buyers. The objective of this legislation is to make it more difficult for unscrupulous auto sellers to conceal the fact that a vehicle has been in an accident by transferring the vehicle's title in a state with lower standards than where the vehicle is ultimately sold.

In developing this bill, Senators FEINSTEIN and BRYAN and I worked closely with national consumer protection groups and a number of state Attorneys General. We have crafted a bill that is truly consumer protective and sets high national standards that did not previously exist. We took great care to ensure that our bill would not preempt the rights of states to retain or enact laws that exceed the minimum federal standards in this bill.

National automobile salvage title legislation is needed because there is no uniform standard for when a vehicle must be declared salvage or nonrepairable. About 2.5 million cars are severely damaged in auto accidents each year. More than half of them are returned to the road. Many of these rebuilt cars are sold to unsuspecting consumers without disclosure of the car's prior history, increasing the chance of serious injury to the drivers and passengers of these rebuilt cars. The National Association of Attorneys General estimates that the sale of rebuilt or salvaged motor vehicles as undamaged, costs the motor vehicle industry and consumers up to $4 billion annually.

Currently, some states, like Michigan and California and others, have tough consumer protection laws dictating when a vehicle's title must be branded as salvage or nonrepairable, but other states do not. Unfortunately, unscrupulous people now take advantage of this lack of uniformity and take wrecked vehicles to states with low or no standards to retitle them and thus wipe out the vehicle's prior damage history.

Our bill would provide for uniform standards of nationwide seller disclosure for every vehicle sale of previous salvage and major damage vehicles, and ensure these title brands are carried forward with all titles each time

the vehicle is sold. This proposal is consistent with the National Association of Attorneys General auto salvage resolution adopted in 1994.

This bill also has the support of Michigan's Attorney General, who wrote in a letter endorsing the bill,

This bill will further empower consumers to have more information available in making an informed decision about what is generally their second most costly purchase, motor vehicles used for personal transportation. I urge Congress to enact this bill.

The salvage title requirements in our bill are modeled after the successful 25 year old federal odometer law which requires the milage of a vehicle to be disclosed before a vehicle can be transferred. This law requires each seller to fill out a statement on the odometer reading that verifies its accuracy and a vehicle buyer cannot get a state title without this disclosure on the title. Our bill would work in a similar manner.

Our bill is basically a disclosure bill. It requires that whenever a vehicle's title is transferred, the seller must disclose in writing to the buyer any accident history of the vehicle which includes: salvage, flood, nonrepairable or major damage. Our bill defines ''salvage'', ''flood'', ''nonrepairable'' and ''major damage'' to provide broad disclosure and to protect consumer safety. These definitions are consistent with recommendations from the state Attorneys General.

Mr. President, in conclusion, the sale of rebuilt wrecks to unsuspecting buyers is a serous problem and should be stopped as soon as possible. The Feinstein, Levin, Bryan bill will do just that by establishing uniform disclosure standards for all vehicle sales and requiring all states to carry forward this disclosure on the vehicle's title. Simply put, our bill will put an end to title-washing.

I ask that additional materials be printed in the RECORD.

The material follows:

RESOLUTION ADOPTED BY NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, MARCH 20–22, 1994

MANDATORY DISCLOSURE OF SALVAGE HISTORY AND MAJOR DAMAGE TO MOTOR VEHICLES

Whereas, motor vehicles which are severely damaged or declared a ''total'' loss are often subsequently rebuilt or salvaged and then resold; and

Whereas, the fact that a vehicle is rebuilt or salvaged is material to any subsequent sale of the vehicle; and

Whereas, not all states require that a vehicle's salvage history be marked on the vehicle's title or that such a title brand be carried forward on new titles issued or that a vehicle's salvage history be disclosed to subsequent purchasers; and

Whereas, branding the title is an effective means of allowing dealers, subsequent purchasers and law enforcement authorities to track a vehicle's true history and has been supported by NAAG for tracking vehicles returned under state lemon laws; and

Whereas, it is estimated that the sale of rebuilt or salvaged motor vehicles as undamaged, costs the motor vehicle industry and consumers up to $4 billion annually;

Now, therefore be it

Resolved, That the National Association of Attorneys General:

1. Supports federal legislation that:

a. creates a uniform definition of a ''salvage vehicle'' as a vehicle declared a total loss by an insurance company or where the retail cost to repair the vehicle exceeds 65 percent of its fair market value immediately prior to being damaged; and

b. requires that each transferor of a motor vehicle disclose to the transferee orally and in writing at or before the time of sale, whether the vehicle is a salvage vehicle and whether the vehicle has suffered major damage; and

c. requires that each applicant for a motor vehicle title disclose, on the application, whether the motor vehicle is a salvage vehicle and whether the vehicle has suffered major damage; and

d. requires that each motor vehicle title issued, conspicuously show whether the motor vehicle is a salvage vehicle and whether the vehicle has suffered major damage, if that information is disclosed on the title application or on any title previously issued by that state or another state; and

e. provides for recovery of actual damages, minimum statutory damages of $5,000 and attorneys fees, where appropriate, by consumers injured by violation of the statute, and

f. provides the civil enforcement by state Attorneys General which includes injunctive relief, civil penalties and restitution; and

h. provides for criminal penalties of up to $50,000 and imprisonment for up to three years for each willful violation; and

i. does not preempt state laws which provide greater protection for consumers as long as state provisions are not inconsistent with the federal law; and

2. Authorizes its Executive Director and General Counsel to make these views known to all interested parties.

STATE OF MICHIGAN, DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, March 19, 1999.

Re Salvaged and Damaged Motor Vehicle Information Disclosure Act

Hon. CARL LEVIN, U.S. SENATE, WASHINGTON, DC.

DEAR SENATOR LEVIN: I am writing regarding your efforts to provide greater protection for American consumers who purchase used motor vehicles that have previously suffered major damage or been salvaged prior to being repaired, rebuilt and put back on the roadways. I believe that it is essential for consumers to be informed of the prior condition of their vehicle so that they may have all available material facts at their disposal in making an informed decision whether to purchase a motor vehicle.

Not only will your bill mandate disclosure of major damage or salvage conditions, but the bill will also provide an enforcement mechanism including damages and award of attorneys fees to victims, civil penalties and criminal sanctions. I also endorse the section of the bill that empowers state attorneys general to enforce this law through injunction relief or actions for damages.

This bill will further empower consumers to have more information available in making an informed decision about what is generally their second most costly purchase, motor vehicles used for personal transportation. I urge Congress to enact this bill.

Sincerely yours,

JENNIFER M. GRANHOLM,
Attorney General.

By Mr. GRAMS:

S. 679. A bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes; to the Committee on Foreign Relations.

SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999

Mr. GRAMS. Mr. President, I rise this morning to introduce a bill dealing with the security of our embassies around the world.

Mr. President, we all remember the horrible day of August 17, 1998, when U.S. embassies in Dar Es Salaam, Tanzania and Nairobi, Kenya were destroyed by car bombs. We all mourn the passing of the 220 people who lost their lives to these heinous terrorist acts. But it is not enough to mourn. We in Congress have a separate responsibility—to conduct proper oversight to expose weaknesses in our embassy security requirements and to ensure the resources given to this Administration are being allocated in ways to maximize their effectiveness.

In reviewing the conclusions of the State Department Accountability Review Boards chaired by Admiral William J. Crowe, I was disturbed to find that they are strikingly similar to those reached by the Inman Commission which issued an extensive embassy security report 14 years ago. Clearly, the United States has devoted inadequate resources and placed too low a priority on security concerns.

And I regret to say, the President's response to the Crowe Report simply is not adequate. The Administration has asked the Congress to provide for an advance appropriation of $3 billion with no strings attached. That funding does not start next year, it starts in 2001. And the bulk of the money is proposed in the out years. Those kind of budget games shouldn't be played when the lives of U.S. government workers are at stake. It's wrong to state that embassy construction is a priority, while refusing to make funds available for that purpose.

As Chairman of the International Operations Subcommittee, which has oversight responsibilities for embassy security issues, I have looked into the mistakes that we made in the past, and I am committed to making sure they do not happen in the future. Our embassies are not vulnerable because we lack security requirements. They are vulnerable because over three-quarters of our embassies have those requirements waived. Now, I understand that when the Inman security standards were put forward in the 1980's, a number of existing embassies did not meet the criteria. But I was surprised to find many of the embassies built and purchased since that time do not meet the Inman standards either. While I do not want to micromanage the State Department's construction program, given State's record in this area, certain external constraints are warranted.

Unfortunately, under the Administration's plan, we are doomed to repeat some of the same mistakes that were made following the Inman recommendations. The funding structure makes it impossible to achieve efficiencies in embassy construction. There is just not enough funding in the next three years to permit a single contract to design and build an embassy or a single contract to build multiple embassies in a region. Furthermore, the back loading of the funding means it could be a decade before secure embassies are up and running. Clearly, that is not acceptable.

Mr. President, I am introducing a 5-year authorization bill that makes sure the money set aside for embassy construction and security is not used for other purposes. It provides $600 million a year, starting in fiscal year 2000. And the Secretary of State is going to have to certify these funds are being used to bring these embassies into compliance with specific security standards, because 14 years from now, I don't want any finger pointing. I don't want the Congress to revisit this matter and find that funds were diverted and U.S. personnel put at risk.

The security requirements in my bill reflect some of the lessons that we learned from Nairobi and Dar Es Salaam. While these requirements may not have prevented lives being lost in the bombings, they could prevent the loss of life in the future. For example, under my bill, the Emergency Action Plan for each mission will address threats from large vehicular bombs and transnational terrorism. And the ''Composite Threat List'' will have a section which emphasizes transnational terrorism and considers criteria such as the physical security environment, host government support, and cultural realities.

Furthermore, in selecting sites for new U.S. diplomatic facilities abroad, there will be a set back requirement of 100 feet and all U.S. government agencies will have be located on the same compound. State Department guidelines currently state that ''[a]ll U.S. Government offices and activities, subject to the authority of the chief of mission, are required to be collocated in chancery office buildings or on a chancery/consulate compound.'' Unfortunately, these guidelines are often ignored. Indeed, after the August terrorist bombings, in violation of State Department guidelines, A.I.D. headquarters decided not to move its missions in Kenya and Tanzania into the more secure embassy compounds that are going to be built. A.I.D. only reversed itself after hearing from the Congress and U.S. officials in Kenya and Tanzania.

Working abroad will never be risk free. But we can take a number of measures, like these, to make sure that safety is increased for U.S. government workers overseas. We can also put forward requirements to ensure we have an effective emergency response network in place to respond to a crisis should one arise. My bill requires crisis management training for State Department personnel; support for the Foreign Emergency Support Team; rapid response procedure for assistance from the Department of Defense; and off-site storage of emergency equipment and records. These are prudent steps which should be taken to ensure we have an effective crisis management system in place if our embassies are attacked in the future.

My bill also calls for the Secretary of State to submit three reports to Congress. The first report would be a classified report rating our diplomatic facilities in terms of their vulnerablity to terrorist attack. The second report would be a classified review of the findings of the Overseas Presence Advisory Panel which would recommend whether any U.S. missions should be closed due to high vulnerability to terrorist attacks and ways to maintain a U.S. presence if warranted. The third report would be submitted in classified and unclassified form on the projected role and function of each U.S. diplomatic facility through 2010. It would explore the potential of technology to decrease the number of U.S. personnel abroad; the balance between the cost of providing secure buildings and the benefit of a U.S. presence; the potential of regional facilities; and the upgrades necessary.

Finally, my bill enables the President to award the Overseas Service Star to any member of the Foreign Service or any civilian employee of thegovernment of the United States who—after August 1, 1998—was killed or wounded while performing official duties, while on the premises of a U.S. mission abroad, or as a result of such employee's status as a U.S. government employee. These sacrifices for our nation by U.S. government workers abroad no longer should go unrecognized.

Mr. President, I believe with the approach outlined in my bill we can better ensure that we are providing a safe environment for U.S. government workers abroad. We can also be confident that should another terrorist attack occur, we will be ready for the aftermath. I understand that there is a trade-off between security and accessibility. But there are obvious steps that we should be taking to provide a higher level of security in this age of transnational terrorist threats. I hope this bill will not just provide a blueprint for the steps we must take now, but guidance on how we should proceed in the future. We must acknowledge the world is changing and doing business as usual is not going to work. We need to think outside the box and explore new ways to confront new challenges. I hope the State Department sees my bill as an opportunity rather than a burden. I am committed to making sure that embassy security is treated as a priority, and this bill is a good first step.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GORTON, Mr. ROBB, Mr. ABRAHAM, Mr. ASHCROFT, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. GRAMM):

S. 680. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes; to the Committee on Finance.

EXTENSION OF THE RESEARCH AND EXPERIMENTATION TAX CREDIT

• Mr. HATCH. Mr. President, I am pleased to join with my friend Senator BAUCUS and many more of my esteemed colleagues in the Senate in introducing legislation that would permanently extend the research and experimentation tax credit.

As we enter the 21st century, we need to ensure that the United States remains the world's undisputed leader in technological and scientific innovation. The global economy is becoming increasingly competitive. We must move to ensure that our economy does not fall behind.

The research and experimentation tax credit is crucial to stimulating economic growth. The President emphasized the value of this credit by asking that it be extended in his budget. Additionally, Congress has recognized the importance of this tax credit by extending it nine times since 1981.

Now is the time to end the uncertainty surrounding whether or not the credit will continue to be extended or be allowed to lapse. We must guarantee to American business, our scientists, our engineers, and our citizens who depend on technological innovations every day, that we will make this tax credit permanent.

Mr. President, permanence is essential to the effectiveness of this credit. Research and development projects typically take a number of years and may even last longer than a decade. As our business leaders plan these projects, they need to know whether or not they can count on this tax credit. The current uncertainty surrounding the credit has induced businesses to allocate significantly less to research than they otherwise would if they knew the tax credit would be available. This uncertainty undermines the entire purpose of the credit. For the government and the American people to maximize the return on their investment in U.S. based research and development, this credit must be made permanent.

Studies have shown that the R&E tax credit significantly increases research

and development expenditures. The marginal effect of one dollar of the R&E credit stimulates approximately one dollar of additional private research and development spending over the short-run and as much as two dollars of extra investment over the long-run.

In the business community, the development of new products, technologies, medicines, and ideas can result in either success or failure. Investments carry a risk. The R&E tax credit helps ease the cost of incurring these risks. Whereas foreign nations heavily subsidize research with public dollars, the United States has typically relied less on direct public funds and more on private sector incentives. The R&E tax credit has potential to be an even more effective incentive if it were made permanent.

I am aware that not every company that incurs research and development expenditures in the U.S. can take advantage of the R&E tax credit. As the credit matures and business cycles change, the current credit may be out of reach for some companies. To help solve this problem Congress enacted the Alternative Incremental Research Credit to help businesses that do not qualify for the R&E tax credit. To improve the effectiveness of this alternative credit, we have included a proposal to increase it by 1 percent.

Mr. President, I am aware that a permanent extension of this credit will be costly. However, when you consider the value that this investment will create for our economy, it is a bargain. Making this credit permanent will encourage more companies to locate their research activities within the United States. This will lead to more jobs and higher wages for U.S. workers. We must recognize that international competition is fierce. Many other countries offer significant enticements to prompt companies to move research activities within their borders. If we fail to ensure at least a level playing field, many companies will move their research activities abroad and we will lose many precious high-paying jobs.

Findings from a study conducted by Coopers & Lybrand show that workers in every state will benefit from higher wages if the R & E tax credit is made permanent. Payroll increases as a result of gains in productivity stemming from the credit have been estimated to exceed $60 billion over the next 12 years. Furthermore, greater productivity from additional R&E will increase overall economic growth in every state in the Union.

Mr. President, my home state of Utah is a good example of how state economies will benefit from the R&E tax credit. Utah is home to a large number of firms who invest a high percentage of their revenue on research and development. For example, between Salt Lake City and Provo lies the world's biggest stretch of software and computer engineering firms. This area, which was named ''Software Valley'' by Business Week, is second only to California's Silicon Valley as a thriving high tech commercial area.

In addition, Utah is home to about 700 biotechnology and biomedical firms that employ nearly 9,000 workers. These companies were conceived in research and development and will not survive, much less grow, without continuously conducting R&D activities.

In all, Mr. President there are approximately 80,000 employees working in Utah's 1,400 plus and growing technology based companies. Research and development is the lifeblood of these firms and hundreds of thousands like them throughout the nation.

If the credit is allowed to lapse, businesses will not be able to factor the credit into their long-term plans. This uncertainty causes businesses to under-invest in research. This may slow the development of the next computer chip, the next household convenience, the next generation of heart monitoring equipment, or a new drug that stops cancer. We must ensure stability so that our business leaders can count on the credit as they decide how much to invest in research and development.

Research and development is essential for long-term economic growth. Innovations in science and technology have fueled the massive economic expansion we have witnessed over the course of the 20th century. These advancements have improved the standard of living for nearly every American. Simply put, the R&E tax credit is an investment in economic growth, new jobs, and important new products and processes.

In conclusion Mr. President, if we decide not to make the R&E tax credit permanent, we are limiting the potential growth of our economy. How can we expect the American economy to hold the lead in the global economic race if we allow other countries to offer faster tracks than we do? Making the tax credit permanent will keep American business ahead of the pack. It will speed economic growth. Innovations resulting from American research and development will continue to improve the standard of living for every person in the U.S. and also worldwide.

Mr. President, simply put, the costs of not making the R&E tax credit permanent are far greater than the costs of making it permanent. As the next millennium closes in on us, we cannot afford to let the American economy slow down. Now is the time to send a strong message to to the world that America intends to retain its position as the world's foremost innovator.

I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 680

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

SECTION 1. EXTENSION OF RESEARCH CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(b) INCREASE IN ALTERNATIVE INCREMENTAL CREDIT RATES.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i), by striking ''1.65 percent'' and inserting ''2.65 percent'',

(2) in clause (ii), by striking ''2.2 percent'' and inserting ''3.2 percent'', and

(3) in clause (iii), by striking ''2.75 percent'' and inserting ''3.75 percent''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to amounts paid or incurred after June 30, 1999.●

● Mr. BAUCUS. Mr. President, it is with great pleasure that I join with my colleague from Utah, Senator HATCH, and my other colleagues to introduce this bill, which is so critical to the ability of American businesses to effectively compete in the global marketplace. I am particularly pleased that this bill includes as original co-sponsors one-third of the members of this body. This bill is bi-partisan and bicameral. Companion legislation, introduced in the House by Representatives NANCY JOHNSON and ROBERT MATSUI, is co-sponsored by over one-quarter of the Members of the House.

Our Nation is the world's undisputed leader in technological innovation, a position that would not be possible absent U.S. companies' commitment to research and development. Investment in research is an investment in our Nation's economic future, and it is appropriate that both the public and private sector share the costs involved, as we share in the benefits. The credit provided through the tax code for research expenses provides a modest but crucial incentive for companies to conduct their research in the United States, thus creating high-skilled, high-paying jobs for U.S. workers.

The R&D credit has played a key role in placing the United States ahead of its competition in developing and marketing new products. Every dollar that the federal government spends on the R&D credit is matched by another dollar of spending on research over the short run by private companies, and $2 of spending over the long run. Our global competitors are well aware of the importance of providing incentives for research, and many provide more generous tax treatment for research and experimentation expenses than does the United States. As a result, while spending on non-defense R&D in the United States as a percentage of GDP has remained relatively flat since 1985, Japan's and Germany's has grown.

The benefits of the credit, though certainly significant, have been limited over the years by the fact that the credit has been temporary. In addition to the numerous times that the credit has been allowed to lapse only to be extended retroactively, the 1996 extension left a 12-month gap during which the credit was not available. This unprecedented lapse sent a troubling signal to

the U.S. companies and universities that have come to rely on the government's longstanding commitment to the credit.

Much research and development takes years to mature. The more uncertain the long-term future of the credit is, the smaller its potential to stimulate increased research. If companies evaluating research projects cannot rely on the seamless continuation of the credit, they are less likely to invest in research in this country, less likely to put money into cutting-edge technological innovation that is critical to keeping us in the forefront of global competition.

Our country is locked in a fierce battle for high-paying technological jobs in the global economy. As more nations succeed in creating educationally advanced workforces and join the U.S. as high-technologically manufacturing centers, they become more attractive to companies trying to penetrate foreign markets. Multinational companies sometimes find that moving both manufacturing and basic research activities overseas is necessary if they are to remain competitive. The uncertainty of the R&D credit factors into their economic calculations, and makes keeping these jobs in the U.S. more difficult.

According to a study conducted by Coopers & Lybrand last year, making the R&D credit permanent will provide a substantial positive stimulus to investment, wage-growth, productivity, and overall economic activity for this country. Payroll increases from gains in productivity are estimated to total $64 billion over the period 1998 through 2010. In the year 2010 alone, the payroll increase is estimated to total nearly $12 billion.

Also according to the study, gross State Product, which is the basic measure of economic activity in a state, will rise overall by nearly $58 billion between 1998 and 2010 as a result of a permanent credit. Nearly three-fifths of this increase nationally is attributable to additional value added by industries that generally do not perform R&D themselves, but benefit from the R&D done by companies in other industries.

Gains in payroll and in Gross State Produce are not limited to states regarded as centers for technological innovation. Although such regions of the country certainly benefit from the credit, each and every state will profit in some measurable way from the credit since all sectors of the economy—agriculture, mining, basic manufacturing, and high-tech services—benefit from productivity improvements resulting from the additional research and development caused by the credit.

My own State of Montana is an excellent example of this economic activity. The total increase in payroll due to the R&D credit for the years 1998–2010 is estimated to be just over $250 million. The total increase in Gross State Product during this same period is expected to be $150 million. Neither of these increases place Montana in the top tier of States benefiting from the credit. However, looking beyond those numbers, the impact of the credit in Montana is substantial. In 1995, 12 of every 1,000 private sector workers were employed directly by high-tech firms in Montana. Almost 400 establishments provided high-technology services, at an average wage of $34,500 per year. These jobs paid 77 percent more than the average private sector wage in 1995 of $19,500 per year. Many of these jobs would never have been created without the assistance of the R&D credit. And many more jobs in Montana are dependent upon the growth and stability of the high-tech sector. Although the cumulative numbers may not be high in comparison with other States, the impact of the R&D credit on Montana's economy is clear.

Senator HATCH and I are not newcomers to this issue. We have jointly introduced bills to make the R&D credit permanent in numerous previous Congresses only to end up with extensions of one year or less. But I like to think that this year will be different. The hard work we have done to bring our budget into balance is finally beginning to pay off, and the projected budget surpluses gives us an opportunity to think carefully about how best to allocate our resources. We believe making the R&D credit permanent is a wise use of budget dollars because of the direct positive impact on economic growth and productivity. This is not just a corporate issue. This is a use of tax dollars that benefits all of us who are working to expand employment, increase wages and keep our Nation at the cutting edge of technological development. I sincerely hope we can make this year the year that the R&D credit becomes a permanent part of our tax code.

I urge my colleagues to support this legislation.●

● Mr. GORTON. Mr. President, technology is the driving force behind the U.S. economy, and investment in research and development is the driving force behind technology. Without research and development, the Internet would not exist. Without research and development, bone marrow transplants would not be saving lives. Without research and development, global satellite networks would not bring instantaneous news from around the world into our living rooms.

Quite simply, Mr. President, research and development encourages economic growth, creates jobs, and gives U.S. businesses an edge in today's competitive world marketplace.

That is why I am proud to be an original cosponsor of legislation introduced today by my colleagues Senator HATCH and Senator BAUCUS. This bill to make permanent the R&D tax credit will enable private businesses large and small to spend more of their resources on research and development. I have long been a strong supporter of the R&D tax credit and am delighted to join the effort to make it permanent.

As my colleagues know, the credit was first created in 1981 as a way to encourage the development of new and innovative commercial technologies and has been renewed nine times. Unfortunately, Congress has never made the tax credit permanent. Such a year to year uncertainty prohibits companies from making long-term R&D plans that take the tax credit into account. This lack of permanency leads inevitably to a lower rate of investment in research and development. That, Mr. President, slows U.S. innovation and economic growth, results in fewer jobs for Americans, and places U.S. firms at a competitive disadvantage to foreign companies.

Making the R&D tax credit permanent is one of the easiest and most effective measures we can take to boost the effectiveness and efficiency of the high tech industry.

The credit spurs economic growth. A recent study by Coopers & Lybrand found that every dollar of tax benefit generates as much as one dollar of additional private R and D spending in the short term and as much as two dollars of long-term R and D investment. The study concluded that over the 1998–2010 period, U.S. companies would spend 41 billion dollars more on research and development if the credit were made permanent. Further, innovations from that additional R and D investment would add more than 13 billion dollars a year to the economy's productive capacity by the year 2010.

The credit creates jobs. Because it is targeted primarily at salaries and wages of employees directly involved in research and experimentation, it is an incentive for companies to create and sustain high-skilled, high-paying jobs.

The credit helps U.S. companies compete. The R and D Tax Credit Coalition, a group of over 1000 American companies and 52 trade associations dedicated to making the tax credit permanent, argues that the credit is an essential tool for U.S. companies competing against foreign firms. Foreign companies often benefit from research and development subsidies from their governments. Such incentives lower the cost of R and D in foreign countries and give companies receiving the subsidies a competitive advantage over U.S. firms. According to the Coalition, U.S. corporate research and development spending lags far behind Germany and Japan as a percentage of sales. Making the tax credit permanent will go a long way to eliminate this disadvantage.

In my home state of Washington, hundreds of businesses, both large and small, use the R&D tax credit to develop new and innovative products and create jobs. In fact, Washington is making a name for itself as the home of a large and growing high technology industry. Last year, the American Electronics Association named Washington a ''cyber state'' and found that 45 out of every 1,000 private sector

workers in the state are employed by high-tech firms. According to AEA, Washington leads the nation in high-tech wages with an average high-tech salary in the state of over 66 thousand dollars a year.

Not surprisingly then, we in Washington view the R&D credit as a valued complement to our state's economic development policies. In fact, the Coopers and Lybrand study estimates that the credit will increase Washington's Gross State Product by $1.4 billion and the state's payroll by $1.6 billion over the next decade.

The Hatch-Baucus legislation to make the R&D tax credit permanent will benefit Washington and every other state in the nation. It is a smart and effective piece of legislation. It spurs economic growth, creates jobs, and helps U.S. companies compete more effectively.

I am proud to be a cosponsor, and I urge my colleagues to join me in supporting innovation in America.●

● Mrs. FEINSTEIN. Mr. President, I rise today in support of the Research and Experimentation Tax Credit, introduced by the Senators from Utah and Montana. This bill addresses what is in my opinion a long-standing oversight in the tax code, and will create a permanent extension for the Research and Experimentation Tax Credit.

Indeed, this legislation is necessary because, despite a remarkable record of spurring innovation and success—it is regarded by many in the business world as the single most effective tool government has to help business—the 18 year old research and experimentation tax credit inexplicably remains a temporary provision of the tax code.

Economists have linked the tax credit to steady economic growth and productivity. Industry leaders have credited it with spawning private enterprise investments. It is especially important to high tech and emerging growth industries that are driving our economy. And, because it creates jobs and spurs economic activity, the research and experimentation tax credit helps to increase the tax base, paying back the benefit of the credit.

Yet, despite its many benefits, for 18 years the research and experimentation tax credit has remained a temporary tax provision requiring regular renewal. The President's budget request for FY2000 has, once again, only requested a one year extension of the credit.

In fact, since 1981, when it was first enacted, the Research and Experimentation Tax Credit has been extended nine times. In four instances the research credit had expired before being renewed retroactively and, in one instance, it was renewed for a mere six months.

This is not a process which is conducive to encouraging business investment in the innovative industries—high technology, electronics, computers, software, and biotechnology, among others—which will provide future strength and growth for the U.S. economy.

Earlier in this decade California was faced with its severest economic downturn since the Great Depression. Today, the California economy is healthy and vibrant, and it is so in no small part because of the critical role played by innovative research and development efforts in nurturing new ''high tech'' industries.

Today the 150 largest Silicon Valley companies are valued at well-over $500 billion, $500 billion which did not exist two decades ago. Much of this growth is a result of ability of companies to undertake long-rage and sustained research in cutting-edge technologies.

To give just one example: Pericom Semiconductor, located in San Jose, California, has expanded from a start-up company in 1990 to a company with over $50 million in revenue and 175 employees by the end of last year. Pericom is ranked by Deloitte Touche as one of the fastest growing companies in Silicon Valley. And, according to a letter I received from the Vice President of Finance and administration at Pericom, utilization of the research credit has been key to their success, enabling them to add engineers, conduct research, and expand their technology base.

I will enter into the RECORD letters I have received from several California companies regarding the benefits of the research and experimentation tax credit.

The new jobs created at companies like Pericom, Genetech, Intel, Lam, and Xylinx, along with a host of others, through utilization of the research and experimentation tax credit also create additional tax revenue, paying back the benefit of the tax credit.

Research and experimentation is the lifeblood of high technology development, and if we want to replicate the success of companies like Pericom across the country it is crucial that we create a permanent research and experimentation tax credit.

According to a 1988 study conducted by the national accounting firm Coopers & Lybrand, a permanent credit will increase GDP by nearly $58 billion (in 1998 dollars) over the next decade. The productivity gains from a permanent extension will allow workers throughout the nation to earn higher wages.

Whether it is advances in health care, information technology, or environmental design, research and development are critical ingredients for fueling the process of economic growth.

Moreover, aggressive research and experimentation is essential for U.S. industries fighting to be competitive in the world marketplace.

Right now American biotechnology is the world leader in developing effective treatments and biotech is considered one of the critical technologies for the twenty-first century. With other countries heavily-subsidizing research and development, it is critical that U.S. companies also receive incentive to invest the necessary resources to stay on top of breakthrough developments.

Most biotech research and development efforts are long term projects spanning five to ten years, sometimes more. The uncertainty created by the temporary and sporadic extensions is incompatible with the basic needs of biotech innovation—providing companies with a stable time frame to plan, launch, and conduct research activities. In the case of a promising but financially intensive research project, such unpredictability can make the difference as to whether the project is completed or abandoned.

Anyone who has watched the growth of America's high tech sector in the past two decades—much of it in California—has seen first hand how research and development investment leads to new jobs, new businesses, and even entire new industries. And anyone who has benefitted from breakthrough products—from new treatments for genetic disorders to cleansing contaminated groundwater—has felt the effect of this tax credit.

Mr. President, I believe that the research and experimentation tax credit has proven its worth in creating new technologies and jobs, and in growing tax revenues for this country. It should not be imperilled by remaining a temporary credit, subject to termination because of the uncertainty of a given political moment. I urge my colleagues to support this bill and to create a permanent extension for the Research and Experimentation Tax Credit.

I ask that letter in support of the bill be printed in the RECORD.

The material follows:

PERICOM,
October 13, 1998.

Sen. DIANNE FEINSTEIN,
Washington, DC.

This is a letter to let you know how we are able to utilize the benefits of the Research and Development Tax Credit.

Pericom Semiconductor—located in San Jose, California—has expanded from a start-up in 1990 to $50M in revenue with 175 people as of September 1998. The savings that we obtain through the utilization of the research credit have enabled us to add engineers to help us expand our technology base. We were ranked as one of the fastest growing companies in Silicon Valley as a result of a Deloitte Touche survey.

The benefit to our country is that we export about 50% of our revenue to Asia Pacific and Europe. This helps with the balance of trade.

The engineers that we hire also pay their fair share of taxes so the benefit of the tax credit is paid back and I'm sure are more than revenue neutral. It enables them to buy goods and services which has the spiral effect of making our country that much stronger.

We respect your efforts on our behalf and view the extension as a must for us. There is no known reason not to pass it.

Sincerely,

PATRICK B. BRENNAN,
Vice President, Finance and Administration.

TEXAS INSTRUMENTS,
SILICON SYSTEMS, INC.,
Santa Cruz, CA, March 9, 1999.

Hon. DIANE FEINSTEIN,
Hart Senate Office Building,
U.S. Senate, Washington, DC

DEAR SENATOR FEINSTEIN: I write to you in my capacity as Santa Cruz Fab Director of Texas Instruments. Although we have operations throughout the United States, especially in Texas, we have significant operations in Santa Cruz, San Jose, Tustin and Santa Barbara, California. Thank you for your support for the Research and Development (R&D) tax credit and your efforts to make the credit permanent. We support the bill recently introduced by Reps. Johnson and Matsui. Making the R&D tax credit permanent is our top tax priority for 1999.

Texas Instruments is a global semiconductor company employing over 34,000 people worldwide. We are the world's leading designer and supplier of digital signal processing (DSP) and analog technologies, the engines driving the digitization of electronics. DSP is the enabler of products and processes yet to be imagined. It is a 3.9 billion dollar market today. It should hit 13 billion dollars within the next five years. If one adds mixed signal and analog products, the total market could be in excess of 60 billion dollars by the year 2002.

The R&D tax credit provides a significant incentive for companies to perform additional amounts of R&D activity. Given the inherent riskiness of this type of investment, the credit makes for sound tax policy. Because the R&D credit is primarily a wage credit, most of this additional investment is directly connected to the creation and maintenance of high-wage professional jobs.

Additionally, the creation of new products and broadening the scope of technical knowledge benefits Americans generally. We specialize in digital signal processing solutions, enabling the nation to be more efficient and more productive. Ultimately, the nation's employees will earn higher wages and pay more taxes because Texas Instruments and other California companies are investing in the future through research.

To best harness the incentive nature of the R&D tax credit, we believe that Congress should make the credit permanent. Texas Instruments and the entire high tech community would like to be able to rely upon the existence of the credit beyond the average six months to 1½ year extension that has characterized the treatment of the credit since 1986. This would allow us to devote even more resources to R&D activities, and quite possibly hire even more Californians.

There is another way to look at this: Congress and the Administration need to take steps to ensure that U.S. companies are equipped to compete in the international marketplace. In the semiconductor industry, we have always faced a continuing threat from foreign competitors such as those in Japan, Korea or Taiwan. The R&D tax credit is a step that helps U.S. companies as they compete in the global marketplace. It does this by encouraging R&D activities, which in turn result in greater employment opportunities.

As you know, high-technology firms have a critical role to play in the future of the nation, and we all need to work to keep businesses like ours here in the U.S. As the world quickly shifts to a service economy, high salary jobs that can sustain the American standard of living are becoming increasingly linked to high value-added, high-tech professions. Future economic growth and high employment require us to continue to nourish innovation while encouraging our employees to be as productive and creative as possible. Our nation has the potential to lead the world into a prosperous new century of growth, given appropriate federal policy—such as making permanent the R&D tax credit.

Again, thank you for all your previous efforts in support of the R&D tax credit. If there is any additional information that we can provide to you in support of this important provision, please feel free to contact me.

Sincerely,

JAMES D. JENSEN,
Santa Cruz Fab Director.●

● Mr. LIEBERMAN. Mr. President, I am pleased to join Senators HATCH and BAUCUS today in cosponsoring a bill to make the Research and Experimentation Tax Credit permanent. Technological innovation is the major factor driving economic and income growth in America today. A one percent increase in our nation's investment in research results in a productivity increase of 0.23 percent. Productivity increases are what allow us to increase wages and standards of living. The R&D undertaken by our companies today is too important to our economy and our wages to allow its encouragement through tax credits to be an unstable, haphazard effort varying from one year to the next.

Moreover, R&D has a significantly higher rate of return at the societal level than at the company level. There is a huge spillover effect from one person's or one company's innovation to other firms, other industries, and benefits to consumers. That is why government has a role in supporting R&D both directly through government funded research and through tax credits to private industry. All of society benefits from increased R&D. I strongly support making the R&D tax credit permanent so that our companies can engage confidently in long-term planning for sustained research investment.

I believe making the R&D tax credit permanent is a priority. I also feel we must strengthen the United States investment in R&D through other means as well. Senators FRIST, ROCKEFELLER, DOMENICI, GRAMM and I are sponsoring a bill, S. 296—with 29 cosponsors—to double federal investment in research over the next decade. Government labs and University labs undertake much of the basic research in this country. We need to nurture these incubators of basic research not only by increasing government support for them, but to encourage private sector support and financing of them. That is why Senators DOMENICI, BINGAMAN, FRIST and I support some reforms to the R&D tax credit that will encourage the private sector to partner with Government and University labs. We will shortly be introducing a bill to increase the benefits of the R&D credit to all companies, encourage research consortia, and give special attention to research investment by small businesses.

The reason we have been unable to make the R&D tax credit permanent is because it requires that the expenditures be scored for five years, thereby raising the budget costs. Extending the credit each year, sometimes at the last minute and sometimes retroactively, does not lower the cost to government, but increases the costs to industry by increasing its risk and uncertainty. Let's stop this charade and do what's right. Let's make it permanent.●

● Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues Senator HATCH and Senator BAUCUS in introducing legislation to permanently extend the research and experimentation (R&E) tax credit. This credit provides a major incentive to the private sector to invest in long-range, high-risk research. It has played, and continues to play an important role in fostering private-sector investment in research, driving innovation in our technology-based industries.

Economic studies have shown that for each dollar of lost tax revenue, the tax credit stimulates an additional dollar of R&E in the short term and two additional dollars in the long term. These research investments promote technological innovation, enhance job growth, and increase productivity, helping to maintain our nation's quality of life and economic strength and well-being.

The R&E tax credit was enacted in 1981, and since then has been temporarily extended nine times, for periods as brief as six months, and has been allowed to lapse at least three times before being renewed retroactively. This is simply not an acceptable situation, especially if we mean to create a business climate which encourages the private sector to fund as much R&E as possible in the U.S., and not to move these activities off shore to countries that offer more substantial tax and financial incentives. This is a particularly critical concern for our high-growth, research-intensive industries, such as those in the computer, telecommunications, and biotechnology sectors. These companies depend on the R&E tax credit to undertake and continue long-term research projects. To ensure the success of such projects it is essential that our support for industry research is both continuous and predictable—our future competitiveness in the world marketplace depends upon it.

The federal government is reducing its commitment to research and development. We therefore need to encourage the private sector to expand its investment in this area. By making the R&E tax credit permanent, so that companies can count on its availability from year to year in planning their research investments, we create an environment conducive to promoting investment in R&E. We must not allow a system characterized by the uncertainty of frequent expirations and renewals to continue. I therefore urge my colleagues to join me in support of this legislation to make the R&E tax credit permanent.●

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. LAUTENBERG, Mr. CLELAND, Mr. JOHNSON, Ms.

MIKULSKI, Mr. SARBANES, Mrs. MURRAY, and Mr. HOLLINGS):

S. 681. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer, to the Committee on Health, Education, Labor, and Pensions.

BREAST CANCER PATIENT PROTECTION ACT

Mr. DASCHLE. Mr. President, today I am introducing the Breast Cancer Patient Protection Act of 1999, which requires health insurance plans to provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed to treat breast cancer.

This bill would prevent insurance companies and health maintenance organizations (HMOs) from forcing women to leave the hospital prematurely following a mastectomy or lymph node dissection or to have these treatments on an outpatient basis. Insurance company accountants should not make medical decisions without considering a doctor's judgments or a patient's needs. This legislation is part of my ongoing effort to protect patients and require that insurance companies deliver necessary, promised coverage. The Patients' Bill of Rights Act, S.6, also addresses these types of abuses, while providing a range of other important protections.

The Breast Cancer Patient Protection Act would guarantee women at least 48 hours of inpatient care following a mastectomy and at least 24 hours following lymph node dissection. These standards were designed in consultation with surgeons who specialize in this area and reflect the minimum amount of inpatient care necessary following these procedures. Patients, in consultation with their physicians, would be able to leave the hospital earlier if their situation warrants. The bottom line is still that insurers should allow coverage for the time necessary to ensure a proper recovery.

Over the last several years, the average length of hospitalization following a mastectomy has fallen from 4–6 to 2–3 days. Patients undergoing lymph node dissections in the past were hospitalized for 2–3 days. While some of the reductions in length of care may be the result of better medical practices, hospitalization is still critical for pain control, to manage fluid drainage, and to provide support and reassurance for women who have just undergone major surgery.

Nevertheless, some patients have been told that their health maintenance organization (HMO) will cover their major surgery only on an outpatient basis. These determinations have been made on the basis of studies by their own actuarial consulting firms. However, both American College of Surgeons and the American Medical Association have concluded that inpatient stays are recommended in many cases. Women suffering from breast cancer deserve to know that their insurance will cover care based on their medical needs rather than the coverage recommendations made by HMO actuaries.

My bill is a companion to H.R. 116, which was introduced in the House of Representatives by Congresswoman DeLauro. I would like to express appreciation to Congresswoman DeLauro, and to Senators FEINSTEIN, MIKULSKI and MURRAY, for their tireless efforts on behalf of breast cancer patients. All have been invaluable leaders who have inspired and challenged us to address the very real need for breast cancer treatment reform.

As we discuss the importance of ensuring quality care for breast cancer sufferers who have health insurance, it is also important to note that many women in the United States must fight this life-threatening disease without any health insurance at all. The Centers for Disease Control (CDC) funds breast and cervical cancer screening—in South Dakota, 1300 low-income women have been screened during the past 18 months—but there is no funding for actual treatment when that screening detects cancer. While the CDC effort is a critical part of the fight against cancer, it is ironic that those women who test positive for breast and cervical cancer may have no way to pay for the treatment they need.

With one in eight women expected to develop breast cancer, it is increasingly likely that all of our families will be affected by this devastating disease in some way. In South Dakota, 500 women will be diagnosed with, and 100 will die of, breast cancer in the next 12 months. Let us take this small step to ensure the experience is not complicated by insecurity and confusion over health insurance coverage. Let us put critical health care decisions back in the hands of breast cancer patients and their physicians.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to printed in the RECORD, as follows:

S. 681

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 ''Breast Cancer Patient Protection Act of 1999''.

SEC. 2. COVERAGE OF MINIMUM HOSPITAL STAY FOR CERTAIN BREAST CANCER TREATMENT.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

''(a) REQUIREMENTS FOR MINIMUM HOSPITAL STAY FOLLOWING MASTECTOMY OR LYMPH NODE DISSECTION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, may not—

''(A) except as provided in paragraph (2)—

''(i) restrict benefits for any hospital length of stay in connection with a mastectomy for the treatment of breast cancer to less than 48 hours, or

''(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours, or

''(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under subparagraph (A) (without regard to paragraph (2)).

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply in connection with any group health plan or health insurance issuer in any case in which the decision to discharge the woman involved prior to the expiration of the minimum length of stay otherwise required under paragraph (1)(A) is made by an attending provider in consultation with the woman.

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

''(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

''(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

''(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

''(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

''(c) RULES OF CONSTRUCTION.—

''(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

''(A) to undergo a mastectomy or lymph node dissection in a hospital; or

''(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

''(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

''(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or

other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

''(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

''(e) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(f) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

''(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

''(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

''(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

''(2) CONSTRUCTION.—Section 2723(a)(1) shall not be construed as superseding a State law described in paragraph (1).''.

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking ''section 2704'' and inserting ''sections 2704 and 2707''.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

''SEC. 714. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

''(a) REQUIREMENTS FOR MINIMUM HOSPITAL STAY FOLLOWING MASTECTOMY OR LYMPH NODE DISSECTION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, may not—

''(A) except as provided in paragraph (2)—

''(i) restrict benefits for any hospital length of stay in connection with a mastectomy for the treatment of breast cancer to less than 48 hours, or

''(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours, or

''(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under subparagraph (A) (without regard to paragraph (2)).

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply in connection with any group health plan or health insurance issuer in any case in which the decision to discharge the woman involved prior to the expiration of the minimum length of stay otherwise required under paragraph (1)(A) is made by an attending provider in consultation with the woman.

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

''(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

''(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

''(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

''(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

''(c) RULES OF CONSTRUCTION.—

''(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

''(A) to undergo a mastectomy or lymph node dissection in a hospital; or

''(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

''(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

''(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

''(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(e) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(f) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

''(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 731(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

''(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

''(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

''(2) CONSTRUCTION.—Section 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).''.

(B) CONFORMING AMENDMENT.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104–204, is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)), as amended by section 603(b)(2) of Public Law 104–204, is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(C) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Standards relating to benefits for certain breast cancer treatment.''.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following new section:

''SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

''(a) IN GENERAL.—The provisions of section 2707 (other than subsection (d)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

''(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

''(c) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

''(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

''(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

''(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital

length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

''(2) CONSTRUCTION.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).''.

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)), as added by section 605(b)(3)(B) of Public Law 104–204, is amended by striking ''section 2751'' and inserting ''sections 2751 and 2753''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH INSURANCE.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) INDIVIDUAL HEALTH INSURANCE.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

By Mr. HELMS (for himself and Ms. LANDRIEU):

S. 682. A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes; to the Committee on Foreign Relations.

Mr. HELMS. Mr. President, I send to the desk legislation that the distinguished Senator from Louisiana, Ms. LANDRIEU and I are introducing today, its purpose being to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption—a treaty pending before the Foreign Relations Committee.

Senator LANDRIEU and I have worked together on issues of adoption since her arrival in the Senate in 1997. I am genuinely grateful for her leadership on this issue.

According to the most recent statistics, in 1998 almost 15,774 children were adopted by Americans from abroad. The majority of the children were brought to the United States from Russia, China, Korea, and Central and South American countries. In my state of North Carolina, 175 children were adopted in 1996 from outside the United States.

The Intercountry Adoption Implementation Act will provide for the first time a rational structure for intercountry adoption. The act is intended to bring some accountability to agencies that provide intercountry adoption services in the United States, and strengthen the hand of the Secretary of State in ensuring that U.S. adoption agencies engage in efforts to find homes for children in an ethical manner.

Mr. President, I strongly support adoption. It is in the best interest of every child—regardless of his or her age, race or special need—to be raised by a family who will provide a safe, permanent, and nurturing home. However, it is also a process that can leave parents and children vulnerable to fraud and abuse.

For this reason, the legislation that Senator LANDRIEU and I are introducing today includes a requirement that agencies be accredited to provide intercountry adoption. Mandatory standards for accreditation will include ensuring that a child's medical records be available in English to the prospective parents prior to their traveling to the foreign country to finalize an adoption. (We are also requiring that agencies be transparent, especially in their rate of disrupted adoption and their fee scales.)

This legislation also places the requirements of implementing the Hague Convention with the U.S. Secretary of State. Some have advocated a role for various government agencies, but I believe that spreading responsibility among various agencies will undermine the effective implementation of the Hague Convention.

During hearings last year in the Foreign Relations Committee regarding international parental kidnaping, the Committee heard testimony regarding the difficulties of coordination among agencies in implementing the Hague Convention on the Civil Aspects of Parental Abduction. This situation provides a valuable lesson. As a result, our legislation tasks the Secretary of State with establishing accreditation criteria for adoption agencies.

The Foreign Relations Committee soon will schedule hearings to consider both the treaty and this legislation. I hope that these hearings will emphasize both the many benefits of intercountry adoption, but also several of the abuses that have resulted during this decade.

Ms. LANDRIEU. Mr. President, I am very proud to join with my friend and colleague, the senior Senator from North Carolina, in introducing the implementing legislation for the Hague Convention on Intercountry Adoption. As many Members know, Senator HELMS cares deeply about the welfare of children and knows personally of the joy of building a family through adoption. I commend him for his strong commitment, his leadership, and the very thoughtful work that he has put into this important piece of legislation.

In my office, I have a large black and white poster of a smiling infant crawling only in a diaper. On the baby's bottom, on the diaper, is a huge bull's eye. The text says simply, ''Children always make the easiest targets.''

Unfortunately, Madam President, that seems to be true in our legislative and budgetary process. They don't move very quickly, they are not very strong, they don't have very loud voices and they can't protect themselves. We need to help them do that.

It would have been easy for the chairman of the Senate Foreign Relations Committee to come to this floor on one of the dozens of other important treaties that he has pending before his committee. It would have required no effort to leave this relatively obscure treaty languishing in limbo for months or even years. Instead, Senator HELMS made this treaty a priority. I am very proud to join him as a lead democratic sponsor of its implementing legislation, which will benefit millions of children throughout the world, and families around the globe.

I have had the opportunity to meet with many foreign dignitaries on the subject of intercountry adoption, from China to Russia, to Romania. Many countries have indicated that the United States ratification of the Hague Convention is the single most important thing we can do to strengthen the process of intercountry adoption. The United States adopts more children than any other country in the world. Unfortunately, this Nation and other large receiving nations have been sending the wrong message about our intentions regarding adoption.

A nation like Romania, for instance, which has had a tortured history in the field of child welfare indicated the importance of this treaty by being the first nation to ratify. For that, they should be commended.

Other sending countries have similarly stepped up to the plate, while receiving nations remain inactive. We must change that.

Today, in the Senate, we send a new message to the world. The United States is serious about the Hague convention. We are serious about improving and reforming the intercountry adoption system, and we will encourage other nations of the world to join us in that effort.

Habitat for Humanity's Millard Fuller, a man who has accomplished a great deal in the last few years, has a credo for his organization. He says everyone deserves a decent place to live. He is right. With that simple, but bold vision, Habitat for Humanity has been an incredible success story, building homes around the world for millions of families.

This is another simple but bold idea. Every child deserves a nurturing family. This treaty doesn't guarantee that, but it will give millions of children their best chance for a family to call their own. Furthermore, it will give millions of would-be parents a better chance at the joy of parenthood. We cannot let arbitrary borders and national pride get in the way of this simple but powerful idea, that every child should have parents who can love and care for them. No child should have to be raised alone.

The Hague Convention, by normalizing the process of intercountry adoption, brings this bold idea a step closer to reality.

I will briefly touch upon several important pieces of this legislation. First, let me say that this treaty is not a Federal endeavor to take control of the adoption process. This system is working for the most, and in many parts of the country it works very well. The philosophy throughout has been to address the real need for reform of intercountry adoptions and leave the other debate to another day.

This bill, however, does make several changes which will revolutionize the status quo. First, the State Department will finally be given legislative authority to track, monitor and report on intercountry adoptions. We will have hard figures on disruptions, adoption fees, and most importantly, the number of American children who are adopted by people abroad.

Second, accredited agencies will need to provide some minimum services to continue operating in the intercountry field. Among these services are translated medical reports, 6 weeks of preadoption counseling, liability insurance and open examination of practices and records. By allowing public scrutiny in this area, we believe the Hague implementing legislation provides some basic consumer protection and will help eliminate the few bad actors who occasionally grab headlines in the arena of international adoption.

Another significant feature of this treaty is the adoption certificate which will be provided by the Secretary of State. With the certificate, INS procedures and State court finalizations will become routine and quick rather than involved and costly. This will be a welcome relief for many families across this country waiting for children to come home.

Americans provide loving families for nearly 15,000 children from around the world. If we pass this convention, those numbers are most certainly likely to increase, which will be an opportunity for families here in the United States, as well as many children who desperately need homes.

Every day, my colleagues speak eloquently from this floor about ways to help our children and families grow and become stronger, but rarely do we have an opportunity to do something which can have a significant impact on actually creating loving homes for children who have no one. This is such an occasion. We should not miss this historic opportunity.

I look forward to working with our chairman from North Carolina as this bill and treaty progress through the Senate in the months ahead. It is with high hopes that we proceed, hoping that we can pass a strong, bipartisan piece of legislation before the end of the year.

Madame President, the need to help children find loving homes, is as old as human history. You can look all the way back to Muhammad who stated that ''the best house is the house in which an orphan receives care.'' I hope we can create many such houses with this bill. I would like to conclude with a quote I read in preparation for this speech that I found quite moving. It says that ''orphans, other than their innocence, have no sin, and other than their tears, they have no way of communication. They cannot explain the wars, the struggles, the political disputes, or the geographical disputes which have all made them homeless, helpless, fearful, and alone. Human history has never seen such a large number of orphan children in this world. Mankind has never seen such a large number of people in comfort. If you follow any religion, it is your religious duty to take care of orphans. If you do not follow any religion, it is your observation toward humanity that should convince you to support them.''

I ask unanimous consent that documents involving those nations that have signed the treaty be printed in the RECORD as well as those that have ratified the treaty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Following States Have Ratified The Hague Convention of 29 May 1993 On Protection of Children and Co-Operation In Respect of Intercountry:

Entry Into Force

Mexico, September 14, 1994, May 1, 1995
Romania, December 28, 1994, May 1, 1995
Sri Lanka, January 23, 1995, May 1, 1995
Cyprus, February 20, 1995, June 1, 1995
Poland, June 12, 1995, October 1, 1995
Spain, July 11, 1995, November 1, 1995
Ecuador, September 7, 1995, January 1, 1996
Peru, September 14, 1995, January 1, 1996
Costa Rica, October 30, 1995, February 1, 1996
Burkina Faso, January 11, 1996, May 1, 1996
Philippines, July 2, 1996, November 1, 1996
Canada, December 19, 1996, April 1, 1997
Venezuela, January 10, 1997, May 1, 1997
Finland, March 27, 1997, July 1, 1997
Sweden, May 28, 1997, September 1, 1997
Denmark, July 2, 1997, November 1, 1997
Total number of ratifications: 16,

The Following States Have Signed The Hague Convention Of 29 May 1993 On Protection of Children and Co-Operation In Respect of Intercountry Adoption:

Costa Rica, 29 May 1993
Mexico, 29 May 1993
Romania, 29 May 1993
Brazil, 29 May 1993
Colombia, 1 September 1993
Uruguay, 1 September 1993
Israel, 2 November 1993
Netherlands, 5 December 1993
United Kingdom, 12 January 1994
United States, 31 March 1994
Canada, 12 April 1994
Finland, 19 April 1994
Burkina Faso, 19 April 1994
Equador, 3 May 1994
Sri Lanka, 24 May 1994
Peru, 16 November 1994
Cyprus, 17 November 1994
Switzerland, 16 January 1995
Spain, 27 March 1995
France, 5 April 1995
Luxembourg, 6 June 1995
Poland, 12 June 1995
Philippines, 17 July 1995
Italy, 11 December 1995
Norway, 20 May 1996
Ireland, 19 June 1996
Sweden, 10 October 1996
El Salvador, 21 November 1996
Venezuela, 10 January 1997
Denmark, 2 July 1997

Ms. LANDRIEU. It is my hope that we can work under the great leadership of Senator HELMS on this issue to pass this implementing legislation and the treaty to provide hope to millions of children in families that would welcome it.

By Ms. COLLINS:

S. 684. A bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United States Code, permanent; to the Committee on the Judiciary.

THE FISHERMEN'S BANKRUPTCY PROTECTION ACT

● Ms. COLLINS. Mr. President, today I am introducing a bill to make reorganization under Chapter 12 of the Bankruptcy Code applicable to family fishermen. In brief, the bill would allow family fishermen the opportunity to apply for the protections of reorganization in bankruptcy and provide to them the same protections and terms as those granted the family farmer who enters bankruptcy.

Like many Americans, I'm appalled by those who live beyond their means, and use the bankruptcy code as a tool to cure their self-induced financial ills. I have supported and will continue to support alterations to the bankruptcy code that ensure the responsible use of its provisions. All consumers bear the burden of irresponsible debtors who abuse the system. Therefore, I believe bankruptcy should remain a tool of last resort for those in severe financial distress.

As those familiar with the bankruptcy code know, business reorganization in bankruptcy is a different creature than the forgiveness of debt traditionally associated with bankruptcy. Reorganization embodies the hope that by providing business a break from creditors, and allowing debt to be adjusted, the business will have an opportunity to get back on sound financial footing and thrive. In that vein, Chapter 12 was added to the bankruptcy code in 1986 by the Senator from Iowa, Mr. GRASSLEY, to provide for bankruptcy reorganization of the family farm and to give family farmers a ''fighting chance to reorganize their debts and keep their land''.

To provide the ''fighting chance'' envisioned by the authors of Chapter 12, Congress provided a distinctive set of substantive and procedural rules to govern effective reorganization of the family farm. In essence, Chapter 12 was a recognition of the unique situation of family owned businesses and the enormous value of the family farmer to the American economy and our cultural heritage.

Chapter 12 was modeled on bankruptcy Chapter 13 which governs the reorganization of individual debt. However, to address the unique problems encountered by farmers, Chapter 12 provided for significant advantages over the standard Chapter 13 filer. These advantages include a longer period of time to file a plan for relief, greater flexibility for the debtor to modify the debts secured by their assets, and alteration of the statutory time limit to repay secured debts. The Chapter 12 debtor is also given the freedom to sell off parts of his or her property as part of a reorganization plan.

Unlike Chapter 13, which applies solely to individuals, Chapter 12 can

apply to individuals, partnerships or corporations which fall under a $1.5 million debt threshold—a recognition of the common use of incorporation even among small family held farms.

Without getting too technical, I should also mention that Chapter 12 also contains significant advantages over corporate reorganization which is governed by Chapter 11 of the Bankruptcy Code. For example, Chapter 12 creditors generally may not challenge a payment plan that is approved by the Court.

Chapter 12 has been considered an enormous success in the farm community. According to a recent University of Iowa study, 74 percent of family farmers who filed Chapter 12 bankruptcy are still farming, and 61 percent of farmers who went through Chapter 12 believe that Chapter 12 was helpful in getting them back on their feet.

Recognizing its effectiveness, my bill proposes that Chapter 12 should be made a permanent part of the bankruptcy code, and equally important, my bill would extend Chapter 12's protections to family fishermen.

In my own state of Maine, fishing is a vital part of our economy and our way of life. The commercial fishing industry is made up of proud and fiercely independent individuals whose goal is simply to preserve their business, family income and community.

In my opinion, for too long the fishing industry has been treated like an oddity, rather than a business through which courses the life's blood of families and communities. This bill attempts to bridge that gap and afford fishermen the protection of business reorganization as it is provided to family farmers.

There are many similarities between the family farmer and the family fisherman. Like the family farmer, the fisherman should not only be respected as a businessman, but for his or her independence in the best tradition of our democracy. Like farmers, fishermen face perennial threats from nature and the elements, as well as changes to laws which threaten their existence. Like family farmers, fishermen are not seeking special treatment or a handout from the federal government, they seek only ''the fighting chance'' to remain afloat so that they can continue in their way of life.

Although fishermen do not seek special treatment from the government, they play a special role in seafaring communities on our coasts, and they deserve protections granted others who face similar, often unavoidable, problems. Fishermen should not be denied the bankruptcy protections accorded to farmers solely because they harvest the sea and not the land.

I have proposed not only to make Chapter 12 a permanent part of the bankruptcy code, but also to apply its provisions to the family fisherman. The bill I have proposed mirrors Chapter 12 with very few exceptions. Its protections are restricted to those fishermen with regular income who have total debt less than $1.5 Million, the bulk of which, eighty percent, must stem from commercial fishing. Moreover, families must rely on fishing income for these provisions to apply.

Those same protections and flexibility we grant to farmers should also be granted to the family fisherman. By making this modest but important change to the bankruptcy code, we will express our respect for the business of fishing, and our shared wish that this unique way of life should continue.●

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 685. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

THE STATE WATER SOVEREIGNTY PROTECTION ACT

● Mr. CRAPO. Mr. President, I rise to introduce the State Water Sovereignty Protection Act, a bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes.

Since 1866, Congress has recognized and deferred to the States the authority to allocate and administer water within their borders. The Supreme Court has confirmed that this is an appropriate role for the States. Additionally, in 1952, the Congress passed the McCarran amendment which provides for the adjudication of State and Federal Water claims in State water courts.

However, despite both judicial and legislative edicts, I am deeply concerned that the administration, Federal agencies, and some in the Congress are setting the stage for ignoring long established statutory provisions concerning State water rights and State water contracts. The Endangered Species Act, the Clean Water Act, the Federal Land Policy Management Act, and wilderness designations have all been vehicles used to erode State sovereignty over its water.

It is imperative that States maintain sovereignty over management and control of their water and river systems. All rights to water or reservations of rights for any purposes in States should be subject to the substantive and procedural laws of that State, not the Federal Government. To protect State water rights, I am introducing the State Water Sovereignty Protection Act.

The State Water Sovereignty Protection Act provides that whenever the United States seeks to appropriate water or acquire a water right, it will be subject to State procedural and substantive water law. The Act further holds that States control the water within their boundaries and that the Federal Government may exercise management or control over water only in compliance with State law. Finally, in any administrative or judicial proceeding in which the United States participates pursuant to the McCarran Amendment, the United States is subject to all costs and fees to the same extent as costs and fees may be imposed on a private party.●

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. SCHUMER, and Mr. TORRICELLI):

S. 686. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufactures, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

THE FIREARMS RIGHTS, RESPONSIBILITIES, AND REMEDIES ACT

Mrs. BOXER. Mr. President, I rise today to introduce legislation to protect the rights and interests of local communities in suing the gun industry. I am joined in this effort by Senators CHAFEE, LAUTENBERG, REED, SCHUMER, and TORRICELLI.

Frankly, I would prefer not to have to introduce legislation at all. But, it has become necessary because the gun industry has begun a concerted campaign to gag America's cities. In order to preserve local control and options, federal legislation is needed. The federal government must stand alongside our local communities to fight the gun violence plaguing too many of America's cities.

So far, five cities—New Orleans, Atlanta, Chicago, Miami-Dade County, and Bridgeport, Connecticut—have filed lawsuits against the gun industry. Many more are considering such lawsuits, including, in my State of California, San Francisco, Los Angeles, and Sacramento. These cities are suing because they are being invaded by guns.

Consider the city of Chicago. Chicago has one of the toughest handgun control ordinances in the country. And yet, this year, the Chicago police will confiscate some 17,000 illegal weapons. City officials acknowledge that's only a fraction of the guns on the streets. And there are now 242 million guns in America. That's almost one for every man, woman, and child in this country.

The result is that each year, guns cause the death of about 35,000 Americans. The number of handgun murders in this country far outpaces that of any other country—indeed, most other countries combined. Japan and Great Britain have fewer than one murder by a handgun per one million population. Canada has about three and a half per million people. But in the United States, there are over 35 handgun murders per year for every million people.

In my state of California alone, there are five times as many handgun murders as there are in New Zealand, Australia, Japan, Great Britain, Canada, and Germany combined. Yet those six countries together have ten times the population of California.

Over 11 years, nearly 400,000 Americans have been killed by gunfire. Compare that with the 11 years of the Vietnam War, where over 58,000 Americans died.

If this continues, the Centers for Disease Control estimates that in just four years, gun deaths will be the leading cause of injury-related death in America.

And for every American who dies, another three are injured and end up in an emergency room. The cost to our health care system is estimated to be between $1.5 billion and $4.5 billion per year. And 4 out of every 5 gunshot victims either have no health insurance or are on public assistance. U.S. News reported that one hospital in California—the University of California-Davis Medical Center—lost $2.2 million over three years on gunshot victims. That means you and I and all taxpayers are paying the bills.

That is why many cities want to sue. But, the NRA does not want to fight this in court. The gun industry wants to circumvent the legal process through special interest legislation—legislation imposed on our cities by big government.

To preserve local control and individual rights, federal legislation is needed. Today, I am introducing such legislation, known as the Firearms Rights, Responsibilities, and Remedies Act. This bill would ensure that individuals and entities harmed by gun violence—including our cities—have the right to sue gun manufacturers, dealers, and importers.

Specifically, my bill would create a federal cause of action—the right to sue—for harms resulting from gun violence. A gun manufacturer, dealer, or importer could be held liable if it ''knew or reasonably should have known'' that its design, manufacturing, marketing, importation, sales, or distribution practices would likely result in gun violence. But, this is not an open-ended proposition. The term ''gun violence'' is defined specifically as the unlawful use of a firearm or the unintentional discharge of a firearm. It would not be possible to sue for every gun sold—or even for all violence and deaths that result. A suit would only be possible if there is some negligence on the part of a manufacturer, dealer, or importer. I believe this language is broad enough to allow cities to pursue their claims, but not so broad as to open the floodgates for every gun-related death and injury.

Suits could be brought in federal or state court by States, units of local government—such as cities, towns, and counties—individuals, organizations, and businesses who were injured by or incurred costs because of gun violence. A prevailing plaintiff could recover actual damages, punitive damages, and attorneys fees.

I am not saying that the gun industry should be required to pay any particular amount of damages, and I am not advocating any particular theory that would hold the gun industry liable. What I am saying is that the gun industry should not be exempt from the normal course of business in America. The right to redress grievances in court is older than America itself—older than the Second Amendment to the Constitution. But the NRA is now pushing legislation in many states and here in Congress to say that the gun industry should get special rights and special protections. I believe that the gun industry should be treated like everyone else, and I believe that our cities should have their day in court.

My bill does not impose anything. It does not require anything. It is designed for one purpose: to preserve local control. As Jim Hahn, the City Attorney of Los Angeles, noted in a letter to me endorsing my bill, what many States are considering would ''represent a significant intrusion in to the authority of local governments.'' And my bill would, in the words of Alex Penelas, the Mayor of Miami-Dade County, ''preserve access to the courts for local governments and individual citizens.''

Now, Mr. President, there have been questions raised about the constitutionality of this measure. It was not easy drafting a constitutional measure, but in working with Kathleen Sullivan, the Dean of Stanford Law School, and Larry Tribe of Harvard, I believe we have a bill that is constitutional.

Finally, Mr. President, let me just note a bit of irony in this whole debate. Some of the legislation that the NRA has worked so hard to defeat over the years—such as mandatory safety locks, smart technology, and product safety legislation—is the basis of some of these suits by the cities. If the NRA had let us pass such laws, they wouldn't be facing so many lawsuits today. The NRA and the gun industry do not want to be regulated and then they do not want to be held accountable. The NRA and the gun industry want to escape their responsibilities for what they are doing to America's cities—and all too often, to America's children.

I sometimes wonder if N-R-A stands for ''No Responsibility or Accountability.''

It has been said that some Americans have a love affair with guns. But we should not stand idly by when that love affair turns violent. Today we stand with America's cities to say enough is enough.

I ask unanimous consent that the bill and the letters from Mr. Hahn—as well as other letters of support from the City Attorney of San Francisco, the Mayor of Bridgeport, Connecticut, a letter from Ms. Sullivan and Handgun Control—be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 686

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 ''Firearms Rights, Responsibilities, and Remedies Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the manufacture, distribution, and importation of firearms is inherently commercial in nature;

(2) firearms regularly move in interstate commerce;

(3) firearms trafficking is so prevalent and widespread in and among the States that it is usually impossible to distinguish between intrastate trafficking and interstate trafficking;

(4) to the extent firearms trafficking is intrastate in nature, it arises out of and is substantially connected with a commercial transaction, which, when viewed in the aggregate, substantially affects interstate commerce;

(5) gun violence results in great costs to society, including the costs of law enforcement, medical care, lost productivity, and loss of life;

(6) to the extent possible, the costs of gun violence should be borne by those liable for them, including manufacturers, dealers, and importers;

(7) in any action to recover the costs associated with gun violence to a particular entity or to a given community, it is usually impossible to trace the portion of costs attributable to intrastate versus interstate commerce;

(8) the law governing the liability of manufacturers, dealers, and importers for gun violence is evolving inconsistently within and among the States, resulting in a contradictory and uncertain regime that is inequitable and that unduly burdens interstate commerce;

(9) the inability to obtain adequate compensation for the costs of gun violence results in a serious commercial distortion to a single national market and a stable national economy, thereby creating a barrier to interstate commerce;

(10) it is an essential and appropriate role of the Federal Government, under the Constitution of the United States, to remove burdens and barriers to interstate commerce;

(11) because the intrastate and interstate trafficking of firearms are so commingled, full regulation of interstate commerce requires the incidental regulation of intrastate commerce; and

(12) it is in the national interest and within the role of the Federal Government to ensure that manufacturers, dealers, and importers can be held liable under Federal law for gun violence.

(b) PURPOSE.—Based on the power of Congress in clause 3 of section 8 of article I of the Constitution of the United States, the purpose of this Act is to regulate interstate commerce by—

(1) regulating the commercial activity of firearms trafficking;

(2) protecting States, units of local government, organizations, businesses, and other persons from the adverse effects of interstate commerce in firearms;

(3) establishing a uniform legal principle that manufacturers, dealers, and importers can be held liable for gun violence; and

(4) creating greater fairness, rationality, and predictability in the civil justice system.

SEC. 3. DEFINITIONS.

In this Act:

(1) GUN VIOLENCE.—The term ''gun violence'' means any—

(A) actual or threatened unlawful use of a firearm; and

(B) unintentional discharge of a firearm.

(2) INCORPORATED DEFINITIONS.—The terms ''firearm'', ''importer'', ''manufacturer'', and ''dealer'' have the meanings given those terms in section 921 of title 18, United States Code.

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.

SEC. 4. FEDERAL CAUSE OF ACTION.

(a) IN GENERAL.—Notwithstanding any other provision of Federal, State, or local law, a State, unit of local government, organization, business, or other person that has been injured by or incurred costs as a result of gun violence may bring a civil action in a Federal or State court of original jurisdiction against a manufacturer, dealer, or importer who knew or reasonably should have known that its design, manufacturing, marketing, importation, sales, or distribution practices would likely result in gun violence.

(b) REMEDIES.—In an action under subsection (a), the court may award appropriate relief, including—

(1) actual damages;

(2) punitive damages;

(3) reasonable attorneys' fees and other litigation costs reasonably incurred, including the costs of expert witnesses; and

(4) such other relief as the court determines to be appropriate.

CITY OF LOS ANGELES,
March 22, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR BARBARA: I write to express my strong support for the Firearms Rights, Responsibilities, and Remedies Act which will assure the ability of local governments to sue the gun industry by creating a federal cause of action for claims brought against the gun industry. In so doing, the act is critical to the goal of making the gun industry accountable for the toll of gun violence on cities nationwide.

The City of Los Angeles is exploring litigation against the gun industry in order to recoup the City's costs in addressing gun violence. Therefore, any attempt on the state level to preclude local gun lawsuits would subvert cities and counties' efforts in this regard and would also represent a significant intrusion in to the authority of local governments. The creation of a federal cause of action is invaluable to guaranteeing that litigation remains available to cities and counties.

The Firearms Rights, Responsibilities, and Remedies Act represents a common-sense and reasonable approach to any attempt to bar gun lawsuits by cities and counties. I am pleased to offer my support for this important legislation.

Very truly yours,

JAMES K. HAHN,
City Attorney.

OFFICE OF THE MAYOR,
Miami-Dade County, FL, March 23, 1999.

Hon. BARBARA BOXER,
U.S. Senator, Washington, DC.

DEAR SENATOR BOXER: Thank you for your invitation to join you today in Washington, DC, as you announce legislation which will assist local governments, like Miami-Dade County, on our legal efforts to compel the gun industry to manufacture childproof guns. I regret that I am unable to join you personally to offer my support and gratitude for your efforts. Unfortunately, County business requires me to be in our State Capitol today.

On January 21, 1999, Miami-Dade County filed a lawsuit against the gun industry seeking to compel gun manufacturers to make safer, childproof guns. To achieve our objective we are hitting the gun industry where it hurts—in their wallets. Every year, gun violence and accidental deaths costs our community hundreds of millions of dollars. Until now, taxpayers have borne the responsibility for many of these costs while the gun industry has washed its hands of the blood of countless victims, including many children and youths. However, our efforts are not about money. In fact, if the gun industry agrees to make childproof guns, install load indicators on guns and change its marketing practices my community will crop its lawsuit.

As you know, legislation has been filed in the Florida Legislature that would not only preempt Miami-Dade County's lawsuit, but would also make it a felony for any public official to pursue such litigation. This NRA sponsored legislation is undemocratic and hypocritical. If passed, preemption legislation will effectively slam shut the doors of justice and trample on the People's right to access the judiciary in the name of defending the Second Amendment. Additionally, while some Tallahassee and Washington legislators claim to favor returning power to local governments, they are the first to support legislation which takes away our right to access an independent branch of government.

Clearly, the gun lobby is out of touch with the will of the people. Flordia voters, like Americans nationwide, have repeatedly sent a strong message that they favor commonsense gun safety measures. For example:

In 1991, Florida voters overwhelmingly supported requiring criminal background checks and waiting periods on gun sales;

Last November, 72% of Floridians voted to close the Gunshow Loophole, by extending criminal background check and waiting period requirements to gunshows and flea markets;

Just last month a New York jury found the gun industry civilly liable for saturating the market with guns.

Unfortunately, our prospects for success in defeating this misguided state legislation are dim. However, I am confident that the pressure on the gun industry to reform increase with each passing day. Your legislation will add additional pressure by sending a message to the gun lobby that they cannot block access to the courts by strong-arming state legislatures.

If successful, your legislation will preserve access to the courts for local governments and individual citizens who are demanding that the gun industry be held accountable for callously favoring corporate profits over our children's safety. I commend you for putting the public's interest ahead of the powerful special interests that seek only to protect a negligent industry that has ignored commonsense pleas to make childproof guns. Be assured I stand ready to assist you in advancing this significant legislation.

Sincerely,

ALEX PENELAS,
Mayor.

OFFICE OF THE CITY ATTORNEY,
San Francisco, CA, March 22, 1999.

Re: Proposed legislation

Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I write to endorse your proposed legislation that will allow local governments to sue gun manufacturers, dealers, and importers. Each year in San Francisco we admit numerous gunshot victims to our hospitals with staggering costs to the general public. Sadly enough, all too often these victims are children and young people. The gun industry must be held responsible for its role in the emotional and financial distress caused to anyone affected by gun violence—including local government.

Your legislation would ensure that the normal legal processes can be brought to bear upon a significant public problem and that the gun industry would not be exempt from the usual course of business in America. For these reasons, I support your proposed legislation and commend you for your ongoing efforts to stand with America's cities and its people.

Sincerely,

LOUISE H. RENNE,
City Attorney.

BRIDGEPORT CITY HALL,
MAYOR JOSEPH P. GANIM,
Bridgeport, CT, March 23, 1999.

GANIM SUPPORTS BOXER GUN BILL

The following is Bridgeport Mayor Joseph P. Ganim's statement of support for Sen. Barbara Boxer's proposed federal legislation:

I am in full support of the legislation drafted by Sen. Boxer to allow people, groups or governments to exercise their constitutional rights to seek redress through the courts, I regret that I am not able to be in Washington as the Senator makes this important announcement.

Bridgeport is one of five cities across the nation to file a lawsuit against handgun manufacturers. We are seeking damages to help lessen the financial burden Bridgeport must carry due to the effects of gun violence in our City.

A handgun is the most dangerous weapon placed into the stream of commerce in the United States. Surprisingly, there are more safety requirements and regulations regarding the manufacture of toy guns than for real handguns.

Sen. Boxer's bill will allow cities, states and individuals to seek retribution for the economic strain that handgun violence has caused. We are facing high medical and public safety costs, but we are also battling drops in property value in areas where handgun violence is most prevalent.

Because of measures taken by the Georgia State Legislature and attempts by Rep. Bob Barr of Georgia in the U.S. Congress, Sen. Boxer's bill becomes even more critical and its passage even more important. This bill ensures that everyone will have the right to fight back and hold the gun manufacturers accountable for the damage their products have caused.

STANFORD LAW SCHOOL,
Stanford, CA, March 23, 1999.

Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: You have asked me to review a draft of a bill to enact the Firearms Rights, Responsibilities, and Remedies Act of 1999, and to comment briefly upon its constitutionality. I am happy to do so, with the caveat that I am not in a position to comment upon the bill as a matter of tort or product liability policy.

The bill appears to me to be within the authority of Congress to enact under the interstate commerce power set forth in the United States constitution, Article I, section 8. While the commerce power is not an unlimited one, Congress is empowered to regulate both the flow of interstate commerce

and any intrastate activity that substantially affects interstate commerce. *United States* v. *Lopez*, 514 U.S. 549 (1995). While one might fairly question whether any incident of gun violence in and of itself constitutes an activity substantially affecting interstate commerce, the bill does not regulate gun violence but rather provides a federal cause of action against the negligent ''design, manufacturing, marketing, importation, sales, or distribution'' of guns. Sec. 4(a). The ''design, manufacturing, marketing, importation, sales, or distribution'' of guns plainly amounts to economic activity that in the aggregate may in Congress's reasonable judgment substantially affect interstate commerce. Moreover, providing a uniform federal avenue of redress for gun violence may in Congress's reasonable judgment help to avert the diversion and distortion of interstate commerce that, in the aggregate, accompanies any patchwork of separate state regulations of firearm sales. Congress is entitled to consider the interstate efforts of commercial gun distribution in the aggregate without regard to whether any particular gun sale that might be the subject of a civil action is interstate or intrastate in nature. *See, e.g., Wickard* v. *Filburn*, 317 U.S. 111 (1942) (regulation of home-grown wheat consumption); *Perez*, v. *United States*, 402 U.S. 146 (1971) (regulation of extortionate intrastate loan transactions).

Nor does the bill appear to intrude upon state sovereignty or the structural principles of federalism that are reflected in the United States Constitution, Amendment X. To be sure, one effect of the bill if enacted would be to allow cities or other local governments to sue for damages incurred as a result of gun violence, even if they are located in states that had sought, through state legislation, to bar such city-initiated lawsuits. But Congress remains free even within our federal system to regulate state and local governments under laws of general applicability, see *Garcia* v. *San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), and the proposed bill does just that. Rather than singling out state or city governments for special advantage or disadvantage, the bill simply confers upon states and cities the same civil litigation rights as it does upon any other ''organization, business, or other person that has been injured by or incurred costs as a result of gun violence.'' Sec. 4(a). Moreover, the proposed bill does not in any way ''commandeer'' the legislative or executive processes of state government in a way that might offend principles of federalism. *See Printz* v. *United States*, 117 S. Ct. 2365 (1997); *New York* v. *United States*, 505 U.S. 144 (1992). It does not require that any state adopt any federally authored law, but instead simply provides federal rights directly to individuals and entitites including but not limited to states and cities. To the extent that the proposed bill would permit civil actions to be brought in state as well as federal forums, it is entirely consistent with Congress's longstanding power to pass laws enforceable in state courts, *see Testa* v. *Katt*, 330 U.S. 386 (1947), a power that neither the *Printz* nor *New York* cases purported to disturb.

I hope these brief remarks are helpful in your deliberations.

Very Truly yours,

KATHLEEN M. SULLIVAN.

HANDGUN CONTROL INC.,
Washington, DC, March 23, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: On behalf of Handgun Control, I want to commend you for your continued leadership on gun violence prevention issues and to lend our support to the Frearms Rights, Responsibilities and Remedies Act of 1999.

Access to the courts is one of the most fundamental rights accorded our citizens and our communities. The legislation that is being introduced today will protect the right of cities and counties to seek redress in the courts for the gun violence that afflicts so many communities. Cities, like the citizens they represent, should be able to seek compensation for the damages that arise from the negligence or misconduct of the gun industry in the design, manufacture, sale and distribution of their product.

The gun lobby, of course, believes that manufacturers deserve special protection, that cities and counties should be legally prohibited from suing manufacturers so long as they don't knowingly and directly sell guns to convicted felons and other prohibited purchasers. Such a grant of immunity is not only unprecedented, it is wrong. The manufacture of firearms is not subject to consumer regulation. In fact, the Consumer Product Safety Commission is prohibited by law from overseeing the manufacture of guns. As an unregulated industry, gun manufacturers produce guns that all too often discharge when they are dropped. They design guns with a trigger resistance so low that a two-year old child can pull the trigger. Many guns lack essential safety features like a safety, a load indicator or a magazine disconnect safety. And, even though the technology for making guns unusable by children and strangers is readily available, virtually all guns are readily usable by unauthorized users. Time and time again, the gun industry has ignored legitimate concerns regarding consumer and public safety.

But, at the urgent request of the gun lobby, one state has already moved to prevent cities from filing complaints against gun manufacturers and similar bills have been introduced in at least ten states. A bill has even been introduced in Congress that would bar cities from filing any such action. Congress should move to ensure that the right of cities to seek redress in the courts will be preserved. The Firearms Rights, Responsibilities and Remedies Act of 1999 will do just that.

Sincerely,

SARAH BRADY,
Chair.

By Mr. HARKIN:

S. 687. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

ELIMINATING THE BACKLOG OF VETERANS REQUESTS FOR MILITARY MEDALS

Mr. HARKIN. Mr. President, I would like to take some time to address an unfulfilled obligation we have to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement and issuance of military medals. Today, I have introduced a bill, the ''Veterans Expedited Military Medals Act of 1999,'' that would require the Department of Defense to end this backlog.

I first became aware of this issue a few years ago after dozens of Iowa veterans began contacting my State offices requesting assistance in obtaining medals and other military decorations they earned while serving the country. These veterans had tried in vain—usually for months, sometimes for years—to navigate the vast Pentagon bureaucracy to receive their military decorations. The wait for medals routinely exceeded more than a year, even after intervention by my staff. I believe this is unacceptable. Our nation must continue its commitment to recognize the sacrifices made by our veterans in a timely manner. Addressing this simple concern will fulfill an important and solemn promise to those who served to preserve democracy both here and abroad.

Let me briefly share the story of Mr. Dale Homes, a Korean War veteran. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years through the normal Department of Defense channels to get the medals her father deserved. Ms. Goff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve the issue favorably until September 1997.

Ms. Groff made a statement about the delays her father experienced that sum up my sentiments perfectly: ''I don't think it's fair. . .My dad deserves—everybody deserves—better treatment than that.'' Ms. Groff could not be more correct. Our veterans deserve better than that from the country they served so courageously.

Another example that came through my district offices is Mr. James Lunde, a Vietnam-era veteran. His brother in law contacted my Des Moines office last year for help in obtaining a Purple Heart and other medals Mr. Lunde earned. These medals have been held up since 1975. Unfortunately, there is still no determination as to when Mr. Lunde's medals will be sent.

The numbers are disheartening and can sound almost unbelievable. For example, a small Army Reserve staff at the St. Louis Office faces a backlog of tens of thousands of requests for medals. So why the lengthy delays?

The primary reason DOD officials cite for these unconscionable delays is personnel and other resource shortages resulting from budget cuts and hiring freezes. For example, the Navy Liaison Office has gone from 5 or more personnel to 3 within the last 3 years. Prior to this, the turnaround time was 4–5 months. Budget shortages have delayed the agencies ability to replace employees who have left, and in cases where they can be replaced, the ''learning curve'' in training new employees leads to further delays.

Last year, during the debate over the Defense Appropriations bill, I offered an amendment to move the Department of Defense to end the backlog of unfulfilled military medal requests. The amendment was accepted by unanimous consent. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to a recent communication from the Army, the problem has only worsened. The Army currently cites a backlog of 98,000 requests for medals.

So today, I am introducing a bill to fix the problem once and for all. My bill directs the Secretary of Defense to allocate resources necessary to eliminate the backlog of requests for military medals. Specifically, the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem. In addition, this reallocation of resources is only to be made in a way that ''does not detract from the performance of other personnel service and personnel support activities within the DOD.'' Representative Lane Evans of Illinois has introduced similar legislation in the House of Representatives.

Veterans organizations have long recognized the huge backlog of medal requests. The Veterans of Foreign Wars supports my legislation. I ask that a copy of the letter of support be included in the record.

Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.

Mr. President, I ask unanimous consent that the text of the bill and a letter in support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 687

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 ''Veterans Expedited Military Medals Act of 1999''.

SEC. 2. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term ''decoration'' means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

SEC. 3. REPORT.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in section 2(a). The report shall include a plan for eliminating the backlog.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, February 11, 1999.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States (VFW), I thank you for introducing a bill to eliminate the backlog in requests for the replacement of military medals and other decorations. This bill would address an unfilled obligation we have to our nation's veterans. The VFW realizes that the substantial backlog of requests by veterans for medals needs to be rectified in an auspicious manner.

If passed, the Secretary of Defense will make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to resolve the problem. The VFW believes that addressing this concern will fulfill an important and solemn promise to those who risked their lives serving their country.

The VFW thanks you for making veterans a number one priority. They deserve the best from the country they served so courageously.

Sincerely,

DENNIS CULLINAN,
Director, National Legislative Service.

By Mr. SARBANES (for himself, Mr. REID, Mr. MURKOWSKI, Mrs. BOXER, Mr. KENNEDY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mrs. MURRAY):

S. 690. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

TRANSIT IN PARKS (TRIP) ACT

Mr. SARBANES. Mr. President, today I am introducing legislation, entitled the ''Transit in Parks Act'' or TRIP, to help ease the congestion, protect our nation's natural resources, and improve mobility and accessibility in our National Parks and Wildlife Refuges. I am pleased to be joined by Senators REID, MURKOWSKI, BOXER, KENNEDY, MOYNIHAN, SCHUMER, KERRY, and MURRAY who are cosponsors of this important legislation.

The TRIP legislation is a new federal transit grant initiative that is designed to provide mass transit and alternative transportation services for our national parks, our wildlife refuges, federal recreational areas, and other public lands managed by three agencies of the Department of the Interior. I first introduced similar legislation on Earth Day, 1998 and, during consideration of the Transportation Equity Act for the 21st Century, or TEA–21, part of my original bill was included as section 3039, authorizing a comprehensive study of alternative transportation needs in our national park lands. The objective of this study is to better identify those areas with existing and potential problems of congestion and pollution, or which can benefit from mass transportation services, and to identify and estimate the project costs for these sites. The fiscal year 1999 Transportation Appropriations bill included $2 million to help fund this important study. I am pleased to report that much important research that will more fully examine the park transportation and resource management needs and outline potential solutions and benefits is underway.

Before discussing the bill in greater detail, let me first provide some background on the management issues facing the National Park System.

When the national parks first opened in the second half of the nineteenth century, visitors arrived by stagecoach along dirt roads. Travel through parklands, such as Yosemite or Yellowstone, was difficult and long and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our nation's great natural wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars has resulted in increasing damage to our parks. The Grand Canyon alone has five million visitors a year. It may surprise you to know that the average visitor stay is only three hours. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,000 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In the decade from 1984 to 1994, the number of visits to America's national parks increased 25 percent, rising from 208 million to 269 million a year. This is equal to more than one visit by every man, woman, and child in this country. This has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut-out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than four million visitors a year; Yellowstone, which has more than three million visitors a year

and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent damage to our nation's natural, cultural, and historical heritage.

My legislation builds upon two previous initiatives to address these problems. First is the study of alternative transportation strategies in our national parks that was mandated by the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. This study, completed by the National Park Service nearly five years ago in May 1994, found that many of our most heavily visited national parks are experiencing the same problems of congestion and pollution that afflict our cities and metropolitan areas. Yet, overwhelmingly, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads primarily for private automobile access.

Second, in November 1997, Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt signed an agreement to work together to address transportation and resource management needs in and around national parks. The findings in the Memorandum of Understanding entered into by the two departments are especially revealing:

Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.

In many National Park units, the capacity of parking facilities at interpretive or science areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

The challenge for park management is twofold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments.

The Transit in Parks Act will go far to meeting this challenge. The bill's objectives are to develop new and expanded mass transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources, to prevent adverse impact on those resources, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. This new federal transit grant program will provide funding to three Federal land management agencies in the Department of the Interior—the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management—that manage the 378 various parks within the National Park System, including National Battlefields, Monuments and National Seashores, as well as the National Wildlife Refuges and federal recreational areas. The program will allocate capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national park lands. The bill authorizes $50 million for this new program for each of the fiscal years 2000 through 2003. It is anticipated that other resources—both public and private—will be available to augment these amounts in the initial phase.

The bill formalizes the cooperative arrangement in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands. The projects eligible for funding would be developed through the TEA–21 planning process and selected in consultation and cooperation with the Secretary of the Interior. The bill provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. It is anticipated that the Secretary of Transportation would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. Project selection should include the following criteria: the historical and cultural significance of a project; safety; and the extent to which the project would conserve resources, prevent adverse impact, enhance the environment, improve mobility, and contribute to livable communities.

The bill also identifies projects of regional or national significance that more closely resemble the Federal transit program's New Starts projects. Where the project costs are $25 million or greater, the projects will comply with the transit New Starts requirements. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

I firmly believe that this program can create new opportunities for the Federal land management agency to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA–21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

Mr. President, the ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin the final countdown to a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the American Public Transit Association, the National Parks and Conservation Association, the Surface Transportation Policy Project, the Natural Resources Defense Council, the Community Transportation Association of America, the Environmental Defense Fund, American Planning Association, Bicycle Federation of America, Friends of the Earth, Izaak Walton League of America, National Association of Counties, National Trust for Historic Preservation, Rails-to-Trails Conservancy, Scenic America, The Wilderness Society, and the Environmental and Energy Study Institute, and I ask unanimous consent that the bill, and a section-by-section analysis, and letters of support be printed in the RECORD.

Mr. President, I urge my colleagues to support this important legislation and to recognize the enormous environmental and economic benefits that transit can bring to our national parks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 690

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transit in Parks (TRIP) Act''.

SEC. 2. MASS TRANSPORTATION IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''§ 5339. Mass transportation in national parks and related public lands

''(a) POLICIES, FINDINGS, AND PURPOSES.—

''(1) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United

States to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

''(2) GENERAL FINDINGS.—Congress finds that—

''(A) section 1050 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) authorized a study of alternatives for visitor transportation in the National Park System which was released by the National Park Service in May 1994;

''(B) the study found that—

''(i) increasing traffic congestion in the national parks requires alternative transportation strategies to enhance resource protection and the visitor experience and to reduce congestion;

''(ii) visitor use, National Park Service units, and concession facilities require integrated planning; and

''(iii) the transportation problems and visitor services require increased coordination with gateway communities;

''(C) on November 25, 1997, the Department of Transportation and the Department of the Interior entered into a Memorandum of Understanding to address transportation needs within and adjacent to national parks and to enhance cooperation between the departments on park transportation issues;

''(D) to initiate the Memorandum of Understanding, and to implement President Clinton's 'Parks for Tomorrow' initiative, outlined on Earth Day, 1996, the Department of Transportation and the Department of the Interior announced, in December 1997, the intention to implement mass transportation services in the Grand Canyon National Park, Zion National Park, and Yosemite National Park;

''(E) section 3039 of the Transportation Equity Act for the 21st Century authorized a comprehensive study, to be conducted by the Secretary of Transportation in coordination with the Secretary of the Interior, and submitted to Congress on January 1, 2000, of alternative transportation in national parks and related public lands, in order to—

''(i) identify the transportation strategies that improve the management of the national parks and related public lands;

''(ii) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

''(iii) assess the feasibility of alternative transportation modes; and

''(iv) identify and estimate the costs of those alternative transportation modes;

''(F) many of the national parks and related public lands are experiencing increased visitation and congestion and degradation of the natural, historical, and cultural resources;

''(G) there is a growing need for new and expanded mass transportation services throughout the national parks and related public lands to conserve and protect fragile natural, historical, and cultural resources, prevent adverse impact on those resources, and reduce pollution and congestion, while at the same time facilitating appropriate visitor mobility and accessibility and improving the visitor experience;

''(H) the Federal Transit Administration, through the Department of Transportation, can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals to enhance the environment, improve mobility, create more livable communities, conserve energy, and reduce pollution and congestion in all regions of the country; and

''(I) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated mass transportation systems within and adjacent to national parks and related public lands is essential to conserve natural, historical, and cultural resources, relieve congestion, reduce pollution, improve mobility, and enhance visitor accessibility and the visitor experience.

''(3) GENERAL PURPOSES.—The purposes of this section are—

''(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

''(B) to encourage the planning and establishment of mass transportation systems and nonmotorized transportation systems needed within and adjacent to national parks and related public lands, located in both urban and rural areas, that enhance resource protection, prevent adverse impacts on those resources, improve visitor mobility and accessibility and the visitor experience, reduce pollution and congestion, conserve energy, and increase coordination with gateway communities;

''(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide mass transportation systems to be operated by public or private mass transportation authorities, as determined by local and regional needs, and to encourage public-private partnerships; and

''(D) to assist in the research and development of improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of mass transportation services.

''(b) DEFINITIONS.—In this section—

''(1) the term 'Federal land management agency' means the National Park Service, the United States Fish and Wildlife Service, or the Bureau of Land Management;

''(2) the term 'national parks and related public lands' means the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands managed by the Federal land management agencies;

''(3) the term 'qualified participant' means a Federal land management agency, or a State or local governmental authority, acting alone, in partnership, or with another Governmental or nongovernmental participant;

''(4) the term 'qualified mass transportation project' means a project—

''(A) that is carried out within or adjacent to national parks and related public lands; and

''(B) that—

''(i) is a capital project, as defined in section 5302(a)(1) (other than preventive maintenance activities);

''(ii) is any activity described in section 5309(a)(1)(A);

''(iii) involves the purchase of rolling stock that incorporates clean fuel technology or the replacement of existing buses with clean fuel vehicles or the deployment of mass transportation vehicles that introduce new technology;

''(iv) relates to the capital costs of coordinating the Federal land management agency mass transportation systems with other mass transportation systems;

''(v) involves nonmotorized transportation systems, including the provision of facilities for pedestrians and bicycles;

''(vi) involves the development of waterborne access within or adjacent to national parks and related public lands, including watercraft, as appropriate to and consistent with the purposes described in subsection (a)(3); or

''(vii) is any transportation project that—

''(I) enhances the environment;

''(II) prevents adverse impact on natural resources;

''(III) improves Federal land management agency resources management;

''(IV) improves visitor mobility and accessibility and the visitor experience;

''(V) reduces congestion and pollution, including noise and visual pollution;

''(VI) conserves natural, historical, and cultural resources (other than through the rehabilitation or restoration of historic buildings); and

''(VII) incorporates private investment; and

''(5) the term 'Secretary' means the Secretary of Transportation.

''(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—

''(1) IN GENERAL.—The Secretary shall develop a cooperative relationship with the Secretary of the Interior, which shall provide for—

''(A) the exchange of technical assistance;

''(B) interagency and multidisciplinary teams to develop Federal land management agency transportation policy, procedures, and coordination; and

''(C) the development of procedures and criteria relating to the planning, selection, and funding of qualified mass transportation projects, and implementation and oversight of the project plan in accordance with the requirements of this section.

''(2) PROJECT SELECTION.—The Secretary, after consultation and in cooperation with the Secretary of the Interior, shall determine the final selection and funding of projects in accordance with this section.

''(d) TYPES OF ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may contract for or enter into grants, cooperative agreements, or other agreements with a qualified participant to carry out a qualified mass transportation project under this section.

''(2) OTHER USES.—A grant or cooperative agreement or other agreement for a qualified mass transportation project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant or cooperative arrangement or other agreement to leasing arrangements that are more cost effective than purchase or construction.

''(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—The Secretary may not use more than 5 percent of the amount made available for a fiscal year under section 5338(j) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified mass transportation project. Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

''(f) PLANNING PROCESS.—In undertaking a qualified mass transportation project under this section—

''(1) if the qualified participant is a Federal land management agency—

''(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are

consistent with sections 5303 through 5305; and

''(B) the General Management Plans of the units of the National Park System shall be incorporated into the planning process;

''(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall comply with sections 5303 through 5305;

''(3) if the national parks and related public lands at issue lie in multiple States, there shall be cooperation in the planning process under sections 5303 through 5305, to the maximum extent practicable, as determined by the Secretary, between those States and the Secretary of the Interior; and

''(4) the qualified participant shall comply with the public participation requirements of section 5307(c).

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) IN GENERAL.—The Secretary shall establish the Federal Government share of assistance to a qualified participant under this section.

''(2) CONSIDERATIONS.—In establishing the Government's share of the net costs of a qualified transportation project under paragraph (1), the Secretary shall consider—

''(A) visitation levels and the revenue derived from user fees in the national parks and related public lands at issue;

''(B) the extent to which the qualified participant coordinates with an existing public or private mass transportation authority;

''(C) private investment in the qualified mass transportation project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

''(D) the clear and direct benefit to a qualified participant assisted under this section; and

''(E) any other matters that the Secretary considers appropriate to carry out this section.

''(3) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the non-Federal share of the costs of any mass transportation project that is eligible for assistance under this section.

''(h) SELECTION OF QUALIFIED MASS TRANSPORTATION PROJECTS.—In awarding assistance for a qualified mass transportation project under this section, the Secretary shall consider—

''(1) project justification, including the extent to which the project would conserve the resources, prevent adverse impact, and enhance the environment;

''(2) the location of the qualified mass transportation project, to assure that the selection of projects—

''(A) is geographically diverse nationwide; and

''(B) encompasses both urban and rural areas;

''(3) the size of the qualified mass transportation project, to assure a balanced distribution;

''(4) historical and cultural significance of a project;

''(5) safety;

''(6) the extent to which the project would enhance livable communities;

''(7) the extent to which the project would reduce pollution, including noise and visual pollution;

''(8) the extent to which the project would reduce congestion and improve the mobility of people in the most efficient manner; and

''(9) any other matters that the Secretary considers appropriate to carry out this section.

''(i) PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—

''(1) GENERAL AUTHORITY.—In addition to other qualified mass transportation projects, the Secretary may select a qualified mass transportation project that is of regional or national significance, or that has significant visitation, or that can benefit from alternative transportation solutions to problems of resource management, pollution, congestion, mobility, and accessibility. Such projects shall meet the criteria set forth in paragraphs (1) through (4) of section 5309(e), as applicable.

''(2) PROJECT SELECTION CRITERIA.—

''(A) CONSIDERATIONS.—In selecting a qualified mass transportation project described in paragraph (1), the Secretary shall consider, as appropriate, in addition to the considerations set forth in subsection (h)—

''(i) visitation levels;

''(ii) the use of innovative financing or joint development strategies;

''(iii) coordination with the gateway communities; and

''(iv) any other matters that the Secretary considers appropriate to carry out this subsection.

''(B) CERTAIN LOCATIONS.—For fiscal years 2000 through 2003, projects described in paragraph (1) may include the following locations:

''(i) Grand Canyon National Park.

''(ii) Zion National Park.

''(iii) Yosemite National Park.

''(iv) Acadia National Park.

''(C) LIMIT.—No project assisted under this subsection shall receive more than 12 percent of the total amount made available under this section in any fiscal year.

''(D) FULL FUNDING GRANT AGREEMENTS.—A project assisted under this subsection whose net project cost is greater than $25,000,000 shall be carried out through a full funding grant agreement in accordance with section 5309(g).

''(j) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) IN GENERAL.—The Secretary may pay the Government's share of the net project cost to a qualified participant that carries out any part of a qualified mass transportation project without assistance under this section, and according to all applicable procedures and requirements, if—

''(A) the qualified participant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out that part of the project, the Secretary approves the plans and specifications in the same way as other projects assisted under this chapter.

''(2) INTEREST.—The cost of carrying out a part of a project referred to in paragraph (1) includes the amount of interest earned and payable on bonds issued by the State or local governmental authority, to the extent proceeds of the bond are expended in carrying out that part. However, the amount of interest under this paragraph may not exceed the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner that is satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) COST CHANGE CONSIDERATIONS.—The Secretary shall consider changes in project cost indices when determining the estimated cost under paragraph (2).

''(k) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may use not more than 0.5 percent of amounts made available under this section for a fiscal year to oversee projects and participants in accordance with section 5327.

''(l) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—Except as otherwise specifically provided in this section, but subject to paragraph (2) of this subsection, the Secretary shall require that all grants, contracts, cooperative agreements, or other agreements under this section shall be subject to the requirements of sections 5307(d), 5307(i), and any other terms, conditions, requirements, and provisions that the Secretary determines are necessary or appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from the project assisted under this section.

''(2) LABOR STANDARDS.—Sections 5323(a)(1)(D) and 5333(b) apply to assistance provided under this section.

''(m) STATE INFRASTRUCTURE BANKS.—A project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible mass transportation project under this chapter.

''(n) ASSET MANAGEMENT.—The Secretary may transfer the Department of Transportation interest in and control over all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with property management rules and regulations of the department, agency, or instrumentality of the Federal Government.

''(o) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—The Secretary may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies that will conserve resources and prevent adverse environmental impact, improve visitor mobility, accessibility and enjoyment, and reduce pollution, including noise and visual pollution, in the national parks and related public lands. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under any other provision of law.

''(p) REPORT.—The Secretary, in consultation with the Secretary of the Interior, shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate, on the allocation of amounts to be made available to assist qualified mass transportation projects under this section. Such reports shall be included in each report required under section 5309(p).''.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(j) SECTION 5339.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5339 $50,000,000 for each of fiscal years 2000 through 2003.

''(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''5339. Mass transportation in national parks and related public lands.''.

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356–357)) as subsection (p);

(2) in section 5328(a)(4), by striking ''5309(o)(1)'' and inserting ''5309(p)(1)''; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

SECTION-BY-SECTION OF THE TRANSIT IN PARKS ACT

I. Amends Federal Transit laws by adding new section 5339, ''Mass Transportation in National Parks and Related Public Lands.''

II. Statement of Policies, Findings, and Purposes:

To encourage and promote the development of transportation systems for the betterment of national parks and related public lands and to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution and enhance visitor mobility and accessibility and the visitor experience.

To that end, this program establishes federal assistance to certain Federal land management agencies and State and local governmental authorities to finance mass transportation capital projects, to encourage public-private partnerships, and to assist in the research and deployment of improved mass transportation equipment and methods.

III. Definitions:

(1) eligible ''Federal land management agencies'' are: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management (all under Department of the Interior).

(2) ''national parks and related public lands'': eligible areas under the management of these agencies

(3) ''qualified mass transportation project'': a capital mass transportation project carried out within or adjacent to national parks and related public lands, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the national parks and related public lands and increase visitor mobility and accessibility.

IV. Federal Agency Cooperative Arrangements:

Implements the Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance, the development of transportation policy and coordination, and the establishment of criteria for planning, selection and funding of capital projects under this section. The Secretary of Transportation selects the projects, after consultation with Secretary of the Interior.

V. Assistance:

To be provided through grants, cooperative agreements, or other agreements, including leasing under certain conditions, for an eligible capital project under this section. Not more than 5% of the amounts available can be used for planning, research and technical assistance, and these amounts can be supplemented from other sources.

VI. Planning Process:

The Departments of Transportation and Interior shall cooperatively develop a planning process consistent with the TEA–21 planning process in sections 5303 through 5305 of the Federal Transit laws.

VII. Government's Share of the Costs:

In determining the Federal Transit Administration share of the project costs, the Secretary of Transportation must consider certain factors, including visitation levels and user fee revenues, the coordination in the project development with a public or private transit authority, private investment, and whether there is a clear and direct financial benefit to the applicant. The intent is to establish criteria for a sliding scale of assistance, with a lower Government share for large projects that can attract outside investment, and a higher Government share for projects that may not have access to such outside resources. In addition, funds from the Federal land management agencies can be counted as the local share.

VIII. Selection of Projects:

The Secretary shall consider: (1) project justification, including the extent to which the project conserves the resources, prevents adverse impact and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities; (7) the reduction of pollution, including noise and visual pollution; (8) the reduction of congestion and the improvement of the mobility of people in the most efficient manner; and (9) any other considerations the Secretary deems appropriate. Projects funded under this section must meet certain transit law requirements.

IX. Projects of Regional or National Significance:

This is a special category that sets forth criteria for special, generally larger, projects or for those areas that may have problems of resource management, pollution, congestion, mobility, and accessibility that can be addressed by this program. Additional project selection criteria include: visitation levels; the use of innovative financing or joint development strategies; coordination with the gateway communities; and any other considerations the Secretary deems appropriate. Projects under this section must meet certain Federal Transit New Starts criteria. This section identifies some locations that may fit these criteria. Any project in this category that is $25 million or greater in cost will have a full funding grant agreement similar to Federal Transit New Starts projects. No project can receive more than 12% of the total amount available in any given year.

X. Undertaking Projects in Advance:

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted so the local share as long as certain conditions are met.

XI. Project Management Oversight:

This provision applies current transit law to this section, limiting oversight funds to 0.5% per year of the funds made available for this section.

XII. Relationship to Other Laws:

This provision applies certain transit laws to all projects funded under this section and permits the Secretary to apply any other terms or conditions he deems appropriate.

XIII. State Infrastructure Banks:

A project assisted under this section can also use funding from a State Infrastructure Bank or other innovative financing mechanism that funds eligible transit projects.

XIV. Asset Management:

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section in accord with certain Federal property management rules.

XV. Coordination of Research and Deployment of New Technologies:

This provision allows grants for research and deployment of new technologies to meet the special needs of the national park lands.

XVI. Report:

This requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

XVII. Authorization:

$50,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2000 through 2003.

XVIII. Technical Amendments:

Technical corrections to the transit title in TEA–21.

AMERICAN PUBLIC
TRANSIT ASSOCIATION,
Washington, DC, January 25, 1999.

Hon. PAUL S. SARBANES,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: Thank you for forwarding us a copy of the ''Transit in Parks (TRIP) Act'' which would amend federal transit law at chapter 53, title 49 U.S.C.

The Act would authorize federal assistance to certain federal agencies and state and local entities to finance mass transit projects generally for the purpose of addressing transportation congestion and mobility issues at national parks. Among other things, the bill would implement the Memorandum of Understanding between the Departments of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

We strongly supported that Memorandum of Understanding, and I am just as pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle APTA has been advocating for many years. In that regard, we will be reviewing your bill with APTA's legislative leadership.

We also look forward to participating in the study of these issues you were successful in including in TEA 21.

I applaud you for introducing the legislation, and look forward to continuing to work with you and your staff. Let us know what we can do to help your initiative!

Sincerely yours,

WILLIAM W. MILLAR,
President.

FEBRUARY 24, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: This letter expresses our support for the legislation you are introducing, the Transit in Parks Act, which provides a direct funding source for alternative transportation projects in our national parks and other federally-managed public lands. As you know, many of these areas are experiencing unprecedented numbers of visitors resulting in severe traffic

congestion and degradation of some of the country's most valuable and treasured natural, cultural and historic resources.

You bill's establishment of a new program within the Federal Transit Administration, dedicated to enhancing transit options in and adjacent to these park lands, can have a powerful, positive effect on the future integrity of the park lands and their resources by reducing the need for access by automobile, improving visitor access, and enhancing the visitor experience.

We appreciate your leadership, which has been critical in bringing attention to this emerging issue. The programs funded through TRIP will be a major building block in what we hope will be a broad effort to lessen the impacts of visitation on these most important natural areas. We look forward to working with you to move this legislation to enactment.

Sincerely,

American Planning Association; American Public Transit Association; Bicycle Federation of America; Community Transportation Association of America; Environmental Defense Fund; Environmental and Energy Study Institute; Friends of the Earth; Izaak Walton League of America; National Association of Counties; National Trust for Historic Preservation; Natural Resources Defense Council; Rails-to-Trails Conservancy; Scenic America; Surface Transportation Policy Project; The Wilderness Society.

NATIONAL PARKS AND CONSERVATION ASSOCIATION,
Washington, DC, March 9, 1999.

Hon. PAUL SARBANES,
Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Parks and Conservation Association (NPCA) and its nearly 400,000 members, I want to thank you for proposing a bill that will enhance transit options for access to and within our national parks. NPCA applauds your leadership and foresight in recognizing the critical role that mass transit can play in protecting our parks and improving the visitor experience.

Visitation to America's national parks has skyrocketed during the past two decades, from 190 million visitors in 1975 to approximately 270 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to the parks. As more and more individuals crowd into our national parks—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Federal Transit Administration dedicated to enhancing transit options in and adjacent to the national parks will have a powerful, positive effect on the future ecological and cultural integrity of the parks. Your initiative will boost the role of alternative transportation solutions for national parks, particularly those most heavily impacted by visitation such as Yellowstone, Yosemite, the Grand Canyon, Acadia, Zion, and the Great Smoky Mountains. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, would provide much more efficient means of handling the crush of visitation.

Equally important, the legislation will provide an excellent opportunity for the National Park Service (NPS) to enter into public/private partnerships with states, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that NPS currently has great difficulty accessing.

NPCA wholeheartedly endorses your bill as a creative new mechanism to fulfill the primary mission of the National Park System: ''to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.''

We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,
President.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, February 2, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR PAUL SARBANES: On behalf of the 450,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in the degradation of national park natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks as your bill would do is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system in many of our national parks will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Improved transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze which too often obliterates park vistas. To reduce the reliance on automobiles your bill would authorize the funding so our national parks can provide efficient and convenient transit systems which cost money to build and operate.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish public transit in the national parks.

Sincerely

CHARLES M. CLUSEN,
Senior Policy Analyst.

ENVIRONMENTAL DEFENSE FUND,
New York, NY, February 3, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am writing on behalf of the Environmental Defense Fund and our 300,000 members to express support for your bill, the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Too many of our parks suffer from the consequences of poor transportation systems: traffic congestion, air and water pollution, and disturbance of natural ecosystems.

Increased funding for attractive and effective transit services to and within our national parks is essential to mitigating these growing problems. A good working transit system in a number of our national parks will make the park experience not only more enjoyable for the many families that travel there, it will help improve environmental conditions. Having had the chance to experience the excellent transit system in Denali National Park, I know how much of a difference these systems can make.

Air pollutants that exacerbate respiratory health problems, damage vegetation, and contribute to haze which too often obliterates the views at our parks, will be abated by decreasing the number of cars and congestion levels in the parks. Improved transit related to our parks is key to diversifying transportation choices and access for the benefit of all who might visit our national park system.

We appreciate your leadership on this issue and your dedication to the health of our national parks. We look forward to working with you to move your legislation forward.

Yours truly,

FRED KRUPP,
Executive Director.

COMMUNITY TRANSPORTATION ASSOCIATION OF AMERICA
Washington, DC, February 22, 1999.

Hon. PAUL SARBANES,
Committee on Banking and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: It is an honor to once again support your efforts to provide alternative transportation strategies in our national parks and other public lands. Our Association's over thirteen hundred members provide public and community transportation in many of the smaller communities which border these national treasures. We supported your proposal last year because we know as neighbors of these facilities how transportation alternatives will help keep these areas safe in the twenty-first century.

All of us know the danger that congestion and the increase in traffic pose for the future of these sites and locations. Your efforts in the past, and more importantly this year, are an important step forward to establish a dialogue on protecting these areas that help make America's natural beauty a continuous part of the nation's future. This work was urgent last year and it remains urgent today. We support your efforts because our need to begin is obviously overdue. Every day that we fail to protect these areas diminishes their future.

We will work with you any way we can to help make your proposed Transit in Parks legislation a reality. We look forward to helping you move this important work forward.

Sincerely,

DALE J. MARSICO,
Executive Director.

By Mr. KYL (for himself and Mr. BRYAN):

S. 692. A bill to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

INTERNET GAMBLING PROHIBITION ACT

● Mr. KYL. Mr. President, I rise to introduce the Internet Gambling Prohibition Act.

From the beginning of time, societies have sought to prohibit most forms of gambling. There are reasons for this—and they are especially applicable to gambling on the Internet today. Consider the following.

Youth. A recent New York Times article warned that ''Internet sports betting entices youthful gamblers into potentially costly losses.'' In the same

article, Kevin O'Neill, deputy director of the Council on Compulsive Gambling of New Jersey, said that ''Internet sports gambling appeals to college-age people who don't have immediate access to a neighborhood bookie. . . . It's on the Net and kids think it's credible, which is scary.''

Listen to the testimony of Jeff Pash, the Executive Vice President of the National Football League, before the Senate Judiciary Committee: ''Studies . . . indicate that sports betting is a growing problem for high school and college students. . . . As the Internet reaches more and more school children, Internet gambling is certain to promote even more gambling among young people.''

Families. Gambling often has terrible consequences for families and communities. According to the Council on Compulsive Gambling, five percent of all gamblers become addicted. Many of those turn to crime and commit suicide. We all pay for those tragedies.

Harm to Businesses and the Economy. Internet gambling is likely to have a deleterious effect on businesses and the economy. As Ted Koppel noted in a ''Nightline'' feature on Internet gambling, ''[l]ast year, 1,333,000 American consumers filed for bankruptcy, thereby eliminating about $40 billion in personal debt. That's of some relevance to all of us because the $40 billion debt doesn't just disappear. It's redistributed among the rest of us in the form of increased prices on consumer goods. . . .'' He continued: ''If anything promises to increase the level of personal debt in this country, expanding access to gambling should do it.''

Professor John Kindt testified before the House Small Business Committee that a business with 1,000 workers can anticipate increased personnel costs of $500,000 a year due to job absenteeism and declining productivity simply by having various forms of legalized gambling accessible.

Addiction. Internet gambling enhances the addictive nature of gambling because it is so easy to do: you don't have to travel; you can just log on to your computer. Professor Kindt has described electronic gambling, like the type being offered in the ''virtual casinos'' on the Internet, as the ''hardcore cocaine of gambling.''

As Bernie Horn, the Executive Director of the National Coalition Against Legalized Gaming, testified before the House Judiciary Subcommittee on Crime: ''The Internet not only makes highly addictive forms of gambling easily accessible to everyone, it magnifies the potential destructiveness of the addiction. Because of the privacy of an individual and his/her computer terminal, addicts can destroy themselves without anyone ever having the chance to stop them.

Unfair payouts. As Wisconsin Attorney General James Doyle testified before the Senate Judiciary Committee, ''[b]ecause [Internet gambling] is unregulated, consumers don't know who is on the other end of the connection. The odds can be easily manipulated and there is no guarantee that fair payouts will occur.'' ''Anyone who gambles over the Internet is making a sucker bet,'' says William A. Bible, the chair of an Internet gambling subcommittee on the National Gambling Impact Study Commission.

Crime. Further, gambling on the Internet is apt to lead to criminal behavior. Indeed, ''Up to 90 percent of pathological gamblers commit crimes to pay off their wagering debts.'' A University of Illinois study found that for every dollar that states gain from gambling, they pay out three dollars in social and criminal costs.

Cost. According to an article in the March 1999 ABA Journal, ''Online wagering is generating a $600-million-a-year kitty that some analysts say could reach as high as $100 billion a year by 2006.'' I want to repeat that: ''$100 BILLION a year.'' The article continues: ''The number of Web sites offering Internet gambling is growing at a similar rate. In just one year, that number more than quadrupled, going from about 60 in late 1997 to now more than 260 according to some estimates.'' And a recent HBO in-depth report by Jim Lampley noted that virtual sports books will collect more money from the Super Bowl than all the sports books in Las Vegas combined.

This affects all of us.

Not every problem that is national is also necessarily federal. Internet gambling is a national problem AND a federal problem. The Internet is, of course, interstate in nature. States cannot protect their citizens from Internet gambling if anyone can transmit it into their states. That is why the State Attorneys General asked for federal legislation to prohibit Internet gambling. In a letter to the Judiciary Committee members, the Chairs of the Association's Internet Working Group stressed the need for federal involvement: ''[M]ore than any other area of the law, gambling has traditionally been regulated on a state-by-state basis, with little uniformity and minimal federal oversight. The availability of gambling on the Internet, however, threatens to disrupt each state's careful balancing of its own public welfare and fiscal concerns, by making gambling available across state and national boundaries, with little or no regulatory control.''

Further, in reaffirming his support for the bill, the former President of NAAG, Wisconsin Attorney General Jim Doyle, wrote: ''Internet gambling poses a major challenge for state and local law enforcement officials. I strongly support Senator Kyl's Internet Gambling Prohibition Act. Prohibiting this form of unregulated gambling will protect consumers from fraud and preserve state policies on gambling that have been established by our citizens and our legislators.''

In 1961, Congress passed the Wire Act to prohibit using telephone facilities to receive bets or send gambling information. [18 U.S.C. §1084.] In addition to penalties imposed upon gambling businesses that violate the law, the Wire Act gives local and state law enforcement authorities the power to direct telecommunication providers to discontinue service to proprietors of gambling services who use the wires to conduct illegal gambling activity. But, as pointed out in the March 1999 ABA Journal, ''The problem with current federal law is that the communications technology it specifies is dated and limited.'' The advent of the Internet, a communications medium not envisioned by the Wire Act, requires enactment of a new law to address activities in cyberspace not contemplated by the drafters of the older law.

The Internet Gambling Prohibition Act ensures that the law keeps pace with technology. The bill bans gambling on the Internet, just as the Wire Act prohibited gambling over the wires. And it does not limit the subject of gambling to sports. The bill is similar to the one that the Senate, by an overwhelming 90–10 vote, attached to the Commerce-Justice-State Appropriations bill last year. Let me take a moment to explain the bill.

The bill covers sports gambling and casino games. Businesses that offer gambling over the Internet can be fined in an amount equal to the amount that the business received in bets via the Internet or $20,000, whichever is greater, and/or imprisoned for not more than four years. To address concerns raised by the Department of Justice, the bill (like the Wire Act) does not contain penalties for individual bettors. Such betting will, of course, still be the subject of state law.

The bill contains a strong enforcement mechanism. At the request of the United States or a State, a district court may enter a temporary restraining order or an injunction against any person to prevent a violation of the bill, following due notice and based on a finding of substantial probability that there has been a violation of the law. In effect, the illegal website will have its service cut off. I have worked with the Internet service providers to address concerns they raised about how they would cut off service, and, as a result, the provisions dealing with the civil remedies have been revised along the lines of the WIPO legislation.

In sum, the Internet Gambling Prohibition Act brings federal law up to date. With the advent of new, sophisticated technology, the Wire Act is becoming outdated. The Internet Gambling Prohibition Act corrects that problem.

I would like to take a moment to review the consideration of the bill during the last Congress. In July 1997, the Judiciary Subcommittee on Technology held a hearing on S. 474. A wide variety of people testified in support of the legislation: Senator RICHARD BRYAN; Wisconsin Attorney General Jim Doyle, the then-President of the

National Association of Attorneys General; Jeff Pash, Counsel to the National Football League; Ann Geer, Chair of the National Coalition Against Gambling Expansion; and Anthony Cabot, professor at the International Gaming Institute.

Ann Geer stated that ''Internet gambling would multiply addiction exponentially, increasing access and magnifying the potential destructiveness of the addiction. Addicts would literally click their mouse and bet the house.''

As I noted earlier, Wisconsin Attorney General James Doyle testified that ''gambling on the Internet is a very dumb bet. Because it is unregulated . . . odds can be easily manipulated and there is no guarantee that fair payouts will occur. . . . Internet gambling threatens to disrupt the system. It crosses state and national borders with little or no regulatory control. Federal authorities must take the lead in this area.''

Additionally, in June, the Judiciary Committee held a hearing on FBI oversight at which I said to FBI Director Louis Freeh: ''the testimony from other Department of Justice and FBI witnesses has supported our legislation to conform the crime of gambling on the Internet to existing law. And I would just like a reconfirmation of the FBI's support for that legislation.'' Director Freeh replied ''yes, I think it's a very effective change. We certainly support it.''

The Judiciary Subcommittee on Technology passed S. 474 by a unanimous poll and sent the bill to the full Committee for consideration. The Judiciary Committee passed S. 474 by voice vote.

In July 1998, by a 90 to 10 vote, the Internet Gambling Prohibition Act was attached to the Commerce-Justice-State Appropriations bill. In the House, the bill passed Representative MCCOLLUM's Crime Subcommittee unanimously, but due to the lateness of the session, the bill failed to move farther in the House and was not included in the final CJS bill.

The bill has broad bipartisan support in Congress and the strong support of law enforcement. As I just mentioned, FBI Director Freeh has testified that the bill makes a ''very effective change'' to the law and the National Association of Attorneys General sent a letter supporting S. 474 to all Senators.

Further, the President of NAAG, Wisconsin Attorney General Jim Doyle, wrote a letter expressing his support of the bill: ''Internet gambling poses a major challenge for state and local law enforcement officials. I strongly support Senator KYL's Internet Gambling Prohibition Act. Prohibiting this form of unregulated gambling will protect consumers from fraud and preserve state policies on gambling that have been established by our citizens and our legislators.''

Florida Attorney General Bob Butterworth also wrote a letter stressing the support of the states for this bill: ''The adoption of a resolution on this issue by NAAG represents overwhelming support from the states for a bill which, in essence, increases the federal presence in an area of primary state concern. However, it is clear that the federal government has an important role in this issue which crosses state as well as international boundaries.''

In the 105th Congress, S. 474 was strongly supported by professional and amateur sports. The National Football League, the National Collegiate Athletic Association, the National Hockey League, the National Basketball Association, Major League Soccer, and Major League Baseball sent a joint letter of support to all Senators.

I would like to read a passage from this letter:

> Despite exiting federal and state laws prohibiting gambling on professional and college sports, sports gambling over the Internet has become a serious—and growing—national problem. Many Internet gambling operations originate from offshore locations outside the U.S. The number of offshore Internet gambling websites has grown from two in 1996 to over 70 today. It is estimated that Inernet sites will book over $600 million in sports bets in 1998, up from $60 million just two years ago. These websites not only permit offshore gambling operations to solicit and take bets from the United States in defiance of federal and state law but also enable gamblers and would-be gamblers in the U.S. to place illegal sports wagers over the Internet from the privacy of their own home or office.

The letter concludes: ''We strongly urge you to vote in favor of S. 474 when it is considered on the Senate floor.''

On behalf of the NCAA, Bill Saum testified in February before the National Gambling Impact Study Commission on the dangers of Internet gambling:

> Internet gambling provides college students with the opportunity to place wagers on professional and college sporting events from the privacy of his or her campus residence. Internet gambling offers the student virtual anonymity. With nothing more than a credit card, the possibility exists for any student-athlete to place a wager via the Intenet and then attempt to influence the outcome of the contest while participating on the court or the playing field. There is no question the advent of Internet sports gambling poses a direct threat to all sports organizations that, first and foremost, must ensure the integrity of each contest played.

Today, in the Judiciary Subcommittee on Technology, I chaired a hearing on Internet gambling. The testimony in today's hearing confirmed that Internet gambling is addictive, accessible to minors, subject to fraud and other criminal use, and evasive of state gambling laws. State Attorneys General from Wisconsin and Ohio asked for federal legislation to address the mushrooming problem of online gambling, and representatives of the National Football League and the National Collegiate Athletic Association expressed their concerns over the effect of Internet gambling on athletes, fans, and the integrity of sporting contests.

Mr. President, I would like to thank Senator BRYAN for his hard work on this bill. His support and assistance have been invaluable. I would also like to extend a special thanks to the NFL, NCAA, and the National Association of Attorneys General.

The Internet offers fantastic opportunities. Unfortunately, some would exploit those opportunities to commit crimes and take advantage of others. Indeed, as Professor Kindt stated on ''Nightline,'' ''Once you go to Internet gambling, you've maximized the speed you've maximized the acceptability and the accessibility. It's going to be in-your-face gambling, which is going to have severe detrimental effects to society. . . . it's the crack cocaine of creating new pathological gamblers.''

Internet gambling is a serious problem. Society has always prohibited most forms of gambling because it can have a devastating effect on people and families, and it often leads to crime and other corruption. The Internet Gambling Prohibition Act will curb the spread of online gambling.●

ADDITIONAL COSPONSORS

S. 195

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 195, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit.

S. 317

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 459

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 531

At the request of Mr. ABRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 579

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 629

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 629, a bill to amend the Federal Crop Insurance Act and the Agricultural Market Transition Act to provide for a safety net to producers through cost of production crop insurance coverage, to improve procedures used to determine yields for crop insurance, to improve the noninsured crop assistance program, and for other purposes.

S. 635

At the request of Mr. MACK, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. MACK), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as ''National Military Appreciation Month.''

SENATE RESOLUTION 48

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 48, a resolution designating the week beginning March 7, 1999, as ''National Girl Scout Week.''

SENATE RESOLUTION 71

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 71, a resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations.

SENATE RESOLUTION 73—CONGRATULATING THE GOVERNMENT AND THE PEOPLE OF EL SALVADOR ON SUCCESSFULLY COMPLETING FREE AND DEMOCRATIC ELECTIONS

Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. DODD, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations

S. RES. 73

Whereas on March 7, 1999, the Republic of El Salvador successfully completed its second democratic multiparty elections for President and Vice President since the signing of the 1992 peace accords;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate nonviolent expression of the will of the people of the Republic of El Salvador;

Whereas the United States has consistently supported the efforts of the people of El Salvador to consolidate their democracy and to implement the provisions of the 1992 peace accords;

Whereas these elections demonstrate the strength and diversity of El Salvador's democratic expression and promote confidence that all political parties can work cooperatively at every level of government; and

Whereas these open, fair, and democratic elections of the new President and Vice President should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Government and the people of the Republic of El Salvador for the successful completion of democratic multiparty elections held on March 7, 1999, for President and Vice President;

(2) congratulates President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintanilla Schmidt on their recent victory and their continued strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates El Salvadoran President Armando Calderón Sol for his personal commitment to democracy, which has helped in the building of national unity in the Republic of El Salvador;

(4) commends all Salvadoran citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in El Salvador;

(5) supports Salvadoran attempts to continue their cooperation in order to ensure democracy, national reconciliation, and economic prosperity; and

(6) reaffirms that the United States is unequivocally committed to encouraging democracy and peaceful development throughout Central America.

● Mr. DEWINE. Mr. President, I rise today to submit a resolution on El Salvador along with Senators COVERDELL, GRAHAM and DODD. This resolution congratulates the government and the people of El Salvador on successfully completing free and democratic elections on March 7, 1999.

On March 7, 1999 the Republic of El Salvador successfully completed its second democratic multiparty election since the signing of the peace accords in 1992. These elections, like the legislative elections in 1997 and the Presidential elections in 1994, were deemed free and fair by domestic and international observers. Moreover, the elections were conducted in an environment of peace, where all parties contested for the right to govern in a spirited political campaign.

This resolution today commends the government of El Salvador and most importantly the people of the country, who thought their participation in the political process have demonstrated the strength and diversity of El Salvador's democratic expression. It also congratulates Mr. Francisco Flores, President-elect, and Vice President-elect, Mr. Carlos Quintanilla-Schmidt for their electoral victory and for their

commitment to democracy and to the continued progress of El Salvador.

This election further consolidates El Salvador's dramatic transformation in the seven short years since the signing of the peace accords. Today, El Salvador has moved from a country racked by civil war into a stable multiparty democracy. The country has attained a balance of power among the Executive, Judicial and Legislative Branches. It has enacted measures to guarantee the full respect of human rights and fundamental freedoms, and has adopted policies that strengthen municipal governments and provide much-needed social services to local communities.

The country has also undergone an equally dramatic economic transformation. Its economy, which suffered decades of decline, has become one of the fastest growing economies in the region. For the past eight years, the GDP in El Salvador has averaged 5.3 percent. Inflation, which averaged above 20 percent prior to 1992, now tops at 1.5 percent. El Salvador's privatization program is one of the most successful in the region. Moreover, it is considered today one of the best sovereign credit risks in Latin America.

All of these accomplishments are testament to the will of the Salvadoran people to put their past behind them and focus on creating a future of social stability and economic prosperity. It is also a testament to the political leadership of the Salvadoran government. When President Calderon Sol took office five years ago, he had the responsibility to assure full compliance with the peace accords, as well as keep the economy of El Salvador on the path of economic reform. He deserves today to be applauded by this body of Congress for his accomplishments and for leading his country successfully into the 21st century.

El Salvador's dramatic transformation is not unlike the changes that have taken place across Central America. Today marks the first time in the history of the region that all of Central America is at peace, implementing free market reforms and led by Democratic governments. For those of us who were in Congress during the 1980s, we know what a remarkable feat this is and how significant it is that we can today, in a bipartisan fashion, applaud the consolidation of democracy in El Salvador.

We should not take the strides that the region has taken for granted. The devastation brought by Hurricane Mitch has dealt a severe blow to the fortunes of the region. History has shown that natural disasters can be the breeding grounds for civil and political unrest and the erosion of civil liberties. I urge my colleagues to support the emergency aid package to the region that is currently on the Senate floor for debate. In addition, IO ask that we also pass the CBI enhancement bill so that these countries also have the opportunity to help themselves.

Mr. President, I congratulate and commend the people of El Salvador for continuing to move forward in a way that will bring our hemisphere together—and increase the likelihood that for all of us, the 21st century will be a time of peace, freedom, and prosperity.●

SENATE CONCURRENT RESOLUTION 21—AUTHORIZING THE PRESIDENT OF THE UNITED STATES TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

Mr. BIDEN (for himself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, Mr. MCCONNELL, Mr. HAGEL, Mr. STEVENS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. ROBB) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO PROMOTING COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE

Mr. DODD (for himself and Mr. GRASSLEY) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. RES. 22

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PROMOTION OF COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE.

(a) FINDINGS.—Congress finds the following:

(1) As the baby boom generation begins to retire, funding social security and medicare will put a strain on the financial resources of younger Americans.

(2) Medicaid was designed as a program for the poor, but in many States medicaid is being used for middle income elderly people to fund long-term care expenses.

(3) In the coming decade, people over age 65 will represent 20 percent or more of the population, and the proportion of the population composed of individuals who are over age 85, and most likely to need long-term care, may double or triple.

(4) With nursing home care now costing an average of $40,000 to $50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for medicaid.

(5) Many people are unaware that most long-term care costs are not covered by medicare and that medicaid covers long-term care only after the person's assets have been exhausted.

(6) Widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on medicaid as the baby boom generation ages.

(7) The Federal Government has endorsed the concept of private long-term care insurance by establishing Federal tax rules for tax-qualified policies in the Health Insurance Portability and Accountability Act of 1996.

(8) The Federal Government has ensured the availability of quality long-term care insurance products and sales practices by adopting strict consumer protections in the Health Insurance Portability and Accountability Act of 1996.

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

(1) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need for families to plan for their long-term care needs;

(2) the Federal Government should take all appropriate steps to inform the public that medicare does not cover most long-term care costs and that medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(3) the Federal Government should take all appropriate steps not only to encourage employers to offer private long-term care insurance coverage to employees, but also to encourage both working-aged people and older citizens to obtain long-term care insurance either through their employers or on their own;

(4) appropriate committees of Congress, together with the Department of Health and Human Services and other appropriate executive branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the congressional tax-writing committees, together with the Department of the Treasury, should determine whether modification of the tax rules for long-term care insurance is necessary to ensure that the rules adequately facilitate the affordability of long-term care insurance.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSION

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Public Health will be held on, March 25, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Bioterrorism. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 2:30 p.m. on Tuesday, March 23, 1999, in open session, to receive testimony on the proliferation threat and the Department of Defense's program and policies to counter it.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 23, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 2:30 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 23, 1999 at 9 a.m.–1 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 2 p.m. to receive testimony on the Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 12 noon to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 23, 1999, to conduct a hearing on ''Management Challenges at HUD.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Tuesday, March 23, 1999, for a hearing on the topic of ''Securities Fraud On The Internet.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee be authorized to hold a hearing during the session of the Senate on Tuesday, March 23, 1999 at 10 a.m. in room 226, Senate Dirksen Office Building, on ''Internet Gambling.''

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 1999 JAMES MADISON PRIZE

● Mr. MOYNIHAN. Mr. President, this past Friday, the Society for History in the Federal Government awarded its annual James Madison prize for the most distinguished article on an historical topic ''reflecting on the functions of the Federal Government.'' This year, the award was presented to a member of my staff, Mark A. Bradley, for an article he wrote on the disappearance of the U.S.S. *Scorpion* (SSN 589).

The *Scorpion* was a Skipjack class nuclear submarine. In 1968, after a Mediterranean deployment with the 6th Fleet, the *Scorpion* was lost with all hands aboard about 400 miles of the Azores. It had been on a secret intelligence mission and the exact circumstances of the tragedy continue to be debated. Mr. Bradley's article recounts the events that led to the loss of the *Scorpion* and offers an insightful explanation of what might have caused the accident.

Our own Senator ROBERT C. BYRD for his masterly work on the Senate, historian Ira Berlin for his work on Emancipation in the American South, and the Manuscript Division of the Library of Congress, for its W. Averell Harriman project are all past Society for History in the Federal Government award winners.

As a Rhodes scholar, Mr. Bradley is no stranger to distinguished awards. He is an accomplished historian who, in his spare time, serves as the Associate Editor of Periodical, the Journal of America's Military Past, where his award winning article, ''Submiss: The Mysterious Death of the USS *Scorpion* (SSN 589) appeared. We are proud of him and thankful that he has chosen to apply his talents here in the Senate in the service of the nation.

I ask that a portion of his award winning article be printed in the RECORD and intend to have the remainder of the article printed in the RECORD over the next several days.

The material follows:

SUBMISS: THE MYSTERIOUS DEATH OF THE U.S.S. ''SCORPION'' (SSN 589)

(By Mark Bradley)

At around midnight on May 16, 1968, U.S.S. *Scorpion* (SSN 589) slipped quietly through the Straits of Gibraltar and paused just long enough off the choppy breakwaters of Rota, Spain, to rendezvous with a boat and offload two crewmen and several messages. A high performance nuclear attack submarine with 99 men aboard, the *Scorpion* was on her way home to Norfolk, Virginia, after completing three months of operations in the Mediterranean with vessels from the Sixth Fleet and NATO. Capable of traveling submerged at over 30 knots, she expected to reach her home port within a week.

Upon entering the Atlantic, the *Scorpion* fell under the direct operational control of Vice Admiral Arnold Schade, the commander of the U.S. Navy's Atlantic Submarine Fleet. On May 20, he issued a still-classified operations order to the submarine that diverted her from her homeward trek and required her to move toward the Canary Islands and a small formation of Soviet warships that had gathered southwest of the islands. Under U.S. Naval air surveillance since May 19, this flotilla consisted of one Echo-II class nuclear submarine, a submarine rescue vessel, and two hydrographic surveys ships. Three days later, a missile destroyer capable of firing nuclear surface-to-surface missiles and an oiler joined the group.

At approximately 7:54 p.m. Norfolk time on May 21, the *Scorpion* rose to within a few feet of the rolling surface, extended her antenna, and radioed the U.S. Naval Communication Station in Greece. Her radioman reported that she was 250 miles southwest of the Azores Islands and estimated her time of arrival in Norfolk to be 1 p.m. on May 27. On that day, as the families of the crew gathered on Pier 22 in a driving rain and waited for their husbands and fathers to surface off the Virginia capes, the captain of the U.S.S. *Orion*, who was the acting commander of Submarine Squadron 6, the *Scorpion*'s unit, told Schade what the Vice Admiral secretly knew: the *Scorpion* had failed to respond to routine messages about tug services and her berthing location. After an intensive effort to communicate with the submarine failed, Schade declared a SUBMISS at 3:15 p.m. and launched a massive hunt.

Numbering over fifty ships, submarines and planes, the searchers retraced the *Scorpion*'s projected route to Norfolk and found nothing. What most in the Navy, including the crew's families, did not know was that Schade already had organized a secret search for the submarine on May 24 after she had failed to respond to a series of classified messages and, by May 28, he and others in the service's command believed the *Scorpion* had been destroyed. Highly classified hydrophone data indicated to them that she had suffered a catastrophic explosion on May 22 and had been crushed as she twisted to the ocean's floor.

On June 5, the Navy officially declared the submarine presumed lost and her crew dead. On June 4, the service's high command had established a formal court of inquiry chaired by Vice Admiral Bernard Austin (Ret), who also had headed the Navy's investigation into the 1963 loss of U.S.S. *Thresher* which had cost the lives of 129 men. After evaluating nearly 50 days of testimony, the Court concluded that it could not determine the exact cause for the *Scorpion's* loss. On October 28, 1968, the Navy found the *Scorpion's* shaattered remains in over 11,000 feet of water approximately 400 miles southwest of the Azores Islands. On November 6 Admiral Austin reconvened his court, which studied thousands of photographs taken of the

wreckage by U.S.N.S. *Mizar*. After two more months of investigation, the Court again held that it could not determine precisely how the submarine had been destroyed.

Frustrated by their lack of any clear answers, the Navy's high command turned to the *Trieste II*, a specially designed deep water submersible capable of plunging down to the gravesite. Between 2 June and 2 August 1969, this bathyscape made nine dives to the *Scorpion*, photographing and diagramming her broken corpse. Although these efforts provided a clearer view of where she was and in what condition, they again failed to tell what had happened to one of the service's most elite warships. After thirty years, the *Scorpion's* fate still remains shrouded in mystery, a not so ironic end for a member of the silent service that spent her life on the shadowy front lines of the Cold War.

Launched on December 19, 1959, and commissioned on July 29, 1960, the *Scorpion* was built by General Dynamics' Electric Boat Division in Groton, Connecticut. One of six Skipjack class nuclear attack submarines, which combined a tear drop-shaped hull with a S5W reactor, the 252 foot *Scorpion* was capable of traveling over 20 knots while on the surface and over 30 knots while submerged. Her top underwater speed was more than 8 knots faster than that of U.S.S. *Nautilus*, the world's first nuclear submarine, launched in 1954, and twice that of the best World War II German U-boats. While the Nazis' Type XXI submarine, completed in 1944 could travel at a top speed of 16.7 knots for 72 minutes without resurfacing, the *Scorpion* could easily travel submerged at top speed for 70 days. These capabilities for high underwater speed and unlimited endurance gave the Navy new tactical abilities undreamed of in 1941–1945.

Although World War II had witnessed two great submarine campaigns, the first in the Atlantic where the Germans tried to sever England's supply lines and the second in the Pacific where the Americans assaulted the Japanese merchant fleet, the submarines of that period were strikingly similar to their World War I counterparts in submerged speed and endurance. Dependent upon diesel oil while traveling on the surface and batteries while underneath, these submarines were forced to spend the bulk of their time above water recharging, only submerging once they had spotted a target. Their reliance on two propulsion systems made them easy prey for air and surface attacks. Only near the war's end did Hitler's U-boats experiment with snorkels and more powerful batteries, and American submarines regularly employ sonar and radar. Even with these innovations, the United States Navy still lost nearly one-fifth of its submarine force while fighting in both theaters. The dropping of the atomic bomb changed all this and made possible not only one fuel system but also much greater underwater speed and endurance.

The Navy quickly seized upon these new capabilities and deployed its nuclear submarines in a variety of missions, particularly in gathering intelligence about the Soviet fleet. In 1959, President Dwight Eisenhower approved one of the most closely guarded intelligence operations ever mounted by the United States. Code named Operation HOLYSTONE, its original purpose was to use specially equipped submarines to penetrate Soviet waters to observe missile launches and capture readouts of their computer calculations. Later, they also were used to photograph and gather highly sensitive configuration and sound data on the Russian navy, particularly its submarines. This information was then used by intelligence analysts to track hostile warships by listening to their noise patterns and sound signatures.

While the *Scorpion* specialized in developing undersea nuclear warfare tactics, she also was used to collect intelligence. For instance, in the late winter and early spring of 1966, and again that fall, she was engaged in what the Navy has called ''special operations.'' Her then-commanding officer received the Navy's commendation medal for outstanding service. Although much about her last mission remains a mystery—five out of the last nine messages sent to her between May 21 and May 27 from Norfolk are still classified top secret—it seems likely that the *Scorpion* was engaged in or had just completed a highly sensitive intelligence operation when she was lost.

According to the first Court of Inquiry's sanitized declassified report, the *Scorpion* had been diverted to shadow a Soviet flotilla engaged in a ''hydroacoustic'' operation. This means the Russians were also collecting and analyzing information derived from the acoustic waves radiated by unfriendly ships and submarines. The Navy would have been greatly interested in any activity of this sort, particularly given the Soviets' location off the Canary Islands and near the Straits of Gibraltar, the gateway to the Mediterranean.

The Soviets also may have been trying to gather intelligence on the Americans' highly secretive Sound Underwater Surveillance System (SOSUS), an elaborate global network of fixed sea bottom hydrophones that listened for submarines. First developed in 1950 and installed in 1954, SOSUS formed the backbone of the United States' anti-submarine detection capability. This system became even more crucial in the late 1960s as the Soviet Navy began shifting its focus away from protecting Russia's coastal waters to building a blue water fleet spearheaded by advanced hunter-killer and ballistic missile nuclear submarines. This forced the Pentagon to place a premium on intelligence about the Kremlin's undersea operations.

By 1968, the Americans had deployed a SOSUS network off the Canary Islands and were laying another off the Azores Islands. Both were aimed at tracking Soviet submarines nearing the Straits of Gibraltar and approaching the Cape of Good Hope. Any Soviet attempt to disrupt or penetrate SOSUS would have aroused a great deal of interest in Norfolk and may explain the Navy's decision to send the Scorpion toward the Canary Islands.

Whatever he last mission was, it appears likely that the Scorpion had completed her operational phase by 7:54 p.m. on May 21, when she broadcast her last position and estimated time of arrival in Norfolk. Operating under strict orders to maintain electronic silence ''except when necessary'', the Scorpion sent only this message after she left Rota. At the time of her last communication, she was approximately two hundred miles or six hours away from the Soviet formation she had been sent to monitor. Nearly twenty-four hours later, SOSUS and civilian underwater listening systems ranging from Argentina to Newfoundland picked up the shock of an underwater explosion along the Scorpion's projected route followed by crushing sounds not unlike those recorded during the Thresher's destruction in 1963. According to these readouts, the entire episode lasted slightly over three months.

Applying sophisticated mathematics to these recordings and tracing the Scorpion's presumed track and speed to Norfolk, the Navy designated an area of ''special interest'' for its search some 400 miles southwest of the Azores Islands. On May 31, the U.S.S. Compass Island, a navigational research ship, was dispatched to conduct an underwater survey and on October 28, 1968, the U.S.N.S. Mizar, another navigational ship with advanced photographic equipment, finally found the wreckage only three miles away from where SOSUS computers had estimated it to be. Broken into two pieces, the Scorpion's remains lay in over 11,000 feet of water.

Deeply shaken and still reeling from the loss of the U.S.S. Thresher (SSN 593) five years earlier, the Navy began its postmorten with only the SOSUS readouts, the Scorpion's operational history and the testimony of her former crew members. The first Court of Inquiry deliberated from 4 June 1968 until 25 July 1968 and examined 76 witnesses as it considered a broad array of fatal possibilities. First among these was that the Soviets had intercepted the Scorpion and finished her in an undersea dogfight. The Court discarded this theory after it examined the reports the intelligence community provided and found no evidence that the Soviet formation which the Scorpion had been sent to shadow had launched an attack or fired any weapons when SOSUS recorded the explosion. The Court also noted that there were no other Russian or Warsaw Pact vessels within 1,000 miles of the Scorpion's last reported position.●

AVIATION SAFETY PROTECTION ACT

● Mr. GRASSLEY. Mr. President, I am pleased to join Senator KERRY in introducing the ''Aviation Safety Protection Act of 1999.'' This legislation will grant whistleblower protection to aviation workers, thus helping to increase the safety of the aviation industry and the traveling public.

I have long been a supporter of whistleblower protection for government workers. This act will extend that protection to aviation workers. Airline employees play a vital role in the protection of the traveling public. They are the first line of defense when it comes to recognizing hazards and other violations which can threaten airline safety. These dedicated employees should not have to choose between saving the public or saving their own jobs. The extension of whistleblower protection will eliminate that unfair choice and will allow them to do what is right. What is right is to be able to tell airline management of aviation safety problems without fear of retaliation or losing their job.

I have been working with Senator KERRY and flight attendants on this vital legislation for the past several years. It was included in the last Congress in the FAA reauthorization bill. Unfortunately that bill was not passed into law. We are looking forward to working closely with Senator MCCAIN and Congressman SHUSTER this year as the FAA reauthorization legislation moves through the Congress.

The traveling public expects and deserves the safest air travel system possible. Granting aviation employees whistleblower protection will fill a gap in the air travel system.

I join with Senator KERRY in urging my colleagues to cosponsor this legislation.●

MAX ROWE PAYS TRIBUTE TO OUR AMERICAN HERO, JOHN GLENN

● Mr. DURBIN. Mr. President, I rise today to share with my colleagues an article written by Max Rowe. On November 8, 1998, Mr. Rowe, a guest columnist for the Springfield Journal-Register, wrote an article paying tribute to John Glenn entitled, ''Glenn is a hero for the ages.''

Mr. President, I would like to speak for a brief moment about Mr. Rowe and some of his accomplishments. Max attended the University of Illinois where he received his B.A. and law degree (J.D.). Following his academic career at the University of Illinois, he furthered his education by pursuing a Master of Business Administration from the University of Chicago. After completing his education, Max went on to work for the Kirkland & Ellis law firm where he dedicated over 30 years of his life to his true passion, the practice of law. In 1995 Max was elected to the Illinois Senior Hall of Fame, and he volunteers part-time at the Memorial Medical Center in Springfield. On the side, he is a management consultant and writes for the Journal-Register.

I believe Max's life experiences inspired him to pay tribute to John Glenn, a man whom he respects so much, and a man who will keep withstanding the test of time, much like himself. John Glenn, one of his all-time heroes and someone I have had the honor to serve with in the Senate, is an inspiration to so many people in so many ways. To some he is a husband, a father, a grandfather, an astronaut, a United States Senator, or a Presidential candidate, but to all of us he is a true American hero.

Mr. President, I ask that the full text of Max Rowe's article, ''Glenn is a hero for the ages,'' be printed in the RECORD.

The article follows:

[From the Springfield Journal-Register, Nov. 8, 1998]

GLENN IS A HERO FOR THE AGES

(By Max Rowe)

One of my all-time heroes is former and present astronaut John Glenn, who is now 77 years old and has just completed a mission with six other astronauts on the space shuttle discovery.

We senior citizens and those of you over 50 remember well when John Glenn blasted off Cape Canaveral into Earth orbit on Friendship 7 almost 37 years ago. In that five-hour mission he would orbit the Earth three times at an altitude of 100 miles, traveling at over 17,000 mph.

From start to finish the venerable and trusted Walter Cronkite covered the flight on our TVs, using words only, as there were no sophisticated cameras at Cape Canaveral or on board Glenn's space ship that could cover the actual flight. At lift-off Cronite yelled, ''Go, baby!''

On board Friendship 7, John Glenn had only one simple, hand-held camera to snap shots out of his window. In Glenn's interviews after his splashdown, he kept using the word ''pleasant'' to describe his experience with zero gravity on his flight and his views of Earth. He is quoted as saying, ''This free-floating feeling, I don't know how to describe it except that it is very pleasant. It's an interesting feeling. Sunset at this altitude is tremendous. I've never seen anything like this. It was a truly beautiful, beautiful sight.''

Before Glenn's 1962 spaceflight, two Russians had orbited Earth, Glenn helped us catch up with (and eventually surpass) the Russians in spaceflight experience and technology.

On the afternoon of Oct. 29, 1998, I sat before my TV waiting through two short delays for the launch. At 1:20 p.m. ''successful lift-off'' put John Glenn and six other astronauts into an almost nine-day space flight on Discovery. What a contrast to his 1962 flight! Discovery has about a dozen high-tech cameras to keep NASA and us informed of every phase of the flight and thousands of controls and pieces of complicated, marvelous equipment to record everything from start to finish. At last we will learn, among other things, the effect of spaceflight on an older person and on the aging process.

John Glenn has been a role model for us all his life, serving with great distinction in World War II as a Marine combat flier on 59 missions. He has been decorated with 20 metals, including six Distinguished Flying Crosses and the Congressional Space Medal of Honor.

He married his childhood sweetheart in 1943 and has two children and two grandsons.

Glenn will retire in January 1999 after serving as a U.S. Senator from his home State of Ohio for 24 years. He has proven it is possible to be a happy and devoted family man in spite of living for so many years with fame and in the spotlight of Washington, DC.

I hope every American is as proud and thrilled as I was as John Glenn and his six companions headed off into space on their historic mission. John Glenn's return to space is important to all us senior citizens and to people over 50 years young, who will soon join our rapidly growing senior group. He is verifying that we are not ''over the hill'' and that with proper physical, emotional and mental activity, we still have many satisfying and useful years to live.

Before heading into space, Glenn spent over 500 hours in rigorous physical training to prepare himself for his very demanding space journey. Those of you who have been reading my earlier columns will remember that one of my recommendations for living to age 104 is regular, vigorous exercise. For most of us seniors, a 30-minute daily brisk walk will do wonders for our health and happiness.

The worldwide interest in this spaceflight will do much to heighten interest in space travel for the rest of us and help NASA's future programs and funding. Let's you and I make a date to fly to Mars in the year 2010!

God bless you and keep you safe, John Glenn. You truly have all ''The Right Stuff!''●

RETIREMENT OF LSU SYSTEM PRESIDENT ALLEN COPPING

● Mr. BREAUX. Mr. President, this month marks the end of a distinguished and remarkable career in public education for the president of my state's flagship university. At month's end, Dr. Allen A. Copping will be retiring, leaving the post of president of the Louisiana State University System that he has held since March of 1985.

Dr. Copping's retirement is significant for several reasons. Under his able and dedicated leadership, the LSU System has enjoyed enormous growth and development and is recognized around the country as a leader in educational excellence in numerous fields of academic pursuit. Dr. Copping's fourteen-year tenure is significant for another reason: He will always be remembered as the first health scientist to hold the position as LSU president.

Allen Copping is a native of New Orleans, born in 1927 and educated in the city's public schools. After graduating from Loyola University with a Doctor's degree in Dental Surgery in 1949, Dr. Copping entered the U.S. Navy and served our country with distinction during the Korean Conflict. After the war, he returned to New Orleans, where he began a very successful dental practice and also landed on the faculty of the Loyola University School of Dentistry. In 1968, Dr. Copping joined the faculty of the newly created LSU School of Dentistry as an associate professor and, six years later, he was appointed the second dean of the LSU School of Dentistry.

As dean, Dr. Copping's leadership ability and his vision quickly caught the eye of the LSU Board of Supervisors, which chose him to head the LSU Medical Center as Chancellor in 1974, a position he held with distinction for the next eleven years. During his years at the helm of the Medical Center, Dr. Copping helped initiate a remarkable expansion in both the curricular offerings and in the physical facilities at the Center.

On March 18, 1985, Allen Copping became the third president of the LSU System and the fifteenth LSU president, a job that entailed the leadership and supervision of the eight campuses in the system and management of an annual budget of over two billion dollars.

During his tenure as LSU president, Dr. Copping guided the system through some very challenging years, highlighted by the development of the world-renowned Pennington Biomedical Research Center at Baton Rouge and the addition of the Health Care Services Division of the LSU Medical Center.

Throughout his years at the helm of the LSU System, Dr. Copping enjoyed a well-deserved reputation as a man of extraordinary loyalty, honesty, compassion and sincerity who is unalterably devoted to public education and the well being of his native state of Louisiana.

Mr. President, on behalf of the citizens of my state, I wish to congratulate Allen Copping on a well-deserved retirement and offer my profound gratitude for the leadership that he has provided the LSU System over the past fourteen years. He will be missed, but I know that I and other public officials will continue to benefit from his wisdom and his commitment to providing a quality education that meets the needs of our country's most precious commodity—our young people. I wish Allen and Betty and their family all the best in this next and very exciting phase of their lives.●

GREEK INDEPENDENCE DAY

• Mr. SARBANES. Mr. President, it gives me great pleasure to rise in observance of Greece's 178th anniversary of National Independence. Today, we are here to pay tribute to Greek and American democracy, and to our shared commitment to peace and stability in the Balkans and Eastern Mediterranean.

On March 25, 1821, the Greek people initiated their victorious pursuit of liberty from four centuries of oppressive Ottoman rule. After nearly ten years of struggle against overwhelming odds, the Greeks accomplished this historic request, reaffirming their commitment to the individual freedoms that are at the heart of the Greek tradition.

From the beginning of their revolution, the Greeks had the support, emotional and material, from a people who had recently gained freedom for themselves: the Americans. Looking back at their triumphant march toward liberty, the American people followed with affinity the Greek pursuit for national independence. Since then, our two nations have remained firmly united by a shared commitment to democratic principles. These ties were reinforced by thousands of Greeks who came to America for greater economic opportunity. These immigrants and their descendants continue to make their own important and unique contributions to America's economic and political strength.

As a nation whose founders were ardent students of the classics, America has drawn its political convictions from the ancient Greek ideals of liberty and citizenship. And just as America looked to the Greeks for inspiration, Greek patriots looked to the American Revolution for strength in the face of their own adversity. The exuberance and passion of a young nation dedicated to freedom lifted the spirits of the Greek patriots, and reminded them of their long-standing democratic legacy.

As we enter the next century, it is appropriate that we retrace our common struggle to build societies based on individual rights, equality and the rule of law. During World War I, our nations forged a steadfast alliance to maintain peace in the Balkans. During the Second World War, Greeks heroically resisted the brutal Nazi regime, defeated Mussolini's troops, and contributed in no small part to the allied victory over the Axis Powers. At the Cold War's inception, President Truman and the American people committed to helping Greece rebuild their war-ravaged nation through the Marshall Plan. Greece continues to play an important role as a valued member of the international community within NATO and the European Union.

Today, as one of the few stable democracies in its region, Greece has played a stabilizing role throughout the Balkans and is helping its neighbors progress toward greater political and economic security. Greek economic modernization, along with its status as a member of the European Union, allow Greece to act as a model for and play a constructive role in the economic well being of its neighbors.

Mr. President, the new millennium promises an even stronger Greek-American relationship and further cooperation in the areas of our mutual interests. Through ties of blood and affection, as well as shared political goals and philosophical ideals, Greece has retained a special relationship with the United States. Therefore, on this important occasion, it is fitting that we remember this historical legacy and rededicate ourselves to the principles which inspired the free and democratic peoples of America and Greece.•

CENSUS

• Mrs. FEINSTEIN. Mr. President, I was troubled by a recent report in Roll Call which details a plan by House Republicans to devise a media campaign to support their efforts to shut down the government in order to restrict census sampling. I ask that this article be printed in the RECORD at the end of my statement.

Mr. President, the census is a critical issue for my State and for the nation. The census count determines how nearly 200 billion of federal funds are allocated. An inaccurate count means that these federal funds are misallocated.

According to a recent study by the nonpartisan General Accounting Office, the 1990 census undercounted the United States population by about 4 million people—or approximately 1.6 percent of the entire population.

Many states had undercounts above the national average. California's undercount was 2.7 percent; New Mexico's was 3.1 percent; Texas' 2.8 percent; and Arizona's 2.4 percent, just to name a few.

According to the GAO, 22 of the 25 large formula grant programs use census data as part of their allocation formula. Those funds are used for our schools, health care facilities, and transit systems. California was the most harmed because of the 1990 census undercount, losing nearly 2.2 billion in federal funds, or 2,660 per person missed.

In 1998 alone, California lost 198 million in federal funds for Medicaid; 9.4 million for foster care; 3.2 million for Social Security; 1.9 million for child care and development; and 1.1 million for vocational training. Millions more in federal dollars for adoption assistance, prevention and treatment of substance abuse, highway planning and construction, and other programs did not flow to California because of the inaccurate census.

Other states also suffer: Texas lost almost 1 billion because of the 1990 undercount, and Arizona, Florida, Georgia, and Louisiana each lost over $100 million.

Moreover, all areas and groups are not undercounted at the same rate, and some members of our society are more likely to be missed than others. According to the GAO, 5.7 percent of African Americans were not counted in the 1990 Census. Nor were 5 percent of Latinos and 4.5 percent of Native Americans. Of the 835,000 people undercounted in California, most were minorities. Nearly half the net undercount—47 percent—were Hispanic. Twenty-two percent were African-American and 8 percent were Asian.

Such differences in census coverage introduce inequities in political representation and in the distribution of federal funds. Because Hispanics, African-Americans, and other minority groups had a larger undercount than whites in the 1990 Census—as in prior censuses—minorities and the communities in which they live have been disadvantaged in government programs in which population is an important factor in fund allocation.

This is an issue of basic fairness. Every American should be counted. And unless we can provide the Census Bureau with our support for an accurate census, and do so without any political intervention, then we run the risk of doing a grave injustice to our citizens.

Since the failed 1990 population count, the Census Bureau has worked with experts to design a more accurate census for 2000. The National Academy of Sciences, in three separate reports, concluded that the key to improving accuracy in the census is the use of sound statistical methods to count those missed during the conventional ''head count.'' This involves detailed ''statistical sampling'' to determine the characteristics of those who are missed by the head count.

But for partisan reasons, some in Congress evidently prefer to ignore the expert advice and plan to shut down part of the government rather than see an accurate count. They argue that sampling is unnecessary. Unfortunately, during the Census 2000 Dress Rehearsal the undercount was 6.5 percent for Sacramento, California; 3.1 percent for the Menominee Indian Reservation in Wisconsin; and 9.1 percent for the entire state of South Carolina.

The magnitude of such undercounts and the implications for the 2000 Census that fails to correct the problem are particularly great for states with large and diverse populations, such as Florida, Texas, Arizona, New York, California and many others.

The Supreme Court has affirmed that sampling is required for purposes other than apportionment if 'feasible'.

The census should not be about politics. And Mr. President, I will oppose any efforts to include any restrictions on the ability of the Bureau of the Census to conduct the most accurate census possible. Anything else would simply be unfair.

The article follows:

GOP GIRDS FOR CENSUS BATTLE FIRST TO HOLD JOB, HE'S LEAVING FOR PRIVATE SECTOR

(By Jim VandeHei and John Mercurio)

Fearing the loss of two dozen House seats if his party blinks, Speaker Dennis Hastert (R–Ill.) has tapped former National Republican Congressional Committee Chairman Bill Paxon (N.Y.) to prepare GOP troops for a budget fight over the 2000 Census that could provoke a partial government shutdown.

At Hastert's request, Paxon huddled this week with NRCC Chairman Tom Davis (Va.), Republican media strategist Eddie Mahe and others to help devise a coordinated strategy to block President Clinton's plan to use sampling in the 2000 Census.

''I am one of a group of people trying to figure out how to keep Mr. Bill Clinton from imposing his political calculations on the census,'' Mahe said in an interview.

The impending battle will erupt in earnest next month when GOP leaders begin working on the funding bill for Commerce, Justice, State, the judiciary and related agencies. During last year's budget negotiations, Republicans and Clinton agreed to put off final decisions on whether to fund the use of sampling until this June, when the results of the Census Bureau's dress rehearsals would be available and the Supreme Court would have ruled on a much-anticipated legal challenge to sampling.

The budget fight follows the High Court's decision in late January that the bureau's plan to use sampling in the decennial for reapportionment of House seats violates the Census Act.

But according to pro-sampling Democrats' interpretation of Justice Sandra Day O'Connor's majority opinion, the federal government can, ''if feasible,'' use sampling for the very different purpose of redistricting, or the redrawing of House district boundary lines, within each state.

Following the court's ruling, Census Bureau Director Kenneth Prewitt said the Clinton administration will seek an increased level of funding to conduct two counts—one using the GOP-backed practice of trying to count every American, the other using the Clinton-endorsed sampling.

Meanwhile, Democrats are trying to amend the Census Act to allow sampling for reapportionment, and Republicans will try to place language in the spending bill that would restrict funding for any sampling practices associated with the census.

The GOP plan, according to informed sources, likely will include a media campaign against Clinton's plan, which most House Democrats support.

It will also include a lobbying campaign to convince Republican Members to stand up to Clinton if he threatens to shut down the government to scare off opposition.

''Everybody knows this is 'do or die' for the party,'' said one GOP official familiar with the nascent strategy. ''We're not going to back down on this.''

That spending plan will include a provision preventing the bureau from using statistical sampling, which Hastert and Paxon fear will cost Republicans dozens of House seats in the new millennium.

''The Speaker and virtually every GOP leader believe no single vote will have greater ramifications on the future of the Republican majority than the vote to block President Clinton from changing the way we conduct the census,'' said one Hastert confidant.

But Democrats understand that if Clinton backs down, Republicans' chances of retaining their majority will increase.

He won't capitulate to GOP demands, according to senior Democratic leadership sources.

''They have never shown any weakness and I don't know why they would,'' said a top Democratic adviser, who insisted White House officials will shut down the government if Republicans refuse to back down.

Democrats said the Republican moves show they are preparing to allow this battle to result in a shutdown. A government shutdown in 1995 caused their party's support to plummet and ultimately led to a more conciliatory tone among House GOP leaders.

''They weren't able to convince the American people to believe they were justified in doing that in 1995, and I don't see how they would be able to do so in 1999,'' said Rep. HENRY WAXMAN (D–Calif.), the ranking member of the Government Reform Committee.

''If they do make it a partisan issue and close down three departments of government, they're going to need to spend a lot of money to try to convince people they're not being partisan again,'' Waxman said. ''And I don't think they're going to succeed.''

Rep. CAROLYN MALONEY (D–N.Y.), the ranking member of the Government Reform subcommittee on the census, said Democrats can turn back the Republican budget proposal by appealing to ''at least 10 Republicans'' to support sampling. So far, only three Republicans—Reps. CONNIE MORELLA (Md.), CHRISTOPHER SHAYS (Conn.) and NANCY JOHNSON (Conn.)—have sided with Democrats in the sampling battle.

''I truly believe there are at least 10 Republicans who truly care about their constituents and their country who would not go along with this.''

But MALONEY said the GOP media plan ''wouldn't surprise me. The Republican machine has been focussing like a laser beam on this subject in their attempts to make sure that blacks, Hispanics and Asians are not counted. It's wrong, and they should stop.''

While talk of a government shutdown may be hyperbole by both sides, the political posturing underscores how contentious the upcoming budget debate will be.

Last Congress, Republican and Democratic leaders ended months of bickering over the census by delaying a final decision until after the election. They passed a six-month funding bill and agreed to tackle the tricky topic when the pressure of impending elections subsided and the Supreme Court had ruled on a legal challenge to the sampling plan.

The six-month funding bill expires in June, but HASTERT wants appropriators to start work soon, likely early next month, to provide leadership with as much as time as possible to avert a shutdown.

In the meantime, Paxon is working with several Members and strategists to develop a plan to win the public relations war over the census.

Besides Davis, Mahe and Paxon, House Administration Chairman BILL THOMAS (R–Calif.); Rep. DAN MILLER (R–Fla.), chairman of the Government Reform subcommittee on the census; and two GOP strategists, Bill Greener and Chuck Greener, are intimately involved in the strategizing, sources said.

Paxon's team is considering a paid media campaign to educate voters on the census issue in the weeks leading up to a final vote on legislation and a variety of communications ideas to prevent the PR debacle in the wake of the 1995 government shutdown, the sources said.

GOP leaders have not decided who will run the media campaign or who will pay for it.

In the meantime, HASTERT plans to hand more money to Miller and his census subcommittee to conduct an oversight investigation into how the administration is reacting to the Supreme Court decision on sampling.

He also plans to educate Members on the topic and lobby them to support the leadership's position.

Davis said GOP leaders don't anticipate more than one Republican defecting, though both SHAYS and MORELLA remain opposed to leadership's position, according to their spokesmen. ''And we'll pick up some Democrats,'' he said, though he refused to list any possibilities.

THE CALENDAR

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following bills reported by the Environment and Public Works Committee: Calendar No. 53, S. 67; Calendar No. 56, S. 437; Calendar No. 57, S. 453; Calendar No. 58, S. 460; Calendar No. 59, H.R. 92; Calendar No. 60, H.R. 158; Calendar No. 61, H.R. 233; and Calendar No. 62, H.R. 396.

I further ask unanimous consent that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed at the appropriate place in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT C. WEAVER FEDERAL BUILDING

The bill (S. 67) to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the ''Robert C. Weaver Federal Building,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 67

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

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the ''Robert C. Weaver Federal Building''.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Robert C. Weaver Federal Building''.

Mr. MOYNIHAN. Madam President, it is fitting that we have passed this legislation to name the Department of Housing and Urban Affairs (HUD) Washington, D.C. headquarters after Dr. Robert C. Weaver, adviser to three Presidents, national chairman of the NAACP, and the first African-American Cabinet Secretary.

In 1961, President Kennedy appointed Dr. Weaver to head the Housing and Home Finance Agency, the precursor to the Department of Housing and Urban Development. In 1966, when President Johnson elevated the agency to Cabinet rank, he chose Dr. Weaver to head the department. Bob Weaver was, in Johnson's phrase, ''the man for the job.'' He thus became its first Secretary, and the first African-American to head a Cabinet agency.

Dr. Weaver began his career in government service as part of President Franklin D. Roosevelt's ''Black Cabinet,'' an informal advisory group promoting Federal job and educational opportunities for blacks. The Washington Post called this work—''the dismantling of a deeply entrenched system of racial segregation in America''—his greatest legacy. Indeed it was.

Bob Weaver was my friend, dating back more than 40 years to our service together in the administration of New York Governor Averell Harriman. Dr. Weaver was appointed Deputy Commissioner of Housing for New York State in 1955, and later became State Rent Administrator with Cabinet rank. It was during these years, working for Governor Harriman, that I first met Bob; I was Assistant to the Secretary to the Governor and later, Acting Secretary. Our friendship and collaboration continued through the Kennedy and Johnson administrations. Later, he and I served together on the Pennsylvania Avenue Commission.

Bob Weaver died in July 1997, at his home in New York City. When he died, America—and Washington, in particular (for he was a native Washingtonian)—lost one of its innovators, one of its true leaders. I was privileged to know him as a friend. He will be missed but properly memorialized, I think, if we can get this legislation to name the HUD building after him to President Clinton for his signature.

I wish to thank Senators BOXER, DURBIN, GRAHAM, HOLLINGS, KENNEDY, KERRY, ROBB, SARBANES, and SCHUMER, for cosponsoring S. 67, and I wish to thank the majority and minority leaders for scheduling its expeditious passage.

Mr. President, I ask unanimous consent that my statement, a July 21, 1997 editorial in the Washington Post, and a July 19, 1997 obituary from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, July 19, 1997]

ROBERT C. WEAVER, 89, FIRST BLACK CABINET MEMBER, DIES

(By James Barron)

Dr. Robert C. Weaver, the first Secretary of Housing and Urban Development and the first black person appointed to the Cabinet, died on Thursday at his home in Manhattan. He was 89.

Dr. Weaver was also one of the original directors of the Municipal Assistance Corporation, which was formed to rescue New York City from financial crisis in the 1970's.

''He was catalyst with the Kennedys and then with Johnson, forging new initiatives in housing and education,'' said Walter E. Washington, the first elected Mayor of the nation's capital.

A portly, pedagogical man who wrote four books on urban affairs, Dr. Weaver had made a name for himself in the 1930's and 40's as an expert behind-the-scenes strategist in the civil rights movement, ''Fight hard and legally,'' he said, ''and don't blow your top.''

As a part of the ''Black Cabinet'' in the administration of President Franklin D. Roosevelt, Dr. Weaver was one of a group of blacks who specialized in housing, education and employment. After being hired as race relations advisers in various Federal agencies, they pressured and persuaded the White House to provide more jobs, better educational opportunities and equal rights.

Dr. Weaver began in 1933 as an aide to Interior Secretary Harold L. Ickes. He later served as a special assistant in the housing division of the Works Progress Administration, the National Defense Advisory Commission, the War Production Board and the War Manpower Commission.

Shortly before the 1940 election, he devised a strategy that defused anger among blacks about Stephen T. Early, President Roosevelt's press secretary.

Arriving at Pennsylvania Station in New York, Early lost his temper when a line of police officers blocked his way. Early knocked one of the officers, who happened to be black, to the ground. As word of the incident spread, a White House adviser put through a telephone call to Dr. Weaver in Washington.

The aide, worried that the incident would cost Roosevelt the black vote, told Dr. Weaver to find the other black advisers and prepare a speech that would appeal to blacks for the President to deliver the following week.

Dr. Weaver said he doubted that he could find anyone in the middle of the night, even though most of the others in the ''Black Cabinet'' had been playing poker in his basement when the phone rang. ''And anyway,'' he said, ''I don't think a mere speech will do it. What we need right now is something so dramatic that it will make the Negro voters forget all about Steve Early and the Negro cop too.''

Within 48 hours, Benjamin O. Davis Sr. was the first black general in the Army; William H. Hastie was the first black civilian aide to the Secretary of War, and Campbell C. Johnson was the first high-ranking black aide to the head of the Selective Service.

Robert Clifton Weaver was born on Dec. 29, 1907, in Washington. His father was a postal worker and his mother—who he said influenced his intellectual development—was the daughter of the first black person to graduate from Harvard with a degree in dentistry. When Dr. Weaver joined the Kennedy Administration, whose Harvard connections extended to the occupant of the Oval Office, he held more Harvard degrees—three, including a doctorate in economics—than anyone else in the administration's upper ranks.

In 1960, after serving as the New York State Rent Commissioner, Dr. Weaver became the national chairman of the National Association for the Advancement of Colored People, and President Kennedy sought Dr. Weaver's advice on civil rights. The following year, the President appointed him administrator of the Housing and Home Finance Agency, a loose combination of agencies that included the bureaucratic components of what would eventually become H.U.D., including the Federal Housing Administration to spur construction, the Urban Renewal Administration to oversee slum clearance and the Federal National Mortgage Association to line up money for new housing.

President Kennedy tried to have the agency raised to Cabinet rank, but Congress balked. Southerners led an attack against the appointment of a black to the Cabinet, and there were charges that Dr. Weaver was an extremist. Kennedy abandoned the idea of creating an urban affairs department.

Five years later, when President Johnson revived the idea and pushed it through Congress, Senators who had voted against Dr. Weaver the first time around voted for him.

Past Federal housing programs had largely dealt with bricks-and-mortar policies. Dr. Weaver said Washington needed to take a more philosophical approach. ''Creative federalism stresses local initiative, local solutions to local problems,'' he said.

But, he added, ''where the obvious needs for action to meet an urban problem are not being fulfilled, the Federal government has a responsibility at least to generate a thorough awareness of the problem.''

Dr. Weaver, who said that ''you cannot have physical renewal without human renewal,'' pushed for better-looking public housing by offering awards for design. He also increased the amount of money for small businesses displaced by urban renewal and revived the long-dormant idea of Federal rent subsidies for the elderly.

Later in his life, he was a professor of urban affairs at Hunter College, was a member of the Visiting Committee at the School of Urban and Public Affairs at Carnegie-Mellon University and held visiting professorships at Columbia Teachers' College and the New York University School of Education. He also served as a consultant to the Ford Foundation and was the president of Baruch College in Manhattan in 1969.

His wife, Ella, died in 1991. Their son, Robert Jr., died in 1962.

[From The Washington Post, July 21, 1997]

ROBERT C. WEAVER

Native Washingtonian Robert C. Weaver, who died on Thursday in New York City at age 89, had a life of many firsts. Dr. Weaver served as a college president, Cabinet secretary, presidential adviser, chairman of the National Association for the Advancement of Colored People and as a director of the Municipal Assistance Corp., which helped save New York City from financial catastrophe. But his greatest legacy may be the work he did, largely out of public view, to dismantle a deeply entrenched system of racial segregation in America.

Before the landmark decade of civil rights advances in the 1960s, Dr. Weaver was one of a small group of African American officials in the New Deal era who, as part of the ''Black Cabinet'' pressured President Franklin D. Roosevelt to strike down racial barriers in government employment, housing and education. It was a long way to come for the Dunbar High School graduate who ran into racial discrimination in the 1920s when he tried to join a union fresh out of high school. Embittered by that experience, Bob Weaver went on to Harvard (in the footsteps of his grandfather, the first African American Harvard graduate in dentistry) to earn his bachelor's, master's and doctorate in economics. At another time in America, his university degrees might have led to another career path. For Bob Weaver in 1932, however, those credentials—and his earlier job as a college professor—made him an ''associate advisor on Negro affairs'' in the U.S. Department of the Interior.

Subsequent work as an educator, economist and national housing expert—and behind-the-scenes recruitment of scores of African Americans for public service—led to his appointment as New York State rent administrator, making him the first African American with state cabinet rank. President John F. Kennedy appointed him to the highest federal post ever occupied by an African American—the Housing and Home Finance Agency. Despite the president's support, however, the HHFA never made it to Cabinet status, because Dr. Weaver was its administrator and southern legislators rebelled at the thought of a black secretary. Years later President Lyndon Johnson pushed through the Department of Housing and Urban Development and named Robert Weaver to the presidential Cabinet.

For the nation, and Robert Weaver, the appointment was another important first. For many other African Americans who found lower barriers and increased opportunity in the last third of the 20th century, Robert Weaver's legacy is lasting.

LLOYD D. GEORGE UNITED STATES COURTHOUSE

The bill (S. 437) to designate the United States courthouse under construction at 338 Las Vegas Boulevard South in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 437

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

SECTION 1. DESIGNATION OF LLOYD D. GEORGE UNITED STATES COURTHOUSE.

The United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, shall be known and designated as the ''Lloyd D. George United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Lloyd D. George United States Courthouse''.

HURFF A. SAUNDERS FEDERAL BUILDING

The bill (S. 453) to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 453

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

SECTION 1. DESIGNATION OF HURFF A. SAUNDERS FEDERAL BUILDING.

The Federal Building located at 709 West 9th Street In Juneau, Alaska, shall be known and designated as the ''Hurff A. Saunders Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Hurff A. Saunders Federal Building''.

ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE

The bill (S. 460) to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse,'' was considered, ordered to be engrossed for a third time, and passed; as follows:

S. 460

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

SECTION 1. DESIGNATION OF ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''.

HIRAM H. WARD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (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,'' was considered, ordered to a third reading, read the third time, and passed.

JAMES F. BATTIN FEDERAL COURTHOUSE

The bill (H.R. 158) to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse,'' was considered, ordered to a third reading, read the third time, and passed.

RICHARD C. WHITE FEDERAL BUILDING

The bill (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,'' was considered, ordered to a third reading, read the third time, and passed.

RONALD V. DELLUMS FEDERAL BUILDING

The bill (H.R. 396) to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building,'' was considered, ordered to a third reading, read the third time, and passed.

REFERRAL OF S. CON. RES. 1

Mr. CRAIG. Madam President, I ask unanimous consent that Senate concurrent resolution 1 be discharged from the Committee on Health, Education, Labor, and Pensions and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE GOVERNMENT AND THE PEOPLE OF EL SALVADOR ON SUCCESSFULLY COMPLETING FREE AND DEMOCRATIC ELECTIONS

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 73, which was reported by the Foreign Relations Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 73

Whereas on March 7, 1999, the Republic of El Salvador successfully completed its second democratic multiparty elections for President and Vice President since the signing of the 1992 peace accords;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate nonviolent expression of the will of the people of the Republic of El Salvador;

Whereas the United States has consistently supported the efforts of the people of El Salvador to consolidate their democracy and to

implement the provisions of the 1992 peace accords;

Whereas these elections demonstrate the strength and diversity of El Salvador's democratic expression and promote confidence that all political parties can work cooperatively at every level of government; and

Whereas these open, fair, and democratic elections of the new President and Vice President should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Government and the people of the Republic of El Salvador for the successful completion of democratic multiparty elections held on March 7, 1999, for President and Vice President;

(2) congratulates President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintanilla Schmidt on their recent victory and their continued strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates El Salvadoran President Armando Calderón Sol for his personal commitment to democracy, which has helped in the building of national unity in the Republic of El Salvador;

(4) commends all Salvadoran citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in El Salvador;

(5) supports Salvadoran attempts to continue their cooperation in order to ensure democracy, national reconciliation, and economic prosperity; and

(6) reaffirms that the United States is unequivocally committed to encouraging democracy and peaceful development throughout Central America.

ORDERS FOR WEDNESDAY, MARCH 24, 1999

Mr. CRAIG. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 24. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved, and the Senate then begin consideration of S. Con. Res. 20, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Madam President, tomorrow morning the Senate will begin consideration of the first concurrent budget resolution. Under the order, there will be 35 hours for consideration of the resolution. Any Senator intending to offer an amendment or amendments to the resolution should notify the managers to allow for an orderly process for the consideration of this measure. Rollcall votes can be expected throughout the day on Wednesday, and all Senators should anticipate busy sessions for the remainder of the week as we approach the Easter recess.

ORDER FOR ADJOURNMENT

Mr. CRAIG. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Louisiana, Senator LANDRIEU.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, I ask that I be added to the list of speakers for the evening.

Mr. CRAIG. I ask unanimous consent that the senior Senator from Pennsylvania be allowed to follow the Senator from Louisiana, and that following his remarks the Senate stand in adjournment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Louisiana is recognized.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 682 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

KOSOVO

Mr. SPECTER. Mr. President, I have remained after the conclusion of the vote to comment about the vote and about a very significant historical precedent which was established tonight. The Senate of the United States took up its constitutional responsibility to make a decision as to whether Congressional authority would be given for the United States to commit an act of war in Kosovo following a request by the President of the United States for such a vote.

In modern times, we have seen the erosion of the congressional authority to declare war. Tonight in the Senate, we reaffirmed the basic constitutional responsibility and authority of the Congress on that very subject, after the President had made a significant request for authorization to use force.

This action tonight follows the situation in January of 1991 when the Congress of the United States authorized the use of force in the Persian Gulf following a similar request by President Bush. I believe that this is of great importance historically as a precedent, to guide the future Presidents, that their authority as Commander in Chief does not extend to involving the United States in war. Where acts of war are involved, it is a matter for the Congress of the United States and not the unilateral action of the President of the United States.

On the merits of this evening's vote, it was a very difficult vote. It was the choice of two very undesirable alternatives. In voting aye and supporting the use of force, I chose what I considered to be the lesser of the undesirable alternatives.

The President in his letter today said that the United States national interests are clear and significant. I disagree with that conclusion by the President.

The President then went on in his letter to amplify those national interests. Yet the absence of a very strong purpose and reason underscores my conclusion that this is an extremely difficult question on U.S. national interests. The President's letter continues, the first line of the second paragraph says, ''The United States national interests are clear and significant.'' The second line says, ''The ongoing effort by President Milosevic to attack and repress the people of Kosovo could ignite a wider European war with dangerous consequences to the United States. This is a conflict with no natural boundaries. If it continues it will push refugees across borders and draw into neighboring countries.''

That is a statement of possibility, but we know that this is intervention by NATO, including the United States, in what is essentially a civil war. The President then went on in the second paragraph to say, ''NATO has authorized airstrikes against the former Yugoslavia to prevent a humanitarian catastrophe and to address the threat to peace and security of the Balkan region and Europe.''

The President relies quite substantially upon the ''humanitarian catastrophe'', he may really be saying the use of force for humanitarian purposes, and it may be that this standard is a one which ought to be adopted. But I do suggest that this may be a departure from what has previously been recognized as U.S. policy to use force where there is a vital United States national security interest. If we look for humanitarian catastrophes, we can find them all around the world, and we have been criticized for not doing more at an earlier stage in Bosnia. We have been criticized for not doing more in Rwanda. There have been many criticisms leveled against the United States and the civilized world for not intervening on prior occasions. It may be that with such a thin statement of vital national interests, the authorization to use force in Kosovo really reflects a shifting standard. As the President articulates, ''to prevent a human catastrophe.''

(Mr. BROWNBACK assumed the Chair.)

Mr. SPECTER. Mr. President, several weeks ago, I filed a resolution for the use of airstrikes in Kosovo. This was essentially a vehicle to move the Senate of the United States to take up the issue of the use of force, to debate it and to decide the question. It has always been my view, as expressed in 1991 in the debate on the use of force in the Persian Gulf and, before that in 1983, where we debated the War Powers Act with respect to deployment of marines in Lebanon, that the constitutional issue of Congress' sole authority to declare war is of paramount importance.

I congratulate our leadership today for moving through a procedural morass, where we had a cloture vote—that is, a vote to cut off debate—on the resolution pending by the Senator from

New Hampshire, Senator SMITH. Afterwards, in consultation, this resolution was crafted so the Senate could vote yes or no on this important issue. As noted by others, we did have a bipartisan vote of 58–41 in favor of the use of force, with some 17 Republicans joining 41 Democrats, making a total of 58, and 38 Republicans and 4 Democrats voting in the negative. There is a strong bipartisan showing by these figures.

It would have been vastly preferable, Mr. President, had President Clinton taken this issue to the American people at a much earlier stage so the American people could be aware of the consequences of this very, very important decision. The President did address the matter in the opening remarks on his press conference on Friday.

I concurred with what the Senator from Delaware said yesterday—when he and I debated or discussed the subject for about a half hour—this was most appropriately a subject for a 30-minute Presidential speech. The president should lay out the issue in great detail. There is a large concern on my part, and on the part of many others, that the American people are not really prepared for the consequences as to what may occur in Kosovo. There have been forceful statements that the risks are very, very high, and that the air defenses in Serbia are very strong.

It is important that the American people understand the substantial risks involved so we do not retreat as we did in Somalia. The way to guard against that is to build up a public understanding as to what the scenario is in Kosovo with as forceful an articulation as possible, and I repeat, much more forceful than the President's letter today. The President should articulate in great detail about the savagery of the assaults on people and the brutality and the ethnic cleansing which has gone on in Kosovo. Those details, I think, are a concern to the American people but they have not been stated in a way which really brings forth the magnitude of the human catastrophe in Kosovo so the American people would be willing to accept and undertake the risks that are involved in this matter.

But all of that is prologue. Now we have the authorization by the Senate for the use of force. On a very difficult question, I think it is the lesser of the undesirable alternatives, and featuring prominently is the desire of keeping NATO intact. We seem to have more support from our European allies on this matter than at any time in the past. Our precarious position on NATO has occurred because the administration has moved us into a position without congressional authorization to an executive commitment really, in effect, to support the NATO decision to use force in Kosovo.

To that extent, so that we do not have a breach of making NATO look bad and do not have a breach of making the United States look bad, which would in effect be a backdown, we are in a sense backing into the issue. But the more important aspect is the fact that the President did come to the Senate.

I was interested in the discussion with our distinguished senior Senator from West Virginia and to hear his comment where he had expressed to the President today the view that the President should not lean so heavily on Presidential prerogatives but should ask the Congress of the United States for authority to use force. The President has done so.

Now we have a very significant precedent which should be a clarion call to future Presidents not to exercise their authority as Commander in Chief and unilaterally engage the United States in war. The President should take this issue to the Congress of the United States and to the American people. The President should do this at an early time so the issue can be fully debated, not on a short time limit, as we had this evening.

It must be a source of some wonderment to people who were watching on C–SPAN II to see such an important issue debated in such a brief period of time with 2 minutes allotted to Senators to speak on the subject and 1 minute taken by the manager, the Senator from Delaware. There had been extensive debate yesterday, but we could have used even more time. Unfortunately, we were caught in the press with the budget resolution, which is first on the docket for tomorrow.

I thank the Chair for setting this extra overtime.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:49 p.m., adjourned until Wednesday, March 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 23, 1999:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

GARY L. VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001, VICE DANIEL GUTTMAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT A. HARDING, 0000.

EXTENSIONS OF REMARKS

CBO COST ESTIMATE OF H.R. 707, THE DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SHUSTER. Mr. Speaker, on March 4 the House passed H.R. 707, the ''Disaster Mitigation and Cost Reduction Act of 1999.'' The Congressional Budget Office (CBO) was unable to submit a cost estimate of H.R. 707 to the Committee on Transportation and Infrastructure before a Committee report was filed. In lieu of the CBO estimate, the Committee provided its own estimate of the cost of the legislation. The Committee estimated that H.R. 707 would result in savings to the Federal Government of approximately $100 million over the first five years, and significantly more savings in the longer run. This estimate was based on the CBO cost estimate on virtually the same bill that was reported out of the Committee in the 105th Congress. (For details see House Report 106–40, pages 20–21.) At the time the report was filed the Committee committed to submitting CBO's cost estimate, once completed, of H.R. 707 for the Record.

CBO's analysis, presented in its entirety below, estimates implementing H.R. 707 would increase discretionary outlays by a total of $2 billion over 1999–2004. On its face, this estimate is at odds with the Committee's estimate that the bill will save $100 million over the same period. There are two important factors which account for the difference in these estimates. First, $1.3 billion of CBO's estimated $2 billion in costs are due to an acceleration in outlays CBO now estimates will happen over the first five years. This contradicts CBO's report on what was essentially the same bill in the 105th Congress. The acceleration is caused by a provision in H.R. 707 that streamlines the assistance program allowing FEMA to end the assistance process in disaster areas much faster than in the past. This provision will reduce paperwork for disaster victims and reduce the Federal presence in these areas. It is important to note that CBO estimates this provision will not change total spending in the long term.

The second important factor that accounts for the difference between the Committee and CBO's cost estimate is that CBO does not estimate any savings from pre-disaster mitigation spending. CBO states it cannot predict the timing or magnitude of future disasters and, therefore, cannot predict the savings from mitigating against future damage. However, CBO states ''If the authorized funding for pre-disaster mitigation efforts is provided and used judiciously, enactment of this legislation could lead to savings to the Federal Government by reducing the need for future disaster relief funds.'' The Committee cost estimate assumed that every dollar of mitigation spending will result, on average, in at least one dollar of Federal assistance avoided. (The Committee believes this is a conservative assumption based on testimony it received from the Federal Emergency Management Agency indicating mitigation typically pays back two to three times the amount spent.) Using this assumption, the Committee estimated the Federal Government will save approximately $100 million over the first five years if H.R. 707 is enacted into law.

CBO's estimates on H.R. 707 follow:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 15, 1999.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), who can be reached at 226–2860, and Lisa Cash Driskill (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—MARCH 15, 1999

H.R. 707: DISASTER MITIGATION AND COST REDUCTION ACT OF 1999, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON MARCH 4, 1999

SUMMARY

H.R. 707 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a predisaster mitigation program and make changes to the existing disaster relief program.

The legislation would authorize the appropriation of $105 million over fiscal years 1999 and 2000 for a predisaster mitigation program. (Public Law 105–276 appropriated $25 million to the Federal Emergency Management Agency (FEMA) for this purpose in fiscal year 1999.) Other provisions in H.R. 707 would also result in changes in discretionary spending, assuming appropriation of the necessary amounts. In total, CBO estimates that implementing H.R. 707 would increase discretionary outlays by a total of $2 billion over the 1999–2004 period. Most of the estimated increase in outlays—$1.3 billion of the five-year total—would result from provisions that would accelerate spending from FEMA's disaster relief fund, but would not change total spending over the long term.

If the authorized funding for predisaster mitigation efforts is provided and used judiciously, enactment of this legislation could lead to savings to the federal government by reducing the need for future disaster relief funds. CBO cannot estimate the timing or magnitude of such savings because we cannot predict either the frequency or location of major natural disasters. Over the next 10 years, savings could exceed the $80 million that the legislation would authorize for predisaster mitigation efforts, although we expect that any such savings would be small over the next five years.

H.R. 707 also would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that the net annual increase in direct spending would, on average, be less than $500,000.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would significantly benefit the budgets of state, local, and tribal governments.

DESCRIPTION OF THE LEGISLATION'S MAJOR PROVISIONS

Title I would establish a program to provide financial assistance to state and local governments for predisaster mitigation activities. It also would require the President to transmit a report to the Congress that would evaluate efforts to implement the predisaster hazard mitigation programs and recommend a process for transferring greater authority over the program to states. In addition, this title would remove a yearly cap of $50,000 per state on the grants that FEMA makes for improving and maintaining disaster assistance plans and would increase the maximum federal contribution for mitigation costs from 15 percent to 20 percent.

Title II would combine any disaster relief expenses incurred by states but not chargeable to a specific project into a single category called management costs. It would direct the President to establish standard rates for reimbursing states for such costs.

Title II also would establish new requirements that certain private nonprofit facilities (PNPs) would have to meet in order to receive funds for repair and replacement of damaged facilities. In order to receive moneys from the disaster relief fund, PNPs would have to be ineligible for a loan from the Small Business Administration (SBA), or have obtained the maximum possible loan amount from the SBA. The title would require that the President exempt from this requirement PNPs that provide ''critical services,'' such as utilities, communications, and emergency medical care. (The definition of critical services would be left to the President.)

In addition, the legislation would reduce the federal government's share of costs for repairing damaged facilities from 90 percent to 75 percent, but would allow the President the flexibility to vary the contribution between 50 percent and 90 percent if doing so would be more cost-effective. Title II would also allow the President to use the estimated cost of repairing or replacing a facility, rather than the actual cost, to determine the level of assistance to provide. H.R. 707 would establish an expert panel to develop procedures for estimating the cost of repairing a facility.

The legislation would combine the Temporary Housing Assistance (THA) and Individual and Family Grant (IFG) programs into one program, and would eliminate the community disaster loan program, a program that assists any local government that has suffered a substantial loss of tax revenues as a result of a major disaster. Finally, H.R. 707 would add several reporting requirements for FEMA and the General Accounting Office (GAO).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

CBO estimates that implementing H.R. 707 would result in additional discretionary outlays of $2 billion over the 1999–2004 period. The estimated increase in outlays includes

$0.7 billion in additional costs and $1.3 billion from the faster spending of future appropriations. Because the faster spending of disaster relief funds would not affect long-term costs, a corresponding net decrease in outlays would occur over the 2005–2009 period. The legislation also would affect direct spending, but CBO estimates that the annual net increase in such spending would, on average, be less than $500,000.

The estimated budgetary impact of most of the provisions in H.R. 707 is shown in the following table. The table does not reflect some potential savings and costs from provisions that may affect discretionary spending but for which CBO cannot estimate the likely effects. In particular, we cannot estimate the potential savings in the costs of future disaster relief from the increased spending on predisaster mitigation activities that would be authorized by H.R. 707. While such savings could be significant in the long run, we expect that any savings would be small over the next five years. In addition, CBO cannot estimate the effects of provisions that would establish standardized rates for reimbursing management costs and that would reduce the amount of general assistance that FEMA can provide state and local governments in lieu of providing the federal share of costs to repair or replace a facility. The costs of this legislation fall within budget function 450 (community and regional development).

BASIS OF ESTIMATE

For the purposes of this estimate, CBO assumes that H.R. 707 will be enacted by the end of this fiscal year and that the amounts authorized and estimated to be necessary will be appropriated near the start of each fiscal year.

	By fiscal year, in millions of dollars					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION[a]						
Spending for Disaster Relief Under Current Law:						
Budget Authority/Estimated Authorization Level[b]	1,214	1,240	1,266	1,295	1,323	1,351
Estimated Outlays	3,250	2,587	2,349	2,216	1,870	1,692
Proposed Changes:						
Specified Authorizations for Predisaster Mitigation:.						
Authorization Level	0	80	0	0	0	0
Estimated Outlays	0	32	32	16	0	0
Estimated Authorizations:						
Authorization Level	0	372	94	77	76	75
Estimated Outlays	0	-8	171	201	136	75
Estimated Change in Outlays from Baseline—Budget Authority:						
Authorization Level	0	0	0	0	0	0
Estimated Outlays	0	0	0	518	465	345
Spending for Disaster Relief Under H.R. 707:						
Budget Authority/Estimated Authorization Level	1,214	1,692	1,360	1,372	1,399	1,426
Estimated Outlays	3,250	2,611	2,552	2,951	2,471	2,112

[a] H.R. 707 also would increase direct spending, but CBO estimates that such changes would be less than $500,000 a year.

[b] The 1999 level is the amount appropriated for that year, including $906 million for an emergency supplemental appropriation provided in Public Law 105–277. The remainder of the 1999 level is the regular appropriation of $308 million. The levels shown for 2000 through 2004 are CBO baseline projections assuming increases for anticipated inflation. Alternatively, if the comparison were made to a baseline without discretionary inflation, the authorization level for current law would be $1,214 million each year, and the incremental change in estimated outlays would be $1.87 billion over the five years.

Spending Subject to Appropriation

H.R. 707 contains provisions that would result in both costs and savings to the federal government. CBO estimates costs associated with provisions that would: Authorize appropriations for predisaster mitigation, increase the federal contribution for mitigation costs, combine the Individual Family Grant program and the Temporary Housing Assistance program, add several new reporting requirements and establish an interagency task force, remove a cap on grants for disaster assistance plans, provide grants for improved floodplain mapping technologies, and establish a pilot program to determine the desirability of state administration of parts of the disaster relief program.

CBO estimates savings associated with provisions that would: Require certain PNPs to apply to the SBA for disaster loans, allow FEMA to use the estimated cost of facility repairs rather than the actual cost, and eliminate the community disaster loan program.

CBO cannot estimate the effects of provisions that would: Achieve long-run savings associated with the predisaster mitigation efforts, reduce the amount of general assistance that FEMA can offer state and local governments in lieu of providing its share of the costs to replace or repair a damaged facility, and establish standardized rates for reimbursement of management costs.

In addition, CBO estimates that outlays would be accelerated by allowing the President to disburse future appropriations for disaster relief to states before projects are completed, based on the estimated cost rather than on the actual cost.

Provisions with Estimated Costs. H.R. 707 would establish a program for predisaster hazard mitigation and would authorize the appropriation of $25 million for fiscal year 1999 and $80 million for fiscal year 2000 for that program. Because the first $25 million has already been appropriated, the legislation would increase projected spending by the $80 million authorized for 2000.

Other provisions also would increase costs. For example, under current law, FEMA provides grants to states for post disaster mitigation activities based on the total amount of grants made for each major disaster. H.R. 707 would increase the federal contribution for post disaster mitigation grants by one-third for all major disasters declared after January 1, 1997. Based on data provided by FEMA, CBO estimates that raising the federal contribution by one-third would result in an additional $247 million in grants to states for disasters that occurred between January 1997 and January 1999, by $61 million for the remainder of fiscal year 1999, and by $92 million a year for each of the next several years. The estimate of additional costs for the remainder of 1999 and for fiscal years 2000 through 2004 assumes that payments under current law would total about $275 million per year. In total, CBO estimates that implementing this provision would require the appropriation of $768 million over the 2000–2004 period. This estimate assumes that the funds to pay for the provision would come from future appropriations and that the outlays from the additional budget authority would occur over several years.

In addition, CBO estimates that combining the Individual Family Grant program and the Temporary Housing Assistance program would result in higher costs of $30 million in fiscal year 2001 and $60 million each year thereafter. Under current law, the federal share for the IFG program is 75 percent of the actual cost incurred. In addition, the federal government contributes an amount equal to 5 percent of total IFG assistance to the states to help cover their share of the administrative costs. Combining the IFG and THA programs would change the federal match to 100 percent and eliminate the federal contribution for administrative costs. Assuming an annual IFO program under current law of slightly more than $200 million, CBO estimates that the net effect of those changes would be to increase annual federal costs by about $60 million. The estimates costs are lower in the first two years because the consolidation would not take place until 18 months after enactment. As part of the consolidation, H.R. 707 would make several changes to the IFG and THA programs, including broadening the type of assistance available to disaster victims and emphasizing the provision of financial assistance over the provision of temporary housing, CBO has no basis for estimating any costs or savings that could result from these other changes.

The legislation would require the President, FEMA, and GAO to prepare several reports, and would require the President to establish an interagency task force to coordinate the implementation of the predisaster mitigation program. Over the 1999–2004, CBO estimates that completing the five reports and operating the task force would cost around $2 million.

We also estimate that removing the yearly cap of $50,000 per state on the grants that are made to states for improvement of disaster assistance plans would increase such costs by less than $500,000 a year. Based on information from FEMA, we expect that it would rarely provide more than $50,000 in grants and that the amounts allocated above $50,000 would be small.

Finally, CBO estimates that the provisions that would authorize grants for improved flood plain mapping technologies and establish a pilot program for the devolution of certain responsibilities for the states would not significantly affect annual costs. FEMA currently provides less than $500,000 a year in grants for floodmapping technologies, and CBO expects that agency assistance in this area would not increase significantly.

Provisions with Estimated Savings. CBO estimates that requiring certain PNPs to apply to the SBA for a disaster loan before receiving funds from the disaster relief fund would yield savings of approximately $4 million per year from 2000 through 2004. The savings would result because the government would, in some cases, be providing loans instead of grants to these institutions. CBO estimates that about 115 PNPs would receive SBA loans instead of disaster relief grants, resulting in additional loans totaling about $5 million. The estimated savings is the difference between the reduction in FEMA assistance and SBA's subsidy cost for the new loans.

Based on data and information provided by FEMA, CBO estimates that allowing FEMA to use the estimated cost of repairing or replacing a facility, rather than the actual

cost, to provide assistance to state and local governments would result in administrative savings at FEMA of approximately $46 million in fiscal year 2002 and slightly larger amounts each year thereafter. Based on information from FEMA, CBO estimates that, on average, FEMA spends between $250 million and $300 million a year administering the public assistance program. The estimated savings assumes that FEMA would reduce those costs by between 15 percent and 20 percent, primarily by eliminating staff and contractors. FEMA would incur some additional costs for operating the expert panel, estimating the cost of repairs with more precision, and evaluating the accuracy of estimates. Administrative savings would not occur before fiscal year 2002 because H.R. 707 would first require the President to establish an expert panel to develop procedures for estimating the cost of repairing or replacing a facility.

Allowing FEMA to substitute the estimated cost for the actual cost in providing disaster relief to state and local governments could also affect both the amount and the timing of assistance provided. Under the legislation, if the actual costs of repair are greater than 120 percent or less than 80 percent of the estimated costs, FEMA could receive compensation for overpayments or provide compensation for underpayments. The provision would not provide for adjusting assistance if the project's actual costs fall between 80 percent and 120 percent of the estimate. Thus, using an estimated cost could substantially increase or decrease the federal government's cost to repair or replace public facilities if these estimates consistently fall below or above the actual costs of such projects. Because the federal government spends well over a $1 billion each year on such projects, a bias of 10 percent in either direction would change the annual cost of disaster relief by more than $100 million. Because we have no basis for predicting a bias in either direction, CBO cannot estimate the net change in the cost of disaster relief projects from substituting estimates for actual costs. The effects of this provision on the timing of outlays are discussed below.

Finally, based on data provided by FEMA, CBO estimates that eliminating the community disaster loan program would result in savings of approximately $25 million each year from 2000 through 2004.

Provisions with Effects CBO Cannot Estimate. CBO does not have sufficient basis to project potential budgetary effects of some provisions of H.R. 707 because they depend upon the extent and nature of future disasters, the manner in which the Administration would implement certain provisions, and the extent to which states would participate in certain programs.

CBO cannot estimate the potential savings associated with the predisaster mitigation efforts proposed in this legislation. Mitigation efforts could achieve significant savings if damages from future disasters are lessened as a result of the predisaster mitigation measures provided for in the legislation, although we expect that any savings in the first five years would be small.

The legislation also would lower the amount of general assistance that FEMA can provide to state and local governments in lieu of the federal government's share of the cost to repair or replace a facility. Under current law, state and local governments can elect to receive a payment equal to 90 percent of the federal government's expected costs to repair or replace a damaged facility. H.R. 707 would lower that rate to 75 percent. While lowering the contribution rate would decrease disaster relief costs in cases where state and local governments continue to accept general assistance, it also would increase costs in those cases where states and localities choose to forgo the general assistance and seek the federal share of repair costs instead. The two effects could offset one another. Thus, while the provision has the potential for substantial savings, CBO has no basis for estimating the amount of such savings.

Finally, H.R. 707 also would require that the President establish by rule standardized reimbursement rates that should reduce FEMA's administrative burden of compensating states for indirect costs not chargeable to a specific project. Because it is uncertain how these rates would be established, CBO has no basis for estimating the amount of potential savings.

Provision Affecting the Timing of Outlays. H.R. 707 also would substantially increase the rate at which new budget authority is spent from the disaster relief fund. Under current law, funds appropriated for such assistance are often spent years later. But we expect that disbursements would occur more rapidly because of the provision allowing FEMA to provide funds for disaster relief to states and localities based on an estimate of a project's costs rather than on its actual costs. (This provision would not apply to FEMA's current balances of previously appropriated funds.) CBO estimates that this change would result in a net increase in outlays of $1.3 billion over the 1999–2004 period, but that it would have no net effect over the 1999–2009 period. Because H.R. 707 would require the President to convene an expert panel within 18 months of enactment, this estimate assumes that this provision would not affect relief for disasters that occur before fiscal year 2002.

Direct Spending

If enacted, H.R. 707 would increase direct spending by allowing FEMA to retain and spend future proceeds from the sale of temporary housing, such as mobile homes and manufactured housing. Under current law, receipts from the sale of such properties are deposited into the general fund of the Treasury (and thus are not available for spending). According to FEMA and the General Services Administration, which conducts most sales of personal property for the federal government, since liquidating FEMA's entire inventory of temporary housing units in 1996, the federal government has sold only a handful of units. Instead of maintaining an inventory, FEMA now purchases new units to accommodate disaster victims and then either donates the unneeded units to take governments or transfers them to other federal agencies. Under current law, CBO expects that the federal government will continue to sell only a small number of units each year. Consequently, we estimate that allowing FEMA to retain and spend receipts from sales of temporary housing would, on average, increase net direct spending by less than $500,000 a year. Any increase in offsetting receipts relative to current law would be offset by an equivalent increase in new spending.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Pay-as-you-go procedures would apply to H.R. 707 because it would allow FEMA to retain and spend any proceeds from the sale of units of temporary housing. CBO estimates that allowing the agency to retain and spend such receipts would, on average, increase direct spending by less than $500,000 a year.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 707 contains no intergovernmental mandates as defined in UMRA and would significantly benefit the budgets of state, local, and tribal governments. The legislation would authorize the appropriation of $80 million in 2000 to assist states in predisaster mitigation projects. If the necessary appropriations are provided, it also would increase the funds available to states for postdisaster mitigation activities by an estimated $308 million for major disasters declared between January 1, 1997, and the end of fiscal year 1999, and by about $92 million per year after that. In addition, beginning 18 months after enactment, the 25 percent state match for individual and family grants and certain housing assistance would no longer be required, reducing the burden on states by an estimated $60 million per year. These benefits would be partially offset by the repeal of the community disaster loan program, which would result in a loss of about $25 million in grants to communities each year.

Estimated impact on the private sector: The legislation would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: John R. Righter (226–2860). Impact on State, Local, and Tribal Governments: Lisa Cash Driskill (225–3220).

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

A TRIBUTE TO THE STONY BROOK HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FORBES. Mr. Speaker, it is with great pride and emotion that I rise today in the House of Representatives to pay tribute to the girls high school basketball team from Stony Brook, on Long Island. Culminating a successful season, marked with 15 wins and 4 losses, the ''Bears of Stony Brook'' were crowned the ''1999 Suffolk County Class D'' basketball champions.

With a proud history, the girls basketball team had to overcome past disappointments, to band together as a team and win the championship. In the previous two years, the Bears had traveled to the Suffolk County tournament only to be denied the prestigious championship. This season, led by coach Keith Singer, the girls were finally successful in their quest for the title. Their journey ended the weekend of February 20 with the overwhelming victory over Pierson High School. After receiving the number one seed in the playoffs, the Bears defeated Pierson High School, ranked second in the tournament, by a score of 61–30.

The strong 15 and 4 record is a testament to the hard work and determination of the Bears. Coach Keith Singer's leadership kept these young women poised on winning the championship. On the basketball court, the Bears were blessed with a well-balanced offensive team. Senior Rebecca Fischer led the Bears offense by scoring 18 points, and adding 14 rebounds. Fellow senior, Sara Kiernan, further contributed to the bears success with 13 points. The team's success would not have occurred without their determination and teamwork.

The Bears' success is also attributed to their dominating defensive style. The team has frustrated numerous teams with their suffocating defensive play. Led by senior Sara

Kiernan, who amassed five steals, the Bears put together a stringent zone defense. The success of their defense is most easily seen in their domination of rival Pierson. In the final, the Bears' defense devastated Pierson. In the first period, Pierson was held to a mere 7 points. Overall, Pierson was only able to score 30 points against the Bears, despite being ranked second in the County.

The work ethic and determined spirit of this high school basketball team are a true reflection of my Congressional District. The entire community is filled with pride for these young women, who have worked so hard and sacrificed so much to reach their goal. So I ask my colleagues in the U.S. House of Representatives to join me and all my neighbors in saluting the Stony Brook Bears, the ''1999 Suffolk County Class D'' girls high school basketball champions.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. WICKER. Mr. Speaker, on rollcall No. 52, on House Congressional Resolution 24, Expressing Congressional Opposition to the Unilateral Declaration of a Palestinian State, I was unavailable to vote because I was returning from a bipartisan Congressional Delegation trip to Russia. The objectives of this four-day trip included meetings with the Russian Duma and other governmental officials concerning the missile defense threat as outlined in the report of the Rumsfeld Commission. Our delegation was joined in Moscow by former Secretary Don Rumsfeld and two members of his commission, Mr. Jim Woolsey and Mr. William Schneider, Jr.

Had I been present, I would have voted ''yea.''

FEDERAL MONEY FOR MEDICAL RESEARCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I would like to share with my colleagues a recent Op-Ed written by Dr. Arthur H. Rubenstein about the benefits federal money has produced for medical research. Dr. Rubenstein is the Dean of the Mt. Sinai School of Medicine in New York City, one of New York City's and the country's premiere teaching hospitals.

MORE AID MEANS MORE RESPONSIBILITY—FEDERAL MONEY PUTS MEDICAL RESEARCH ON THE THRESHOLD OF A GOLDEN AGE

(By Arthur H. Rubenstein)

NEW YORK.—Congress has now approved billions of dollars in research money to complete the elements of what could be the Golden Age of Medical Research.

We now have scientific excellence, outstanding technology, public support and greatly increased funding aligned to make possible a quantum leap forward in our search for better treatments, prevention and hopefully cures of some of the most dreaded diseases on earth.

But as we celebrate this unique opportunity, scientists and physician researchers must understand that with it comes a new, and perhaps higher, level of responsibility. If we ignore this responsibility, we risk losing this newly won support.

A combination of forces has brought us to this unique opportunity.

The media continues to follow the rapid pace of scientific breakthroughs and gives medical news front page status.

The public, particularly patients and their families, clamor for life saving and life prolonging treatments.

In addition, many recent discoveries are now being applied in actual practice. Leading lawmakers in Congress took particular notice of these forces during the last congressional session. Realizing that a big boost in funding could capitalize on the intensifying scientific knowledge of the past decade, thoughtful lawmakers brought about a $2 billion increase in the NIH budget.

As a physician and a Dean of a major medical school, I am elated over this opportunity. During my lifetime, basic science has advanced and accelerated so rapidly that we are on the verge of unprecedented discoveries. Just 45 years after the discovery of the structure of DNA, we are on the road to examining how tens of thousands of genes function.

That will be the key to understanding how many diseases occur. And that is the shaft of light that can lead us to curing or controlling the disease.

We will look back on these years with the same awe as was felt for the wondrous age after Newton discovered the Laws of Motion or Einstein discovered the Laws of Relativity.

However, if I put my own scientific excitement to the side for a moment and focus on my role as the leader of an entity which depends heavily on research funding, I must also offer a cautious warning about this great rush forward.

All over the country, in clinical and research laboratories, the scramble is on to garner a share of this new funding. This competition is healthy and will lead to better science. My own school will compete as hard as the next.

The National Institutes of Health (NIH), though, faces a formidable challenge to allocate money to research laboratories. Clearly, the funds must be spent in a wise and responsible manner.

But which scientists working on what diseases will get an infusion of money to throw their research into high gear or get it off the ground? How much ''politics'' must be considered? What markers will be laid out to show if the money was wasted or well spent? I don't envy the NIH at all!

The Institute of Medicine recommends the public be given a strong say in this process and that a public advisory board be created. Those are excellent and appropriate ideas.

The funding decisions must not be solely made in meetings amongst administrators and scientists.

To maintain public support, the scientific community must make the public a greater part of the discussion of what could be literally life and death decisions for generations to come.

But we, as scientists and leaders of the academic community, must also be mindful that our individual and collective actions are appropriately facing a higher level of scrutiny than ever before. We must embrace this examination, respond appropriately, or else face great peril.

We have an obligation to find ways to share our work with the lay public, to do our best to make it intelligible to non scientists. We have an obligation to be cautious with our pronouncements of progress.

As exciting as incremental progress is to the scientist, its reality, that it is progress but not yet a cure, can be exceptionally cruel to the human being looking for solace. We have an obligation to shun fleeting fame when it is premature, and fortune when its potential jeopardizes the credibility of our work.

Science is tantalizingly close to so many discoveries! To me, it is simply breathtaking to even begin to comprehend that within five to ten years we may—I underscore ''may''—have the understanding to cure or prevent various infectious diseases, mental illnesses, birth defects, and would be killers like heart disease, cancer, AIDS, and diabetes.

If the medical and research communities are perceived as not using public funding wisely or let false optimism blind us to the often unpredictable nature of scientific exploration, we will have failed in a monumental and tragic manner.

Besides the discoveries lost or delayed, and the lives that would be affected, there could be a public backlash against those who failed to act responsibly.

The Golden Age of Medical Research then would be replaced by an era of suspicion and skepticism about science's ability to improve life.

IN MEMORY OF JAMES E. CADO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that James E. Cado of Lexington, MO, passed away on February 4, 1999.

Born November 27, 1936 in Lexington, MO, the son of Henry and Minnie Margaret (Rostine) Cado, Mr. Cado married Janet Lee Dickmeyer on December 27, 1958. He was a graduate of Wentworth Military Academy Junior College in Lexington and a 1959 graduate of the University of Missouri. He received his Masters in Mathematics degree in 1964 from Central Missouri State University, Warrensburg, MO.

Mr. Cado, a friend of mine through the years, was a good role model who gave encouragement to many students. He was a teacher for 35 years at Lexington R–5 School District, retiring in 1994. He was also a member of the United Methodist Church, Lexington, and the Missouri Teacher Association.

Mr. Speaker, I know the Members of the House will join me in extending heartfelt condolences to his wife, Janet; one son, Mark; one daughter, Lee Ann O'Brien; two sisters, two grandsons and two granddaughters.

TRIBUTE TO RICHARD E. CARLSON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to rise today and recognize an outstanding citizen from Chicago, Illinois. Mr. Richard Carlson will be retiring from his distinguished career with the Chicago District of the U.S. Army Corps of Engineers later this month. He is a Chicago institution in the water resources field and will be retiring after a significant 36-year career with the Corps in the

planning and management of civil works projects.

Rich began his career with the Corps after graduating from the University of Illinois in 1963, where he worked his way through the ranks to become Chief of the Planning Division. Since 1988, Rich has held the position of Deputy District Engineer for Programs and Project Management. During his tenure, Rich was instrumental in the development of the reservoirs for the award-winning Chicago Tunnel and Reservoir Plan (TARP) which is authorized for over $600 million in flood control reservoirs. The construction of these reservoirs will reduce flooding to over 500,000 homeowners and will improve the water quality of the Chicago area rivers and streams.

Rich was also instrumental in the development, authorization and recent approval of the Chicago Shoreline Project. This project, which Rich helped formulate, will allow for a partnership with the Corps and the City of Chicago for construction of a $270 million shoreline restoration project protecting Chicago's lakefront from collapse and loss of many millions of dollars in public lands and infrastructure.

Throughout his career, Rich has received many awards and distinguished recognition for this unique design efforts, including the prestigious Society of American Engineers Goethals Award for engineering design and methods in 1996. The O'Hare Reservoir, dedicated in 1998, which Rich was also instrumental in, received the Illinois Section of the American Society of Civil Engineers design award in 1998.

Rich Carson has been a tremendous leader in his field and mentor to the scores of engineers who have been privileged to work with him. He leaves a tremendous legacy for excellence and advocacy for partnership between the federal and local governments that will live on at the Corps of Chicago District for many years to come.

I ask my colleagues to join in honoring this excellent public servant, Rich Carlson, and to the wonderful example he has set for others.

TRIBUTE TO EMILY MARKS SKOLNICK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Emily Marks Skolnick, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Emily Marks Skolnick has pursued her quest for human rights, equality and economic justice since she was a child. A 1937 Phi Beta Kappa graduate of Wellesley College where she majored in Labor Economics, Emily has given generously of her time and resources as a volunteer for over 60 years. She fought for school desegregation in the 1940s, helping to instigate the landmark Brown v. Board of Education case. In 1946 she helped found the Co-Op Nursery School and organized a pilot preschool program which was a model for the Headstart program. She participated in the desegregation of the San Mateo Union High School District in the 1950s, and in 1958 she led a field study which resulted in passage of the San Mateo City Fair Employment Practices Ordinance. Emily helped launch the Lawrence Child Care Center and the local chapter of the ACLU.

Mr. Speaker, Emily Marks Skolnick is an extraordinary woman. I salute her for her remarkable contributions and commitment to our community and I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

DON'T SMOKE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to draw attention to an excellent composition on the dangers of smoking written by Katherine Sommer, a student at Byrd Elementary School in Glen Rock, New Jersey. The composition was the winning entry in a competition held as part of a week-long anti-smoking program currently under way at Byrd Elementary. The composition is as follows.

DON'T SMOKE

(By Katherine Sommer)

Things can happen. Some things can't be helped. Some things can. Some people die of old age, heart attacks, and many other things, but a lot of people die a long, horrible death. They die of smoking. It could happen to you if you make one bad decision. Think of it this way—if you choose to smoke, you'll be doing something really stupid. You could get very sick or even die. That wouldn't be worth it, would it? The worst part is it would be all your own fault!

Some teenagers and younger children start smoking for some really silly reasons. Some kids may want to join a popular group at school, and think smoking will make them look older. Some girls think smoking will make them look cool and boys will like them more. What they don't know is if what happened on the inside of your body happened on the outside, you would look really ugly.

If you think that most kids smoke, you're wrong. The average kid doesn't smoke, and if you're anywhere near average, you won't either. You could really hurt yourself. You could get lung cancer, throat cancer, gum cancer, or lip cancer. These are only some of the horrible diseases you can get from smoking. And think, you could die just from trying to be cool.

Another reason you may start smoking is that a family member or really good friend may already smoke. You might think that it's harmless. You may think, I'll try one smoke, and if I don't like it I won't have any more. Well, it's not that easy. Smoking is addictive. That means that once you start something you can't stop. Once you try, it could be too late.

I don't intend to smoke. You shouldn't either. Don't let anything interfere with your dreams. Just don't try smoking. It's not healthy.

INTRODUCTION OF THE VETERANS EXPEDITED MILITARY MEDALS ACT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. EVANS. Mr. Speaker, today I am introducing the Veterans Expedited Military Medals Act, legislation that will address an inexcusable situation—the growing backlog at the Department of Defense in providing replacement military medals and unawarded decorations to our nation's veterans.

Unfortunately it can now take years for veterans to receive medals that they earned through their service to our nation. I know from personal experience. In my own congressional district there are several veterans, some who have waited over two years, to receive medals they earned, but were never awarded. One veteran from the town of Milan, Illinois has waited almost two years to receive his Good Conduct Medal. Another vet from Princeton has tried to get his American Campaign Medal, but has now waited almost a year with no results. My district office has pursued these cases aggressively, but the reality is that no amount of pressure the follow-through can overcome what is essentially a resource problem.

The issue revolves around back-up cases. The personnel centers who process applications for the separate services for never-issued awards and replacement medals have accumulated unconscionable backlogs in requests by veterans. In one personnel center alone, around 40,000 requests have been allowed to back up. The resulting time delays have denied veterans across the nation the medals and honors they have rightfully earned.

DOD claims that it doesn't have the people or resources to speed up the process. But it wouldn't take much to make a dent in the problem. For example, the Navy Liaison Office was averaging a relatively quick turnaround time of only four to five months when it had only five personnel working cases. Now that it has only three people in the office, it is having a hard time keeping up with the crush of requests. DOD must make putting more resources towards this problem a priority. However, it seems like the same old story—our government forgets the sacrifices servicemen and women have made as soon as they leave military duty. We can do better.

My legislation, which is the companion bill to Senator HARKIN'S legislation in the Senate, would direct the Secretary of Defense to establish and carry out a plan to make available the funds and resources necessary to eliminate the backlog in decoration requests. The bill would also direct that funding and resources should not come at the expense of other personnel service and support activities within DOD. It is a common sense approach which will allow DOD to be involved in solving the situation while structuring a quick and direct solution to the problem.

I am proud that the legislation enjoys the support of the Veterans of Foreign Wars (VFW). I hope that it is something Congress can quickly act on in the near future. I urge all of my colleagues to join me in sponsoring this legislation which would follow through on our

commitment to ensure that the service of our fighting men and women is properly honored and not forgotten.

A TRIBUTE TO MR. ERNIE LEWIN AND MR. RALPH FREEMAN

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to pay tribute to two very special Long Island citizens, Mr. Ernie Lewin and Mr. Ralph Freeman. These two citizens recently received well-deserved honor for their service to Long Island's community. Throughout their career as farmers on Long Island, both individuals have greatly benefited their fellow farmers and their less fortunate neighbors.

Mr. Lewin received the Amherst Davis Memorial Farmer Citizen Award at the Long Island Farm Bureau's annual awards dinner dance, held on Saturday, March 27. This honor recognizes the many sacrifices that Mr. Lewin has made over his career to aid the less fortunate. His farm in Calverton, Long Island regularly donates surplus produce to local soup kitchens and churches. He has also helped to set up a program where people can pick their own produce and operate their own farm stand. This program has enabled many people to get first hand experience as an entrepreneur and learn the responsibility of running a company.

Lewin has served for 45 years with the Grange League Federation and is a member of the National Potato Council, Potato Board, Potato Advisory Committee of Cornell Cooperative Extension, Farm Credit Board and the advisory board for Cornell University's research lab. Mr. Lewin is also involved in many notable community organizations, such as the Lions Club in which Lewin has had a 25-year membership. Lewin is also a proud trustee of the Baiting Hollow Congregational Church.

Mr. Freeman was the 1999 recipient of the Long Island Farm Bureau's Citizen Award for his contributions to the community. This honor is a true testament to his work in helping his fellow farmers. Mr. Freeman has worked as an Cornell Cooperative Extension educator to directly help the farmers in his community. His role as educator is to instruct owners and managers of commercial production and marketing firms in greenhouses and related industries. His efforts have helped local businesses increase their profit and productivity.

Mr. Freeman is also a widely published author and a frequent speaker. He is known nationally and internationally for his expertise in floriculture. In the community, Mr. Freeman is an active member of the Eastport Bible Church and Gideon's International.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring the efforts of these two very special Long Islanders who have devoted their lives to help others. I only hope that we learn from these two individuals and that they continue their fine work in our community.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. WICKER. Mr. Speaker, on rollcall No. 51, on House Congressional Resolution 774, Women's Business Center Amendments Act of 1999, I was unavailable to vote because I was returning from a bipartisan Congressional Delegation trip to Russia. The objectives of this four-day trip included meetings with the Russian Duma and other governmental officials concerning the missile defense threat as outlined in the report of the Rumsfeld Commission. Our delegation was joined in Moscow by former Secretary Don Rumsfeld and two members of his commission, Mr. Jim Woolsey and Mr. William Schneider, Jr.

Had I been present, I would have voted ''yea.''

IN HONOR OF THE NEW YORK UNIVERSITY CHILD STUDY CENTER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the NYU Child Study Center, a unique multi-specialty program at New York University School of Medicine.

The NYU Child Study Center is an innovative program dedicated to offering complete child and adolescent psychiatric care that is fully integrated with scientific research and education.

The Center's research considerably advances the understanding of the causes and treatments of child mental disorders. In addition, the Center collaborates with public, parochial and private school systems to provide invaluable preventive resources to families.

The NYU Child Study Center is an indispensable resource for parents, educators and child health and mental health professionals both in New York and across the United States.

The premier clinicians at the NYU Center implement the knowledge gained from research and translate it into care that incorporates the most up-to-date information about the causes, symptoms and treatments of mental disorders.

Some of the programs in the Center's clinical care area include: Furman Diagnostic Service to assess treatment and long-term follow up; NYU Summer Program for Kids with ADHD; Young Adult Inpatient Program; Port Washington Alternative Learning Program for at-risk adolescents; Family Studies Program to prevent future problems in couples and families at risk; Prevention and Relationship Enhancement Program to promote healthy relationships; Unique Minds, to assist families of learning disabled children; and NYU Child Study Center East for children with Attention Deficit Hyperactivity Disorder and learning disorders.

The Center's other main missions include advanced training for mental health professionals; research in areas such as pediatric psychopharmacology, children at risk, attention deficit hyperactivity and related disorders, and child and adolescent anxiety disorders; and educational outreach and prevention for parents, educators, pediatricians and other mental health professionals.

Mr. Speaker, I am honored to bring to your attention the NYU Child Study Center. The Center provides an invaluable service to New York's children and their families, and for children across the country. It is an honor to have such an important institution located in my district.

TRIBUTE TO CAPTAIN DALE O. SNODGRASS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SKELTON. Mr. Speaker, today I wish to recognize a truly outstanding naval officer, Captain Dale O. Snodgrass, U.S. Navy. Captain Snodgrass will soon be completing his assignment as the Director of the Navy Liaison Office to the House of Representatives, which will also bring to a close a long and distinguished career in the U.S. Navy. It is a pleasure for me to recognize just a few of his many outstanding achievements.

A native of Long Island, New York, Captain Snodgrass graduated from the University of Minnesota and was commissioned an Ensign in August 1972. He was designated a naval Aviator in December 1973. He reported to Fighter Squadron 124 as one of the first two newly winged Aviators selected for F–14 training. After being the first non-fleet experienced Aviator to carrier qualify the F–14, he reported to Fighter Squadron 142 in January 1975. Completing his tour in May 1978, he reported to Fighter Squadron 101, the F–14 Training Squadron, as a Fight Instructor and Landing Signal Officer. Following his Instructor tour, he reported to Carrier Air Wing 8 as the Senior Landing Signal Officer.

After a 2 year tour in Air Wing 8, he reported to Fighter Squadron 43 as an Adversary Instructor, serving as Operations Officer. Returning to the Fleet in January 1985, Captain Snodgrass served in Fighter Squadron 143 as Operations and Maintenance Officer. In 1986 Captain Snodgrass was selected as the Navy's ''Fighter Pilot of the Year'' and ''Top Cat of the Year.''

Reporting to Fighter Squadron 101 in January 1988, he served as the Executive Officer until May 1988. Captain Snodrgrass subsequently joined Fighter Squadron 33 as Executive Officer later the same month. He assumed command of Fighter Squadron 33 in September 1989, while embarked in the USS *America* (CV 66) in the Red Sea. Upon completion of his sixth deployment, he led his squadron through an accelerated training cycle that culminated with combat operations in support of ''DESERT STORM.'' His Commanding Officer's tour ended with yet another underway Change of Command in the Red Sea in February 1991.

Captain Snodgrass then reported to the USS *Theodore Roosevelt* (CVN 71) as Navigator. Assuming additional duties as Battle Group Navigator, he planned coordinated and safely executed Battle Group navigation and transit in the Red Sea, Mediterranean, Atlantic, and Caribbean. His Navigation Department

and Staff was subsequently selected for the U.S. Atlantic Fleet's Navigation award for 1992. Transferring in March 1993, he reported to the Chief of Naval Operations for Air Warfare as Head, Aviation Manpower, Undergraduate Flight Training and Trainer Aircraft sections. In September 1994, Captain Snodgrass reported as Commander, Fighter Wing, U.S. Atlantic Fleet. Under his command, TOMCAT precision strike and single citing of the entire community as NAS Oceana became a reality. His tour as Commodore ended with a Change of Command in January 1997. In February 1997, Captain Snodgrass relocated to Washington, DC, as Director, Navy Liaison, U.S. House of Representatives.

Mr. Speaker, Dale Snodgrass has made many sacrifices during his 26 year naval career. Dale has spent a significant amount of time away from his family to support the vital role our naval forces play in ensuring the security of our great Nation. Captain Snodgrass, a great credit to the U.S. Navy and the country he so proudly served, will retire on 23 March 1999 and move to St. Augustine, Florida. As he now prepares to depart the Navy for new challenges ahead, I call upon my colleagues from both sides of the aisle to wish him every success, as well as fair winds and following seas, always.

TRIBUTE TO CAROL FOREST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Carol Forest, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame of Friday, March 26, 1999.

Carol Forest has spent more than thirty years in education and has dedicated herself to alternative education. She was instrumental in the establishment of the Jefferson Union High School District's GED Center in 1986, and under her leadership, this program has grown from graduating fifty students per year to more than two hundred per year. Carol has focused on getting at-risk youth back on track. She's done this through providing counseling, intervention and prevention programs, vocational training and employment services.

In 1990 she helped to form the Daly City Youth Health Center. This facility has secured over $2 million in grant funding and has provided critical services to over seven thousand teens. Since its inception the staff has grown from five to thirty one and includes three paid teen health advocates.

Carol Forest did not stop there. She also established the Tools for Survival Program which gives added support to high school dropouts who are seeking their Graduate Equivalent Degree. Carol has been instrumental in establishing the San Francisco Buddhist Center, where she mentors other women in their search for spiritual development.

Mr. Speaker, Carol Forest is an outstanding woman and I salute her for her compassion, for her vision and for her commitment to making sure every child has a chance. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

CONGRATULATING STUDENTS OF BYRD ELEMENTARY SCHOOL FOR THEIR ANTI-SMOKING PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the students of Byrd Elementary School in Glen Rock, New Jersey, on their efforts to spread the word about the dangers of smoking. The students, assisted by representatives of the New Jersey Breathes program, are conducting a week-long tobacco awareness program, including a school-wide assembly, demonstrations, a poster contest and a composition contest. In addition, the school nurse, Ms. Judy Mullane, has visited each class to discuss smoking and health. The initiatives taken by these students, their teachers and the school district should be commended and mirrored in schools across our nation. As a former teacher myself, I know how extremely important it is to teach children to say no to tobacco. This is a problem that adds thousands of children to the tobacco addiction rolls every day. One of the most effective ways to stop it is through educational initiatives similar to the one we are seeing at Byrd Elementary School.

As a Member of Congress, I have long supported legislation that would limit the spread of tobacco addiction to young people. It is essential that we stand up for the health of our children and help keep them from becoming addicted to the most widespread drug threatening our society—tobacco. The average smoker takes his or her first puff of a cigarette at age 11. If adults choose to smoke, that's a poor decision but one they are allowed to make for themselves. But if children are lured into smoking, that is a moral crime and should be a statutory crime.

Last year, I was a co-sponsor of the NOT for Kids Act, which would raise the price of a pack of cigarettes by $1.50 over 3 years. Raising the price of cigarettes has a direct and measurable impact on reducing smoking among children. From 1982 to 1992, the price of cigarettes went up 50 percent and the percentage of teen-agers who smoke steadily dropped. Cigarette prices leveled off in 1992 and we've seen an increase since.

I have also supported the national settlement of tobacco lawsuits. First, we must be certain that none of the settlement money is diverted by the federal government. To ensure that, I have co-sponsored H.R. 351. At least part of the money from these settlements should be used for public education programs about the dangers of smoking to young people. These programs should be directed at our young people through their schools so that we can reach them before it is too late. It is far more effective to prevent tobacco addiction that to stop it once it has begun.

It is important to note that the anti-smoking effort in Glen Rock goes beyond the school system. Matthew Kopacki, owner of Rock Ridge Pharmacy, has stopped selling cigarettes in his pharmacy after the death of one of his employees from lung cancer. Mayor Jacquelyn Kort is among those speaking at Byrd Elementary School. And the New Jersey Breathes program is being supported by the Robert Wood Johnson Foundation.

I would like to ask all my colleagues in the U.S. House of Representatives to join me in thanking Principal Hal Knapp, Mayor Kort, Nurse Mullane, Mr. Kopacki, New Jersey Breathes Director Dr. Larry Downs and all the teachers and other staff involved in this important project. But beyond this group, I want to make a special appeal to the parents, grandparents, aunts, uncles, big sisters and brothers and all other adults who play an influential role in the lives of the students of Byrd Elementary School. We all know that children imitate the behavior of adults. Please set a good example for these and all children by not smoking.

A FREE PRESS IS ESSENTIAL FOR THE FUTURE FREEDOM IN RUSSIA—HOUSE CONCURRENT RESOLUTION 67

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LANTOS. Mr. Speaker, today I am introducing House Concurrent Resolution 67, which expresses the sense of the Congress that freedom of the news media and freedom of expression are vital to the development and consolidation of democracy in Russia and that the United States should actively support such freedoms. Joining me in introducing this legislation are the gentleman from New York, Mr. GILMAN, the chairman of the Committee on International Relations; the gentleman from Connecticut, Mr. GEJDENSON, the ranking Democratic member of the Committee on International Relations; and the gentleman from Nebraska, Mr. BEREUTER, who is a senior member of the Committee.

Mr. Speaker, we are introducing this legislation today because this afternoon the Prime Minister of Russia. Yevgeny Primakov, arrives in the United States for meetings with Vice President GORE. I doubt, Mr. Speaker, that media freedom in Russia is a leading topic on the agenda for the meetings that are scheduled to take place over the next few days during Prime Minister Primakov's visit to our country. It is an issue, however, that ought to be very high on that agenda.

This resolution expresses our unequivocal belief in the necessity of a free and vibrant news media in Russia. No other institution is as essential to the growth of a democratic society than a press unhindered by pressure from governmental authorities, one with the unquestioned ability to shed light upon the deeds and intentions of those with power and influence. Russia—a nation which has been fighting for the last decade to replace communist oppression with strongly-rooted institutions that respect individual freedoms—must ensure the independence of its media in order to maintain and continue the progress of the last ten years.

The enormity of the Russian reform process is breathtaking, and few can doubt the success of governmental initiatives in drastically improving the human rights situation across this immense nation. I vividly recall my service in this House during the 1980's, when many of us, Republicans and Democrats alike, worked doggedly to oppose the repressive policies and practices of the Soviet regime. We focused attention of the persecution of Nobel

Laureate Andrei Sakharov, of political dissidents locked up in Siberian gulags, and of my friend Natan Sharansky, then an imprisoned refusnik and now a senior minister in the government of Israeli.

Fortunately, those days are behind us. But without the fundamental building blocks of a democratic society, the most notable of which involves freedom of the media and freedom of expression, such advancements may only be temporary. The means of informing the citizenry must not be obstructed. Tyranny knows no better friend than silence.

While the Russian Constitution offers firm guarantees of freedom to the news media, such protections have not prevented numerous violations of this principle. The State Department's Country Reports on Human Rights Practices for 1998, which was released just last month, states that during 1998 ''federal, regional, and local governments continued to exert pressure on journalists by depriving them of access to information, using accreditation procedures to limit access, removing them from their jobs and bringing libel suits against them, and violating their human rights.'' Furthermore, the State Department estimates that ''between 250 and 300 lawsuits and other legal actions were brought by the Government against journalists and journalistic organizations during the year in response to unfavorable coverage of government policy or operations. . . . In the vast majority of such cases, the Government succeeded in either intimidating or punishing the journalist.'' Mr. Speaker, this is a dangerous and an ominous precedent, one that could be exploited in the future by autocratic leaders to trample on the liberties of the Russian people.

The threats to the Russian media vary both in their nature and their severity. The State Department identifies an alarming range of specific cases, from the efforts of federal tax authorities to shut down Novaya Gazeta (a Russian daily ''known for its relative independence and aggressive reporting on corruption at high levels'') to the detention of well-known journalist Irina Chernova, who was allegedly blackmailed by Volgograd police officers. According to the report, the officers were ''threatening to release pictures and videotapes of her engaged in sex acts'' in response to critical articles about the department's performance. Mr. Speaker, I strongly encourage my colleagues to carefully examine the State Department's report in order to obtain a better understanding of the seriousness and scope of this problem.

My concerns about this serious matter were piqued last week by the Russian Duma's passage of legislation to tighten state control of television and radio. If it becomes law, this bill would provide a government-appointed ''supreme council'' with unreasonable powers to regulate media content, and the council would have the authority to suspend or revoke a broadcaster's license. I ask my colleagues to join me in urging President Boris Yeltsin to veto this misguided and dangerous initiative.

Mr. Speaker, one of this century's great statesman, President Dwight David Eisenhower, voiced the following words of reason forty-five years ago when he delivered the commencement address at Dartmouth College: ''Don't join the book burners. Don't think you're going to conceal faults by concealing evidence that they ever existed.'' I sincerely hope that the leaders of Russia will honor this advice, and that they will recognize that the free exchange of ideas is the foundation of any stable democracy.

It is important that we here in the Congress affirm our commitment to the principles of freedom of expression and freedom of the media. Our resolution does this in clear and unequivocal terms. I invite my colleagues to join in cosponsoring this important legislation, Mr. Speaker, and I ask that the text of the resolution be placed in the RECORD.***HD***H. Con. Res. 67

Expressing the sense of the Congress that freedom of the news media and freedom of expression are vital to the development and consolidation of democracy in Russia and that the United States should actively support such freedoms.

Whereas the end of the Cold War and the collapse of the Soviet Union has brought new and unique opportunities for democratic political change and the development of market-oriented economic reform in Russia, but the recent economic difficulties in that country have created turbulent and difficult conditions for the Russian people;

Whereas one of the most important means of assuring the continuation of democratic government and the ultimate guarantee of individual freedom and respect for human rights is an open, independent and free news media;

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law;

Whereas freedom of the news media and freedom of expression in Russia today are threatened by elements in the Government, the Duma and elsewhere throughout Russian society which are opposed to freedom of the press and freedom of expression;

Whereas the State Department's Country Reports on Human Rights Practices for 1998 notes that ''federal, regional, and local governments continued to exert pressure on journalists by depriving them of access to information, using accreditation procedures to limit access, removing them from their jobs and bringing libel suits against them, and violating their human rights'';

Whereas the Country Reports further notes that in the past year ''between 250 and 300 lawsuits and other legal actions were brought by the Government against journalists and journalistic organizations during the year in response to unfavorable coverage of government policy or operations'' and ''in the vast majority of such cases, the Government succeeded in either intimidating or punishing the journalist; and

Whereas the Duma recently adopted legislation establishing a ''Supreme Council'' with a mandate to review the content of television and radio programs and authority to suspend and/or revoke a broadcaster's license: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a free news media is vital to the development and consolidation of democracy and the development of a civil society in Russia:

(2) freedom of the news media and freedom of expression must be safeguarded against those forces which would limit or suppress these fundamental human rights;

(3) Russian Government leaders, including the President, the Prime Minister, and Members of the Russian Parliament, should fully support freedom of the news media and the right of free expression in Russia;

(4) the United States should actively support freedom of expression and freedom of the news media through our programs of assistance to Russia;

(5) when considering requests by the Russian government for loans or other economic assistance from the International Monetary Fund and other international financial institutions, the United States government should take into account the extent to which Russian government authorities support the full, free, and unfettered freedom of the news media and freedom of expression in deciding whether to support such requests; and

(6) the President and the Secretary of State are requested to convey to appropriate Russian Government officials, including the President, the Prime Minister, and the Minister of Foreign Affairs, this expression of the views of the Congress.

ON THE RETIREMENT OF COLONEL RICHARD F. ROTHENBURG

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GRAHAM. Mr. Speaker, today I call to your attention the outstanding public service of one of our nation's finest military attorneys and a dear personal friend of mine, Colonel Richard F. Rothenburg the Chief Judge of the United States Air Force Court of Criminal Appeals. On May 1, 1999, Colonel Rothenburg will retire after 30 years of especially distinguished service. Colonel Rothenburg was born in Washington, DC. After graduating from Catonsville High School, Maryland, he received a bachelor of science degree in business administration from the University of Maryland in 1964, and his bachelor of law (LLB) degree in 1967 from the University of Maryland School of Law. The Chief Judge received his commission in 1964 through the Air Force Reserve Officer Training Corps Program. After completing his legal studies, Colonel Rothenburg entered active duty in 1967. Colonel Rothenburg was first assigned to Langley Air Force Base, Virginia. In 1969, Colonel Rothenburg was assigned to Headquarters 7th Air Force, Tan Son Nhut Air Base, Republic of Vietnam. In addition to serving as both a prosecutor and defense counsel, Colonel Rothenburg sat as a military trial judge on 27 courts-martial during his tour in Vietnam. Colonel Rothenburg is the only officer still on active duty to have served as an Air Force judge advocate in Vietnam. Colonel Rothenburg's other early assignments included positions as Assistant Staff Judge Advocate at Andrews Air Force Base, Maryland, and Staff Judge Advocate at Holloman Air Force Base, New Mexico. Colonel Rothenburg attended Air Command and Staff College between 1978 and 1979, then took the reins as Staff Judge Advocate at Langley Air force Base, Virginia; then the home of Tactical Air Command. Colonel Rothenburg was next selected to serve as a military judge for all air bases in Europe, where he presided at more than 150 felony

trials. Colonel Rothenburg returned from Europe in 1986 to serve as the Air Force Tactical Fighter Weapons Center Staff Judge Advocate at Nellis Air Force Base, Nevada. Then, from 1988 to 1992, he served as the 15th Air Force Staff Judge Advocate at March Air Force Base, California. In 1992, Colonel Rothenburg was selected to serve as the Director of the United States Air Force Judiciary in Washington, DC. As Director, Colonel Rothenburg oversaw a 3.5 million dollar budget and 350 people directly involved in the Air Force's worldwide military justice system. Based on his vast experience in military justice and impeccable judicial temperament, Colonel Rothenburg was selected in 1997 to serve as the Chief Judge of the nine-member Air Force Court of Criminal Appeals. He was sworn in as Chief Judge on April 2, 1997. In the face of a blistering docket average of 600 appellate opinions per year and an undermanned Court, Chief Judge Rothenburg led the Court to its lowest backlog of cases awaiting review in a decade. At the same time, Chief Judge Rothenburg guided the Court into the uncharted waters of electronic pleading at the federal appellate level. Chief Judge Rothenburg's influence on the shape of military appellate law and practice will endure well into the next century.

Colonel Rothenburg's military awards and decorations include the Bronze Star, Legion of Merit, Meritorious Service Medal with five oak leaf clusters, Air Force Commendation Medal, Vietnam Service Medal with four bronze service stars, the Republic of Vietnam Campaign Medal, and the Republic of Vietnam Gallantry Cross with palm leaf. Colonel Rothenburg is a member of the bar in Maryland and the District of Columbia. He is married to the former Linda Lee Gossard of Hagerstown, Maryland. They have two children: Richard and Anne. I ask that you join me, his colleagues, and Colonel Rothenburg's many friends in saluting this distinguished officer's three decades of service to the United States of America. I know our Nation, his wife Linda, and their children are extremely proud of his accomplishments.

PERSONAL EXPLANATION

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. COBURN. Mr. Speaker, on Thursday, March 18, I was visiting with officials in Albania and consequently was not present for Roll Call votes 57 through 59. Had I been present, I would have voted ''yea'' on rollcall No. 57, agreeing to the resolution providing for consideration of the bill H.R. 4. I would have voted ''nay'' on rollcall No. 58, the motion to recommit with instructions. I would have voted ''yea'' on rollcall No. 59, passage of H.R. 4, a bill to declare it to be the policy of the United States to deploy a national missile defense.

A TRIBUTE TO THE MUSEUMS AT STONY BROOK

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FORBES. Mr. Speaker, I rise today in this hallowed chamber to pay tribute to The Museums at Stony Brook. This year marks the 60th anniversary for the historic museums located in beautiful Stony Brook, Long Island.

Since the Museums at Stony Brook first opened their doors in 1939, they have helped to spread the wonderful history of our local community. Their praise and revival of Long Island's celebrated past has been a great benefit to our families, schools and neighborhoods. The museums have helped countless numbers of Long Islanders remember their history and increase their respect for its rich and vibrant culture.

Led by Museum President, Deborah Johnson, the Museums have enriched Long Islanders by spreading the legacy of Ward and Dorothy Melville, two of Long Island's most respected citizens. The Museum has reached out to all members of our community, young and old, to keep sacred Long Island's past. The museum's importance to our community is truly evident in their success for sixty strong years.

In particular, one Museum program deserves special recognition, it is their summer program for children. The Museum enlists community volunteers to help teach their children about their past, while creating an enjoyable environment. The success of this program has contributed to the vital and vibrant participation of the Museum in our community. This is a fine example of the community spirit that is evident in my Congressional District.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring 60 years of devoted service to our community. I only hope that the Museums at Stony Brook will be able to continue to further enrich our community.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. WICKER. Mr. Speaker, on rollcall No. 50, on House Congressional Resolution 819, Federal Maritime Commission Authorization Act of 1999, I was unavailable to vote because I was returning from a bipartisan Congressional Delegation trip to Russia. The objectives of this four-day trip included meetings with the Russian Duma and other governmental officials concerning the missile defense threat as outlined in the report of the Rumsfeld Commission. Our delegation was joined in Moscow by former Secretary Don Rumsfeld and two members of his commission, Mr. Jim Woolsey and Mr. William Schneider, Jr.

Had I been present, I would have voted ''yea.''

IN HONOR OF THE 25TH SILVER ANNIVERSARY DINNER OF KRIKOS, A CULTURAL AND SCIENTIFIC LINK WITH HELLENISM AND THE WORLD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to KRIKOS, an outstanding Hellenic cultural organization located in my district, as it celebrates its 25th Silver Anniversary.

Since its founding in 1974 and ensuing incorporation in 1975, KRIKOS has served as a vital link between the various communities of the Hellenic world. KRIKOS aims to foster and promote cooperation and fellowship among Hellenes and phil-Hellenes throughout the world and to preserve and enrich the Hellenic heritage of Hellenic communities worldwide.

Over the past 25 years, the organization has taken many important initiatives to attain its goals. KRIKOS has organized over forty conferences throughout the world and, where possible, published the proceedings. The conferences have covered such topics as energy alternatives for Greece, media coverage of Greece, a history of Byzantium, Greek-American Letters and Arts, the Macedonia-Tinderbox of Europe and the Yugoslav Civil Wars, to name a few.

KRIKOS has also organized a Medical Task Force and, since 1982, held annual medical conferences. The Task Force has supplied various hospitals with kidney dialysis machines, medical publications and other needed supplies. KRIKOS has also guided college and college-bound youth; made arrangements for students to visit abroad through a work-study program: established and assisted in locating and listing the treasures of St. Catherine Monastery on Mt. Sinai through computer technology; created ''information banks'' of available expertise in a wide spectrum of specialities; donated 5,000 books to the Polytechnic University in Athens; and published a newsletter. The organization has also experimented publishing a quarterly magazine of social commentary.

Mr. Speaker, I am honored to bring to your attention this important event in the history of KRIKOS. This organization has played a significant role in the Hellenic community both here in the United States and abroad. I am pleased to recognize them on their Silver Anniversary.

TRIBUTE TO JUDITH WHITMER KOZLOSKI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Judith Whitmer Kozloski, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

In 1998, Judith Whitmer Kozloski became the first woman in San Mateo's County's history to serve as Presiding Judge of the San

Mateo County Superior and Municipal Courts. Before her appointment to the Municipal Court in 1984, Judith served as an Assistant District Attorney in San Francisco, where she headed the Sexual Assault/Child Abuse Unit. Throughout her career Judge Kozloski has worked tirelessly to educate people about the dangers and consequences of child abuse and domestic violence and she has been a key member of San Mateo County's Task Force on Domestic Violence.

Mr. Speaker, Judith Whitmer Kozloski is an outstanding woman and a highly respected jurist. I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO DOUDE WYSBEEK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a good friend and a great leader, Doude Wysbeek, Doude served two separate terms on the San Fernando City Council; from 1982–85 and 1989–99. Doude was a member of the council for the simple reason that he loves San Fernando, where he has lived since 1956. He ran for office to help make a good city even better. I can say without hesitation that he succeeded in reaching his goal.

I have been lucky to work with Doude on several occasions in the past. I must say that in more than 25 years of public service, I have met very few people with Doude's intelligence, dedication and strength of character. He had a seemingly endless supply of innovative ideas to improve the quality of life for all the people of San Fernando. I know I could always count on Doude for sound advice on what the federal government could—and should—do for his city.

It would require a book to list all of Doude's accomplishments as a member of the San Fernando City Council. His role in bringing businesses to the city, helping to guarantee public safety for all residents, and serving as San Fernando's diplomat to the outside world cannot be overstated. By mentioning a few of his proudest achievements, I don't mean to suggest that this is the complete picture. Doude left a legacy that few public-spirited citizens could expect or hope to equal.

Doude was instrumental in securing passage of anti-gang ordinances at two local parks, which in essence returned the parks to law-abiding citizens. At the same time, Doude secured funding to hire a County probation department to work exclusively with at-risk grammar school students in San Fernando, and helped to implement a citywide tattoo removal program. San Fernando Police Chief Dominic Rivetti has praised Doude for his successful efforts to reduce the gang problem within the city.

Doude also played a key role in bringing Home Depot to San Fernando, which created some 40 jobs.

Doude is a true citizen of San Fernando. In addition to being a member of the council, he was President of the San Fernando Chamber of Commerce, was Chairman of the Morningside Elementary School Advisory Board, held a variety of posts with the San Fernando Lions Clubs and was a scout master. he was also San Fernando's representative on the Metropolitan Water District Board for 10 years.

I ask my colleagues to join me in saluting Doude Wysbeek, a dedicated public servant, and a devoted husband, father, and grandfather. His commitment to his community inspires us all. I am proud to be his friend.

THE SOLANO PROJECT AND THE CITY OF VALLEJO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, water supplies for California cities are extremely limited. Whenever possible, cities attempt to use their water storage and conveyance systems in the most efficient ways they can.

The city of Vallejo has tried to use its water supply facilities more efficiently, but has been frustrated by a limitation in Federal law that prohibits the city from sharing space in an existing Federal water delivery canal.

The city of Vallejo simply desires to ''wheel'' some of its drinking water through part of the canal serving California's Solano Project, a water project built by the Bureau of Reclamation in the 1950s. Vallejo is prepared to pay any appropriate charges for the use of this facility.

Allowing Vallejo to use the Solano Project should be a simple matter, but it is not. Legislation is required to allow the city to use the Federal water project for carriage of municipal and industrial water.

Congress in recent years has expanded the scope of the ''Warren Act'' to apply to other communities in California and Utah where there existed a need for more water management flexibility. The legislation I am introducing today is similar to legislation I introduced in the 105th Congress. It will simply extend similar flexibility to the Solano Project and to the city of Vallejo.

WYOMING LEADER SPEAKS OUT AGAINST HATE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, last fall, when we received the terrible news of the brutal murder of Matthew Shepard, who was savagely beaten to death simply because he was a gay man, one of the calls I received which heartened me came from Peter Simpson from the University of Wyoming. Mr. Simpson is not only a distinguished individual in his own right, he is the brother of the former Senator from Wyoming, Alan Simpson, whom many of us remember with great respect and fondness from his years of leadership in the United States Senate. At that time Mr. Simpson shared with me an eloquent speech that had been made by Philip Dubois, President of the University of Wyoming.

Tragically, another gay man was a victim of brutal prejudice recently in Alabama, when Billy Jack Gaither was beaten to death by two vicious thugs in a manner sadly reminiscent of the murder of Matthew Shepard. In a grim coincidence, this was the week that we had planned to introduce a new version of the Federal hate crimes legislation which does not seek to supersede State law enforcement, but does seek to add a weapon against brutality based on prejudice.

With Congress about to take up consideration of hate crimes legislation, I think it is appropriate that the eloquent words of President Dubois be shared with the Membership. I am appreciative of Peter Simpson sharing them with us, and I hope the Members will read this and pay close attention to the wise words included.

MATTHEW SHEPARD MEMORIAL SERVICE
(OCTOBER 19, 1998)

Good Evening. Let me thank each of you for being here, and for the tremendous amount of support you have shown over the past ten days to the family and friends of Matt Shepard, the University community, and the city of Laramie.

As your program indicates, we have attempted tonight to assemble just a few of the literally hundreds of people affected by this tragedy—those personally involved because they were Matt's friends and those who came to be involved as the events of the last ten days have unfolded. I very much appreciate—as does the planning committee—the understanding of the many individuals and groups who wanted to be represented in this program but who also recognized the limitations of time.

A little over a week ago, we gathered on the lawn outside the Newman Center. Joined at that time around a common purpose, we found ourselves united as a community to pray for Matthew, to demonstrate our concern for his family, and to speak out against the kind of hatred and bigotry that found expression in the vicious attack upon him.

When I finished speaking that evening, I stood next to my new friend, Jim Osborn, and realized that both of us were shivering. It was a chilly night, but it seemed colder than it really was. I looked around at the hundreds of men, women, and children gathered there. With each speaker the crowd seemed to draw closer together, perhaps fighting the cold or perhaps chilled by the thought that somehow we might have been able to prevent the attack upon Matt.

We closed that evening with the singing of ''We Shall Overcome,'' knowing in our hearts that Matt would probably not win his battle. He would not overcome.

I was awakened the next morning at 5 a.m. with a telephone call. A news organization was calling me to get my reaction to the word of Matt's death. The reporter's voice was filled with emotion. He had watched this community for several days. He had seen the pain on the expressions of nearly everyone on campus and in town. He knew how much this hurt. But he needed a quote.

I recall only that my mind flooded with an unimaginable mix of personal emotions and professional responsibilities. What must Dennis and Judy Shepard be going through right now? Did I have the authority to lower the flags on campus? How could I get a statement out that would provide comfort and reassurance to our gay students? What would I ever say to my children if I had to tell them that their brother had died?

The rest of this past week has been a neverending repeat of that dreadful morning.

Other than the death of my own father three years ago, I cannot remember a week in which I have felt such overpowering sadness.

The sadness of thinking about Matt, his parents, his brother, and his close friends. The sadness of thinking about Matt's gay colleagues, struggling to express simultaneously both their resistance to this violence and their fear that it could have been them in Matt's place.

The sadness of the University faculty and staff who have struggled so hard to create a truly inclusive climate here, only to have others tear down years of work in just a few hours of unspeakable horror.

The sadness of a closeknit community trying to defend itself against ignorance and stereotypes. The sadness of occasionally hearing expressions of such ignorance.

Life is not fair, we've all been told, and this week we lived that lesson again.

But with this sadness have come some small moments of triumph. The Homecoming Parade and the march for Matt. A moment of silence as the football game, broken only by the sound of tears.

The Sunday community vigils and the coming together of this community to ''Remember Matthew'' on Monday afternoon. Gay Awareness Week, and the courage of our Lesbian, Gay, bisexual, and Transgendered Association (LGBTA) to stay the course and not to let fear ruin their plans.

The leadership of our student organizations, ASUW, the Multicultural Resource Center, the Residence Halls, the Greek Community, and our student-athletes to find ways to express their solidarity and support for Matt and their collective opposition to violence, discrimination, and bigotry—regardless of any personal philosophical differences or religious beliefs they might have about homosexuality.

And the professional and personal involvement of our faculty and staff in counseling students and in three days of teach-ins on campus to demonstrate that education and free expression are the most powerful weapons we have against forces that would divide us as an academic community and as a society.

What now can we do? The answer is not simple, but we must begin.

We must begin by reaffirming that UW and Laramie welcome all people, without regard to who or what they are.

We must reexamine all that we have done to cultivate an appreciation of diversity and make sure that we haven't missed a teaching opportunity.

We must find a way to commemorate this awful week in a way that will say to the entire state and nation that we will not forget what has happened here.

And, working closely with the leaders of the local community, we must be vigilant in making sure that the climate for those who are different—whether defined by their sexual orientation, ethnicity, religion, national origin, disability, or any other personal characteristic—not only meets the letter of the law but lives up to the standards of our hearts.

I hope that our elected legislators will also seize this moment. I recognize that the question of hate crimes legislation is a matter over which reasonable and thoughtful people who are neither homophobic nor bigoted can and will disagree. No hate crimes statute, even had it existed, would have saved Matt. But Matt Shepard was not merely robbed, and kidnapped, and murdered. This was a crime of humiliation. This crime was all about being gay. No group of people should have to live in this kind of fear.

I speak only for myself and not this University, but it is time our state makes a public statement through the passage of such legislation that demonstrates our values, our commitment to the state motto, and our collective zero tolerance for hatred. Once was more than enough.

All of us have reacted to the events of the last ten days in our own personal way. Matt meant something different for each of us. That is how it should be. Matt could have been my son. He could have been your brother. He was our friend. All of us will remember him.

INTRODUCTION OF THE VETERANS AMERICAN DREAM HOMEOWNERSHIP ASSISTANCE ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. KLECZKA. Mr. Speaker, thousands of former servicemen and servicewomen in five states are currently prohibited from receiving state-financed home mortgages. That is why Congressman HERGER and I, along with 21 of our colleagues, are introducing the Veterans American Dream Homeownership Assistance Act. This legislation is similar to bills we introduced in the 104th and 105th Congresses.

In order to help veterans own a home, Congress created a program where states could issue tax-exempt bonds in order to raise funds to finance mortgages for owner-occupied residences. Five states—Wisconsin, Alaska, Oregon, California, and Texas—implemented such a program for their veterans. Under a little-known provision in the 1984 tax bill, Congress limited the veterans eligible for this program to those who began military service before 1977.

As a result of the 1984 tax bill, veterans who entered military service after January 1, 1977 are prohibited from receiving a state-financed veterans mortgage. This means veterans who served honorably in Panama, Grenada, or the Gulf War cannot get veterans home mortgages from their state government. Are those who began serving our country after January 1, 1977 any less deserving than those who served before?

This arbitrary cutoff was created to rise additional revenue in the 1984 tax bill by limiting the issuance of tax-exempt bonds. When this provision was enacted, post-1976 veterans were a small percentage of all veterans, without much voice to protest this discriminatory change. But, nineteen years later, there are thousands of veterans who have served our nation honorably.

Mr. Speaker, as time goes by, this legislation takes on increasing importance. The State of Wisconsin Department of Veterans Affairs has informed me that if the cap on veterans bonds is not lifted this year, the State will be forced to disband the program because too few veterans are eligible for the program.

This legislation would simply eliminate the cutoff that exists under current law. Under our proposal, former servicemen and servicewomen in the five states who served our country beginning before or after January 1, 1977 will be eligible to quality for a state-financed home mortgage. This legislation does not increase federal discretionary spending by 1 cent. It simply allows the five states that have a mortgage finance program for their veterans to provide mortgages to all veterans regardless of when they served in the military.

There is no justification to allow some veterans to qualify for a home mortgage while others cannot. Mr. Speaker, I urge the House to help those veterans who have served after January 1, 1977 to own a home and pass this important legislation into law.

TRIBUTE TO DEBERAH BRINGELSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Deberah Bringelson, an extraordinary citizen of San Mateo County, California, who is being inducted into the San Mateo County Women's Hall of Fame.

Deberah Bringelson has served San Mateo County for more than 14 years, both as a professional and a volunteer. She has brought her energies and expertise to the issues of civil justice reform, child protection, toxic cleanup, as well as water and land use policies. Deberah has made significant contributions in the field of criminal and juvenile justice reform, reforming the system and creating efficiencies of operation. Her commitment to the issues of drug abuse and violence arise from her own personal experiences.

Deberah helped create the County Adult and Juvenile Drug Courts, and designed a comprehensive life skills treatment program which serves female offenders and focuses on mothers. Deberah serves as a mentor for young women, coaching several girls' athletic teams. She's been honored for overcoming the personal trauma and violence of her childhood and for bringing her talents, compassion and energy to our community.

Mr. Speaker, Deberah Bringelson is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

LEARNING THE LESSONS OF HISTORY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LANTOS. Mr. Speaker, I rise today to congratulate Capuchino High School of San Bruno, California, for an extraordinary program they have instituted called ''Sojourn to the Past.'' Envisioned by Jeff Steinberg, a history teacher at Capuchino High School, this ten-day trip recently led eighty-five high school students through a history of the civil rights movement that was made very personal.

The trip began in Washington, D.C., and ended in the National Civil Rights Museum in Memphis, in the hotel room where Martin Luther King, Jr., was martyred. Along the way the students met with several major figureheads of the civil rights movement, including Chris McNair, father of one of the Birmingham Four, Elizabeth Eckford, who de-segregated Central High School in Little Rock, Arkansas, and my own good friend, Congressman JOHN

LEWIS, who introduced the students to his philosophy of non-violence.

History came alive for these young people as they followed the trail of the most significant movement of the twentieth century. They found it impossible to take their own civil rights for granted when confronted with first-person accounts from those who risked their lives fighting to attain those very rights.

But a sense of the reality of history was not the only thing the students took home. The testimonies of the people with whom they met emphasized forgiveness and tolerance, fairly foreign concepts to American high school culture. The idea of using non-violence and tolerance as a mode of dealing with day-to-day problems was initially received with suspicion but seemed to have hit home by the end of the trip.

In a letter written to Congressman JOHN LEWIS, junior Kristin Agius wrote: "Your message has made me rethink my idea of what it means to be important. . . . I've come to the conclusion that a step forward, even a small step, is better than aspiring for something that will only benefit myself."

Mark Simon, a reported from The San Francisco Chronicle, accompanied the students on their journey to the past. I ask that Mr. Simon's excellent report on this outstanding educational experience be included in the RECORD.

CIVIL RIGHTS TOUR

[From the San Francisco Chronicle, Feb. 28, 1999]

Day 1: Thursday, Feb. 11, Washington, D.C.

They had flown east all day, leaving the morning light of the Bay Area for the nighttime darkness of the nation's capital. With barely a pause, they piled into two buses, went to dinner, and then, as the hour neared 10 p.m., they went as a group to the Lincoln Memorial, where they sat on the steps, huddled together.

Then they listened to a recording of the Rev. Martin Luther King Jr.'s conscience-rousing sermon to the 1963 March on Washington, in which he told an assembled multitude of 250,000 that he had a dream of true equality and justice for a nation riven by hatred and racism.

And so it began.

Eighty-five students from Capuchino High School in San Bruno, the most diverse in the San Mateo Union High School District, had embarked on a 10-day journey called "Sojourn to the Past." It was organized by Jeff Steinberg, a history teacher gifted with energy and devotion to match his vision.

The students went wherever the civil rights movement had gone, seeing the people who had been there, hearing tales of heroism and sacrifice and walking in the footsteps of greatness large and small.

This was a spirituay journey—a journey of forgiveness and tolerance, of faith and hope, a journey to the past and for the future.

It was to be an education. There were lessons to be learned.

FORGIVENESS

It was a sustaining theme of the trip. Everywhere the students went, they met historic figures who had been mistreated, neglected, imprisoned and beaten.

And to a person, these people had found within themselves the capacity to forgive.

At the Jewish Community Center in Washington, D.C., they met Ernest Green, one of the Little Rock Nine, who integrated the all-white Central High School in Little Rock, Ark., in 1957, amid violence, daily torture and taunts.

Short, balding, bespectacled and a little portly, Green was good-humored, upbeat and remarkably short on the details of his year at Central, something that clearly frustrated the students.

But his message was that the students should keep looking forward, not back.

"Life is not like a VCR. There's no reverse," he said.

In Birmingham, Ala., they met with Chris McNair, a county commissioner and father of one of the four little girls killed in a Birmingham church bombing in 1963.

"I'm a happy man, in spite of the things that happened to me," he said in a deep, rough voice.

"You're precious to me," he said. "In this world, justice means so much. I hope you can reach a point where you can get out of the hate mode. In that mode, you're the one who truly suffers."

When the trip was over, and the students had been to the deepest South and the deepest parts of their soul, African American senior Ke'Shonda Williams said she had learned something from the spirit of the Rev. Martin Luther King Jr.

"(King) never had hate in his heart for anybody. He found the goodness in his heart to forgive people. If someone did something wrong to me, I just couldn't forgive them for it. I haven't been through half the things he'd been through. If he could forgive them and move on, I think I should be able to forgive. I'm going to try."

The student's capacity for forgiveness was put to its hardest test in Montgomery, Ala., in the office of George Wallace Jr., associate commissioner of the Alabama Public Service Commission, and son and namesake of the famous governor.

Wallace has just moved into his office, and the floor, chairs and tables were covered with yet-to-be-hanged pictures and memorabilia.

Dressed in a pinstripe suit, his voice soft and his words thoughtfully chosen, Wallace told the students about his father.

In his most famous speech, his inaugural address in 1963, Governor Wallace declared "Segregation now, segregation tomorrow, segregation forever."

That was urged upon him by his political advisers, said his son.

"His choice was not to use the word segregation. His choice initially was to use the word freedom," Wallace said.

His father made peace with the state's African Americans—a peace brought by a Christian revelation—and sought their forgiveness. He also sought their votes, and won re-election in 1972 with a substantial bloc of black votes.

"I hope you'll look at his life in totality. . . . I know he deeply regretted some of the things he said. If he was a leader in the Old South, he sought to be a leader in the New South," he said.

Anne Kelly, a white junior, stormed from the room, angry tears in her eyes.

On another day, Anne also had tears in her eyes while discussing her own Methodist Church's refusal to sanction same-sex marriages.

"Would Jesus have turned his back on these people? You don't need to like it, but you need to tolerate it. That's what tolerance is about," she said.

On this day, she had found Wallace wanting.

"He couldn't admit there was no justification for what (his father) did. He never said opportunism is wrong. In order for an apology to mean something, you have to accept responsibility for what you did," she said.

During the trip, students were required to write letters to the people they met that day. Jennifer Lynch, a white junior, wrote Wallace that she had tried to remain open-minded.

"I think it did become apparent that your father had become a changed man," she said.

TOLERANCE

They went to Little Rock's Central High School, a brick, fortress-like building with white-topped towers.

There, they heard from Elizabeth Eckford and Hazel Bryan Massery, who are locked together forever in one of the most famous photographs of the 1950s.

Eckford, a slender black girl in dark glasses, can be seen walking alone through a hostile crowd. Behind her is Hazel Bryan, her face contorted as she shouts an epithet at Eckford.

Five years later, Bryan, now Hazel Massery, apologized. Forty years later, the two are close friends.

On this day, they were on stage together to, as Massery put it, "make sense of the experience."

In a carefully prepared and delivered presentation, they took turns telling of their experiences.

As Eckford described her year at Central, her voice choked repeatedly and she often wiped tears from her face.

Finally, the time came for questions.

No, Eckford said, she would not do it again, if she had the chance.

Then, Darnell Ene, an African American junior, rose and asked what word Massery was saying in the picture.

In fact, it's fairly obvious what she was saying—it's a word so sensitive that it is simply called the "n" word.

Before Darnell could finish his question, Eckford, her voice heavy with pain, cried out, "No, no!"

Massery said, "I choose not to repeat that."

Said Eckford: "Hate speech is always hurtful. There is nothing you can learn by repeating it."

But later, Darnell said he know what word Massery had used.

"I wanted to know what was in her mind," he said, "I wanted to know what was going through her mind when she did it, what forced her into it, what was pushing her into doing it."

And when the trip was over, Mamoud Kamel, a junior whose family came to the United States from Egypt five years ago, found himself rethinking his own habits.

Mamoud said it is common practice among high school students to use the word "nigga," a slang form of the notorious racial slur.

It's used frequently in rap music, and young people, at least at Capuchino, have come to accept it as slang and to distinguish between the harsher form of the word.

"That's the way we all talk right now, but I'm going to stop saying this word," he said.

NONVIOLENCE

This one may be the hardest for the students.

They met often with people who had been beaten and then stepped up for more.

In Atlanta, in a theater at the Martin Luther King Jr. visitors' center, they met with Representative John Lewis, D–Ga.

Lewis is one of the icons of the civil rights movement—former head of the Student Nonviolent Coordinating Committee, arrested more than 40 times in nonviolent demonstrations, the youngest speaker at the 1963 March on Washington and leader of the first march from Selma, Ala., to Montgomery, the state capital.

That march, on March 7, 1965, made national headlines when state troopers savagely beat the marchers as they crossed the Edmund Pettus Bridge in Selma.

Two weeks later, King led a second march that successfully reached Montgomery.

Lewis, who suffered a broken skull in the first march, was asked if he'd ever felt the urge to strike back.

''I never had any desire or urge to strike back in any sense. I believe in nonviolence, not just as a technique, not just as a tactic, but as a way of life and a way of living,'' he said.

In the back of the theater sat Darnell Ene, his fists clenched as Lewis described the Selma beating.

''It's not right,'' he said later. ''You shouldn't do that kind of stuff, and to make things worse, (the marchers were) doing it nonviolently. They had a perfect reason to turn violent, but they didn't. That shows signs of strength.''

It's a strength Darnell and his friend Chris Ramirez, a Latino junior, said they don't have.

Darnell said he tries to walk away from disputes, but he doesn't shrink from physical violence if he's pushed to it.

''I don't like backing down,'' Chris said. ''I can't back down.''

The most spontaneous outburst by the students came in Selma for a woman who did not back down.

In the rear room of Lannie's, a locally famous diner where the students were served fried chicken, fried catfish and fried pork chops, they met Annie Lee Cooper.

Cooper was a part of a group that in 1964 tried to enter a local courthouse to register to vote.

Her path was blocked by Sheriff Jim Clark, an enthusiastic and violent racist, who struck her.

Cooper, no devotee of nonviolence, hit the sheriff across the side of the face, and a melee ensured that ended only after Clark clubbed Cooper on the head with a nightstick and two other police officers wrestled her into handcuffs.

When the students heard the story, they jumped to their feet and applauded at length.

The applause was led by the otherwise quiet Michael Mosqueda, a Latino junior, who said later that Cooper was a hero.

''She didn't just take it and take it,'' he said.

But for Will Hannan, a white junior, and for others, the message of nonviolence rang truest.

''You don't need to arm people with weapons, you need to arm people with a certain philosophy, and if they really intend to be warriors in the nonviolent battle, they need to live nonviolence as a way of life,'' he said.

FAITH

Everywhere the students went, they went to church.

They visited Ebenezer Baptist Church in Atlanta, where King had been pastor at the time of his death; Dexter Avenue Baptist Church in Montgomery, a stone's throw from the state capitol, where Jefferson Davis was sworn in as president of the Confederacy and where King has his first pastorship; and the 16th Street Baptist Church in Birmingham, where the four girls were killed.

In the basement of the church, where the girls had been going to Sunday school when 12 sticks of dynamite exploded, the students heard from Lola Hendricks.

She had marched in Birmingham, and her 8-year-old daughter spent five days in jail during the ''Children's Crusade,'' in which the black youth of Birmingham were sent out against the white establishment's fire hoses and police dogs.

Hendricks was asked if she was scared. No, she said.

''I felt the way we were being treated in the South, we might as well be dead. So we had no fear,'' she told the students.

And she knew God was with them, she said. He knew what they had been through.

The students heard testimony—in the back room of a diner in Selma, in church basements and in community theaters, and in the offices of elected officials in Montgomery—that God has played a hand in the civil rights movement, protecting those who were marching, reassuring, those who were in doubt and bringing light to those who had been on the wrong side of the issue.

''In struggle, you need something to believe, a hope and a faith to believe in,'' said Katie Gutierrez, a Latina junior and herself a devout Christian. ''With all the hatred, you need love somewhere, and God is love.''

THE PAST AND THE FUTURE

On the sixth day of the trip, history teacher Steinberg rose early to appear on a local TV morning show in Montgomery. He said he hoped the trip would have a meaningful impact on the students.

''Maybe they become more compassionate and tolerant, and maybe they get inspired to do better in school. * * * I think the kids are going to come back changed people,'' he said.

They probably will. But not all of them will. And not all of them will right away.

Near the end of the trip, Monique Jackson, an African American senior, said she didn't come back changed, but she came back better informed and touched by the realization that everywhere she went, Martin Luther King Jr. had been there.

''The struggle back then is what led us up to now. * * * It's not really that bad now. You can't stop a racist from being a racist, so what can you do? In these days, nobody goes around hosing people down. Yes, there is still race discrimination, sex discrimination. You just have to deal with it as it comes.''

In a letter to Ernest Green, one of the Little Rock Nine, Kristin Davis, a white junior, wrote: ''I believe in your philosophy that you cannot live in the past. Those experiences help shape your future, but you can't let them run your life.''

African American junior Aisha Schexnayder wrote to Green: ''I've been through a lot in my life, but I can't see myself going through all of that and still be able to crack a smile.'' In a letter to John Lewis, white junior Kristin Agius wrote: ''Your message has made me rethink my idea of what it means to be important and what it means to make a difference. I've come to the conclusion that a step forward, even a small step, is better than aspiring for something that will only benefit myself.''

As she contemplated the Montgomery's Civil Rights Memorial, a setting of granite, smoothly flowing waters and a roll call of civil rights martyrs, Clarissa Pritchett, an African American junior, said: ''All the people worked so hard to get us where we are today, and I worry that we're going to leave it undone.''

Theresa Calpotura, a junior of Filipino descent, said she would return from the trip determined to overcome her innate shyness and to work on matters of racial and social inequality.

''You have to start with yourself before you can change anything else, and that's what this trip did for me,'' she said. ''You have to know that tolerance is important. It's basically the glue of our society.''

Theresa's close friend, Ronita Jit, a junior of Indian descent, said she would return determined to start an organization on campus that would include all races, and give them the chance to connect across cultural lines.

''It just confirmed my determination,'' she said. ''I want (us) to spend time with each other and get to know each other. I know these things are far-fetched, but I'm going to try.''

One of those who said she'll join Ronita's effort was LaDreena Maye, an African American junior whose shyness belies a depth of thought and feeling.

She wants to be a doctor, and she found inspiration to push for her goal from those with whom the students met. She also learned about those who did nothing while injustices and cruelty were taking place.

''When I see something going on, I'll probably want to be more quick to address it now, instead of just sitting and letting it pass by,'' she said.

''I guess that now from the trip—knowing what we know—that there is a bit of an obligation. I think we should all want to come back and educate people about some of the things we've learned on the trip. . . . I think something needs to be done.''

DAY 10: Saturday, February 20, Memphis

The buses rolled up to the Lorraine Motel and into a time warp.

Parked in front were a white Dodge Royal with massive, olive-green tail fins and a white Cadillac convertible.

There was a plaque, bearing a quote from Genesis: ''Behold, here cometh the dreamer. . . . Let us slay him and see what becomes of his dreams.''

As the students stood outside the motel, Steinberg played an excerpt from King's final speech, delivered with a mystical passion the night before he was killed.

''Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up the mountain. And I've looked over. And I've seen the Promised Land.''

The students then took a guided tour of the adjacent National Civil Rights Museum, an interactive experience with vivid displays that create a sense of time and place.

It was like watching their trip unfold before them on fast-forward—except that the tour ended outside Room 306 of the Lorraine Motel.

The covers of one bed are slightly rumpled. A plate of catfish is set on the bed. Cigarette butts are crushed out in an ashtray.

It was as though Martin Luther King Jr. might step back through the door in just a moment.

Students who had been stoic throughout the trip stared into the room as if stricken.

Some cried quietly.

Then, they went to a conference room upstairs and had lunch.

Afterward, they stood, one at a time, and talked about what the trip meant to them.

Many cried. Some had to leave the room.

Then they stood together and held hands and sang one chorus of ''We Shall Overcome'' before heading home.

INTRODUCTION OF LEGISLATION TO COMBAT THE CRIME OF INTERNATIONAL TRAFFICKING AND TO PROTECT THE RIGHTS OF THE VICTIMS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. SLAUGHTER. Mr. Speaker, today I am introducing a bill to combat the crime of international trafficking, a fundamental violation of human rights to which this Nation has a responsibility to act.

Trafficking involves the use of deception, coercion, abuse of authority, debt bondage, or

fraud to exploit persons through forced prostitution, sexual slavery, sweatshop labor, or domestic servitude. Faced with difficult times in their home countries, women are often lured by advertisements for job opportunities overseas. Women will often answer these ads hoping to make enough money to take care of their families and fulfill their dreams in far away places. Unfortunately, these dreams soon turn into nightmares as the women have their passports seized, are sold for profit, and then forced to sell their bodies to recover the cost of a debt they did not incur. In many cases, they are constantly monitored and supervised to prevent them from escaping. Trafficked women are often subject to physical and mental abuse including, but not limited to battery, cruelty, and rape.

The legislation I am introducing today builds on my efforts over the past several years to bring attention to the problem of trafficking, particularly with respect to the sale of Burmese women and children into brothels in Thailand. Unfortunately, as we learn more about this problem, it is becoming tragically clear that trafficking knows no national or regional borders. Throughout the regions of Southeast Asia, as well as within a number of nations across the former Soviet Union and Warsaw Pact, criminal organizations are capitalizing on poverty, rising unemployment, and the disintegration of social networks to exploit and abuse women and children.

This legislation would create an Interagency Task Force to Monitor and Combat Trafficking within the Office of Secretary of State, that would submit an annual report to Congress on: (1) The identification of states involved in trafficking; (2) the complicity of any governmental officials in those states; (3) the efforts those states are making to combat trafficking; (4) the provision of assistance to victims of trafficking; and (5) the level of international cooperation by such states in internal investigations of trafficking. It would also bar police assistance to governments that are involved in this practice, and would amend the Immigration and Nationality Act to allow trafficking victims brought to the United States to remain here for three months so that they may put their lives back together and at the same time testify against their traffickers in both civil and criminal proceedings.

Mr. Speaker, I ask my colleagues to join me and Senator WELLSTONE, who has introduced the Senate companion legislation, in supporting this bill to end the abhorrent practice of trafficking both home and abroad.

TRIBUTE TO A FRIEND OF MICHIGAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. KNOLLENBERG. Mr. Speaker, I rise to pay tribute to Mr. Alfred Berkowitz, who was an active supporter of the Wayne State University College of Pharmacy and Allied Health Professionals. Sadly, Mr. Berkowitz died on February 25 in a car accident in Northern Michigan.

Mr. Berkowitz began his relationship with the pharmaceutical profession in Detroit over 60 years ago when he attended the Detroit Institute of Technology, which merged with Wayne State University in 1957. Once completing his education, he joined the United States Army where he spent seven years on active duty and 27 years as an active reservist. Mr. Berkowitz retired from service in 1975 with the rank of Warrant Officer IV. Although his professional career was in business, after maintaining his license for 50 years, he was honored by the Michigan Board of Pharmacy, in 1987.

Mr. Berkowitz was generous in his philanthropic support of the College of Pharmacy and Allied Health Professionals with a specific focus on benefiting students. He was an invaluable resource to the college by supporting scholarships and by taking a personal interest in students faced with financial hardships. He received Wayne State's Honorary Doctorate of Humane Letters in 1996 as a result of his outstanding support and was recognized at the Cornerstone Club level of the Anthony Wayne Society.

Through his service and dedication to Wayne State University and the community, Mr. Berkowtiz made a big difference in many lives and his legacy that he gave the college will help students for years to come.

HONORING NEW PENSACOLA CHIEF OF POLICE, JERRY W. POTTS

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SCARBOROUGH. Mr. Speaker, across America, the peace and prosperity enjoyed by our citizens owes much to the tireless efforts by our law enforcement personnel. And in my hometown of Pensacola, Florida, the proud policemen that preserve the peace in our community are led by a great American, Jerry W. Potts.

Chief Potts brings a positive reassuring style of leadership to his job while exhibiting a strength of character in his personal and professional life. Chief Potts' professional and personal life has been characterized by excellence, leadership and service to others. His public service began in earnest in 1965 when he joined the U.S. Army 82nd Airborne Division. The leadership skills he developed in the service quickly transferred to excellence in law enforcement.

Chief Potts began his law enforcement career in 1973 when he joined the Pensacola Police Department as a dispatcher. Jerry quickly worked his way up the ranks being promoted to police officer, Sergeant, Assistant Chief of Police, and early this year, Chief of Police.

Jerry Potts' service to others goes beyond law enforcement. Chief Potts has always been involved in our community. He has served on the Judges' Task Force for Children, the mayor's Task Force on Community Values, and the Board of Governors for Fiesta of Five Flags.

Mr. Speaker, by any measure of merit, Chief Potts is one of America's best and brightest law enforcement professionals, and he will continue to be an asset for Northwest Florida in his new role. As a father of two young boys, I sleep better at night knowing that our streets are safer and that our children are protected because of his life-long efforts.

Chief Jerry Potts has devoted his life to preserving the public safety enjoyed by the people of the City of Pensacola and the entire State of Florida. We are grateful for his continuing public service.

TRIBUTE TO JESSICA MARIE JENKINS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Jessica Marie Jenkins, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Frame on Friday, March 26, 1999.

Jessica Marie Jenkins is a brilliant high school student who has earned National Merit Semifinalist status. Jessica entered high school with an aggressive plan to take the most challenging courses offered. She has set high goals for herself despite the fact that she is legally blind.

While maintaining a heavy academic load, Jessica volunteers in a local business and at the Peninsula Center for the Blind and Visually Impaired, where she teaches Braile and helps organize youth group activities. She's a leader in her church where she serves as a Eucharistic Minister. An accomplished pianist, Jessica is a thoughtful person, always willing to help anyone, whether they need a tutor or a friend. Jessica's future plans are to combine her interests in community building, and the rights of the disabled and international relations to benefit others.

Mr. Speaker, Jessica Marie Jenkins is an outstanding young woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being named a Young Woman of Excellence by the San Mateo County Women's Hall of Frame.

INTRODUCTION OF THE ALL-PAYER GRADUATE MEDICAL EDUCATION ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. CARDIN. Mr. Speaker, I rise today to introduce the All-Payer Graduate Medical Education Act, legislation that improves the funding of America's teaching hospitals and eases the burden on the Medicare Trust Fund.

We have recently learned that medical care costs will double in the next ten years. Health care budgets, including Medicare, will be caught in the vise of increasing costs and limited resources. We must try to restrain the growth of Medicare spending, while protecting our teaching hospitals that rely on Medicare and Medicaid as major sources of funding for graduate medical education (GME).

America's 125 academic medical centers and their affiliated hospitals are vital to the nation's health. These centers train each new generation of physicians, nurses and allied health professionals, conduct the research and

clinical trials that lead to advances in medicine, including new treatments and cures for disease, and care for the most medically complex patients. To place their contributions in perspective, academic medical centers constitute only two percent of the nation's nonfederal hospital beds, yet they conduct 42% of all of the health research and development in the United States, provide 33% of all trauma units and 31% of all AIDS units. Academic medical centers also treat a disproportionate share of the nation's indigent patients.

To pay for training the nation's health professionals, our academic medical centers must rely on the Medicare program. But Medicare's contribution does not fully cover the costs of residents' salaries, and more importantly, this funding system fails to recognize that graduate medical education benefits all segments of society, not just Medicare beneficiaries. At a time when Congress is revising the Medicare program to ensure that the Hospital Insurance Trust Fund can remain solvent for future generations, GME costs are threatening to break the bank.

The All-Payer Graduate Medical Education Act distributes the expense of graduate medical education more fairly by establishing a Trust funded by a 1% fee on all private health care premiums. Teaching hospitals receive approximately $3 billion annually in additional GME payments from the Trust, while Medicare's annual contribution to GME decreases by $1 billion. The current formula for direct graduate medical education payments is based upon cost reports generated more than 15 years ago, and it unfairly rewards some hospitals and penalizes others. This bill replaces the current formula with a fair, national system for direct graduate medical education payments based upon actual resident wages. Children's hospitals, which have unfairly received only very limited support for their pediatric training programs, will receive funding for their GME programs.

Critics of indirect GME payments have sought greater accountability for the billions of dollars academic medical centers receive each year. The All-Payer Graduate Medical Education Act requires hospitals to report annually on their contributions to improved patient care, education, clinical research, and community services. The formula for indirect GME payments will be changed to more accurately reflect MedPAC's estimates of true indirect costs.

My bill also addresses the supply of physicians in this country. Nearly every commission that has studied the physician workforce has recommended reducing the number of first-year residency positions to 110% of the number of American medical school graduating seniors. This bill directs the Secretary of HHS, working with the medical community, to develop and implement a plan to accomplish this goal within five years. In doing so, we ensure that rural and urban hospitals that need residents to deliver care to underserved populations receive an exception from the cap.

Medicare disproportionate share payments are particularly important to our safety-net hospitals. Many of these hospitals, which treat the indigent, are in dire financial straits. This bill reallocates disproportionate share payments, at no cost to the federal budget, to hospitals that carry the greatest burden of poor patients. Hospitals that treat Medicaid-eligible and indigent patients will be able to count these patients when they apply for disproportionate share payments. In addition, these payments will be distributed uniformly nationwide, without regard to hospital size or location. Rural public hospitals, in particular, will benefit from this provision.

Finally, because graduate medical education encompasses the training of other health professionals, this bill provides for $300 million annually of the Medicare savings to support graduate training programs for nurses and other allied health professionals. These funds are in addition to the current support that Medicare provides for the nation's diploma nursing schools.

The All-Payer Graduate Medical Education Act creates a fair system for the support of graduate medical education—fair in the distribution of costs to all payers of medicare, fair in the allocation of payments to hospitals. Everyone benefits from advances in medical research and well-trained health professionals. Life expectancy at birth has increased from 68 years in 1950 to 76 years today. Medical advances have dramatically improved the quality of life for millions of Americans. And it is largely because of our academic medical centers that we are in the midst of a new era of biotechnology that will extend the advances of medicine beyond imagination, advances that will prevent disease and disability, extend life, and ultimately lower health care costs.

The Association of American Medical Colleges, the National Association of Public Hospitals, the National Association of Children's Hospitals, the American Medical Student Association, the American Physical Therapy Association, the American Occupational Therapy Association, the American Speech-Language, Hearing Association, and the American Association of Colleges of Nursing have all expressed support for the bill.

I urge my colleagues to join me in protecting America's academic medical centers and the future of our physician workforce by cosponsoring the All-Payer Graduate Medical Education Act.

IN RECOGNITION OF DR. GEORGE A. HURST, M.D.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a great American, who has dedicated his life to those less fortunate—Dr. George A. Hurst, M.D., of Tyler, Texas. In honor of his tireless sacrifices and endless contributions to the medical community, Dr. Hurst will be named as Director Emeritus at the University of Texas Health Center at Tyler on March 31, 1999.

The son of American missionaries, Dr. Hurst was born in Brazil, attended high school in Georgia and graduated from Austin College. He earned his medical degree from the University of Texas Southwestern Medical School in Dallas and interned at Parkland Memorial Hospital.

In 1964, he came to Tyler as the Clinical Director of the East Texas Chest Hospital. In 1970, he was named Director and worked in that capacity until January of 1998. In 1977, the hospital became a part of the University of Texas System and was renamed the University of Texas Health Center at Tyler (UTHCT).

Working with the leadership of the UT System, he has guided the institution through a remarkable period of growth in its facilities including: the Patient Tower in 1980, the Biomedical Research Building in 1987, the Medical Resident Center in 1987 and the Ambulatory Clinic Building in 1996. More importantly, UTHCT evolved from a chest hospital to an acute care facility with a multiple mission of patient care, medical education and biomedical research. To help fulfill this mission, The Family Practice and Occupational Medicined Residency Programs were begun during his tenure.

A dedicated servant, he has served his institution, community, family and church with humility and insightful leadership. A godly man, placing others before self, he dedicated his life to caring for those in need and in so doing achieved a high level of respect from his peers, as signified by the many honors bestowed upon him.

The University of Texas Health Center at Tyler is honored to recognize, Dr. George A. Hurst, Director Emeritus, for his exemplary service to mankind as its Director from 1970–1998.

Mr. Speaker, as we adjourn today, let us do so in honor and respect for this great American—Dr. George A. Hurst, M.D.

TRIBUTE TO EARL HENDRIX—PROGRESSIVE FARMER'S MAN OF THE YEAR IN SOUTHEAST AGRICULTURE

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. HAYES. Mr. Speaker, it is my privilege and pleasure to rise today to pay special tribute to Mr. Earl Hendrix of Hoke County, North Carolina. Mr. Hendrix was recently named Man of the Year in Southeast Agriculture by Progressive Farmer.

Earl Hendrix is a lifelong farmer, known for his quiet, unselfish leadership. He has made outstanding contributions to North Carolina agriculture as a producer of soybeans, tobacco, corn, small grains, cotton, tobacco seed and swine.

Mr. Hendrix has served on many agricultural boards over the years including the state boards of the Cotton Promotion Association, the Small Grain Growers Association and the Soybean Producers Association. He is former president of the Soybean Producers.

Nationally, Hendrix is serving his third term on the United Soybean Board and is chairman of the USB Production Research Committee which oversees more than $6 million annually for soybean research nationwide.

Mr. Hendrix has been honored by the North Carolina Association of County Agriculture Agents and has been the recipient of the state commissioner's ''Friend of Agriculture'' award. He has received the Natural Resources Conservation Service Conservationist of the Year award and he and his wife, Hazel, are the recipients of the Extension Area Farm Family of the Year Award.

Mr. and Mrs. Hendrix have three children, two of whom are partners on the family farm.

Mr. Hendrix devotes time and money to support the local 4–H and his optimistic outlook for agriculture is noticed and appreciated by all in the farm community.

Mr. Speaker, I am honored to recognize the distinguished service to agriculture and the State of North Carolina of Earl Hendrix for his leadership and professional commitment to stewardship of the land and providing food and fiber to the world.

TRIBUTE TO PHELICIA JONES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Phelicia Jones, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Phelicia Jones is the Project Coordinator for the San Mateo County Nia Mentoring Program, a program which provides both personal and professional guidance for African American youth. Phelicia has overcome both family tragedy and a drug addiction to become a positive role model for others to emulate. Through the Twilight Basketball for Youth program, Phelicia works with at-risk youth to help them avoid many of the same pitfalls she encountered. She has also been instrumental in establishing a crime prevention program benefiting young girls through the Sisters in Style program.

While a student at the College of San Mateo, she earned a 3.75 grade point average and went on to earn a Bachelors Degree from the College of Notre Dame, while simultaneously being actively involved in student government and community affairs. She is currently pursuing a Masters Degree at San Francisco State University and working toward a Drug and Alcohol Certificate.

Mr. Speaker, Phelicia Jones is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-MCDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on Tuesday, March 16, 1999, I was conducting official business in my congressional district and missed rollcall votes 50, 51, and 52. Had I been present I would have voted ''yea.''

HONORING COLORADO BOYS STATE BASKETBALL 2A CHAMPIONS—CALICHE HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Caliche High School boys basketball team on their impressive Colorado State 2A Championship. The victory, a hard fought 54–50 win over Hoehne High School, was a thrilling contest between two talented and deserving teams. In championship competition, though, one team must emerge victorious, and Caliche proved themselves the best in their class—truly second to none.

The State 2A Championship is the highest achievement in high school basketball. This coveted trophy symbolizes more than just the team and its coach, Rocky Samber, as it also represents the staunch support of the players' families, fellow students, school personnel and the community. From how on, these people can point to the 1998–1999 boys basketball team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Boys State 2A Championship, and know something special had taken place there.

The Caliche basketball squad is a testament to the old adage that the team wins games, not individuals. The combined talents of these players coalesced into a dynamic and dominant basketball force. Each team member also deserves to be proud of his own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Caliche players, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their State 2A Championship to future endeavors.

ENCOURAGING MEXICAN GOVERNMENT TO RELEASE DRUG TRAFFICKERS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. PACKARD. Mr. Speaker, I rise today to reiterate the commitment of my colleagues and I to win the war on drugs and encourage the Mexican government to cooperate with our efforts.

Recently a Mexican judge dismissed charges against two drug kingpins, Jesus and Luis Amezcua-Contreras. These brothers have both been indicated on narcotics charges by federal grand juries in separate cases in Southern California. Mexico has claimed for years now to be allies of the United States in the war against drugs, but the fact of the matter is that the Mexican government has yet to extradite a national drug kingpin for trial in the United States to date.

Mr. Speaker the fact is that United States drug laws are stricter than those in Mexico and drug criminals fear our judicial system. We must send a message to our neighbors to the south and these criminals that we will not be intimidated or weak willed when dealing with this serious issue.

It is vitally important for the United States to continue to stand firm in our commitment to win the war on drugs. Without the full cooperation of our neighbors, we have little chance of meeting this goal. The United States, and southern California in particular, cannot afford yielding in our efforts to stop the flow of illegal drugs over our borders and into the hands of our children.

Mr. Speaker, I encourage the Mexican government to release drug traffickers which have been indicted by our government back to United States officials so they can be properly tried in our country. We must protect our children from such diabolic criminals.

TRIBUTE TO MARY HARRIS EVANS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Mary Harris Evans, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Mary Harris Evans has a rich and varied background as a professional and a volunteer. While attending California College of Podiatric Medicine, Mary founded an outreach program at Laguna Honda Hospital and treated senior citizens in their homes at no charge. Mary is now a Financial Advisor and Retirement Specialist with Dean Witter, where she assists clients with the management of their portfolios. Throughout her career, Mary has always made a great commitment to volunteerism, most notably fifteen years service to the California 4–H.

Mary also serves as President of the American Baptist Women of the West and helped found the African-American Community Health Advisory Committee. Mary is also a trained mediator and was recently instrumental in helping Mrs. Tom Lantos put together a Homeless Theater Project.

Mr. Speaker, Mary Harris Evans is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

THE DEPARTMENT OF VETERANS AFFAIRS NURSE APPRECIATION ACT OF 1999

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LATOURETTE. Mr. Speaker, imagine if the Congress singled out a mostly female workforce of 39,000 federal employees and, under suspension, passed legislation that:

allowed the workers to go up to 5 years in a row without a single raise;

allowed them to have their pay cut by as much as 8% in a single year;

or provided for an annual increase as minuscule as one-tenth of one percent.

Now imagine that a president not only signed this measure into law, but that it's been

the law of the land for nearly a decade. Which group of federal workers has suffered this unthinkable injustice? None other than the 39,000 nurses who work for the Department of Veterans Affairs (VA) and have devoted their careers to caring for our nation's ailing veterans.

In the 101st Congress, the House and Senate passed the Nurse Pay Act, well-intended legislation that was designed to ease a national nursing shortage by allowing VA medical center directors to forgo the annual general schedule (GS) pay schedule that applies to virtually all federal employees. In theory, this new law enabled directors to give nurses higher annual raises than other federal workers so they could recruit and retain a quality workforce. Unfortunately, as soon as the national nurse shortage eased, the intent of the law was manipulated and directors started using their discretion to deny raises, provide tiny raises, and even reduce pay rates.

Today, I introduced the VA Nurse Appreciation Act of 1999, legislation that will rectify the pay injustice VA nurses have suffered. This legislation will ensure that Title 38 VA nurses receive the annual GS increase plus locality pay so they will be on equal footing with other federal workers in their area. It will also give the VA Secretary the discretion to increase pay, or delegate this authority to directors, if they have trouble recruiting or retaining quality nurses.

In the last few years some congressional attention has been focused on the VA nurse problem, and the VA has quietly ''encouraged'' directors to give raises. Still, VA nurses have fared far worse than other federal workers. Overall, the average annual increase for VA nurses was 50% lower than the standard GS increase in 1996; 60% lower in 1997; 25% lower in 1998; and about 17% lower in 1999.

Furthermore, abuse from the Nurse Pay Act is widespread and knows no geographic boundaries. From 1996–1999, nurses at 16 different VA medical centers had their pay rates reduced by as much as 8% while other federal workers received annual GS increases ranging from 2.4% to 3.6%. In addition, from 1996–1999, NO raises were given to Grade I, II or III nurses (statistically 98% of the VA nurse workforce) at about 80 VA medical centers around the country. Worse still, some nurses go several years without raises, such as in Long Beach, CA, where VA nurses received no raises in 1996, 1997, 1998 or 1999. At other centers, meanwhile, nurses have received embarrassingly low annual increases—often 1% or lower.

Mr. Speaker, the Nurse Pay Act deserves credit for ending a nursing shortage and making salaries competitive. For example, in its first year nurse pay increased by at least 20% at 82% of all VA medical centers. Unfortunately, the well-intentioned measure's locality-based pay system eventually ended up punishing many of the 39,000 VA nurses.

Our VA nurses deserve praise for standing by our nation's veterans. Many could have sought higher paying jobs in the private sector, jobs that offer annual increases and signing bonuses. Instead, most have chosen to stay with the VA because they care deeply for our ailing veterans and enjoy a sense of reward and patriotism from their specialized work. In fact, most VA nurses have devoted their entire careers to caring for our nation's veterans. The average VA nurse is a 47-year-old female with 11 years tenure.

As a Congress we strive to take care of our veterans. Therefore, we should feel embarrassed that we haven't taken better care of the dedicated nurses who care for our veterans. The Congress never meant to create a mechanism where a VA nurse could receive an annual raise worth 92 cents a week before taxes or go several years without a raise. It's no way to treat those who care for our nation's veterans, and we have an obligation to fix it.

Mr. Speaker, our VA nurses perform a vital service for our Nation's veterans with great care, professionalism, and compassion. We now have an opportunity to demonstrate to our nurses that they are truly appreciated by passing the VA Nurse Appreciation Act of 1999.

CONGRATULATIONS TO NATALIA TORO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Natalia Toro, who took top honors in the Intel Science Talent Search. Ms. Toro is a 14 year-old senior at Fairview High School in Boulder, Colorado.

In winning this prestigious award, Natalia bested 40 finalists, who were selected from a nationwide pool of 300 semi-finalists. In addition, she is the youngest winner ever of the Intel Science Talent Search.

Ms. Toro's entry was a physics project in which she studied oscillation of neutrinos, the most elusive of subatomic particles. She completed her research on this subject while participating in the Research Science Institute at the Massachusetts Institute of Technology last summer.

While I take pride in highlighting Ms. Toro's achievement in this competition, I am equally happy to salute her love of science and learning. I firmly believe that we can offer our children no greater gift than to instill in them a love of learning. The Toros are an example of how parental involvement can play a critical role in a child's intellectual development, as well as the child's overall success in life.

Mr. Speaker, it gives me great pride to share with my fellow members of the House of Representatives the outstanding achievement of Natalia Toro. I would like to acknowledge her parents, Beatriz and Gabriel Toro, for inspiring her thirst for knowledge. The Denver Post Recently highlighted Natalia's achievement. Mr. Speaker I submit a Denver Post article to be included in the CONGRESSIONAL RECORD.

[From the Denver Post, July 14, 1998]

THE SCIENCE OF NURTURING

Congratulations to Natalia Toro, who at age 14 already has become a role model, especially for other first-generation American youths.

Natalia's proficiency in mathematics and science propelled her into first place in the Intel Science Talent Search for her work in high-energy physics. She is the youngest winner ever in the 58-year-old contest formerly run by Westinghouse.

With her prize $50,000 scholarship, the Fairview High senior now plans to attend either Stanford University, the Massachusetts Institute of Technology or the California Institute of Technology.

How did this daughter of Colombian immigrants achieve academic excellence?

Her mother credits Natalia's natural curiosity.

''She's very curious. And she's a hard-working person, and I think she really has a passion for learning. I don't think we did anything special,'' says Beatriz Toro.

But while Natalia's parents won't take credit for her accomplishments, they surely fueled her love of learning.

Beatriz and Gabriel Toro came to America from Colombia in 1979. they chose to teach their only child English as her first language. She learned Spanish later ''with our help,'' her mother says, and is fluent in both.

Toro, a civil engineer, and his wife, who has degrees in psychology and nursing, sent Natalia to the small, private Bixby Elementary School in Boulder, then to the public Fairview. She also has attended classes at the University of Colorado.

''Those schools, they did their part with my daughter.'' Mrs. Toro says.

But the parents did their part, too. When Natalia asked questions, they tried to answer them. When they didn't know the answers, they headed to the library to find the answers.

''I think the most important thing is that your kids are happy,'' Mrs. Toro says. ''When you're telling the kid, 'You have to do this and you have to do that,' I don't think it works. I wouldn't push a child.''

''It sounds funny, but I didn't do anything special with my daughter,''

That depends on what constitutes ''special.''

Not all parents take a child's questions seriously enough to research until they find the answers. But doing so surely send the message that learning is fun.

Not all immigrants are able to make sure their children learn English before the parents' native language. But doing so surely eases a child's way through U.S. schools.

And not all families place a priority on happiness. But it seems only natural that a happy child would be a curious, alert and motivated child.

We salute Natalia for the path she has taken, and we commend her parents and her schools for helping her to find that path. This is a girl who does Colorado proud.

SERVICEMEMBERS EDUCATIONAL OPPORTUNITY ACT OF 1999

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. STUMP. Mr. Speaker, on March 18, 1999, I introduced H.R. 1182, the Servicemembers Educational Opportunity Act of 1999, along with Mr. SPENCE, Mr. SMITH of New Jersey, Mr. QUINN, Mr. EVERETT, Mr. HAYWORTH, Ms. CHENOWETH, Mr. LAHOOD, Mr. HANSEN, Mr. MCKEON, Mr. GIBBONS, Mr. TALENT, and Mr. BILIRAKIS. This measure would enhance benefits under the Montgomery GI Bill for persons who enlist in the armed services for 4 years of active duty service or reenlist for 4 years of such service effective October 1, 1999.

In exchange for a 4-year enlistment or reenlistment, individuals would receive an enhanced Montgomery GI Bill that would (a) pay 90 percent of the costs of tuition and fees, (b) pay a sum equal to the reasonable costs of books and supplies, (c) pay a monthly stipend of $600 per month for full-time enrollment (or

proportional amount for less than full-time enrollment), and (d) repeal the current $1,200 reduction-in-pay to be eligible for the benefit. Each individual would be eligible for 36 months (4 academic years) of benefits.

Our goal in introducing H.R. 1182 is twofold. First, when high school students consider their post-high school plans, we want them to consider military service as their first option, not their last. It is no wonder the Army, Navy, Air Force, and Coast Guard are experiencing major recruitment problems. Most college-bound youth and their parents see a tour of military service as a detour from their college plans, not as a way to achieve that goal. We want to reverse that way of thinking.

Second, we want to empower the youth of America—our future veterans—with a GI Bill that would be limited only by their aspirations, initiative, and abilities. We want a GI Bill that would allow a young person to be able to afford any educational institution in America to which that individual could competitively gain admittance.

Our legislation is inspired by, and is substantively very similar to, a recommendation made in the comprehensive January 14, 1999, report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, chaired by Anthony J. Principi.

As we look to the future, I believe it's instructive to glance at our past. As my colleagues are aware, 55 years ago the Congress sent to President Roosevelt's desk a piece of legislation that truly transformed our Nation—arguably the greatest domestic legislation since the Homestead Act. Legislation that is popularly known as the GI Bill of Rights. The World War II GI Bill was one of the boldest investments our Nation has ever made. It was certainly one of Congress' finest hours, because World War II veteran-students did not just pass through the American system of higher education, they transformed it. That legislation, and those veteran-students, created today's leaders and the modern middle class.

Mr. Speaker, I cannot recount how many times in my 22 years here that a Member of this body has said he probably would not be here today if it were not for the World War II GI Bill. Our proposal to return to a World War II-type GI Bill is not about a program of the past, it's about empowerment for the future. Has society, and our values, changed so dramatically that a revered education program that was so successful 55 years ago no longer applies to today's servicemembers?

For 223 years, military service has been our Nation's most fundamental form of National Service. When we talk about education policy in this country, I think our starting point is that we owe more to those who voluntarily have worn the uniform because they have earned more by virtue of their years of service. The fundamental difference between the GI Bill that we propose and other meritorious Federal student financial aid programs is that ours is truly earned.

About 60 percent of active duty servicemembers are married when they separate from the military, and many have children. They find out quickly that the gulf between the purchasing power under the Montgomery GI Bill and current education costs is indeed a large one. Today's Montgomery GI Bill, properly named for our distinguished former colleague who worked indefatigably on the legislation for almost 7 years prior to its enactment, unfortunately falls short by $6,007 annually in paying tuition, room and board, fees, books, and transportation at public institutions, and $15,251 at private institutions. Veterans deserve better. And I note the cost figures I cite are for 1996—the most recent data available.

Through fiscal year 1997, some 13 years after the enactment of the Montgomery GI Bill test program, only 48.7 percent of veterans have utilized it. Conversely, between 1966 and 1976, 63.6 percent of Vietnam-era veterans used their education benefits.

We need a GI Bill that harnesses the unique resource that veterans represent. We want to accelerate, not delay, their entry into the civilian work force. We need a GI Bill that rewards veterans for faithful service and that makes it more likely that they will serve among the ranks of the country's future leaders and opinion shapers.

What better investment can we make in the youth of this country? A GI Bill that would be limited only by the aspirations, initiative, and abilities of the young man or woman involved. A GI Bill that largely would allow a young person to afford any educational institution in America to which that individual could competitively gain admittance. What a powerful message to send across America. What an emphatic statement to send to working and middle class families who go into great debt to finance their children's higher education because they are told they make too much money to qualify for Federal or State grants.

In closing, I submit to my colleagues that why my cosponsors and I are proposing is not just about an education program that we believe would serve as our best military recruitment incentive ever for the All-Volunteer Force; or after their service provide unfettered access to higher education at the best schools; or provide unbounded opportunity for our youth that cuts across social, economic, ethnic, and racial lines. What we have proposed is what is best for America.

I believe the notion of service to our Nation, service in an All-Volunteer Force, and the corresponding opportunity for all of us to participate in our great economic system sustained by that service, is a core value we simply must pass on to the next generation. It is a core value we can neglect, but only at our own peril.

Mr. Speaker, I urge all Members of the House to join me in support of H.R. 1182.

THE VOLUNTEER FIREFIGHTER EQUIPMENT ENHANCEMENT ACT OF 1999

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise, along with Mr. ENGLISH from Pennsylvania, to introduce the Volunteer Firefighter Equipment Enhancement Act of 1999.

Communities in my district and around the nation rely on volunteer firefighters to protect lives and property day in and day out. My district includes 54 towns, and there are 91 volunteer fire departments. These brave men and women leave their jobs and get up in the middle of the night to battle fires, respond to auto accidents, and provide a wide range of other emergency services. These services would not be available without these volunteers. We must do as much as we can to help our firefighters as they put their lives at risk to help people in their communities.

Many of our nation's volunteer firefighters companies have taken on tasks far beyond firefighting. Years ago, volunteer companies could fulfill their mission with one pumper truck and a few ladders. Today, as we ask our volunteers to take on more and more tasks, they need much more equipment. However, our tax laws have not kept up with the changing demands.

Section 150 (e)(1) of the tax code states: ''A bond of a volunteer fire department shall be treated as a bond of a political subdivision of a state if * * * such bond is issued as part of an issue 95 percent or more of the net proceeds of which are to be used for the acquisition construction, reconstruction, or improvement of a firehouse * * * or firetruck used or to be used by such department.''

The law only allows volunteer fire departments to use the benefits of municipal bonding if the department is builing a fire station or buying a firetruck. They cannot issue bonds to buy ambulances, rescue trucks or other emergency response vehicles which are critical to to protecting citizens across our nation.

The legislation that Representative ENGLISH and I are introducing today would simply change this provision by striking the phrase ''or firetruck'' and inserting ''firetruck, ambulance or other emergency response vehicle.'' It is a simple change in law that will help volunteer fire companies acquire the tools they need to carry out their expanded mission. The bill would also extend the tax treatment that volunteer fire companies receive to volunteer ambulance companies.

I believe that if we are going to ask our volunteers to take on these additional burdens, we must help them obtain the equipment they need.

This is a small first step in the United States recognizing volunteer firefighters as the heroes that they are. Unpaid, but not underappreciated, we have much more to do to help firefighters, but this will be a good first step.

COLUMNIST DENNIS ROGERS ON THE PLIGHT OF TOBACCO FARMERS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. ETHERIDGE. Mr. Speaker, I grew up on a tobacco farm, and I continue to grow tobacco today. Higher federal taxes and litigation by the states have severely altered the market for tobacco and have led to income losses of thirty five percent for tobacco farmers in the past two years alone. The actions that have led to this point have been taken in retaliation against the industry and its practices, but the harm has been felt on the farm. Tobacco farmers need help.

Since coming to the House two years ago, I have tried to articulate to Congress the plight tobacco farmers are in as a result the ongoing tobacco wars. Earlier this month, Dennis Rogers, a columnist with The News and Observer

daily newspaper in Raleigh, North Carolina, wrote an excellent essay on the position tobacco farmers find themselves in 1999. Mr. Speaker, I request that Mr. Rogers' article be placed at this point in the RECORD, and I hope it will provide guidance to us all as we debate issues related to tobacco in the future. Congress can benefit greatly from the clear-eyed perspective of this insightful North Carolinian whose feet are planted firmly on the ground.

[From the News & Observer, Mar. 3, 1999]

IT'S NOT GREED, BUT DESPERATION

(By Dennis Rogers)

The numbers are so obscenely large as to be meaningless: There is $4.6 billion to be paid by the tobacco industry to the state of North Carolina over 25 years. There is $1.97 billion for a trust fund to be spread among the state's tobacco farmers over the next 12 years.

But regardless of how much money tobacco farmers eventually get, if any, what are they supposed to do then?

Unless you're a farmer, you probably don't care. You've made it clear in your e-mails and phone calls that many of you think tobacco farmers are whiners trying to hang on to a dying business. Nobody guarantees me a living, you've cynically said, so why should we do it for them?

But unlike you, I've heard from the farmers, too, strong men and women who are scared about their futures. It is enough to break your heart.

What they talk about most is not the money, but losing their souls, their culture, their foundation and their heritage. They talk about the land their ancestors entrusted to their care and the shame they would feel in losing it.

They talk about wanting to give their children the chance they had, to stand under a hot Carolina sun and feel your own land beneath your feet, the same land that once nurtured the old folks buried in the church cemetery just down the road.

''What am I going to do if I stop farming?'' asked Johnston County's John Talbot as we rode in Monday's protest through the streets of Raleigh. ''I'm 45 years old. Who is going to hire me?''

Who, indeed? If the tobacco farmers of Eastern North Carolina stop farming, what will become of them? A rootless corporate culture is all a lot of city folks around here know. They do not understand or feel sympathy for the middle-aged farmer who senses that the very ground beneath his feet is moving away.

A country family's desperate need for independence may not mean much to those of us who have never had it. There are a lot of us who have never known anything but the slavery of working for a paycheck. We might even resent a farmer's plea that he should be helped to maintain a way of life that seems so alien to us.

But what option do they have? There are few good jobs in the tobacco country where they live? We've kept most of the good jobs for ourselves and left country folks who live a long way from town with precious little to turn to now that their lives and times have gotten tough.

But before you turn your back on them, ask yourself whether they helped make your good job possible. Farmers have long seen their tax dollars pay corporations to bring jobs to the state that they, because of where they live and the skills they don't have, can never hope to get.

Now, they say, that same government is reluctant to given them what they see as their fair share of the money from tobacco companies they have depended on for their livelihood.

There was a sign on a tractor driven by a woman in Monday's protest that read, ''We are not greedy. We are desperate.''

We may yet succeed in forcing our farmers from their fields, and contrary to their hollow threats, no, we will not go hungry.

But they will. Their souls will wither just as surely as a spring daffodil fades away when it is picked and brought indoors.

IN RECOGNITION OF NATIONAL EMPLOY THE OLDER WORKER WEEK AND GREEN THUMB OF NEW ENGLAND

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. MCGOVERN. Mr. Speaker, I rise today in recognition of National Employ the Older Worker Week and Green Thumb, Inc. of New England. National Employ the Older Worker Week (March 14–20) recognizes the contribution that older workers make in America and encourages participation in the Green Thumb program. It celebrates the unique skills, and talents that are gained through years of experience and hard work. It also brings attention to one of the greatest resources in America: the older worker.

Green Thumb is a non-profit organization that aims to strengthen our families and communities, as well as our nation, by equipping older and disadvantaged individuals with opportunities to learn, work, and serve the community. Founded in 1965, Green Thumb has helped over 500,000 seniors. The services are provided to numerous older citizens. Some are retirees who have not yet begun collecting Social Security and require additional income from full or part-time employment. Other recipients take part in the program in order to develop new skills, pursue individual interests, or utilize their time in a productive manner. It benefits the older worker's well-being and enhances the community. Green Thumb will recognize America's Oldest Worker as well as 52 Outstanding Older Workers from each state following National Employ the Older Worker Week.

Mr. Speaker, I encourage my colleagues to join me in recognition of National Employ the Older Worker Week. I also applaud Green Thumb of New England and wish them continued success in improving the lives of our senior citizens.

HONORING PETER R. VILLEGAS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate Peter R. Villegas, president of the Hispanic Chamber of Commerce of Orange County for 1998.

During his presidency, the Hispanic Chamber of Commerce accomplished many goals. The Chamber increased its membership and corporate sponsors, produced many successful events such as the ''Estrella Awards and Installation Dinner,'' Job and Career Fair, Business Finance Forum, Business Without Borders International Conference, and the Business Development Conference.

Mr. Villegas has also represented the chamber in many official capacities. He has met with Vice President AL GORE, officials of the Department of State, Members of Congress, State, county, and local officials, as well as leaders of enterprise and industry.

Mr. Villegas has provided leadership locally and nationally, by serving on the Congressional Hispanic Caucus Institute based in Washington, DC, as a board member of the University of Southern California—M.A.A.A., the corporate advisory board of the Latin Business Association, and as a board member for the Puente Learning Center. Other memberships include the Challengers Boys and Girls Club, board member of the Chicano Federation of San Diego, and committee member of the Martin Luther King Legacy Association. He is the recipient of the 1997 Minorities in Business Magazines Latin American Corporate Prism Award, and the City of Santa Ana Exceptional Volunteer Award.

Mr. Villegas manages regional relationships with key community coalitions, including the WaMu Community Council and regional WaMu Diversity Advisory Group. He is responsible for managing the Corporate Giving Program with a focus on the Community Reinvestment Act qualified grants. He also serves as the regional contact for governmental officials, provides corporate representation in the regional market, and provides leadership in the ethnic market. In addition, Mr. Villegas is the regional manager of Washington Mutuals $120 billion commitment to the community.

Colleagues, please join with me today in saluting Peter R. Villegas, an individual who has dedicated his knowledge and expertise to the betterment of the Hispanic community and business relations on every level.

CONDEMNING THE MURDER OF ROSEMARY NELSON AND URGING PROTECTION OF DEFENSE ATTORNEYS IN NORTHERN IRELAND

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise to introduce a bipartisan resolution which condemns the brutal murder of Northern Ireland defense attorney Rosemary Nelson and calls on the British Government to launch an independent inquiry into Rosemary's killing.

The resolution also calls for an independent judicial inquiry into the possibility of official collusion in the 1989 murder of defense attorney Patrick Finucane and an independent investigation into the general allegations of harassment of defense attorneys by Northern Ireland's police force, the Royal Ulster Constabulary (RUC). I am pleased that Mr. GILMAN, Mr. KING, Mr. CROWLEY, Mr. PAYNE, and Mr. MENENDEZ are original sponsors of this resolution.

Mr. Speaker, Rosemary Nelson was a champion of due process rights and a conscientious and courageous attorney in Northern Ireland. She was the wife of Paul Nelson and the mother of three young children: Christopher (13), Gavin (11), and Sarah (8). Her murder was a cowardly act by those who are

the enemies of peace and justice in Northern Ireland. Her death is a loss felt not just by her family and friends, but by all of us who advocate fundamental human rights.

I first met Rosemary Nelson in August, 1997, when she shared with me her genuine concern for the administration of justice in Northern Ireland. She explained how, as an attorney, she has been physically and verbally assaulted by RUC members and how the RUC sent messages of intimidation to her through her clients. Many of her clients were harassed as well.

Notwithstanding these threats, Rosemary Nelson still carried an exhaustive docket which included several high profile political cases. She became an international advocate for the rule of law and the right of the accused to a comprehensive defense and an impartial hearing. She also worked hard to obtain an independent inquiry into the 1989 murder of defense attorney of Patrick Finucane.

For this, Rosemary Nelson was often the subject of harassment and intimidation. For her service to the clients, on March 15, 1999, Rosemary Nelson paid the ultimate price with her life—the victim of a car bomb.

Last September, 1988, Rosemary testified before the subcommittee I chair, International Operations and Human Rights. She told us she feared the RUC. She reported that she had been ''physically assaulted by a number of RUC officers'' and that the RUC harassment included, ''at the most serious, making threats against my personal safety including death threats.'' She said she had no confidence in receiving help from her government because, she said, in the end her complaints about the RUC were investigated by the RUC. She also told us that no lawyer in Northern Ireland can forget what happened to Pat Finucane, nor can they dismiss it from their minds. She said one way to advance the protection of defense attorneys would be the establishment of an independent investigation into the allegations of collusion in his murder.

Despite her testimony and her fears, the British government now wants to entrust the investigation of Rosemary Nelson's murder to the very agency she feared and mistrusted most, the RUC. Instead, I believe that in order for this investigation to be beyond reproach, and to have the confidence and cooperation of the Catholic community that Rosemary Nelson adeptly represented, it must be organized, managed, directed and run by someone other than the RUC. It just begs the question as to whether or not we can expect a fair and impartial investigation when the murder victim herself had publicly expressed deep concern about the impartiality of RUC personnel.

Mr. Speaker, the major international human rights groups, including Amnesty International, Laywers Committee for Human Rights, British/Irish Human Rights Watch Committee for the Administration of Justice, and Human Rights Watch have all called for an independent inquiry. Param Cumaraswamy, U.N. Special Rapporteur on the independence of judges and lawyers, who completed an extensive human rights investigative mission to the United Kingdom last year, has also called for an independent inquiry of Rosemary Nelson's murder.

At our September 29, 1998 hearing, Mr. Cumaraswamy stated that he found harassment and intimidation of defense lawyers in Northern Ireland to be consistent and systematic. He recommended a judicial inquiry into the threats and intimidation Rosemary Nelson and other defense attorneys had received. It's hard not to wonder if the British government had taken the Special Rapporteur's recommendations more seriously, Rosemary Nelson might have been better protected and still with us today.

I express my hearfelt condolences to the Nelson family and I urge my colleagues to support the following resolution.

THE ENDANGERED SPECIES ACT MUST BE REFORMED

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. CALVERT. Mr. Speaker, the Endangered Species Act was originally enacted in 1973 with overwhelming support in the House by a vote of 355 to 4 and in the Senate 92 to 0. The original intent: to conserve and protect American species of plant and wildlife that are threatened with extinction, with species taken off the list when their numbers have recovered. However, during ESA's 25 years, over 1,154 animals and plants have been listed as endangered or threatened yet only 27 species have been removed from the list. ESA has protected important species, including our Nation's most prized symbol—the bald eagle which is one of the few actually removed from the list. Today, it appears as though the Fish and Wildlife Service, especially within California, is working outside of the ESA and essentially undermining its original intent. Fish and Wildlife in California has overstepped their bounds.

As the Congressman for western Riverside County in southern California, ESA enforcement is an important issue for me and my constituents because southern California is home to one-third of all listed endangered species. I have received a large number of complaints about the overzealous enforcement of ESA from landowners, farmers, former Fish and Wildlife employees, and community leaders. Complaints have increased dramatically in the last year compared to what I was hearing when I was first elected 6 years ago. A lot of my colleagues have been asking me about Fish and Wildlife's questionable enforcement of the ESA in southern California and in my district. I am here to share some clear examples of Fish and Wildlife's outrageous conduct in their enforcement of the ESA. Riverside County led the charge in working with the Federal Government to comply with the ESA, and had the original Stephen's kangaroo rat plan which ultimately took 8 years to get approval and cost over $42 million. Later on, Riverside County formed the Western Riverside County Multiple Species Habitat Conservation Plan Advisory Committee in order to ensure a strong working relationship with conservation agencies and Fish and Wildlife.

Yet, it seems to be a cardinal rule in dealing with the Fish and Wildlife Service that ''No Good Deed Goes Unpunished.'' Riverside County, the Riverside County Habitat Conservation Agency, several cities, and Fish and Wildlife all signed a planning agreement which laid out a conservation plan for the entire western half of Riverside County. Under that agreement, Fish and Wildlife would be required to provide the benefits and the ultimate cost of the plan within 6 months of signing the agreement. Now, 2 years later, Fish and Wildlife is refusing to provide this information to the planning agency which they had contractually agreed to do. This was a bad faith effort on the part of Fish and Wildlife.

Specifically, there are two recent cases where Fish and Wildlife has shown how destructive they can be in southern California. The first case is the Delhi-sands flower-loving fly. A handful of flies were discovered at the proposed site for the San Bernardino County hospital. Fish and Wildlife ordered the county to move the building 300 feet, at a cost of $3.5 million. That's about $10,000 a foot. The Galena Interchange, a freeway construction project in my district is being held hostage by this fly. The Galena Interchange is not an expansive new highway program—we are not talking about building the Golden Gate Bridge. It's a simple project connecting Interstate 15 to Galena Street and it received $20 million in Federal, State, and local funds last year for a desperately needed project. After the plans were designed and the funds allocated, Fish and Wildlife now claims the county needs to establish a preserve for the Delhi-sands flower-loving fly. Fish and Wildlife wants as many as 200 acres of the Inland Empire's priciest industrial land for habitat mitigation. Two hundred acres could cost as much as $32 million; $32 million for a $20 million project. On top of all of this, not one fly has been found in this area. Apparently, the Branch Chief of the Carlsbad Fish and Wildlife Office heard the buzz of the fly, but did not see it, and now wants $32 million. In testimony before the Riverside County Board of Supervisors, this person said—and I quote—''. . . if you hear a car down the street that's your favorite model, you kind know the engine sound and you know that it's the car that you like—so you know for someone that studies this sort of species you get a feel for the noise.'' This is ludicrous. Fish and Wildlife is using Dr. Seuss methods from ''Horton Hears a Who'' to make policy for millions of citizens. At the very least, we should amend the ESA to require than an endangered species must actually be seen, not just heard.

The other case involves the Quino checkerspot butterfly. Once again, after poorly handling several listings, Fish and Wildlife has precipitated another crisis in southern California. Recently the Service published a ''survey protoco'' for the Quino checkerspot butterfly, which requires landowners to survey their property for the Quino before beginning any development. They did so less than a month before the beginning of the butterfly's very short flying season. However, Fish and Wildlife went a step further and issued a survey protocol that prohibited development of all land until at least early June 2000. The other day, in a seeming reversal of this earlier position, Fish and Wildlife is allowing surveys to be done this year. But, the Service still reserved the right to invalidate any survey due to the shortened flying season. This is like the IRS giving you your tax bill and noting that they have the right to charge you more later—which is something they have actually done and why Congress passed IRS reform legislation. Fish and Wildlife should take notice. So, the Service is allowing landowners to spend thousands of dollars to conduct a survey that they may or may not consider valid next year.

The current Fish and Wildlife problem has become so large, expensive, and harmful to our community that it cannot be overlooked any longer. In 1995, ESA costs exceeded $325 million of Federal money. However, the cost to local and State governments was billions and billions of dollars. Taxpayer funding has increased 800 percent since 1989. This is a call to common sense. Fish and Wildlife's district offices at the very least have the responsibility to balance the rights of species with the rights of landowners and taxpaying citizens of the United States. Local bureaucrats are undermining of Americans' desire to save truly endangered species by engaging in arbitrary and unreliable rulemaking. Our citizens and our endangered species deserve better. While we build a consensus in the Congress on how to update the Endangered Species Act, we should, at the very least, expect two things: (1) Fish and Wildlife must keep its commitments; and, (2) Fish and Wildlife should use its discretion, under the law, not as a weapon against landowners, but as a tool to help communities comply with the law.

COMMENDATION OF MARGARET GONTZ

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GEKAS. Mr. Speaker, I would like to commend Ms. Margaret Gontz, who at the age of 72, gave up something that most people look forward to: her retirement. That was 10 years ago. Today, at 81, Ms. Gontz is one of the top employees in the Pennsylvania Higher Education Assistance Agency in Harrisburg. She came back for family: to help her grandson pay for college. And she came back for herself: she just wanted to be on the job. Ms. Gontz has been cited as an exemplary employee at PHEAA—where most of her coworkers are in their 20s and 30s. Now she is being honored as ''Pennsylvania's Outstanding Older Worker,'' and is being recognized as part of Prime Time Awards, a national celebration of the contributions of older workers taking place this week in Washington. Ms. Gontz cites accuracy, timeliness and productivity as contributing to her success. ''I rate myself as a normal person doing my job like I should do,'' she says. Ms. Gontz, you are not a ''normal'' person. You are very rare indeed.

THE URGENT NEED FOR A NATIONAL DRUG EXPERT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BARTON of Texas. Mr. Speaker, I submit the following paper as a request for a constituent of mine from Burleson, Texas. His name is Kenneth Hunter and he collaborated with Prof. Rinaldo DeNuzzo on the following article which cites a need for a federal office with a national drug expert. This is not an endorsement either for or against their effort, but a submission of their idea.

THE URGENT NEED FOR A DRUG EXPERT

In recognition of the dynamic changes which continue to occur in the delivery of health care services in the United States and globally, it is suggested that the President and/or Congress re-establish the office of Apothecary-General which disappeared from the United States Army in the first quarter of the nineteenth century. This skilled health care professional of equal status, while working in tandem with the Surgeon-General, would provide advice and counsel to the office of the President, the Congress and others. This professional with offices in Washington, DC, will serve to coordinate and oversee all aspects of mandated and other programs involving drug use or abuse by the general public, military, veterans, and others.

Originally, the Office of Apothecary was created by action of the American Congress in 1775. The need for such an official became evident to Dr. John Morgan, the second of four Medical Directors of the American Revolutionary Army. Morgan recognized the need for coordination of the valuable skills provided by the apothecaries as well as those by the surgeons. The Congress also established a military hospital to care for the 20,000-man militia involved in the Revolutionary War. As with other medical care personnel, the apothecaries were directed to visit and tend to the needs of those who were sick or wounded.

Dr. Morgan, physician-apothecary, as director of the Department of Hospitals wrote to Dr. Jonathan Potts, deputy director, informing him that ''a warrant to Mr. Andrew Craigie to act as an apothecary'' had been issued. Potts was advised that the appointment of Craigie will be particularly useful due to his experience. ''Without such a one, I know not how you could either procure sufficient medicines for your department or dispense them when got.'' Dr. Morgan was an influential advocate for the separation of medicine and pharmacy in America. He taught pharmacy and is credited with the introduction of prescription writing in America.

Morgan, additionally admonished Dr. Potts ''to make it a part of the duty of mates to assist the apothecary in making up and dispensing medicine.'' He states, ''The Apothecary to all intent is to be looked on in rank as well as pay in the light of the surgeon and respected accordingly and if he is capable, he should in return, do part of the surgeon's duty.'' During the period of 1775–1780, there were several Apothecary-Generals serving in three of the four Revolutionary War Districts. In 1780, a reorganization of the military medical department concentrated all authority in one medical staff, and Andrew Craigie became sole Apothecary-General. He served as such until the end of the War when a treaty with Britain was signed in 1783.

Many apothecaries played vital roles in the American Colonies' struggle for independence. Among them was American military hero Dr. Hugh Mercer, physician-apothecary, who operated a pharmacy in Fredericksburg from 1771 until the beginning of the Revolution. General Mercer suffered wounds and died on the battlefield in 1777. Following his death, the Congress approved a monument to be erected in Fredericksburg with the following inscription:

''Sacred to the memory of Hugh Mercer, Brigadier-General in the Army of the United States. He died on the 12th of January, 1777, of the wounds he received on the 3rd of the same month, near Princeton, NJ, bravely defending the liberties of America. The Congress of the United States, in testimony of his virtues and their gratitude, has caused this monument to be erected.''

Dr. Mercer's historic apothecary shop is currently maintained by the Association for the Preservation of Virginian Antiquities in Fredericksburg, VA. It is open to the public.

Apothecary Christopher Marshall was commissioned by the Continental Congress in 1776, the year the Declaration of Independence was signed, to oversee service given to the needs of soldiers in Philadelphia hospitals. Two years later, the first Military Pharmacopea was issued in Philadelphia.

It is noted that the American Revolutionary War served to provide us with independence and a foundation upon which the practice of pharmacy in America is based. For example, we had shops where medicines for consumer use were used to provide necessary supplies for militia. The role of apothecary was defined by Dr. Morgan as ''Making and dispensing medication.'' Dr. Craigie facilitated the establishment of laboratories and storehouses where medicines were prepared and implemented, and the army apothecary visited (counseled) the sick. From those humble beginnings, we have a pharmaceutical industry which is second to none in the world.

The last Apothecary-General, Colonel James Cutbush was also an author and a teacher. He was appointed in 1814 as assistant Apothecary-General of the United States Army and served admirably during the War of 1812. By an act of Congress in 1815, the Army was reduced to a minimum and many officers were retired. President Madison, the same year, directed that the Apothecary-General and two assistants be retained in the ''Military Peace Establishment of the United States.'' The office of Physician and Surgeon General was abolished and the Apothecary-General became the ranking officer in the Medical Department until 1818, when the first Surgeon General was appointed. As a professor at West Point Military Academy, James Cutbush became a pioneer in the chemistry of explosives.

In support of the proposal to re-establish the office of Apothecary-General nationally, pharmacy practitioners with expertise in drug use and misuse (abuse) make daily contributions to the delivery of medical care. Pharmacists are the most readily available and approachable professionals, often working seven days a week and sometimes 24 hours a day. Frequently, they are the initial portal of entry into medical care by advising the appropriate non-prescription drug for non-serious ailments, championing healthy life styles, and making referrals to other or professionals for needed care when appropriate.

Pharmacists provide the greatest number of professional daily exposures to the population as more than two billion prescriptions are dispensed annually. They also provide a high level of pharmaceutical care by monitoring prescription and non-prescription drug use to insure that therapeutic objectives are achieved. Additionally, for the tenth successive year, the Gallop Poll found that the American consumer ranks the pharmacy practitioner as the most trusted professional in the land.

During the 1986–96 decade, alcoholism and drug addiction were key elements in the explosion in our national prison population. In a recent Columbia University study, the number of inmates in federal, local, and state prisons tripled from 500,000 to 1,700,000. Drugs and alcohol were involved in 80% of the incarcerations. The President's appointments of the last two drug Czars consisted of an educator and a military officer which led to a spirited attempt to solve our war on drugs with *limited positive results*. It is time to appoint a drug expert to solve the problems. Pharmacists' specialty lies in the

knowledge of drugs. They relate well to people in a positive fashion, and have been found to be outstanding administrators.

The authors of this paper hope that their actions will start a ground swell movement to give new recognition to the practice of pharmacy and its practitioners in a rational and accountable way. If action is taken, the use of an Apothecary-General may lead to an increase in efficiency in the Federal bureaucracy, a significant decrease in the number of citizens incarcerated, and reduce Federal and State spending. We have the talent and leadership ability; so let's save the taxes. This is now the time to re-establish the office of Apothecary-General.

GREEK INDEPENDENCE DAY—178 YEARS OF GREEK INDEPENDENCE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to join with my colleagues and the people of Illinois' 9th Congressional District to celebrate the 178th year of Greek independence.

Much like the United States, Greece's independence did not come easily. Greece had to struggle for several years in its battle for independence from the Ottoman Empire. The perseverance that ultimately led to freedom for Greece is a symbol of the solid character of her people.

I am happy to commemorate the independence of a nation that has contributed so much to the inception and development of the United States.

Our Founding Fathers drew significantly on the democratic principles of the ancient Greeks, and our representative government is an extension of their philosophy, values, and wisdom. Their contributions have translated into an invaluable gift to the United States and other nations around the world, which enjoy the benefits of a democratic society.

Today we celebrate Greek independence and those of Greek heritage who are living in the United States. They have brought so much flavor and beauty to our country.

In my district, the beauty of Greek culture is not hard to find. It can be seen in the work of artists, felt in the drama of the theater, and tasted in the many Greek delicacies that Americans have grown so fond of.

Greece has been a steadfast ally to the United States since the last century. As we approach the 21st century, I look forward to our nations' continuing cooperation and our peoples' lasting friendship. Once again, I wish to congratulate the people of Greece and all Greek-Americans on this special day.

TRIBUTE TO LAGUNA WOODS, CALIFORNIA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. COX. Mr. Speaker, I rise today to honor the achievements of the retired citizens of the newly founded city of Laguna Woods, formerly known as Leisure World of Laguna Hills, CA.

As California's 472nd city, Laguna Woods represents the Nation's first city designed exclusively for retired homeowners.

Laguna Woods is a 3.2-square-mile senior community that lies adjacent to Laguna HIlls in what are now the last remaining natural coastal canyons open to the public from Los Angeles to San Diego. With nearly 35,000 trees growing within the city, it is appropriate that Laguna Woods has already been titled ''one of the jewels of Orange County.''

The tireless efforts made by the citizens and homeowners' association of Laguna Woods are to be commended. March 24, 1999 will serve to remind us of the beginning of a community that will benefit retired homeowners and communities throughout our nation. It is my distinct honor to congratulate the citizens of Laguna Woods and to welcome them as California's next great city.

FORTY-THIRD ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GILMAN. Mr. Speaker, Saturday, March 20, 1999, was the forty-third anniversary of independence of the Republic of Tunisia. With increasingly strong ties between our two governments, the American people congratulate the people of Tunisia on this historic anniversary. For the last forty-three years, Tunisia has been a model of economic growth and the advancement of women in society.

It may be difficult for many Americans to appreciate Tunisia's situation. Its only two neighbors are Algeria, which has been racked by civil war for several years, and Libya, whose dictator has supported the most nefarious and subversive kinds of terrorism. Mr. Speaker, this is not a good neighborhood.

Nevertheless, Tunisia has maintained internal stability—not without its own controversies—in the face of external chaos. At the same time, years of hard work have produced one of the highest standards of living in the region. Tunisia is one of the few countries to graduate successfully from development assistance and join the developed world. For these accomplishments, Tunisia should be applauded and supported.

In 1956, the United States was the first great power to recognize the independence of Tunisia. Upon receiving Ambassador Mongi Slim, President Dwight D. Eisenhower said, ''At the dawn of a new era in the history of Tunisia, we ask you to consider us as friends and partners.''

Mr. Speaker, in commemoration of 43 years of independence for Tunisia, I urge my colleagues reflect on our strong commitment to Tunisian people, who are still our friends and partners in North Africa.

THE MORRIS K. UDALL WILDERNESS ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. VENTO. Mr. Speaker, I once again stand before Congress to introduce the ''Morris K. Udall Wilderness Act.'' This bipartisan legislation truly shows that both Democrats and Republicans alike can come together and work on the important conservation issues facing Congress today and strive to preserve America's last great frontier, the 1.5 million acre coastal plain of the Arctic National Wildlife Refuge.

Although the introduction of the Morris K. Udall Wilderness Act brings anticipation for the year to come, it is not a cause to celebrate for tomorrow marks the ten year anniversary of the Exxon Valdez oil spill. Ten years did not heal the wounds inflicted on Prince William Sound, and neither did it lessen our memory of this terrible event. Yet a decade later, despite the lessons that should have been learned, powerful, special interests seek to plunder this wilderness, and threaten the existence of an entire ecosystem for oil that will yield no return at today's oil prices.

Thanks to the late Chairman Mo Udall's perseverance and dedication to the environment, the Arctic Refuge has been spared from the oil companies and the scarring effects of oil and gas exploration. We must remain united and continue his legacy to fight for the permanent preservation of the Arctic Refuge's coastal plain. Preventing the exploitation of the coastal plain is one of many solutions that can be employed today to protect Alaska's natural beauty and to prevent another tragedy similar to the one that occurred in Prince William Sound ten years ago. The exploitation of the coastal plain's virgin land threatens the existence of a 1,000 generation old culture, the Gwich'in of Northeast Alaska who rely on the 150,000 strong Porcupine Caribou herd—one of the world's largest and North America's last free roaming herd. The displacement of this herd as result of oil exploration and development could throw nature's delicate balance into a tailspin. Bringing this balance to equilibrium is further complicated because of the extremely long recovery period of the Arctic. In addition to the Porcupine Caribou, the Arctic Refuge is home to more than 200 species of wildlife ranging from muskoxen to polar bears. If we destroy a species, it could send a shockwave through the entire ecosystem and impact every species in its footprint—a devastating biological echo.

The United States, as a world leader in preserving lands of significant and symbolic value, cannot let this sort of degradation occur to its land or wildlife. We have only one chance to save the beauty of this natural landscape, the crown jewel of America's wilderness system, for generations of younger Americans. Once it is gone, it is gone forever—nature can never truly recover from such adverse actions visited upon its fabric, an attack upon the scope and breadth of life that, for now, call this place home.

THE POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT OF 1999

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. UPTON. Mr. Speaker, I rise today to join my colleague Rep. ED TOWNS in introducing the ''Poison Control Center Enhancement and Awareness Act.'' I am also pleased

to note that Rep. BILIRAKIS, the chairman of the Subcommittee on Health and the Environment, which has jurisdiction, is an original cosponsor of this bipartisan bill.

Poison control centers provide vital, very cost-effective services to the American public. Each year, more than 2 million poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings occur in the home, and over 50 percent of poisoning victims are children under the age of 6. For every dollar spent on poison control center services, seven dollars in medical costs are saved.

In spite of their obvious value, poison control centers are in jeopardy. Historically, these centers were typically funded by the private and public sector hospitals where they were located. The transition to managed care, however, has resulted in a gradual erosion of this funding. As this funding source has been drying up, poison control centers have only partially been able to replace this support by cobbling together state, local, and private funding sources. The financial squeeze has forced many centers to curtail their poison prevention advisory services and their information and emergency activities, and to reduce the number of nurses, pharmacists, and physicians answering the emergency telephones. Currently, there are 73 centers. In 1978, there were 661.

The ''Poison Control Center Enhancement and Awareness Act'' will provide up to $28 million per year over the next five years to provide a stable source of funding for these centers, establish a national toll-free poison control hotline, and improve public education on poisoning prevention and poison center services. The legislation is designed to ensure that these funds supplement—not supplant—other funding that the centers may be receiving and provides the Secretary of Health and Human Services with the authority to impose a matching requirement. Further, to receive federal funding, a center will have to be certified by the Secretary of Health and Human Services or an organization expert in the field of poison control designated by the Secretary.

I encourage my colleagues to support this very cost-effective investment in the safety and health of the American public, especially our children. If you would like further information or would like to cosponsor this legislation, please let me know or call Jane Williams of my staff at 5–3761.

HONORING ST. JOSEPH'S CATHOLIC ORPHAN SOCIETY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. NORTHUP. Mr. Speaker, I rise today to pay tribute to one of Louisville, Kentucky's most valuable institutions. For 150 years, the St. Joseph's Catholic Orphan Society has reached out to our most vulnerable children and provided them with food, shelter, education, and most of all love. The problem of neglected children in our society is not new. In the 1840's a plague of cholera and malaria struck Louisville, ending the lives of hundreds of people leaving many children without parents. This epidemic led to the founding of St. Joseph's Catholic Orphan Society as a home and refuge to these children.

Throughout the past 150 years, St. Joe's has provided a variety of services to boys and girls of all faiths and races. Today, St. Joe's continues to understand the unique needs of today's children. The organization works hard to keep groups of siblings together as the search for a new and loving family moves forward. St. Joe's also provides 40 beds for children who are abused or neglected and recently started the Home Base program to provide care to help stop child abuse and neglect. A child development center which provides weekday care for 150 children, 20 percent of whom have disabilities such as autism or Down's Syndrome, was founded in 1982.

Since 1849, St. Joseph's has been a Louisville institution performing a job that is desperately needed by our society. Love and caring are critical to any child's well being and St. Joe's dedicated volunteers and caregivers not only provide for the physical needs of children, but they share their love and dedication. I am proud to honor St. Joseph's Catholic Orphan Society on its 150th anniversary.

DECLARATION OF POLICY OF THE UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.R. 4. This legislation would state unequivocally our position as a nation is to develop and deploy a missile defense system. In fact, the Pentagon has for years already been working on such a defense barrier. I oppose this legislation precisely because its passage will impede progress on proliferation and nuclear arms control, all for the sake of a feel-good but impractical change in our national defense policy.

In January, the Clinton administration announced it would increase to $10 billion the funds necessary to develop a national missile defense, through the budget year 2005. I share the concern of administration officials who report that ''rogue nations'' like Iraq, North Korea or Libya may have technology which would allow them to deliver fatal warheads atop long-range missiles. However, that is exactly what the Pentagon's increase would address—how to prevent these missiles from landing on American soil. Their research program, similar in philosophy to the Patriot Missile we saw used during the Gulf War, is one I support.

However, if the Congress passes this legislation, its policy effects will be far-reaching. Progress in nuclear non-proliferation and arms reduction with Russia will be jeopardized, as their leaders have stated this policy change will abrogate the 1972 Anti-Ballistic Missile Treaty. It makes no sense to me to send a dangerous signal to both our allies and treaty partners when in fact we are already underway in exploring the feasibility of a national missile defense system. The administration next spring will rule on whether the deployment of such a system is in our national interest, and therefore this legislation is premature in that regard as well. I intend to vote ''no'' on H.R. 4.

TRIBUTE TO MADONNA HIGH SCHOOL

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to pay tribute to the achievements of a very special school located on the Northwest Side of Chicago: Madonna High School. I ask all of my colleagues to join me in congratulating Madonna High School as it celebrates on March 25 fifty outstanding years in the education of young women.

Since 1949, Madonna High School has been working diligently to shape the minds of young women and create the leaders of tomorrow. Founded by the Franciscan Sisters at the St. Vincent Orphanage of Chicago, the school began with just three students and consisted of only four rooms. Today, after five decades of outstanding dedication and service to the communities of the City's Northwest Side, Madonna High School has become a nationally recognized institution with an enrollment over 300 students.

In fact, Madonna High School's commitment to excellence in education has won the recognition of numerous institutions. In 1987, they received a ''For Character Award'' from the University of Illinois-Chicago for building and reinforcing self-esteem in young women. In 1991, the school was honored by the U.S. Department of Education as ''Recognized School Of Excellence.'' Three years later, the Horatio Alger Association for Distinguished Americans recognized Madonna High School by awarding a scholarship to one of its outstanding students.

Mr. Speaker, Madonna High School has enriched the minds of its students, challenged their imaginations, and given generations of young women the skills and confidence they need to succeed. Theirs is a record of which we all can be proud. I ask my colleagues to join me today in wishing Madonna High School a wonderful 50th Anniversary and in extending our best wishes as it begins a new era of excellence in education for the young women of Chicago

Daily Digest

HIGHLIGHTS

Senate passed Emergency Supplemental Appropriations Bill, and agreed to Military Air Operations Authorization Resolution.

Senate

Chamber Action

Routine Proceedings, pages S3065–S3157

Measures Introduced: Fifteen bills and four resolutions were introduced, as follows: S. 678–692, S. Res. 72–73, and S. Con. Res. 21–22. **Pages S3122–23**

Measures Reported: Reports were made as follows:

S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 106–34)

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations". (S. Rept. No. 106–35)

H.R. 432, to designate the North/South Center as the Dante B. Fascell North-South Center.

S. Res. 54, condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

S. Res. 68, expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

S. Res. 73, congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

S. 688, to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation. **Pages S3121–22**

Measures Passed:

Emergency Supplemental Appropriations: Senate passed S. 544, making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, after taking action on the following amendments: **Pages S3065–94, S3103–09**

Adopted:

Stevens (for Bingaman/Bond) Amendment No. 125, to express the sense of the Senate regarding the use of the sequential billing policy in making payments to home health agencies under the medicare program. **Pages S2077–78**

Stevens (for Leahy/Jeffords/Collins) Amendment No. 126, to appropriate an additional amount to promote the recovery of the apple industry in New England, with an offset. **Pages S3077–78**

Stevens (for Lincoln) Amendment No. 127, to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year. **Pages S3077–78**

Gramm Amendment No. 128, to eliminate any emergency designations from the bill and provide additional offsets from unused fiscal year 1999 emergency spending. **Pages S3078–80**

Gramm Amendment No.129 (to Amendment No. 128), to eliminate any emergency designations from the bill. **Pages S3078–80**

Murkowski Amendment No. 130, to maintain existing marine activities in Glacier Bay National Park in Alaska. (By 40 yeas to 59 nays (Vote No. 56), Senate failed to table the amendment.) **Pages S3080–85, S3088–89, S3108–09**

Robb Amendment No. 131, to authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps A–6 aircraft on February 3, 1998, near Cavalese, Italy. **Page S3085–88**

Stevens (for Helms) Amendment No. 132, to appropriate, with a rescission, funds for the United States Commission on International Religious Freedom. **Pages S3104–06**

Stevens (for Grassley) Amendment No. 133, to make available certain funds for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany

Public Law 105–277, and to reduce the amount of certain rescinded funds under the heading Operations, Research and Facilities of the National Oceanic and Atmospheric Administration, Department of Commerce. **Pages S3104–06**

Stevens Amendment No. 134, to allow military technicians while deployed to receive per diem expenses. **Pages S3104–06**

Stevens Amendment No. 135, to provide funds for the construction of the Pike's Peak Summit House, and for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska. **Pages S3104–06**

Stevens (for Gregg) Amendment No. 136, to provide for a limitation on certain fishing permits or authorizations. **Pages S3104–06**

Stevens (for Daschle) Amendment No. 137, to provide that the Corps of Engineers is directed to reprogram certain funds made available for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and State of South Dakota, and to provide funds for the protection of certain Indian cultural sites. **Pages S3104–06**

Stevens Amendment No. 138, to provide limited operational leasing authority to the Secretary of the Air Force. **Pages S3104–06**

Stevens (for Enzi/Bingaman) Amendment No. 139, to provide emergency relief to the livestock industry. **Pages S3104–06**

Stevens (for Bingaman) Amendment No. 140, to provide emergency relief to the domestic oil and gas industry. **Pages S3104–06**

Stevens (for Domenici) Amendment No. 141, to establish an emergency oil and gas guaranteed loan program. **Pages S3104–06**

Withdrawn:

Hutchison Amendment No. 81, to set forth restrictions on deployment of United States Armed Forces in Kosovo. **Pages S3065–77, S3109**

Subsequently, Lott Amendment No. 124 (to Amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations, fell when Amendment No. 81 (listed above) was withdrawn. **Pages S3065–77, S3109**

Stevens (for Lott) Amendment No. 142, to provide that the presiding officer of the Senate should apply all precedents of the Senate under rule 16, in effect at the conclusion of the 103rd Congress. **Page S3106**

Stevens (for Gregg) Amendment No. 113, to provide for a limitation on certain fishing permits or authorizations. (By unanimous consent, Senate vitiated the adoption of Amendment No. 113 which occurred on Thursday, March 18, 1999, and was subsequently withdrawn.) **Page S3103**

During consideration of this bill today, the Senate took the following action:

By 55 nays to 44 nays (Vote No. 55), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on Lott Amendment No. 124 (to Amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations. **Pages S3076–77**

Military Air Operations Authorization: By 58 yeas to 41 nays (Vote No. 57), Senate agreed to S. Con. Res. 21, authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro). **Pages S3110–19**

Robert C. Weaver Federal Building: Senate passed S. 67, to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the ''Robert C. Weaver Federal Building''. **Pages S3153–55**

Lloyd D. George U.S. Courthouse: Senate passed S. 437, to designate the United States courthouse under construction at 338 Las Vegas Boulevard South in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse''. **Pages S3153–55**

Hurff A. Saunders Federal Building: Senate passed S. 453, to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building''. **Pages S3153–55**

Robert K. Rodibaugh U.S. Bankruptcy Courthouse: Senate passed S. 460, to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''. **Pages S3153–55**

Hiram H. Ward Federal Building and U.S. Courthouse: Senate passed 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'', clearing the measure for the President. **Pages S3153–55**

James F. Battin U.S. Courthouse: Senate passed H.R. 158, to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse'', clearing the measure for the President.

Pages S3153–55

Richard C. White Federal Building: Senate passed 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'', clearing the measure for the President.

Pages S3153–55

Ronald V. Dellums Federal Building: Senate passed H.R. 396, to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building'', clearing the measure for the President. **Pages S3153–55**

El Salvador Free Elections: Senate agreed to S. Res. 73, congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999. **Page S3155**

Congressional Budget—Agreement: A unanimous-consent-time agreement was reached providing for the consideration of S. Con. Res. 20, setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009, on Wednesday, March 24, 1999. **Page S3118**

Nominations Received: Senate received the following nominations:

Gary L. Visscher, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2001.

1 Army nomination in the rank of general.

Page S3157

Measures Referred: **Page S3120**

Communications: **Pages S3120–21**

Executive Reports of Committees: **Page S3122**

Statements on Introduced Bills: **Pages S3123–46**

Additional Cosponsors: **Pages S3146–47**

Notices of Hearings: **Page S3148**

Authority for Committees: **Pages S3148–49**

Additional Statements: **Pages S3149–53**

Record Votes: Three record votes were taken today. (Total—57) **Pages S3077, S3108, S3118**

Adjournment: Senate convened at 10 a.m., and adjourned at 8:49 p.m., until 9:30 a.m., on Wednesday, March 24, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3556.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—LABOR

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings on proposed budget estimates for fiscal year 2000 for the Department of Labor, after receiving testimony from Alexis M. Herman, Secretary of Labor.

APPROPRIATIONS—ARMY/AIR FORCE MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 2000 for Army and Air Force military construction programs, after receiving testimony from Mahlon Apgar, IV, Assistant Secretary of the Army for Installations and Environment; and Ruby B. Demesme, Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment.

APPROPRIATIONS—NATIONAL SCIENCE FOUNDATION/OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2000, after receiving testimony in behalf of funds for their respective activities from Rita Colwell, Director, and Eamon M. Kelly, Chairman, National Science Board, both of the National Science Foundation; and Neal Lane, Director, Office of Science and Technology Policy.

APPROPRIATIONS—FEDERAL AVIATION ADMINISTRATION

Committee on Appropriations: Subcommittee on Transportation concluded hearings on proposed budget estimates for fiscal year 2000 for the Federal Aviation Administration, after receiving testimony from Jane F. Garvey, Administrator, Federal Aviation Administration, Department of Transportation.

PROLIFERATION THREATS

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded hearings on the proliferation threat and the programs and policies of the Department of Defense and Department of Energy to counter this threat, after receiving testimony from Senator Lugar; Rose E. Gottemoeller, Director, Office of Nonproliferation and National Security, Department of Energy; Edward L. Warner, III, Assistant Secretary for Strategy and Threat Reduction, Jay Davis, Director, Defense Threat Reduction

Agency, and Robert Joseph, Director, Counterproliferation Center, National Defense University (Fort McNair), all of the Department of Defense; Kenneth Alibek, Battelle Memorial Institute, Arlington, Virginia; David A. Kay, Center for Counterterrorism, Science Applications International Corporation, McLean, Virginia; and Siegfried S. Hecker, Los Alamos National Laboratories, Los Alamos, Texas.

HUD MANAGEMENT

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded oversight hearings on management challenges affecting the Department of Housing and Urban Development, focusing on HUD's continued reclassification as a ''high-risk'' agency by the General Accounting Office, after receiving testimony from Judy A. England-Joseph, Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; and Susan M. Gaffney, Inspector General, and Saul N. Ramirez, Jr., Deputy Secretary, both of the Department of Housing and Urban Development.

STEEL IMPORT IMPACT

Committee on Finance: Committee held hearings to examine the impact of the steel import surge on the United States market and industry, the Administration's response, and related measures, including H.R. 975, to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program, H.R. 1120, to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws, S. 61, to eliminate disincentives to fair trade conditions, S. 261, to repeal the requirement that the cause of serious injury (or threat) be substantial to the domestic industry producing an article like or directly competitive with an article that is being imported into the United States in such increased quantities with respect to the President taking action to facilitate efforts by such industry to make a positive adjustment to the import competition, S. 395, to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997, and S. 528, to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise, receiving testimony from Senators DeWine and Specter; Representatives Houghton and Levin; Charlene Barshefsky, United States Trade Representative; William M. Daley, Secretary of Commerce; Curtis H. Barnette, Bethlehem Steel Corporation, Bethlehem, Pennsylvania; George Becker, United Steelworkers of America, Pittsburgh, Pennsylvania; Thomas G. Belot, Vollrath Company, Sheboygan, Wisconsin, on behalf of the North American Association of Food Equipment Manufacturers; Joseph A. Cannon, Geneva Steel Corporation, Vineyard, Utah; David L. Daniel, Quality Tubing, Inc., Houston, Texas; and Jack B. Porter, Caterpillar Inc., Peoria, Illinois, on behalf of the Emergency Committee for American Trade.

Hearings recessed subject to call.

SUDAN HUMANITARIAN CRISIS

Committee on Foreign Affairs: Subcommittee on African Affairs held hearings on Sudan's humanitarian crisis and the United States response, focusing on road repair, food distribution and self-reliance, health care, expanding the cease-fire, and political recommendations, receiving testimony from J. Brian Atwood, Administrator, Agency for International Development; and Roger Winter, U.S. Committee for Refugees, Washington, D.C.

Hearings recessed subject to call.

U.S.-CHINA POLICY

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs held hearings to reexamine United States and China policy issues, receiving testimony from Stanley O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. 579, to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia;

An original bill (S. 688) to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation;

S. Res. 26, relating to Taiwan's Participation in the World Health Organization, with amendments;

S. Res. 54, condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone;

S. Res. 73, congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999;

S. Con. Res. 17, concerning the 20th Anniversary of the Taiwan Relations Act, with amendments;

H.R. 432, to designate the North/South Center as the Dante B. Fascell North-South Center;

H.R. 669, to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act;

S. Res. 68, expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan;

The Convention on Nuclear Safety done at Vienna on September 20, 1994 (Treaty Doc. 104–6), with six conditions and two understandings;

Protocols to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects: the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II or the Amended Mines Protocol); the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III or the Incendiary Weapons Protocol); and the Protocol on Blinding Laser Weapons (Protocol IV) (Treaty Doc. 105–1) with one reservation, nine understandings and thirteen conditions; and

The nominations of Robert A. Seiple, of Washington, to be Ambassador at Large for International Religious Freedom; William Lacy Swing, of North Carolina, to be Ambassador to the Democratic Republic of the Congo; Diane Edith Watson, of California, to be Ambassador to the Federal States of Micronesia; Kent M. Wiedemann, of California, to be Ambassador to the Kingdom of Cambodia; Mary A. Ryan for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period; Richard L. Baltimore, III, for promotion to the Class of Minister-Counselor, Senior Foreign Service of the Department of State; and a foreign service officer promotion list received in the Senate on March 2, 1999.

INTERNET SECURITIES FRAUD

Committee on Governmental Affairs: Permanent Subcommittee on Investigations continued hearings to examine federal and State enforcement efforts to combat securities fraud on the Internet, focusing on penny stock fraud, and the adequacy of federal and State consumer education programs, receiving testimony from Richard H. Walker, Director, Division of Enforcement, Securities and Exchange Commission; Peter C. Hildreth, Concord, New Hampshire, on behalf of the North American Securities Administrators Association, Inc.; and G. Philip Rutledge, Pennsylvania Securities Commission, Harrisburg.

Hearings recessed subject to call.

INTERNET GAMBLING

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings on issues relating to Internet gambling, including youth gamblers, addiction, bankruptcy, unfair payout, crime, the Wire Act, and the proposed Internet Gambling Prohibition Act, after receiving testimony from Wisconsin Attorney General James E. Doyle, Madison; Ohio Attorney General Betty Montgomery, Columbus; James R. Hurley, New Jersey Casino Control Commission, Atlantic City; Jeffrey Pash, National Football League, New York, New York; Bill Saum, National Collegiate Athletic Association, Overland Park, Kansas; and Marianne McGettigan, Major League Baseball Players Association, Portland, Maine.

AUTHORIZATION—ELDER ABUSE PREVENTION

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging concluded hearings on proposed legislation authorizing funds for programs of the Older Americans Act, focusing on elder abuse prevention provisions, the Preventing Elder Financial Exploitation project, Medicaid Fraud Control Units, and the Long Term Care Ombudsman Program, after receiving testimony from Senator Wyden; Stephen J. Schneider, Oregon Department of Human Resources, Salem; Paul D. Hodge, National Healthcare Law Enforcement Alliance, Providence, Rhode Island; Lisa Heermans, Long Term Care Ombudsman Program, Joint Office of Citizen Complaints, Dayton, Ohio; Bob Fuecker, Child Abuse Unit, Anne Arundel County Police Department, Crownsville, Maryland; and Barbara Sue Faries Sipos, Loveland, Colorado.

FAMILY CAREGIVERS

Special Committee on Aging: Committee concluded hearings to examine the National Family Caregiver Support Program, a proposal to bolster support for family caregivers who provide long-term care for relatives with chronic illnesses or disabilities, after receiving testimony from Donna E. Shalala, Secretary of Health and Human Services; Ohio State Representative Barbara H. Boyd, Columbus; Pennsylvania Secretary of Aging, Richard Browdie, Harrisburg; Donna K. Harvey, Hawkeye Valley Area Agency on Aging, Waterloo, Iowa; and Stuart Awbrey, Westfield, New Jersey.

House of Representatives

Chamber Action

Bills Introduced: 28 public bills, H.R. 1214–1241; and 4 resolutions, H. Con. Res. 67, and H. Res. 126–128 were introduced. **Pages H1595–97**

Reports Filed: Reports were filed today as follows:

H. Con. Res. 68, establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009 (H. Rept. 106–73);

H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers (H. Rept. 106–74 Part 1);

H.R. 154, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, amended (H. Rept. 106–75); and

H. Res. 125, providing for consideration of H.R. 1141, making emergency supplemental appropriations for the fiscal year ending September 30, 1999 (H. Rept. 106–76). **Page H1594**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today. **Page H1479**

Recess: The House recessed at 9:44 a.m. and reconvened at 11:00 a.m. **Page H1480**

Commission on Security and Cooperation in Europe: The Chair announced the Speaker's appointment of Representatives Hoyer, Markey, Cardin, and Slaughter to the Commission on Security and Cooperation in Europe. **Page H1481**

United States Holocaust Memorial Council: The Chair announced the Speaker's appointment of Representatives Lantos and Frost to the United States Holocaust Memorial Council. **Page H1481**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Small Business Year 2000 Readiness Act: The House passed S. 314, to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns—clearing the measure for the President; **Pages H1488–90**

Small Business Investment Company Technical Corrections: Concurred in the Senate amendment to H.R. 68, to amend section 20 of the Small Business Act and make technical corrections in Title III of the Small Business Investment Act—clearing the measure for the President; **Pages H1490–91**

Edward N. Cahn Federal Building and United States Courthouse: H.R. 751, amended, 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.'' Agreed to amend the title; **Pages H1492–93**

Thurgood Marshall United States Courthouse: H.R. 130, to designate the United States Courthouse located at 40 Centre Street in New York, New York as the ''Thurgood Marshall United States Courthouse;'' **Pages H1493–95**

Performances Sponsored by the Kennedy Center on the Capitol Grounds: H. Con. Res. 52, authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts; **Page H1496**

Special Olympics Law Enforcement Torch Run: H. Con. Res. 50, authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; **Pages H1496–97**

National Peace Officers' Memorial Service: H. Con. Res. 44, amended, authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service; **Pages H1497–99**

Greater Washington Soap Box Derby: H. Con. Res. 47, amended, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; **Pages H1499–H1500**

Federal Retirement Coverage Corrections: H.R. 416, amended, to provide for the rectification of certain retirement coverage errors affecting Federal employees; **Pages H1500–10**

International Conference on Population and Development: H. Res. 118, reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs; **Pages H1510–25**

Human Rights in Cuba: H. Res. 99, amended, expressing the sense of the House of Representatives regarding the human rights situation in Cuba; **Pages H1525–31**

Crop Revenue Coverage PLUS Supplemental Endorsement: H.R. 1212, amended, to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year; **Pages H1538–40**

Arlington National Cemetery Burial Eligibility: H.R. 70, to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery (passed by a yea and nay vote of 428 yeas to 2 nays, Roll No. 61); **Pages H1483–88, H1547–48**

20th Anniversary of the Taiwan Relations: H. Con. Res. 56, commemorating the 20th anniversary of the Taiwan Relations Act (agreed to by a yea and nay vote of 429 yeas to 1 nay, Roll No. 62); and **Pages H1531–35, H1548**

Anti-Semitic Statements: H. Con. Res. 37, amended, concerning anti-Semitic statements made by members of the Duma of the Russian Federation (agreed to by a yea and nay vote of 421 yeas with none voting "nay," Roll No. 63). **Pages H1535–38, H1548–49**

Suspension—Failed: The House failed to suspend the rules and pass H. Res. 121, affirming the Congress' opposition to all forms of racism and bigotry by a yea and nay vote of 254 yeas to 152 nays with 24 voting "present," Roll No. 60, with two-thirds required for passage. **Pages H1541–47**

Education Flexibility Partnership Act: The House disagreed to the Senate amendments to H.R. 800, to provide for education flexibility partnerships, and agreed to a conference. **Pages H1549–56, H1567**

Appointed as conferees from the Committee on Education and the Workforce: Representatives Goodling, Hoekstra, Castle, Greenwood, Souder, Schaffer, Clay, Kildee, George Miller of California, and Payne. **Page H1567**

By a yea and nay vote of 205 yeas to 222 nays, Roll No. 64, rejected the Clay motion to instruct conferees to disagree to sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment, (adding new subsections to the end of section 307 of the Department of Education Appropriations Act of 1999), which is necessary to ensure the first year of funding to hire 100,000 new teachers to reduce class sizes in the early grades; and to agree that additional funding be authorized to be appropriated under sections 8 and 10 of the Senate amendment for the Individuals with Disabilities Education Act, but not by reducing funds for class size reduction as proposed in sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment. **Pages H1549–56**

House Committee Expenses: The House agreed to H. Res. 101, providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Sixth Congress, by a recorded vote of 216 ayes to 210 noes, Roll No. 66. **Pages H1556–67**

Agreed to the Committee amendment in the nature of a substitute. **Page H1564**

By a yea and nay vote of 205 yeas to 218 nays, Roll No. 65, rejected the Hoyer motion to recommit the resolution to the Committee on House Administration with instructions to report promptly back to the House a resolution identical to the text of H. Res. 101, as amended by the House, except to strike sections 1, 2, and 3 dealing with committee expenses, first session limitations and second session limitations and insert a substitute text allocating one-third of the amounts to the minority and to strike section 6 dealing with the reserve fund and insert a substitute text allocating one-third to the minority. **Pages H1564–66**

Citizen Regents of the Smithsonian Institution: The House passed H.J. Res. 26, H.J. Res. 27, and H.J. Res. 28, providing for the reappointments of Barber B. Conable, Jr., Dr. Hanna H. Gray, and Wesley S. Williams, Jr. as citizen regents of the Board of Regents of the Smithsonian Institution respectively. **Pages H1567–68**

Senate Messages: Messages received from the Senate today appear on page H1481.

Amendments: Amendments ordered printed pursuant to the rule appear on page H1598.

Quorum Calls—Votes: Six yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H1546–47, H1547–48, H1548, H1548–49, H1555–56, H1566, and H1567. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 11:15 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Fiscal Year 2000 Navy/Marine Corps Acquisition Program. Testimony was heard from the following officials of the Department of Defense: H. Lee Buchanan, Assistant Secretary of the Navy; Vice Adm. Conrad C. Lautenbacher, USN, Deputy Chief of Naval Operations; and Lt. Gen. Michael J. Williams, USMC, Deputy Chief of Staff, U.S. Marine Corps.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on U.S.

Army Corps of Engineers. Testimony was heard from the following officials of the Department of the Army: Joseph W. Westphal, Assistant Secretary of the Army, (Civil Works); Lt. Gen. Joe N. Ballard, USA, Chief, Corps of Engineers; Maj. Gen. Russell L. Fuhrman, USA, Director of Civil Works; and Thomas F. Caver, Jr., Chief, Programs Management Division, Directorate of Civil Works.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on Military Training Report. Testimony was heard from Walter B. Slocombe, Under Secretary, Policy, Department of Defense; and Eric D. Newsom, Assistant Secretary, Political-Military Affairs, Department of State.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Indian Health Service. Testimony was heard from Michael H. Trujillo, M.D., Assistant Surgeon General, Director, Indian Health Service, Department of Health and Human Services.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Departmental Management Panel and on Corporation for Public Broadcasting and National Education Goals Panel. Testimony was heard from Patricia Lattimore, Assistant Secretary, Administration and Management, Department of Labor; John Callahan, Assistant Secretary, Management and Budget, Chief Financial Officer and Chief Information Officer, Department of Health and Human Services; Marshall S. Smith, Acting Deputy Secretary, Department of Education; Kenneth P. Boehne, Chief Financial Officer, Railroad Retirement Board; John Dyer, Principal Deputy Commissioner, SSA, and public witnesses.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held a hearing on NASA. Testimony was heard from Daniel S. Goldin, Administrator, NASA.

SUPERFUND PROGRAM

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on the Superfund Program. Testimony was heard from Tim Fields, Assistant Administrator, Office of Solid Waste and Emergency Response, EPA; Peter F. Guerrero, Director, Environmental Protection Issues, GAO; and a public witness.

WORK INCENTIVES IMPROVEMENT ACT

Committee on Commerce: Subcommittee on Health and Environment held a hearing on the Work Incentives Improvement Act of 1999. Testimony was heard from Representatives Lazio and Waxman; Sally Richardson, Director, Center for Medicaid and State Operations, Health Care Financing Administration, Department of Health and Human Services; Anthony A. Williams, Mayor, District of Columbia; Roger Auerbach, Administrator, Senior and Disabled Services Division, State of Oregon; and public witnesses.

OVERSIGHT—OSHA

Committee on Education and the Workforce: Subcommittee on Workforce Protections held an oversight hearing on the OSHA. Testimony was heard from Charles N. Jeffress, Assistant Secretary, Occupational Safety and Health Administration, Department of Labor; and public witnesses.

HUD—REFORMS

Committee on Government Reform: Held a hearing on ''HUD Losing $1 Million Per Day: Promised 'Reforms' Slow in Coming''. Testimony was heard from the following officials of the Department of Housing and Urban Development: Nancy H. Cooper, District Inspector General, Audit; and William Apgar, Assistant Secretary, Housing, Federal Housing Commissioner; Stanley Czerwinski, Associate Director, Resources, Community, and Economic Development Division, GAO; and public witnesses.

SIERRA LEONE

Committee on International Relations: Subcommittee on Africa held a hearing on Sierra Leone: Prospects for Peace and Stability. Testimony was heard from Susan Rice, Assistant Secretary, African Affairs, Department of State; and public witnesses.

NEGOTIATING WTO AGRICULTURAL AGREEMENT

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Leveling the Playing Field and Opening Markets: Negotiating a WTO Agricultural Agreement. Testimony was heard from public witnesses.

FOREIGN RELATIONS AUTHORIZATION ACT

Committee on International Relations: Subcommittee on International Operations and Human Rights approved for full Committee action amended H.R. 1211, Foreign Relations Authorization Act, Fiscal Years 2000 and 2001.

CONSTITUTIONAL AMENDMENT—FLAG DESECRATION

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.J. Res. 33, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. Testimony was heard from Representatives Cunningham, Lewis of Georgia, Sweeney and Gilchrest; former Representative David Skaggs of Colorado; and public witnesses.

OVERSIGHT

Committee on Resources: Subcommittee on Energy and Mineral Resources and the Subcommittee on National Parks and Public Lands held a joint oversight hearing on Secretarial powers under the Federal Land Policy and Management Act of 1976: excessive use of Sec. 204 withdrawal authority by the Administration. Testimony was heard from Bruce Babbitt, Secretary of the Interior; and public witnesses.

OVERSIGHT—NEPA PARITY

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on ''NEPA Parity''. Testimony was heard from Sandra Key, Associate Deputy Chief, Programs and Legislation, Forest Service, USDA; and public witnesses.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing l hour of debate on H.R. 1141, making emergency supplemental appropriations for the fiscal year ending September 30, 1999. The rule waives clause 4(c) of rule XIII (requiring the three-day availability of printed hearings on a general appropriations bill) and section 302 (prohibiting consideration of a committee's legislation providing new budget authority until that committee has filed its 302(b) report and consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocations of such authority) and section 306 (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) of the Congressional Budget Act against consideration of the bill. The rule provides that the bill be open to amendment by paragraph.

The rule waives clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in a general appropriations bill and prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation) against provision in the bill. The rule waives all points of order against the amendment printed in the report accompanying the rule and provides that the amendment shall be offered only by a Member designated in the report or his designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule permits the chairman of the Committee of the Whole to grant priority in recognition to members who have pre-printed 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 voting time to five minutes on a postponed question if the vote follows a fifteen minute vote.

The rule waives clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation) and section 302(c) of the Congressional Budget Act (prohibiting consideration of a committee's legislation providing new budget authority until that committee has filed its 302(b) report) against all amendments during the consideration of this bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Young and Representatives Hansen, Obey, Edwards, Waters and Bentsen.

LOCAL CENSUS QUALITY CONTROL ACT

Committee on Rules: Heard testimony from Representatives Miller of Florida, Maloney of New York, Millender-McDonald and Gonzalez, but action was deferred on H.R. 472, Local Census Quality Control Act.

U.S. FIRE ADMINISTRATION AUTHORIZATION

Committee on Science: Subcommittee on Basic Research held a hearing on the U.S. Fire Administration Authorization for Fiscal Years 2000 and 2001. Testimony was heard James Lee Witt, Director, FEMA; Karen Brown, Deputy Director, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

BARRIERS TO MINORITY ENTREPRENEURSHIP

Committee on Small Business: Subcommittee on Empowerment held a hearing on barriers to minority entrepreneurship. Testimony was heard from public witnesses.

PENSION ISSUES

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Pension Issues. Testimony was heard from Donald C. Lubick, Assistant

Secretary, Tax Policy, Department of the Treasury; Leslie Kramerich, Deputy Assistant Secretary, Policy of the Pension and Welfare Benefits Administration, Department of Labor; David M. Strauss, Executive Director, Pension Benefit Guaranty Corporation; and public witnesses.

CARIBBEAN AND CENTRAL AMERICAN RELIEF AND ECONOMIC STABILIZATION

Committee on Ways and Means: Subcommittee on Trade held a hearing on the trade provisions of H.R. 984, Caribbean and Central American Relief and Economic Stabilization Act. Testimony was heard from Senator Graham; Representative Kolbe; Richard W. Fisher, Deputy U.S. Trade Representative; Alan P. Larson, Assistant Secretary, Economic and Business Affairs, Department of State; from the following Ambassadors to the United States: Bernardo Vega, Dominican Republic; Francisco X. Aguirre-Sacasa, Nicaragua; Rene A. Leon, Republic of El Salvador; and Jaime Daremblum, Costa Rica; and public witnesses.

BUDGET: OVERHEAD (SATELLITE) COLLECTION

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2000 Budget: Overhead (Satellite) Collection. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 24, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Special Committee on Aging: to hold hearings on, 9:30 a.m., SD–106.

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2000 for the Secretary of the Senate, Sergeant at Arms, and the Congressional Budget Office, 10 a.m., SD–116.

Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 2000 for the Department of the Army, 10 a.m., SD–192.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2000 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of the Justice, 10 a.m., SD–124.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on active and reserve military and civilian personnel programs and the future years defense program, 10 a.m., SR–222.

Subcommittee on Airland, to hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on Army modernization, and the future years defense program, 2 p.m., SR–222.

Subcommittee on SeaPower, to hold hearings to examine littoral force protection and power projection in the 21st century, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, to hold hearings to examine fee collection policies under the Securities Act of 1933 and Securities Exchange Act of 1934, 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine nuclear waste storage and disposal policy, including S. 608, to amend the Nuclear Waste Policy Act of 1982, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 323, to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area; S. 338, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior; and S. 568, to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions, 2 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings on voluntary activities to reduce the emission of greenhouse gases, 9:30 a.m., SD–406.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism, to hold hearings on Colombia's threat to United States interests and regional security, 10 a.m., SD–419.

Subcommittee on European Affairs, to hold hearings on issues relating to the European Union, focusing on internal reform, enlargement, and a common foreign policy, 2 p.m., SD–419.

Committee on Governmental Affairs: to resume hearings on the future of the Independent Counsel Act, 10 a.m., SH–216.

Committee on Indian Affairs: to hold hearings on S. 399, to amend the Indian Gaming Regulatory Act, 9:30 a.m., SD–628.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings on S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 10 a.m., SD–226.

Subcommittee on Criminal Justice Oversight, to hold hearings on the effect of State ethics rules on federal law enforcement, 2 p.m., SD–226.

Committee on Rules and Administration: to hold hearings on campaign contribution limits, 9:30 a.m., SR–301.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association, 10 a.m., 345 Cannon Building.

House

Committee on Agriculture, Subcommittee on Risk Management, Research, and Specialty Crops and the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, joint hearing to Review the EPA's proposed Plant Pesticide Rule, 10:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and the Judiciary, on Bureau of the Census, 9:30 a.m., and on Immigration and Naturalization Service, 3 p.m., 2358 Rayburn.

Subcommittee on Defense, executive, on Ballistic Missile Defense, 10 a.m., and, executive, on Special Access Programs, 1:30 p.m., H–140 Capitol.

Subcommittee on Labor, Health and Human Services, and Education, on Corporation for National and Community Service; the National Mediation Board; and the Federal Mediation and Conciliation Service, 10 a.m., and on U.S. Institute of Peace; the Federal Mine Safety and Health Review Commission; and Occupational Safety and the Health Review Commission, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on Office of Science and Technology Policy; and on Department of Defense-Civil, Cemeterial Expenses, Army, 9:30 a.m., H–143 Capitol.

Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on bank lending and other transactions with hedge funds, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, hearing on America's Health: Protecting Patients' Access to Quality Care and Information, 1:30 p.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, oversight hearing on Mexican Counternarcotics Efforts: Are We Getting Full Cooperation? 1:30 p.m., 2203 Rayburn.

Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, hearing on ''Should Agencies Be Allowed To Keep Americans In The Dark About Regulatory Costs and Benefits?'' 10 a.m., 2247 Rayburn.

Subcommittee on National Security, Veterans' Affairs and International Relations, oversight hearing on the Anthrax Vaccine Inoculation Program, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on U.S. Policy Towards North Korea and the Pending Perry Review, 10 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on U.S.-Cuba Relations: Where Are We and Where Are We Heading? 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to consider the following: H.R. 850, Security and Freedom through Encryption (SAFE) Act; H.R. 769, Madrid Protocol Implementation Act; H.R. 1189, to make technical corrections in title 17, United States Code; H.R. 1027, Satellite Television Improvement Act; H.R. 46, Public Safety Officer Medal of Valor Act of 1999; H.R. 441, Nursing Relief for Disadvantaged Areas Act of 1999; proposed Immigration Subcommittee Rules of Procedure for private immigration bills and private claims bills; and other pending Committee business, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, to mark up the following bills: H.R. 833, Bankruptcy Reform Act of 1999; H.R. 916, to make technical amendments to section 10 of title 9, United States Code; and H.R. 462, to clarify that government pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income, 2 p.m., 2141 Rayburn.

Committee on Rules, to consider H. Con. Res. 68, Establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, 1:30 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Basic Research, hearing on Home Page Tax Repeal Act, 4 p.m., 2325 Rayburn.

Subcommittee on Energy and the Environment, hearing on fiscal year 2000 Budget Authorization Request: Department of Energy—Results Act Implementation, 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Range Modernization, Part 1, 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation and the Subcommittee on Water Resources and Environment, joint hearing on the Oil Pollution Act of 1990, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive hearing on Counterintelligence and Chinese Espionage Issues at Department of Energy Laboratories, 3 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association, 10 a.m., 345 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, March 24

Senate Chamber

Program for Wednesday: Senate will begin consideration of S. Con. Res. 20, setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 24

House Chamber

Program for Wednesday: Consideration of H.R. 1141, Supplemental Appropriations (open rule, 1 hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Barton, Joe, Tex., E531
Berman, Howard L., Calif., E520
Blagojevich, Rod R., Ill., E533
Calvert, Ken, Calif., E530
Cardin, Benjamin L., Md., E524
Coburn, Tom A., Okla., E519
Costello, Jerry F., Ill., E533
Cox, Christopher, Calif., E532
Eshoo, Anna G., Calif., E515, E517, E519, E521, E524, E526, E526
Etheridge, Bob, N.C., E528
Evans, Lane, Ill., E515
Forbes, Michael P., N.Y., E513, E516, E519
Frank, Barney, Mass., E520
Gejdenson, Sam, Conn., E528
Gekas, George W., Pa., E531
Gilman, Benjamin A., N.Y., E532
Graham, Lindsey O., S.C., E518
Hall, Ralph M., Tex., E525
Hayes, Robin, N.C., E525
Kleczka, Gerald D., Wisc., E521
Knollenberg, Joe, Mich., E524
Lantos, Tom, Calif., E517, E521
LaTourette, Steve C., Ohio, E526
Lipinski, William O., Ill., E514
McGovern, James P., Mass., E529
Maloney, Carolyn B., N.Y., E514, E516, E519
Millender-McDonald, Juanita, Calif., E526
Miller, George, Calif., E520
Northup, Anne M., Ky., E533
Packard, Ron, Calif., E526
Roukema, Marge, N.J., E515, E517
Sanchez, Loretta, Calif., E529
Scarborough, Joe, Fla., E524
Schaffer, Bob, Colo., E526
Schakowsky, Janice D., Ill., E532
Shuster, Bud, Pa., E511
Skelton, Ike, Mo., E514, E516
Slaughter, Louise McIntosh, N.Y., E523
Smith, Christopher H., N.J., E529
Stump, Bob, Ariz., E527
Udall, Mark, Colo., E527
Upton, Fred, Mich., E532
Vento, Bruce F., Minn., E532
Wicker, Roger F., Miss., E514, E516, E519

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