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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GUNDERSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 29, 1996.

I hereby designate the Honorable STEVE GUNDERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

O gracious God, from whom comes every good gift, we thank You today for the gifts of our past, those moments in our history when justice flowed down like waters and righteousness like an everflowing stream. We are grateful that women and men from the years of our birth have been models of character and stood for truth. May their witness in their day encourage our witness in our day and may their commitment to justice encourage each of us to that same commitment, an obligation and duty that inspires and makes whole, a responsibility that blesses and gives life. 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.

Mr. GENE GREEN of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. GENE GREEN of Texas. 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. Pursuant to clause 5, rule I, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington [Mr. NETHERCUTT] come forward and lead the House in the Pledge of Allegiance.

Mr. NETHERCUTT 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 agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1561), an act to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for U.S. foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. In the interest of time, the Chair will receive five 1-minute speeches from each side.

Further 1-minutes will be allowed at the conclusion of legislative business for the day.

ONE GREAT LEGISLATIVE DAY

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

Mr. GINGRICH. Mr. Speaker, let me say I just wanted to remind our Members, because we were so busy yesterday and it may not have been obvious, how much we got done in 1 day.

In 1 day this House sent to the President a landmark freedom-to-farm bill which revises 60 years and provides reform for a 60-year-old program.

We sent to the President a historic line-item veto bill which Presidents, beginning with Grant in the 1860's, requested from the Congress, and for the first time we passed it to send to the President.

We sent to the President an earnings limit increase for senior citizens so they could work without being punished by the Social Security Administration taking money away from them, something which every senior citizens' group has supported and which encourages people to stay active and be healthy.

We sent to the President real regulatory relief to help small businesses create jobs, helping the economy and reducing the amount of unnecessary redtape in this society.

We passed health care reforms to end job lock and make health care more affordable, the Health Coverage Affordability Act of 1996, which dramatically increases the ability to change jobs without worrying about preconditions,

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guaranteeing portability, which prevents health care fraud and abuse and establishes a senior citizen incentive to turn in fraud, which creates administrative simplification to save on red-tape, which passes medical liability reform to reduce the number of lawsuits and increase the amount of care that is focused on health care rather than legal behavior, which has tax-related concerns that guarantee deductibility for long-term care and which establishes the deductibility of medical savings accounts.

All of those were done in 1 legislative day.

I think this Congress can be proud of its commitment to reform and the serious, practical, commonsense work we are engaged in to give the American people a better government at lower cost with better services.

THE CONTRACT WITH AMERICA IS ON TRACK

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

Mr. BALLENGER. Mr. Speaker, my colleagues may not have seen this, but today's Washington Post features a neat little chart showing the progress in the Contract With America.

Congressional compliance—signed into law; unfunded mandates—signed into law; Defense spending increases—signed into law; and on and on.

Mr. Speaker, just this week, Congress gave the President the line-item veto, we lifted the regulatory burden on small business, we started reversing the Clinton Social Security tax on the elderly, and we passed commonsense health care reform.

We have a solid record of achievement in the 104th Congress. Our Contract With America is on track—just like it says here in the Post—and, in addition, we have changed the terms of debate here in Washington.

It is no longer about should we do the right thing, it is about how we do the right thing. I am honored to be in the party that stands for America's values, not Washington's values.

THE PRIDE OF KENTUCKY

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

Mr. WARD. Mr. Speaker, I stand before this body today to share my pride in Kentucky basketball. This past Saturday night, Sullivan College in my hometown of Louisville, won the National Junior College Athletic Association national championship basketball tournament in Hutchinson, KS—the first Kentucky team to win this championship since 1969. Sullivan defeated Allegheny College of Maryland by a score of 104 to 98 in overtime. All of us in Louisville are very proud of this team and their head coach, Gary Shourds, and president, A.R. Sullivan.

This has been a phenomenal year for Kentucky basketball. You know we are very proud of our basketball in Kentucky with the University of Louisville and the University of Kentucky both in the NCAA Division I tournament. This weekend UK, my alma mater, goes for the NCAA national championship in New Jersey. In addition, Georgetown College of Georgetown, finished second in the NAIA national tournament and Northern Kentucky University finished second in the NCAA Division II national chamsonship.

I also share with pride that Coach Gary Shourds of Sullivan College has been selected as the National Junior College Coach of the Year and will receive his championship award at the National Basketball Coach's Association luncheon this Sunday in New York City.

So I raise this declaration to all present that Kentucky is still the grandest State for basketball in all of these United States.

MISMANAGEMENT OF USDA FOOD AND CONSUMER SERVICE

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

Mr. NETHERCUTT. Mr. Speaker, last Wednesday, in the Agriculture appropriations hearing, I examined what can only be described as gross mismanagement in the agency that oversees our Nation's food programs. Without clear explanation, the USDA's Food and Consumer Service could not specifically account for $13.5 billion, one-third of their budget in 1994. We do know that the agency spent $500,000 on gourmet chefs to design food for kids and $400,000 for the Disney Corp. to promote ''Lion King'' commercials in the name of child nutrition.

While Republicans have been attacked for trying to make certain that Federal agencies use taxpayer money efficiently and effectively, the Food and Consumer Service has in fact had so much money they don't know where it went. The inspector general made such a finding. Every American should be outraged at this administration's mismanagement of these funds for children, and we better look at other agencies, too, to be certain about spending in efficiency in this administration.

WAKE UP TO JAPANESE TRADE DEFICIT

(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, 10 years ago the 10 biggest banks in the world were American banks. Today the 10 biggest banks in the world are Japanese banks, all 10. Even after the merger of America's 2 biggest banks, they did not even make the top 10.

Wake up, Congress. Japanese banks did not get fat on the yen. Japanese banks got fat pigging out on American dollars. The trade deficit just came out last month. It skyrocketed 48 percent, a 48-percent increase in 1 month, over $10.3 billion.

Japan takes, America gives; Japan protects, America counsels; Japan regulates, America negotiates.

Let us tell it like it is. If America's trade program was so good, why does Japan not try it?

We are getting our clock cleaned, and we are not even talking about it. Think about that.

INTRODUCTION OF CONGRESSIONAL CAMPAIGN FINANCE REFORM ACT

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

Mr. BASS. Mr. Speaker, in the 104th Congress the new Republican majority has made great strides in reforming Congress and restoring America's faith in the honesty and integrity of this institution. Indeed, our accomplishments are a shining example of promises made and promises kept.

Although we can be proud of these changes, one more vital reform remains, and that is campaign finance reform.

Today I am introducing the Congressional Campaign Finance Reform Act to restore credibility and public confidence in elections. It includes provisions that bring elections back home by requiring a majority of campaign funds to be raised from in State sources, it emphasizes grassroots fundraising by reducing PAC contributions to $1,000 per election, and it controls the exorbitant costs of campaigns by allowing States to enact voluntary campaign spending limits as we have done in New Hampshire and in other States.

For those of my colleagues who want to complete the reform of Congress that we started so well a year and-a-half ago, let us move forward, and I urge everyone to cosponsor my legislation or any of the other bills. Let us get a vote after the April recess.

□ 1015

AMERICAN LIBERATION FROM FOREIGN OIL DEPENDENCE

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

Mr. PETE GEREN of Texas. Mr. Speaker, I rise today to join many of my colleagues in a month-long effort to bring attention to our growing dependence on foreign all. On the fifth anniversary of the end of the Persian Gulf war and the liberation of Kuwait, it is the logical time to reflect on our domestic oil production, which is at a 40-year low.

Today there are 85,000 fewer people working in the oil and gas industry in

the United States than there were at the beginning of the gulf war. Everything that the United States had at stake at the beginning of the gulf war is still on the line, even more so. Americans consume 17 million barrels of oil a day, and today over 50 percent of that consumption is imported from foreign sources.

Last year, a Department of Commerce study revealed that the Nation's reliance on foreign oil was a threat to our national security, because it increases our vulnerability to oil supply interruptions.

Mr. Speaker, foreign oil dependency can be alleviated. One way would be to allow our Nation's industry more access to promising areas offshore. Our Government also must lift unnecessary and burdensome regulations that provide no environmental benefits but cost American jobs and drive our oil and gas industry overseas.

Congress must take the lead in developing a Federal energy policy that encourages rather than punishes domestic oil and gas production. As the world's leader, America must learn from history's mistakes rather than repeat them. This is a job's issue, it is a national security issue, and time is not on our side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro temore (Mr. GUNDERSON). The Chair will entertain three more 1-minutes on each side.

URGING SUPPORT OF THE ESSENTIAL AIR SERVICE, A PROGRAM IMPORTANT TO RURAL AMERICA

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

Mr. BARRETT of Nebraska. Mr. Speaker, as we begin the fiscal year 1997 appropriations process, I'd like to call your attention to a small but important program to rural America—the Essential Air Service. EAS was created in the early 1980's to provide assistance to small communities, and to maintain an integrated, national air service network. Air service is vital to rural communities, it is their link to the rest of the world.

Over the past several years, funding for EAS has steadily decreased, falling victim to an urban-dominated Congress, and budget cuts.

Therefore, I've introduced an alternative to the EAS, the Small Community Air Service Act. My bill, H.R. 2881 would allow States to charge a small fee on passenger tickets to fund an EAS-type program. It would be designed by the State, and for the State. I believe my bill is a viable alternative to the current program.

I ask my colleagues to seriously consider H.R. 2881. And as we continue the appropriations process I ask for your support of EAS.

THE UNITED STATES MUST MINIMIZE ITS DEPENDENCE ON FOREIGN OIL

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

Mr GENE GREEN of Texas. Mr. Speaker, 5 years after the Persian Gulf war, the United States still imports 9 million barrels of oil. In fact, our Nation is more dependent on foreign oil than ever before. More than 50 percent of our oil is imported, and about 20 percent comes from the Persian Gulf. While we may never completely eliminate our dependence on foreign oil, we must minimize our reliance on foreign sources from the volatile Middle East. We should look more toward our neighbors and trading partners in the Western Hemisphere, like Venezuela, which has made significant investment in the United States and recently opened its oil industry to investment by U.S. companies.

Mr. Speaker, I encourage my colleagues to move toward a policy that encourages domestic oil and gas exploration and production, to ensure a vibrant and healthy economy.

AMERICA MUST WORK TOWARD ENERGY INDEPENDENCE

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

Mr. WATTS of Oklahoma. Mr. Speaker, on this historic fifth anniversary of the Persian Gulf war, the lessons seem clear: America must work toward energy independence. But, this Nation seems to be ignoring the lessons of the past and heading in exactly the wrong direction—toward over dependence on foreign energy sources.

As leaders, we must make every effort to help America's oil and gas industry thrive. By helping the American oil and gas industry thrive, we will create new jobs, more revenues and increased national security. But we must unleash this strategic industry from its regulatory noose. Currently, instead of cutting down on bureaucratic regulations, the administration and some in Congress have proposed more than $14 billion in new industry regulations that would take effect over the next 5 years.

My colleagues on the House Resources Committee seem to understand these costs. Today, they will markup a bill, the Oil and Gas Royalty Fairness and Implication Act, that makes sense. It cuts through the bureaucracy and provides certainty, simplicity, fairness and efficiency in royalty collection. This is something that industry and the administration can agree on. I hope we can too.

It is time to free America's oil and gas industry from over regulations so that this Nation can be free from its foreign oil dependency.

IT IS TIME SOME REPUBLICANS IN THIS BODY GOT RELIGION AND SUPPORTED EDUCATION

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

Mr. JACKSON of Illinois. Mr. Speaker, I represent the Second Congressional District of Illinois, where education is considered sacred. This Nation should have no higher priority than to educate its populace. Senator DOLE and a majority of the Republicans in the Senate voted 84 to 16 on Tuesday to restore funding for key education and job training programs. Now that Senator DOLE is candidate DOLE, he has religion. Yet, in this body, there is still a majority in the majority who are determined to cut funding for basic education and math skills, cut funding for safe and drug-free schools, cut funding for vocational education, and that is wrong.

Mr. Speaker, education helps preserve family values. Education is the cornerstone of our democracy. It is good for business. It is good for meaningful, well-paying, and socially useful jobs. Education aids economic growth and keeps us competitive in the global marketplace, adds quality to a person's life, and enhances one's self-image. A mind, Mr. Speaker, is a terrible thing to waste. It is time some Republicans in this body got religion and supported the full funding of education.

PASO ROBLES MAKES TOP 50 LIST OF SMALL TOWNS TO LIVE IN

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

Mrs. SEASTRAND. Mr. Speaker, I rise today to pay tribute to Paso Robles, a beautiful small town on the central coast of California.

Recently in its April issue, Money magazine described Paso Robles as one of ''America's 50 Hottest Little Boomtowns.''

Paso Robles, a computer-age company town with tremendous growth potential—just a few miles north of California's commercial space port is considered one of the 50 best towns to live and work because of its growing promise of jobs in its electronics manufacturing and winery industry.

The Money magazine article ranked Paso Robles 43 out of 50 best places to live based on the city's projected population growth of 12 percent, its attractive median income and typical home cost.

I proudly salute Paso Robles and its citizens and encourage them to take pride in the fact that it is truly one of America's best kept secrets.

RESIST THE GOP'S CUTS IN EDUCATION: APPROVE A BUDGET THAT BRINGS FINANCIAL STABILITY TO EDUCATING TOMORROW'S LEADERS

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

Mr. STUPAK. Mr. Speaker, in upper New York State, far from Washington's budget battles, an elementary school teacher named Theresa McAnaney has learned she may be laid off, because her school district does not know how much money it will receive from the Federal Government.

The plight of Ms. McAnaney and 15 colleagues facing layoffs is profiled in a recent New York Times story, but their case is not unique.

In my own State of Michigan, pink slip notices must be given to teachers by April 8, less than 2 weeks from today.

Across the Nation, 40,000 people face layoffs, because school districts cannot plan their budgets.

The New York Times article goes on to say that, faced with uncertainty, school districts are also scrapping long-range plans.

Hurt most are programs in poor and urban school districts, dependent on Federal aid for remedial instruction in reading and math, drug-free School Zone, Head Start, and Title I.

Surveys from the Washington Post and the Wall Street Journal reveal that most people consider education their top issue, and favor the same level or increased spending for education.

Mr. Speaker, we must resist the GOP's cuts in education and approve a budget that brings financial stability to educating tomorrow's leaders.

URGING TREASURY DEPARTMENT TO UPDATE REGULATIONS TO TAKE FULL ADVANTAGE OF DOMESTIC OIL RESERVES

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

Mr. MCCRERY. Mr. Speaker, no single component of our national economy is more important than energy. Yet, today we find ourselves more dependent on foreign sources of petroleum than at any time since 1977. Right now, imported oil accounts for over 50 percent of domestic consumption. By the year 2015, the Department of Energy forecasts that America will only supply one-third of its domestic needs. That means our Nation will rely heavily on other countries to fuel our cars, heat our homes, and drive our economy.

I am concerned that we are not being sufficiently aggressive in our efforts to reverse this trend. In the United States, we have vast proven reserves in existing fields that can be accessed, but only with advanced oil recovery technologies. Since 1990, we have recognized that to reduce our dependence on foreign energy sources, certain new recovery technologies should be encouraged through the enhanced oil recovery credit. Unfortunately, the eligible technologies identified do not reflect the latest developments in this field.

To take full advantage of our domestic oil reserves, I urge the Treasury Department to use the specific authority Congress provided, to update the regulations to include new recovery technologies. Doing so will reopen access to much needed domestic oil and provide new skilled job opportunities in the domestic economy.

LET US REWARD WORK AND INCREASE THE MINIMUM WAGE

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

Ms. DELAURO. Mr. Speaker, today's New York Times reports that 1995 was a very good year for the heads of corporations. According to the report, their median salary and cash bonuses rose to more than $2 million. That is $2 million a year in compensation.

Since 1990, corporate salaries have been rising at a fast clip of 9 percent per year, while wages and salaries of the Nation's workers are dead in the water, going nowhere. Hard-working families in America are scrambling to figure out how to find the money to pay their bills. Yesterday we had an opportunity to do something for those families, and instead, this House turned its back. At a time when corporate CEO's average $2 million a year, when Members of this Congress earn over $130,000 a year, House Republicans yesterday killed an attempt to raise the minimum wage by 90 cents, just 90 cents. It is shameful.

This Monday is the anniversary of the last increase in the minimum wage, which is now at a 40-year low. America needs a raise. Let us reward work and increase the minimum wage.

MAKING IN ORDER CONSIDERATION OF HOUSE JOINT RESOLUTION 170, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 170) making further continuing appropriations for the fiscal year 1996, and for other purposes when called up; and that it be in order at any time to consider the joint resolution in the House; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, let me simply say that I do not intend to object. The gentleman has consulted on this side of the aisle, and I think that the process which he has in mind for bringing up this resolution is the correct one. We do not necessarily like the result that flows from it, but I think it is in order to facilitate its consideration at a later point today, so I have no objection.

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

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, so I can clarify, can the gentleman tell us when he plans to take up the legislation? I do not plan to object.

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

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

Mr. LIVINGSTON. Mr. Speaker, I would tell the gentleman, this continuing resolution will continue the existing temporary funding laws in effect until April 24, which avoid any government shutdown and while it sounds like a long time, is really only 6 legislative days from today.

Mr. VOLKMER. Does the gentleman plan to take it up later today, this afternoon, Mr. Speaker?

Mr. LIVINGSTON. I am sorry, this CR will be brought up later today, after the product liability conference report.

Mr. VOLKMER. I thank the gentleman.

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

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

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 956, COMMONSENSE PRODUCT LIABILITY LEGAL REFORM ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 394 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 394

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

□ 1030

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

(Mr. LINDER asked and was given permission to include extraneous materials.)

Mr. LINDER. Mr. Speaker, House Resolution 394 provides for the consideration of the conference report for H.R. 956, the Commonsense Product Liability Legal Reform Act of 1996, and waives all points of order against its consideration. The House rules allow for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Judiciary Committee.

Mr. Speaker, the struggle to craft bipartisan product liability reforms has been over two decades in the making, and we have before us legislation that will save segments of our economy and create new jobs across America.

Mr. Speaker, I do not wish to unleash partisan charges that the President is playing politics with this important reform measure. The assessment that the President is playing politics has already been sufficiently made by members of the President's own party. I want to begin by recounting just a few of these appraisals of the President's motives.

Senator JOSEPH LIEBERMAN, a Democrat, has stated that the ''President is dead wrong about this bill'' and Senator JAY ROCKEFELLER, a Democrat, stated that the President has ''his eye on the electoral college.'' Senator ROCKEFELLER continued by stating:

> Special interests and raw political considerations in the White House have overridden sound policy judgment. I am extremely disappointed the President has taken such a shortsighted political view of a serious bipartisan effort that would restore common sense to the American legal system.

Mr. Speaker, in response to Senator ROCKEFELLER's charge that special interests and raw political considerations in the White House has overridden sound policy judgment—I must say that this is nothing new.

As has been the case with countless pieces of historic legislation that have passed both the House and Senate, the President has disavowed good public policy and embraced his special interest friends. In this case, we have reached bipartisan agreement on legal reform, and it appears that the only obstacles to these moderate reforms are the trial lawyers and an antireform, status quo President.

The President is—and has been—the one roadblock to the reforms that the public wants. In his shortsighted, political view of the Nation, the President plans to add a veto of legal reform to his two vetoes of welfare reform and the historic balanced budget bill.

The Commonsense Legal Reform Act will end many frivolous lawsuits which have imposed significant costs on small businesses and killed American jobs. These indiscriminate lawsuits have caused the withdrawal of products from the market, including medical devices and medication available in most of the world, sadly resulting in preventable deaths.

The President has professed that the bill would reduce product safety, which it will not. His real anxiety about this reform bill is that it would reduce the fees of the trial lawyers who now receive from 50 to 70 percent of every dollar spent on product liability litigation. The trial lawyers have bragged about Bill Clinton's commitment to terminate any legislative effort to end frivolous lawsuits. The Arkansas trial lawyer president boasted about the fact that Arkansas has had no tort reform and stated that—and I quote—''this success would not have occurred without Bill Clinton. I can never remember an occasion when he failed to do the right thing where we trial lawyers were concerned.''

Mr. Speaker, the future of the country is more important than some payoff to the trial lawyers. Our competitiveness overseas is being undermined. Rather than deal with the product liability litigation problem, American firms have left markets to foreign competitors and decided not to develop new products, technologies, and medical breakthroughs. These losses are impossible to calculate, and it is clear to everyone except the President that thousands of American small businesses are just one lawsuit away from bankruptcy. The provisions included in this bill were greatly pared down from the much-needed and broader changes we passed in the Contract With America. The bill does not include everything that I would have wanted, but this Congress understands that sometimes you have to compromise, and this is a start down the right road.

This is about restoring fairness to the American legal system and this bill should not be a political issue. These are modest, but critically important, reforms that will benefit the American people. I urge my colleagues to support the rule and the reform legislation, and I urge the President to reconsider his unfortunate veto threat of commonsense legal reforms.

I want to close by quoting the Washington Post editorial page:

> The President's announcement over the weekend that he will veto product liability legislation has surprised and disappointed even senior Democrats in the Senate—and well it should. The decision is a terrible one. But the lawyers want the sky to be the limit. The President's decision to capitulate to their pressure is transparent, shortsighted, and wrong. The compromise should be accepted by both Houses and signed by the President.

Mr. Speaker, the Senate did their job by passing the bill by a 59-to-40 margin, and I expect the House to follow suit by passing this bill with equally overwhelming support. I urge the President to forgo politics and do his job.

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

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

Mr. Speaker, I rise in opposition to this conference report and to the rule providing for its consideration. This conference agreement caps punitive damage awards to consumers who have been harmed because of the products they have purchased and used. This conference agreement removes any incentive that might currently exist which makes corporations and manufacturers keep those harmful products off the market.

In the name of competitiveness, the conference has proposed a new legal framework that truly lives up to the old adage, caveat emptor. Mr. Speaker, I cannot support any legislation which places profit ahead of responsibility, and which puts the bottom line ahead of public safety. This agreement, all in the name of reform for the sake of reform, takes away expected and necessary protections for workers and consumers. The American people deserve better.

I urge my colleagues to defeat this conference report. I do not understand why this House should be a party to creating a legal climate that would hurt consumers who have already been injured by the negligence of product manufacturers.

Mr. Speaker, the proponents of this legislation have used little hard evidence in their zeal to push for passage of this legislation. But, I submit there are real people whose real cases demonstrate precisely how the current system has improved public safety and has promoted responsible corporate behavior.

For example, what would the proponents of this legislation say to the parents of the 4-year-old girl whose pajama top caught fire and who suffered second- and third-degree burns all over her upper body? Would the proponents say that there should be a cap on punitive damages when the manufacturer of the child's pajamas was well aware of the flammability of those garments? So well, in fact, that one company official admitted that the company was always sitting on a powder keg, even though treating the pajamas with flame-retardant chemicals was economically feasible?

Well, Mr. Speaker, the scars on that little girl—both physical and emotional—are permanent and she bears those scars only because of the negligence of that company. The $1 million punitive damage award in that case was small recompense for that little girl and her family. And yet, this conference agreement would deny that little girl such an award. And, Mr. Speaker, it was that award that served as the prime motivator for removing those garments from the market.

Or, Mr. Speaker, let's talk about defects in cribs. Two years ago, a 5-month-old baby boy died from injuries suffered from a defective crib. He died

in spite of the fact that the crib's manufacturer had ignored warnings 10 years before by the U.S. Product Safety Commission of just such defects. Or, let's talk about exploding Pintos, or asbestos insulation in office buildings and in schools, or tractors that suddenly self-shift gears. There have been court cases involving all these products that have resulted in punitive damage awards to those who have been injured, maimed, or killed by them. Those punitive awards have benefited us all, Mr. Speaker, because they have forced companies to do the right thing—to fix, to recall, or to discontinue the manufacture and sale of products that injure, maim, or kill people.

And so, Mr. Speaker, we too have a chance to do the right thing today for American consumers. I encourage my colleagues to take a stand and to reject this conference agreement.

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

Mr. LINDER. Mr. Speaker, at this time I have no requests for time, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

The SPEAKER pro tempore (Mr. GUNDERSON). The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 6 minutes.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas and the gentleman from Georgia for yielding me this time.

I just want to say to Members, I certainly hope they help us defeat the previous question, because Members of this body have voted twice to do something that is now no longer in this piece of legislation, and I think Members are going to be really surprised when they find out that the Senate removed this.

What is this? Well, this is a very, very key component that, it is kind of like a Federal long arm statute, but it says that for any foreign manufacturer that wants to partake of the benefits of this law, the benefits of this law, they must subject themselves to discovery and to the jurisdiction of the U.S. courts.

Now, I think with the benefits go the responsibilities, and we are giving them a great benefit when we pass this. When we pass this bill, what we are doing is limiting their liability, allowing them to get away with all sorts of things. I think it goes way too far. But I just say to this body, if you are going to do that, and you are not going to have this provision dealing with foreign manufacturers, I think that we ought to strike the name of this. How can you possibly call it common sense? Because once again, you will be putting our manufacturers under one standard, but foreign manufacturers under an entirely different standard. They can limit their liability, they can do very well, but guess what? They do not have to be under the jurisdiction of U.S. courts and they do not have to be under the discovery proposals.

Twice this House voted by 256 votes for this proposal. The gentleman from Michigan, the esteemed ranking member, Mr. CONYERS, has pursued this and pursued this and pursued this, and convinced this body of this issue. Unfortunately, in the other body, it seems that foreign manufacturers have a lot more gravitas and something happened. It disappeared.

So if we can defeat the previous question, this side will be moving to try and put in that very key component so that this really is common sense, and what our manufacturers get, foreign manufacturers are going to get too, and they are going to have a level playing field. I just think the American people are going to be very distressed to find out one more time foreign manufacturers are given the wing-wing, or a better deal under this.

Now, I also have great trouble with the bill for one other reason. When we talk family values, we ought to mean family values, and we talk family values all the time. One of the things that this legislation does is it values a corporate paycheck way more than it does a person's reproductive capacity. If someone loses their reproductive capacity, that is considered noneconomic damage. Now, that may be noneconomic to some accountant, but to anybody with a heart and a soul, I think the loss of your reproductive organs is way, way more valuable than any economic damages you could ever have. What this bill does is that it puts punitive caps on that, and I just think that that is really wrong.

When you look at the history of women's experience, whether it is with silicon breast implants, the Dalkon shield, with all sorts of things such as DES, and so forth, that have been marketed, and then turned out to harm women's reproductive systems, now we really are capping what kind of value that has. I think people would be shocked to know that a Congress that speaks family values is going along with this. So I urge a no vote on the previous question.

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

Mrs. SCHROEDER. I yield to the gentleman from Illinois [Mr. HYDE.]

Mr. HYDE. Mr. Speaker, with great respect I would like to advise the gentlewoman, there is no limitation on economic damages or noneconomic damages. It is punitive damages only that there is a limitation. That provision was taken out of the bill and there just is no limitation on economic or noneconomic damages.

Mrs. SCHROEDER. Well, Mr. Speaker, reclaiming my time, the gentleman, my esteemed chairman, is correct as far as he goes, but let us talk about joint and several and let us talk about punitive damages, and the punitive damages caps.

Mr. HYDE. Mr. Speaker, if the gentlewoman will continue to yield, I thought you were talking about economic and noneconomic. The punitive damages, yes, there are limitations.

Mrs. SCHROEDER. That is right. And when you look at the economic damages, they always weigh in a whole lot more. The noneconomic damages, and without the punitive add-on to it, and the joint and several, I really think women or men, for that matter, I think we are going to learn more and more about men losing their reproductive capacity. We do not know why, but we are starting to see more articles about this new disturbing trend.

Mr. VOLKMER. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I am curious. Maybe the gentlewoman can tell me what the economic loss is for the ability to have a child. What is the economic loss of the inability to have a child? I do not think you can put a dollar figure as an economic loss on that. So if there is no economic loss and no punitive damages, what damages are they then?

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, as the gentleman knows, this law would supersede the traditional common law, and it would eliminate joint and several liability for noneconomic damages such as pain and suffering. So obviously, the loss of reproductive organs is considered a noneconomic damage, and in the past, pain and suffering for that has been recognized, because common law recognized human beings and their pain. So when we supersede that, when we repeal that, that is my point.

Mr. VOLKMER. Mr. Speaker, if the gentlewoman would continue to yield, what I am trying to get across is what you are going to end up with is there is no damages, really, for a woman's loss of the ability to have a baby.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

The President has threatened to veto heart transplants, heart valves, brain shunts, knee joint replacement, hip joint replacements and 100 other medical devices that people are starving for, waiting for their lives to be helped with the implantation of these medical devices.

Title II of this bill provides for relief for biomedical suppliers who in the past have provided a little bit of plastic for a heart valve or a little bit of a gimmick for a brain shunt, and now the suppliers who have been hit with tremendous lawsuits are going out of the business of supplying these little bit of elements for much-needed medical devices.

□ 1045

So in title II, we solve that problem and we know the companies that have

been heretofore supplying these medical devices are going to be back in business. If we allow this bill to be vetoed, and I hope it is not, what is going to happen is that the medical device developers and manufacturers will again be short of the materials they need to create these devices. We ought to pass the rule and pass the bill and then urge the President not to veto it.

Mr. Speaker, there are 8 million people in our country who today have some kind of medical device implant, pacemakers, as I said, brain shunts, all kinds of things, including hip joints and knee joints, which are part of the makeup of many of the Members of Congress. But if we do not pass this bill, then the suppliers of the basic elements required for these medical devices will simply not supply them because of the fear of massive lawsuits. That is what we are talking about.

When you talk about the consumer as being damaged by the passage of this bill, I am telling you that the person who is waiting for a heart transplant is being damaged by the failure to pass this legislation. The recipient of a brain shunt is being damaged by the failure to pass this legislation, and he is a consumer too.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I appreciate the opportunity to speak on this. I would urge that we defeat the previous question, and we oppose the rule under which this bill will be brought up today. The last speaker spoke about consumers, and that is what I would like to talk a little bit about here today and hope they do not get lost in this whole discussion.

Mr. Speaker, today we will hear from my friends on your side of the aisle that it costs so much more to do products, whether it is a medical device or a simple stepladder. It costs one-third more because of product liability insurance. We have heard a lot about especially the stepladder; it seems to be the one that is making the TV news. So I called my local hardware, Walter Brothers True Value up in Menominee, and I said, how much does it cost for a stepladder, an 8-foot aluminum stepladder? They said it is $130. So if one-third of it goes for product liability insurance, then we should be able to reduce that upon enactment of this bill by $43, so that stepladder should now only cost $87.

Mr. Speaker, I offered an amendment to do just that, to make sure that consumers are protected, not only for product safety but also protect their pocketbook and the cost that they say would be generated if we pass this legislation. Of course my amendment was rejected. So let us see who gets the money here and who gets protection here.

Will the manufacturers be required to reduce their costs by one-third underneath this bill? No. Will the product liability insurance companies be required to reduce their premium notices by one-third? No. Will the consumer be required to do anything in this bill? Yes.

They will be required to give up some rights. They will be required to bring action. They will be required to give up rights for punitive damages for faulty manufacture, for defective products, for inadequate warnings. So who is losing here? The consumer. The consumer.

From the fall on the ladder, the windfall goes not to the consumer but to the insurance company and the manufacturers. Not just stepladders, but the decrease in the cost of vaccinations, will that occur in this bill? Is there any requirement here? No. How about medical insurance? No. How about child safety seats? No.

Mr. Speaker, we are going to limit the rights of ordinary people to bring a cause of action for their injuries and damages, and it is a windfall for large corporations, manufacturers, and the insurance company. My amendment would have helped to ensure it would put some integrity into the system to make sure those cost savings are passed back to the American people and, unfortunately, my amendment failed and was not even considered by the majority.

So I have great reservations and hope we will oppose the previous question and hope we go back and get an equitable rule on this.

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

Mr. STUPAK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Does the gentleman consider a person who is waiting for a heart transplant a consumer that ought to be protected and should have the benefit of a heart transplant and should have laws in place that will facilitate the flow of materials to the medical device manufacturer, who will eventually be part of the heart transplant device? Does the gentleman favor legislation that would make it easier for a transplant recipient to receive that transplant?

Mr. STUPAK. Yes. I favor that the hear transplant be done safely for less money.

Mr. GEKAS. Of course.

Mr. STUPAK. for less cost.

Mr. GEKAS. Of course.

Mr. STUPAK. And that the consumer be protected. That is not in this bill.

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

Mr. Speaker. I would like to tell the gentleman from Michigan that his amendment was not ignored by the majority. It was considered and found wanting.

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Speaker, I am really truly amazed. I heard this morning when I came over the Speaker talk about what great things they had done yesterday with the legislation, but one of the things he did not mention in that legislation was the exemption of certain insurance policies under that health bill from State regulation. Now we do not have any Federal regulation. That is taking away States' rights from the majority.

Mr. Speaker, they always talk about States' rights, what States should be able to do, and then in this bill, right in this bill, one of the worst things I have ever seen proposed is that in product liability cases, in the future under this legislation, in the State court, we are not going to be able to follow State law. Never, never in the history of this country has that been done, never.

We cannot follow State law. We have to follow this law in State courts. It preempts all 50 State product liability laws as relates to suits by consumers. But if it is a suit by a commercial firm against a manufacturer, it is not preempted. Hey, wait a minute. Why? Well, that is business and business. It is OK for business and business, State law. But when it comes to consumers and manufacturers, then it is not.

Mr. Speaker, I thought that we should provide that if we want to do it for Federal courts and Federal law, that is one thing. But for this reason alone, the preemption of all State product liability laws, we are telling our State legislatures out there, our State courts that they do not know what is going on, they do not have the right to decide what laws should affect cases, not only in the State of Missouri, but the State of Wisconsin, the State of New York. No, we have to follow the Federal law in the State court. Never has that been done. For that reason alone, I urge the President to veto this legislation.

One other matter that I like to bring out that has not been discussed here, utilities out here, gas companies and others. There is strict liability on what they do. That means if they do it, and we prove that they did it, we do not have to prove gross negligence or anything else. Not anymore. Not under this bill. They have damage caps. We still have the strict liability. But damage caps are on it.

To give a little example, and these things happen not regularly but every once in a while throughout this whole United States. We have natural gas, which I use in my home, both up here and out in Hannibal, used in my office when I was practicing law back in Hannibal for heating, et cetera. Once in a while, there are gas leaks and there are explosions and people get hurt. Ok, so we get economic damages, we get our out-of-pocket.

But what happens when the utility has been notified, that gas company has been notified well in advance not one time, not two times, not three times, but at least a dozen times over a period of 2 weeks and they do nothing and you have an explosion and people

are killed and people are maimed for life and burned, disfigured. Two hundred fifty thousand dollars on punitive damages, that is it.

That is what we are telling the consumers out there. That is all they can get. That is it. We have to follow this. We cannot go to State court. We have to do it under Federal law. We have to do it under this law. Veto the bill, Mr. President.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, not long ago we read about an arson that was committed at the DuPont Plaza Hotel, Puerto Rico. The place burned down, but it was an arson, so naturally the lawyers descended on the scene, and they did not sue the arsonist. They sued every manufacturer of anything that was contained in the hotel. They sued the manufacturer of the drapes and the beddings. They sued the manufacturer even of the casino dice.

The kind of feeding frenzy that occurs at the filing of these lawsuits and the attempt to get everyone to settle is really best described as extortion. The people that are getting extorted in the first instance of course are all the people who are being made to pay for something that they did not do. But in the end, the people who are being made to pay are all of our constituents; in fact, all of us.

Mr. Speaker, we pay more for things like our home insurance. We pay more for things like a new computer or even or common stepladder. We pay more certainly for our car insurance. All of these things are taxed by an unfair tort system that right now, because of excesses, not because of the substance of justice that we all want to preserve but because of excesses, has turned our civil justice system into a great wheel or fortune lottery.

In 1987, my home State of California was home to 107,000 lawyers. Now, we had some rough years for our State's economy thereafter, but over the next 5 years, while other things were suffering, the legal industry did quite nicely, thank you. California gained 28,000 lawyers on top of the 107,000 for an increase of more than 25 percent. Today, there are more than 143,000 lawyers in California. Few, if any industries in California, in our State, can claim that kind of growth rate.

As fast as the number of lawyers has been growing, legal fees, the revenues of the legal industry, have been growing faster still. In 1987, the California legal industry, lawyers' fees, took in $10.4 billion, or should we say took out from the economy $10.4 billion. But over the next 5 years, again when the economy was not doing that well, this amount grew to $16.3 billion. Those were the revenues of the legal industry, an increase of 57 percent.

That $16.3 billion in revenues for the California legal industry is more than we spend on auto repairs, on funerals, on tanning salons, on 1-hour photo finishers, video tape rentals, detectives and armored car guards, bug exterminators, laundry, day care, shoe repairs, septic tank cleaning combined. Combine all of those industries in California, you do not get as much as we shell out for lawyers. There is an excess and we are trying to scale it back.

Mr. Speaker, this is not loser pays. This is not some of the things that we watch our competitor nations around the world use to rein in these excesses. It is a very simple reform. It applies only to products and to charities, and it does not, I would like to make this very plain, cap punitive damages. It does not.

Everybody is complaining oh, my gosh, there is a $250,000 cap on punitive damages, but there is not at all. The cap on punitive damages in this bill is infinity. That is why it is so bipartisan. That is why everyone is willing to sponsor it. Technically, what we have said is that you can get as punitive damages the greater of $250,000 or twice compensatory damages. Compensatory damages is a lawyer's word for things like pain and suffering, emotional distress, injured feelings, and there is no limit whatever on that. Infinity is the limit on such damages, so they claim the sky is the limit there and multiply it by two and that is the limit on punitive damages in this bill.

This modest reform is supported, therefore, by Democrats and Republicans in both Chambers. It is as modest as we can get, and those who stand up and oppose it, I say, want no reform at all.

□ 1100

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I am trying to figure out why it is that the State of West Virginia cannot make its own decision in this regard as it has done since it became a State in 1863. I am trying to figure out why it is the State of California or Illinois or Texas or, whenever, Alaska cannot make its own decisions about how ti protects its own citizens as they each have done since they came into the Union.

I am trying to figure out why it is that in an era when we seem to be moving in and this Congress seems to be wanting to be moving toward deregulation, toward, quote, taking regulation off the backs of people, unquote, in which the Government tries to safeguard the population in safety and workplace safety and consumer product safety and other areas, at a time when regulation is being cut back because we want to encourage the individual, why it is then we are not letting the individual retain the individual's ability to protect themselves and to protect themselves against products that are created unsafe, that are used in the workplace or by consumers.

Regulation is going down at the same time you are going to tell individuals their ability to protect themselves is going down as well. Who is it that thinks you can stand up to a major international corporation and one person if you do not have the aspect that you are going to pay for what you do. Oh, I know the arguments that are going to be made. The argument is that, well, for compensable injuries where you can show the medical damages, no limit on that, and for noneconomic damages, that is pain and suffering, that is right, that means that you are in a wheelchair for the rest of your life and somebody is trying to put a dollar value on that. Good luck. However, they even limit that by saying joint and several liability, it would not be applied there. That means that if you have several defendants and one of them goes bankrupt, you cannot recover the full amount from the others. That would be eliminated.

I am trying to figure out why it is the State of West Virginia is not able to enact the laws to protect its own citizens. It seems to me, if there is a problem here, frivolous lawsuits are being filed, then it would seem to me the States would be the first ones to leave.

The gentleman from California who just spoke, I believe it was California that just defeated by referendum several so-called tort reform measures that go exactly to what is trying to be accomplished in this bill. You have got frivolous lawsuits, then, fine, there are sanctions against lawyers that can be taken. You want to stiffen those sanctions, that is fine; the States do that. In our State we elect our judges. Are judges giving away unfair, unruly verdicts? Fine, deal with those judges. Is there a problem that can be fixed by the legislature? Legislatures can each pass one of these pieces of legislation. Fine, deal with the legislature, and our people have an ability to get to that quickly at a time when the States are being the ones that are seen as closest to the people, and more power should be devolved upon the States. This seems to go in the opposite direction, does it not? It seems to say we do not trust the States to protect their own people. That is what I think is most offensive about this so-called product liability. I urge defeat of the rule and the bill.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

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

Mr. Speaker, I would like to say to my good friend from West Virginia and a more aptly named human being I do not know, Mr. WISE, that back in 1789 that argument made sense. Each colony could take care of its own. But today we have a mobile society, and over 70 percent of items that are manufactured get into interstate commerce

and a patchwork of 50 different sets of laws having to do with product liability gives insurance companies nightmares trying to predict what rates to charge. It makes it very difficult to comply with all of the different patchwork laws. So because interstate commerce is so intimately involved in modern-day manufacturing and shipping, it was felt useful to have some standard to which manufacturers could repair, to which insurance companies who cover these incidents could repair, and even plaintiff's lawyers could repair. So that is really the reason. It is a concession to modernity.

Now, the gentleman who spoke before from Hannibal, who unfortunately had to leave the floor for one reason or another, or chose to, I would like to have informed him that his graphic example of the natural gas explosion is specifically excluded in the bill, and you know one of the problems I learned early in life is people know so many things that are not so, and reading the bill is a great idea. And if he had done that, he would have known that there is an exclusion. There are many exclusions, electricity, water, delivered by utility, natural gas or steam, water delivery; they are specifically excluded. So his example of the explosion that killed so many people and injured so many people, the sky would be the limit, would be a plaintiff's lawyers' dream.

So I just wanted him to know that.

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time and the member of the Committee on Rules and my colleagues from Texas.

Mr. Speaker, I think it is misconstruing the concern that is being raised today of the people, those of us who have risen to oppose the rule, as not having a general sense and appreciation for the concerns of small businesses and the concerns of those who would want to have an equal balance and fairness between litigants in the courtroom.

What disturbs me is the approach that this bill has taken. First of all, it refutes a basic principle that the Republicans have been espousing now for more than a year under the new Republican leadership, leave it to the States. My State, the State of Texas, has very adequately and very ably handled tort reform. It was a consensus effort between consumers and businesses alike, and they are now functioning under new State tort reform law signed by the Governor of the State of Texas. Yet this Congress now wants to tell my State that any law we pass today will preempt the consensus built over years and months of negotiation. That troubles me.

Then we find ourselves faced with an unfair attack on consumers, particularly those who are not as economically endowed as the chief of one of our corporate 500 companies or maybe one who is maybe independently wealthy. And so if you happen to be retired, or a housewife, or a student, then you do not have a basis for a reward that is attributable and equal to the injury that you have suffered because your economic losses would be low. That is unfair to consumers.

We find ourselves now passing legislation that will alter the standard of proof. For years this constitutional Nation has acted under a preponderance of the evidence in civil matters. Now we are asking consumers with little means to be able to go into court against major corporations and businesses with massive resources and now be required to prove clear and convincing evidence which would show a conscious, flagrant indifference to the rights and safety of those harmed. How unfair.

First of all, I think many of my colleagues will admit when you go into a civil court on any major tort litigation, you wind up being there for at least between 6 to 10 years. It may be even longer. There is no rush to settlement on these cases, and so you have got the injured family, the family of a deceased loved one, tragically having to mourn their loss and then deal with an elongated process in the courts. And now this legislation would require the plaintiff to prove clear and convincing, to climb over this hill beyond what is going on in other cases in civil suits.

Just take, for example, this provision that talks about older products, the older products provision that prohibits a course of action if the product is 15 years old. What about the playground equipment that a child may play on? Fifteen years is not very long. What if it is 15½ years? Does that severely injured child not have a remedy?

What about the provision 82 Republicans supported that would put foreign manufacturers under U.S. laws? We do not have that anymore. What about the provision that we tried to amend this particular bill to protect products used by women, affecting reproductive organs, causing fetal malfunction? We do not have that. This is not a good piece of legislation.

Let us leave it to the States. Let us resolve to find a way to be fair to the consumers of America.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, the ostensible justification for moving this legislation today is that our criminal justice system is overcrowded, sluggish, excessively costly. We have to do something about it. And if this bill did anything about it, I think that we could give some praise to the Republican Party.

However, what they have done here is avoid the real litigation explosion in our country. Product liability cases constitute only about 2 percent of all lawsuits filed in State courts and only about 3 percent of all civil jury trials. By comparison, 48 percent of the civil lawsuits filed in State courts and 18 percent of all the cases tried are disputes between businesses. These business-versus-business lawsuits accounted for 63 percent of the lawsuits since 1989 which resulted in a verdict or a settlement exceeding $50 million.

So what has the conference report done on these lawsuits? Absolutely nothing. The Committee on Rules would not even allow me to bring an amendment out here on the floor on this blight upon the law system of our country. The conference report actually contains provisions that explicitly exempt all civil actions brought for commercial lawsuits from any of the harsh new procedural substantive provisions in the bill.

Let us just consider some of the cases they do not want to deal with. McDonald's brought a temporary restraining order to prevent Burger King from airing ads comparing the Big Mac unfavorably with the Whopper. Walt Disney sued the Motion Picture Academy to force a public apology for an unflattering portrayal of Snow White at the Academy Awards ceremony. Advil sued Tylenol for such weighty legal issues as whether Tylenol was as effective as Advil for headache pain and whether Tylenol is unbeatable for a headache. Scott Paper sued Procter & Gamble, claiming it had allegedly misled consumers about the absorptive power of Bounty paper towels by claiming Bounty was the Quicker Picker-Upper.

Now, did they go after these cases in this bill? Absolutely not. Business suing business frivolously, and area after area? Which case do the Republicans want to take on? It is where an individual has been harmed by a product, where the lawnmower, where some consumer product has exploded in the face of a family member. Those are the people they are going to take on. Those are the people they are going to tell cannot sue any longer.

This is a disgrace. The real abuse in the courts are businesses suing businesses. That is 90 percent of the problem that we have got, frivolous case after frivolous case being brought. It is time that we brought the truth to these issues and rejected this conference report.

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

Mr. Speaker, I would just like to take enough time to point out to the gentleman from Massachusetts that he did not bring his amendment to the Committee on Rules and we do not amend conference reports.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, clearly this bill is anticonsumer. It is antiaverage person because indeed it is putting the greater burden on those

who trust and buy products. It is saying to those persons that we prefer to protect the businesses that make and purport to make it safe for your consumption.

□ 1115

This is not a bill that is talking about frivolous cases. It is not frivolous, indeed, when there is an implant that destroys the life of a woman. It is not frivolous indeed when a mother buys a baby garment and that garment harms that child. These are not frivolous cases; these are cases about life and death.

So why would you even claim that when an individual is injured or is maimed or killed, that is frivolous? How is human life frivolous? It is frivolous to say that a mother or child is less valuable than with someone who works. To compute the $250,000 cap based on that, and that the award is based on their economic value, is to deny the individual worth of all individuals.

Mr. Speaker, this is a bad bill. Americans know this is a bad bill. This is a bill to award big business, to remove their liability for all the consumers. I urge the defeat of this rule and the defeat of the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, strangely, this piece of legislation rejects the notion that I have heard so often voiced from this microphone about the concept of personal responsibility. It is OK to demand personal responsibility of the most disadvantaged, of the poorest people, of the most vulnerable people in our society. But, for some reason, it is the position of those who support this conference report that it is inappropriate to demand full personal responsibility of those who kill and maim and destroy the lives of their neighbors.

In many cases, the cases that generate the largest verdicts, that get talked about the most, result from those who place profits over safety, time and time again, when they had one report after another coming in from across America that people were being damaged, that they were being hurt, being killed by their products, and those reports were ignored and the lives of other Americans were endangered as a result. But that concept of personal responsibility is totally and completely disregarded by those who support this bill.

The second concept that has been talked about so much, as if it were a new invention, is that of States rights. What is wrong with the jurisdiction and the legislatures of these 50 United States addressing this issue? Why is it that from this microphone there is only support for State wrongs, but never support for States rights?

I say that the States ought to be able to address these issues themselves. I had a small business person in my office last week speaking generally in favor of this piece of legislation. Yet every one of the reforms that he thought were important to be implemented in this legislation had already been implemented by the Texas legislature.

Why not have these decisions made on Congress Avenue in Austin, TX, instead of up here on the Potomac in Washington? What is going to be the dividing line? If we are going to have the Congress of the United States interfere in States rights in this issue, why not in every other part of our life?

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the rule and of the conference report. Our out-of-control legal system is ruining the productivity of American manufacturing. Because the price of all of these crazy lawsuits and big judgments and product liability insurance premiums are all folded into our products that we try to sell, both at home and abroad, we end up being at a significant competitive disadvantage to our foreign competition, and specifically the British and the Germans and the Japanese.

This legislation is a significant step forward to bringing American manufacturing more competitive. When that happens, that is going to mean more jobs for American people. So we are not talking about protecting big business here, we are talking about creating jobs at home, rather than having our legal system destroy jobs at home and create jobs abroad.

Second, the original bill that passed the House contained medical malpractice insurance reform. It is no longer necessary to consider that issue in the context of this legislation, because the House took care of that issue last night when we passed the insurance reform bill with a medical malpractice reform component in it. So splitting off medical malpractice into other legislation has made this legislation easier to pass through reaching an agreement in the conference committee.

I want to commend the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary and chairman of the conference committee, for crafting a very good bill that will be in the public interest. I hope it passes by more than a two-thirds vote today, because that will send the White House a needed message to sign this legislation.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Texas [Mr. FROST] for his management of the rule in this matter, and bring to the attention of the Members the one reason that this rule should be rejected. That is because the provision that I put in the bill that would have helped American consumers by making it easier to obtain legal process and discovery against foreign manufacturers was quietly dropped in conference, at the insistence of foreign lobbyists. It was dropped, even though we then instructed the conferees to retain this provision in conference, overwhelmingly bipartisan.

So join me in rejecting the rule to have this amendment that would make foreign manufacturers liable like domestic manufacturers are for defective products.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Speaker, I just rise in support of the rule. It is a long time in coming on this product liability. I know many of us were on what is called the old subcommittee on competitiveness in which we had an opportunity to have hearings on this, and this has been part of the Republican contract for America. But, more importantly, it has been an agenda which both Democrats and Republicans have had bipartisan support for. This support goes back to the 103d Congress where I had the opportunity to be the ranking member with the gentlewoman from Illinois [Mrs. COLLINS]. She and I passed a product liability bill out of our subcommittee which had bipartisan support. So I am in strong support of this rule, and I hope the bill will pass overwhelmingly.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Texas is recognized for 1½ minutes.

Mr. FROST. Mr. Speaker, I urge a ''no'' vote on the previous question.

If the previous question is defeated I intend to offer an amendment to the rule which would provide that the House will have adopted a concurrent resolution directing the Clerk to correct the enrollment of this conference report by adding the Conyers foreign manufacturers amendment, section 107 of the House passed bill.

This amendment would level the playing field by subjecting foreign corporations to the same jurisdiction and discovery rules that their U.S. counterparts face.

The text of my amendment as follows:

AMENDMENT TO RULE ON PRODUCTS LIABILITY CONFERENCE REPORT

At the end of the resolution, add the following:

''SECTION . Upon the adoption of this resolution, the House shall be considered to have adopted a concurrent resolution directing the Clerk of the House to correct the enrollment of H.R. 956 and consisting of the text contained in the next section of this resolution.

''SECTION . *Resolved by the House of Representatives (the Senate concurring),* That in

the enrollment of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

At the appropriate place, add the following:

SEC. . FOREIGN PRODUCTS.

(a) GENERAL RULE.—In any product liability action for injury that was sustained in the United States and that relates to the purchase or use of a product manufactured outside the United States by a foreign manufacturer, the Federal court in which such action is brought shall have jurisdiction over such manufacturer if the manufacturer knew or reasonably should have known that the product would be imported for sale or use in the United States.

(b) ADMISSION.—If in any product liability action a foreign manufacturer of the product involved in such action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in such action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) PROCESS.—Process in an action described in subsection (a) may be served wherever the foreign manufacturer is located, has an agent, or transacts business.

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

Mr. Speaker, I just would like to point out for those coming to the floor to vote on this issue that nobody criticized the rule. It is a normal rule for a conference report. The debate throughout the whole last hour has been on the bill. We will have an opportunity to debate that in the next hour and vote on that.

I urge my colleagues to come to the floor and vote for the previous question, vote for the rule, and move on to the bill.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FROST. 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 237, nays 173, not voting 21, as follows:

[Roll No. 108]

YEAS—237

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—173

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—21

Bryant (TX)
Collins (IL)
Coyne
de la Garza
Eshoo
Fields (TX)
Ford
Fowler
Gephardt
Goodling
Gutierrez
Hayes
McNulty
Serrano
Smith (TX)
Stokes
Torres
Velazquez
Weldon (PA)
Williams
Young (AK)

☐ 1142

Mrs. KENNELLY, and Messrs. PETERSON of Florida, BARRETT of Wisconsin, and RANGEL changed their vote from ''yea'' to ''nay.''

Mr. GORDON changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

☐ 1145

The SPEAKER pro tempore (Mr. GUNDERSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mrs. MINK of Hawaii. I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 1972.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2754

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 2754.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

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

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 323, noes 83, answered ''present'' 1, not voting 24, as follows:

[Roll No. 109]

AYES—323

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)
Zeliff

NOES—83

Abercrombie
Baldacci
Becerra
Bonior
Borski
Brown (CA)
Brown (FL)
Clay
Clayton
Coleman
Collins (MI)
DeFazio
Deutsch
Dingell
Durbin
Edwards
Engel
Fazio
Filner
Frost
Gephardt
Gibbons
Gillmor
Green
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hilliard
Hinchey
Jacobs
Johnson, E. B.
Johnston
Kennedy (RI)
Kildee
LaFalce
Levin
Lewis (GA)
Markey
Matsui
McDermott
McHale
Meek
Menendez
Miller (CA)
Mink
Nadler
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Peterson (MN)
Pickett
Pombo
Richardson
Rush
Sabo
Sawyer
Schroeder
Scott
Skaggs
Slaughter
Spratt
Stark
Studds
Taylor (MS)
Thompson
Thurman
Torkildsen
Towns
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Wise
Yates
Zimmer

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—24

Bryant (TX)
Collins (IL)
de la Garza
Doggett
Eshoo
Fields (TX)
Ford
Fowler
Goodling
Gutierrez
Hayes
Kolbe
McNulty
Pelosi
Sanders
Seastrand
Serrano
Smith (TX)
Stokes
Torres
Velazquez
Weldon (PA)
Williams
Young (AK)

☐ 1159

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

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

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, this morning I was attending the funeral of a close friend. Regrettably, I missed rollcall vote 108, House Resolution 394, on ordering the previous question. I also missed rollcall vote 109 on approving the Journal. Had I been present I would have voted ''yea'' on both.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 159

Mr. GOSS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 159.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 159, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–513) on the resolution (H. Res. 395) providing for consideration of the joint resolution (H.J. Res. 159) proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 842, TRUTH IN BUDGETING ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–514) on the resolution (H. Res. 396) providing for consideration of the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1834

Ms. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1834.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

CONFERENCE REPORT ON H.R. 956, COMMONSENSE PRODUCT LIABILITY LEGAL REFORM ACT OF 1996

Mr. HYDE. Mr. Speaker, pursuant to House Resolution 394, I call up the conference report on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to clause 2(c) of rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of March 14, 1996, at page H2238.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] each will control 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 956.

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

There was no objection.

Mr. HYDE. Mr. Speaker, I yield 15 minutes of my time to the gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce, and I ask unanimous consent that he may be permitted to control that 15 minutes.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan [Mr. DINGELL], former ranking member of the Committee on Commerce, the Dean of the House, and I ask unanimous consent that he be permitted to yield time in blocks.

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

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself 2 minutes.

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

Mr. HYDE. Mr. Speaker, I rise in support of the conference report on H.R. 956, the Commonsense Product Liability Legal Reform Act of 1996. This legislation is an important first step in the longstanding congressional effort to reform our legal system. Although the reforms contained in the conference report do not go as far as I and many in this Chamber would have liked, this legislation takes some important first steps in restraining the excesses of the current out-of-control legal system. It is a solid downpayment on long-needed reform.

When the House passed H.R. 956, the Commonsense Product Liability Legal Reform Act of 1995, in March of last year, we did so on a strong bipartisan vote of 265 to 161. That vote sent a message that the new Republican majority in Congress was resolute in its commitment to bring about broad-based legal reform and an end to lawsuit abuse. It has taken us more than a year to complete this process, but we now have before us a conference agreement which, while not as ambitious as the House bill, will for the first time in the history of Congress take aim at the inequities and inefficiencies of our legal system.

This is not only a first step in the direction we need to head, but it is a step which we can realistically enact this year. The Senate has already approved this measure by a vote of 59 to 40. Despite the fact that the agreement does not go far as reforms that the House voted for—notably extending relief to all civil actions—we must not lose sight of the fact that product liability reform is an historic accomplishment. It will unleash an American job creation boom and will translate into real growth for our economy.

I would like to take this opportunity to highlight several key provisions contained in the conference report.

STATUTE OF REPOSE

One very important part of this conference agreement imposes a uniform statute of repose of 15 years for cases involving durable goods. A statute of repose specifies the period of time after manufacture of a product during which a lawsuit relating to the product may be brought. The statute of repose addresses the unfairness that results when manufacturers are sued on the basis of products that left their control many years ago. This allows U.S. manufacturers to compete with foreign companies that have entered the marketplace in recent years and face no liability exposure for very old products.

Section 101(7) of the conference report defines the term durable good as meaning first, ''any product or any component of any such product which has a normal life expectancy of three or more years'' or second, any product which ''is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986 and which is: (A) used in a trade or business; (B) held for the production of income; or (C) sold or donated to a governmental or private entity for the production of goods, training, demonstration or any other similar purpose.'' Thus, the agreement describes two distinct categories of products which will be covered by the statute of repose provision.

Under the first clause of the definition, a manufacturer of a product such as a machine tool, farm equipment, a bicycle or a ladder, a toaster or gas furnace, an elevator, or building materials such as plate glass, wall coatings, or roofing tiles could not be sued based on harm allegedly caused by that product more than 15 years after the product was first delivered. Thus, a product which has a normal life expectancy of 3 or more years need not meet any other criteria to qualify as a durable good.

Again, the second clause of section 101(7) covers products that are subject to allowance for depreciation under the Internal Revenue Code and used in a trade or business, held for the production of income, or sold or donated to a governmental or private entity for the production of goods, training, or similar purposes. These types of products would also be covered by the 15-year statute of repose adopted in the conference agreement.

Some have erroneously stated that the statute of repose in the conference report is confined to goods used in the workplace. That is not correct. The language of the conference agreement is clearly not limited in this manner, nor should it be.

In his eloquent statement in support of the legislation, Senator GORTON pointed out two examples—step ladders and football helmets—where a large proportion of the price of the product is accounted for by the cost of product liability actions and insurance. Senator GORTON's use of these examples underscores the irrationality of any workplace limitation on the statute of repose. A workplace limitation would make unjustified and unfair distinctions between products, and could produce wildly inconsistent results for manufacturers who may have no control over where, and under what circumstances, their products may be used.

For example, if the statute of repose were limited in such a manner, a manufacturer of a ladder used in the workplace would be protected 15 years after the ladder is sold; but if that same ladder is used in the home the statute of repose would not apply. A football helmet used in professional sports would be covered by the statute of repose; but one used in other settings would not be. There are numerous other examples of arbitrary distinctions and unequal treatment that would result from a workplace limitation. A manufacturer of a mower used by a farmer would be protected from lawsuits after 15 years, while one whose same product is used by a weekend gardener would not be. The conference report rightly eliminates these types of arbitrary and unfair distinctions.

The statute of repose provision contains certain exceptions. It does not, for example, preempt the 18-year statute of repose contained in the General Aviation Revitalization Act of 1994. Neither does it apply in a case involving a vehicle used primarily for hire, where the existing State statute of repose, if any, would continue to apply.

The conference agreement provisions will also not apply in the case where the manufacturer or seller has expressly warranted the safety or life expectancy of the product to be longer than 15 years. In those cases, the private agreement of the parties will control.

The statute of repose also includes a toxic harm exception, which has been the source of a great deal of confusion and uncertainty. This exception was included in the Senate-passed bill to address a concern which had been raised about products that cause physical injuries that are latent, that is, injuries that do not manifest themselves for many years after a person is first exposed to a product.

Because the term ''toxic harm'' was not defined in the Senate bill and is

not defined in the conference report, I want to spend a few moments clarifying the congressional intent with respect to the scope of this provision. Numerous Federal statutes and regulations contain definitions of the word ''toxic,'' and some of those definitions differ widely from others. Some of those definitions, if relied upon to interpret the ''toxic harm'' exception in H.R. 956, would broadly except from the statute of repose products where the alleged harm ranges from harm caused by excessive noise, cold, vibration, or repetitive motion—such as repetitive stress injury—to those in which the alleged harm is caused by chemical or other elements, to products like asbestos, where the injury to a person caused by the product may be latent for many years. The conferees did not adopt or incorporate these wide-ranging definitions.

The House-passed bill contained a provision which addressed the problem the Senate bill sought to address, but which used different words. The House provision excluded from the statute of repose products that cause latent harm, specifically, a ''physical illness the evidence of which does not ordinarily appear less than 15 years after the first exposure to the product.'' Although the words used were different, the intent of the House and Senate provisions was the same: to except from the statute's time bar actions involving products alleged to cause latent illness.

The House, therefore, receded to the Senate bill's use of the ''toxic harm'' language, because it too is intended to provide an exception only for products that cause physical illness, evidence of which cannot be detected until long after exposure to the product, such as, harm that cannot be detected within a 15-year period.

Finally, it is important to note that the statute of repose contained in the conference agreement only preempts State statutes of repose which are longer than 15 years. It also does not limit a State statute of repose from extending beyond durable goods to other types of products. Thus, for example, a State statute of repose, which limits suits to those brought within 12 years of delivery of the product, and which covers all goods, would not be affected by the conference agreement.

PUNITIVE DAMAGES

The conference agreement generally adopts the Senate's language regarding a limitation on punitive damages. Punitive damages are intended for cases where the defendant's conduct has been particularly harmful—where the conduct involved gross negligence or intentional conduct. They should be awarded only in the most serious cases.

Punitive damages are generally limited to two times compensatory damages or $250,000 whichever is greater. This limitation will be imposed by the court in the event that a jury—which is not to be told of the cap—awards a higher amount. In the event that the cap operates to limit an otherwise higher jury award, the conference agreement allows the court to consider whether that cap is appropriate. If after reviewing the facts of the case the court finds that the amount of punitive damages allowed under the cap is inadequate, the court may increase the award, up to the amount of the initial jury punitive damage award level. In no event may the punitive damage award exceed the amount of the original jury verdict.

The limitation on the court's ability to award punitive damages in excess of the cap in no way suggests that the court will not have the normal discretion to review and decrease punitive damage awards in the proper circumstances. This power will continue to exist whether or not the initial jury award exceeds the limitation imposed under the conference agreement.

A special rule applies in the case of defendants with a net worth of $500,000 or less, or entities employing 25 or fewer full-time employees. For cases involving those defendants, the cap on punitive damages will be two times compensatory damages or $250,000, whichever is greater. For cases involving those defendants, the court may not increase the award beyond the statutory limit.

The limitations imposed by the section are to be applied defendant by defendant. Thus, in a case involving two or more defendants, the plaintiff could potentially obtain the maximum amount of punitive damages from each defendant. For purposes of calculating the limit for each defendant, compensatory damages will include only the percentage of damages for which that defendant is found liable.

The conference agreement permits a court to award additional damage under section 108(a)(3), but only in cases of egregious conduct. Egregious conduct in this context means conduct where the defendant against which the punitive damages are awarded specifically intended to cause the harm that is the subject of the action or acted with actual malice toward the claimant. Unless the defendant's conduct meets this standard, the provisions of section 108(a)(3) will not apply, and the court will have no authority to exceed the amount of punitive damages established in section 108(a)(1).

The provisions of the conference agreement in section 108(a)(3) which allow the court to exceed limitations on punitive damages are intended by the conferees to be treated as severable in the event a court determines that judges lack constitutional authority to award additional amounts of punitive damages. Should a court so find, the continued operation of the limitations otherwise imposed by section 108 will not be affected.

Section 108 does not preempt State laws which more narrowly limit the amount of punitive damages that may be awarded. Thus, if a State imposes a dollar limit on punitive damages which is less than the cap set forth in section 108(a)(1), the State law will apply, and the conference agreement's provision allowing for the award of additional damages by the court will not apply. Similarly, if the State law contains a provision for additur, but restricts the amount of additur permitted to less than the initial jury award, the provisions of the State law will prevail.

Thus, the punitive damage reforms of H.R. 956 are minimum standards and limitations designed to provide some measure of rationality; they would not displace the law of States with more restrictive punitive damage regimes. For example, many States have punitive damage limitations that do not allow the judge to override the statutory maximum. Nothing in the conference report displaces the laws of such States. Similarly, States are free to require higher standards of proof and to impose substantive requirements in addition to those in the conference report.

The preemptive effect of the punitive damage reforms turns on three separate provisions of the conference report. First, the Federal law ''supersedes State law only to the extent that State law applies to an issue covered by the Act.'' Second, the conference report provides that ''punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant if the claimant establishes by clear and convincing evidence that conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.'' Third, the conference report provides that the Act ''does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages.''

Mr. Speaker, the express preservation of State laws that further limit the award of punitive damages was part of the bill approved by the House in March, but it was not part of the amendment passed by the Senate. During the Conference, I led the House conferees in insisting that this provision be included. The conference report adopts the House preemption language—language that makes very clear the preemptive effect of the punitive damage reforms.

Taken together with the other provisions, this provision conclusively demonstrates that the Act would not expand liability for punitive damages, or increase the permissible amount of punitive damages, in any State. If State law imposes substantive or procedural requirements concerning the circumstances under which punitive damages may be awarded that are more stringent than the Federal law, the State law controls. Similarly, if the application of State law limits on the amount of punitive damages results in an award of punitive damages that is less than that permitted under the Federal law, the State law controls.

Let me explain, Mr. Speaker, why this is the only interpretation that is consistent with the plain language of the conference report, as well as the intent of its drafters.

Consider, for example, more stringent State standards for the award of punitive damages. Everyone agrees that the act would not make punitive damages available in States, such as Washington, that do not currently allow the award of punitive damages. In such States, no award of punitive damages is permitted by applicable State law and the punitive damage provisions therefore do not come into play.

Likewise, the act would not lower the standards for awarding punitive damages in States such as Colorado—which requires proof beyond a reasonable doubt—or Maryland—which requires proof of actual malice. If a claimant meets the standard of proof in the Federal law but not the higher standard imposed by State law, no award of punitive damages is permitted by applicable state law. Again, the punitive damage provisions of the Federal statute simply do not apply to cases in which punitive damages would not otherwise be available under State law.

In addition, State laws that impose a higher standard of proof than the Federal act, or that provide for additional substantive requirements, further limit awards of punitive damages and therefore are not preempted by the act, which does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages. Any State law that would make punitive damages unavailable even if the Federal requirements are met, or that would result in an award of punitive damages lower than the Federal limitations, is one that further limits the award of punitive damages. Such laws expressly are not preempted.

It is also important to recognize, Mr. Speaker, that the act would not affect State caps on punitive damages. In most cases, the act would limit punitive damages to the greater of $250,000 or two times compensatory damages. At the same time, many States have limited punitive damages by providing a maximum dollar amount, a multiplier, or some other statutory limitation on the amount of punitive damages. In many cases, application of these State limitations would result in a lower punitive damage award than would application of the Federal limitations. In such cases, these State laws would remain in effect.

For example, Virginia has enacted an absolute cap of $350,000 for punitive damages. Illinois limits punitive damages to three times economic damages. Application of these limitations to a punitive damage award results in the maximum amount of punitive damages permitted by applicable State law. Even if the Federal law would allow a higher award of punitive damages, therefore, the State law limitations would control. By contrast, if the Federal limitations resulted in a lower amount, the Federal limitations would control.

Lest there be any doubt on this subject, the conference report expressly provides that the act ''does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages.'' This provision can only mean that if application of a State limitation would result in a lower award of punitive damages than the Federal rule, the further limit of the State law controls.

COMMERCIAL LOSS

The conference revisions to H.R. 956 are intended to clarify congressional intent concerning claims for commercial loss. Commercial loss, as defined in section 101(5), means any loss or damage to a product itself, loss relating to a dispute over its value, or consequential economic loss. As further stated in the definition, any claim for any of these three types of loss is to be governed by the Uniform Commercial Code or State law versions of its provisions, or by contract law. This definitional requirement that all actions for commercial loss be governed by commercial or contract law is accompanied by the affirmative mandate in section 102(a)(2) that any civil action brought for commercial loss shall be governed only by applicable commercial or contract law. Congressional intent is to codify the historical approach that tort theories are not applicable to such claims, and may not be employed with respect to them.

The reforms contained in H.R. 956 are aimed predominantly at correcting certain abuses and providing some reasonable uniformity in the tort law of products liability. Claims for commercial loss traditionally do not fall in the tort realm, but are dealt with in accordance with the contractual agreement created by the parties themselves, or by the UCC. This economic loss rule is typified by the opinions of the California supreme court in Seely versus White Motor Company, and the U.S. Supreme Court in East River Steamship Corporation versus Transamerica Delavel. Despite limited judicial inroads by other courts that have sought inappropriately to engraft tort branches onto the commercial tree, the bill excludes commercial loss from the scope of its tort-related provisions. In so excluding commercial loss, Congress did not seek to carve out a category of loss undeserving of the bill's protections, but rather to recognize that there is a massive, extant body of commercial and contract law historically more suited to such claims. In order to assure that such claims are not subject to tort system abuses that the bill aims to rectify, the conference chose affirmatively to mandate that commercial loss claims be governed exclusively by commercial or contract law. Such a rule of law is necessary to promote uniformity and predictability, in the interests of interstate commerce and due process. This position is entirely consistent with the House Judiciary Committee report (H. Rept. 104–64), and codifies the common law rule.

This bill does not intend to disrupt or affect application of the economic loss doctrine. Congress fully supports the traditional rule that disputes that essentially involve failed commercial expectations, damage or loss to a product itself, or diminished product value, are not recoverable in tort. Exclusion of commercial loss from the bill is intended to protect the body of extant contract and commercial law, and while assuring that tort or other inappropriate causes of action are not engrafted onto that body of law.

DEFINITION OF PRODUCT

The definition of a product in section 101(14) of the conference agreement is not intended to include improvements to real property. A manufacturer is able to test its product and control quality in a way that is impossible on a construction site where a variety of systems are being coordinated to create a more complex structure. Each construction project is built from an extremely complicated and unique set of drawings and specifications involving interrelated systems and many individual products specified by a design professional and over which the constructor has little control. Forty-seven States have recognized this distinction between a product and an improvement to real property by enacting specific statutes of repose for improvements to real property. It was the intent of the conferees that the definition of product in H.R. 956 honor this distinction.

Mr. Speaker, after nearly two decades of effort to fashion a comprehensive set of product liability reforms, we have crafted a bipartisan consensus package of bottom-up reforms. These reforms are desperately needed to restore some fairness to our present system and to remove roadblocks to our country's economic growth and job creation. I urge my colleagues to join me in supporting the conference report to accompany H.R. 956.

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 a continuation of the war on public safety. We have before us a conference measure which would not only cap and limit the amount of damages an injured victim can recover, but would, in instances, completely cut off our consumers' and workers' rights to seek compensation, even in uncontested cases of negligence.

Mr. Speaker, this bill, the conference measure before us, in every conceivable way has been designed to disadvantage American consumers and benefit negligent corporations. The question that hangs over this discussion is why.

Remember, the Conyers amendment to get tough with foreign corporations,

which we voted twice, was dropped in conference, to require the foreign corporations to subject themselves to the discovery and jurisdiction in the U.S. courts as a condition of doing business in this country, just like everybody else. What is wrong with this, and why did the conference committee specifically refute the judgment of the majority of Members, Democratic and Republican, about this provision?

To make matters worse, Mr. Speaker, we are considering the bill at the same time the majority leader of the House, the gentleman from Texas, Mr. ARMEY, is proposing to completely eliminate safety agencies like the Consumer Product Safety Commission, while simultaneously slashing and eliminating safety regulations. Why?

If Members do not think that the threat of private lawsuits can help keep dangerous products off the market, which is what we hope to continue to do in our legal system, just ask the parents of children who have been killed by flammable pajamas, or the women who have been maimed by the Dalkon shield. Both these products are now off the market, thanks to the threat of punitive damages.

Mr. Speaker, this bill will not reduce litigation, but will stack jury awards in favor of those with large incomes or that can afford powerful legal counsel, and it would remove the most important deterrence that stopped dangerous products from coming into our homes and communities. So the bill will not reduce litigation, Mr. Speaker, because, contrary to the myth, product liability suits represent a minute portion of litigation in the United States.

Is there a law student in any school in America that is not aware that product liability suits represent less than 2 percent of the litigation carried on in the U.S. courts? Is there anybody that does not know that? This is not a partisan fact, it is not a factoid: Less than 2 percent of all the suits in the country involve product liability; and also, that product liability premiums are going down.

Punitive damages is also a myth that must be addressed among lawyers and Members of Congress. There are only an average of 14 awards a year in punitive damages. Please, 14 awards a year in punitive damages. When they are awarded, they prevent against deadly dangers in the marketplace, asbestos cases, dangerous intrauterine devices. The cap of $250,000 on punitive damages is tragic. No Fortune 500 company, or some not even Fortune 500, will be deterred from placing dangerous products on the market because of a quarter of a million dollar threat of punitive damages. It will be factored into the pricing.

Mr. Speaker, I think more and more of us are aware of that, and are going to oppose this measure for those reasons.

Mr. Speaker, in this measure before us, a conference bill, we limit the victim's rights to recover what are known as noneconomic damages when they are joint tort feasors. So if a dangerous product induces a loss of reproductive capacity in a housewife, say, she may likely be limited in her recovery where there are joint tort feasors; but if a corporate executive of some expense is injured by the same product or a different one and loses his large salary, the bill ensures that he will be fully compensated.

Mr. Speaker, I appeal to Members on the sense of fairness, this is a one-way street of Federalism: Return power to the States, as long as it disadvantages consumers and working people.

Finally, do not forget about the special interest favors lurking in the bill. Gun sellers and bar owners have obtained special language limiting their potential liability for careless sales to third parties. Did Members know that was there? It is. Electricity, water, and gas utilities corporations have obtained a provision overruling liability laws in States which hold them strictly liable for utility disasters. Do Members know that is in the bill?

Like ministers, Congressmen can preach through little babies' cries. It does not bother me a bit.

There are other hidden favors. Mothers Against Drunk Drivers are opposed to the bill. Special interests have poured $26 million into it to see these special things occur. Mr. Speaker, this bill is of special interests, by special interests, and for special interests. The administration has indicated that it will veto it. It is going nowhere, again, so vote against this extremely damaging, discriminatory piece of legislation.

The following is a more detailed description of the final conference report, outlining my concerns with the bill.

Section 1. Short Title and Table of Contents

Sec. 2. Findings and Purposes.—Sets forth a number of findings, most notably that our nation is experiencing a litigation explosion which harms our competitiveness. What the conference report fails to note is that the most recent study by the Bureau of Justice Statistics found that product liability cases represent a mere 1.67 percent of civil cases. And the clear trend of product liability filings as well as damages awarded has been decreasing: according to the National Association of Insurance Commissioners, product liability insurance premiums have dropped more than 28 percent between 1989 and 1994. The incidence of punitive damages in product liability cases is far rarer yet: a study by Professor Michael Rustad, termed by the U.S. Supreme Court as the ''most exhaustive study'' ever, found an average of only 14 such cases per year from 1965–1990. The conference report also fails to note that the bill will have very little effect on American competitiveness, since the total of all product liability costs represent a mere one cent per five dollar purchase (according to a comprehensive study completed by the Consumer Federation of America). The one provision in the House bill which would have helped U.S. firms compete—by making it easier for American consumers to sue negligent foreign manufacturers on the same terms as American firms—was quietly dropped in conference, even though the Conyers Amendment on this matter passed by a bipartisan vote of 285–166, and the House later approved a motion instructing conferees to retain the provision by a vote of 256–142.

Section 101. Definitions.—The term ''product'' is defined to include (i) electricity, water and gas utilities which are ordinarily subject to a strict liability in tort, and (ii) human tissue, organs, and blood products (both categories of items which were specifically excluded from the House-passed bill). The utility provision has the effect of granting utilities in 44 States the benefit of the various damage caps and limitations in the bill. No rationale has been proffered for treating utilities in these states more beneficially than others.

Sec. 102. Applicability and Preemption.—The conference report preempts product liability law in all 50 states and the District of Columbia to the extent they are inconsistent with the report. This represents one of the most significant shifts ever in power from the states to the federal government. Despite the fact that 47 states have altered their product liability laws in the last decade, states will no longer be free to promulgate laws which protect their citizens from dangerous and harmful products (although the bill generally does not preempt states from having more restrictive anti-consumer laws). The bill does not apply to limit the product liability rights of businesses suing manufacturers because it includes a ''commercial loss'' exception. In other words, the bill only applies to limit the rights of workers and individual citizens, not corporations.

Sec. 103. Seller and Lessor Liability.—Provides that a seller or lessor may only be sued for breach of an express warranty, failure to exercise reasonable care, or intentional wrongdoing, unless the court determines the victim would be unable to enforce a judgment against the manufacturer in any state court. This could force victims to bring actions in out-of-state venues against outside manufacturers, rather than being able to bring suit against their instate seller who could then bring the manufacturer into the action. This section could also have the effect of eliminating a seller's common law liability for failure to warn a consumer about its unsafe characteristics and eliminate the doctrine of implied product warranties by sellers. Although this section does not apply to ''negligent entrustment'' actions, such as those relating to careless sale of liquor or guns, the provision is drafted in a manner so that such liquor and gun sellers would benefit from the other sections of the bill (e.g., relating to limits on punitive damages and joint and several liability). The definition of ''manufacturer'' is so narrowly written that the entity who assembled the product may in some instances not be included within its scope (*e.g.*, the assembler used the preexisting design of another party). In such an event there may be no responsible party for the injured victim to sue—the seller is relieved of liability and there is no ''manufacturer.''

Sec. 104. Defense Based on Claimant's use of Alcohol or Drugs.—Alters the common law rule of contributory negligence (under which a victim's damages are limited to the extent that his or her own negligence contributed to the accident in question) by specifying that it shall be a complete defense to a product liability action if the victim was intoxicated and was more than 50% responsible for the accident. Since the section provides for no exceptions, it can result in a number of unfair results. For example manufacturers of devices designed to protect against using a product while intoxicated—such as breathalyzers now installed on some cars—would appear to be fully immunized from liability.

Sec. 105. Misuse or Alteration.—Defendants may have their liability lessened by the percentage of liability attributable to any alteration or misuse of the product. This would

even apply in cases where a third party (other than an employer) was responsible for the alteration.

Sec. 106. Time Limitations of Liability.—Section 106(a) provides for a nationwide two-year statute of limitations, preempting longer statutes in 25 states and the District of Columbia. Section 106(b) creates a new federal ''statute of repose,'' barring *any* product liability action for certain goods not brought within fifteen years of the date of delivery. The statute of repose applies not only to business goods (such as machinery), but to consumer goods (such as bicycles and microwaves) having a life expectancy of three or more years. The statute of repose provision would result in many occasions where a defective product leads to harm that is totally non-compensable. The one-sided nature of the statute of repose provision is highlighted by the fact that it does not preempt state laws providing for a shorter statute of repose.

Sec. 107. Alternative Dispute Resolution Procedures.—Parties are encouraged to pursue alternative dispute resolution under applicable state law, but there are no penalties for parties who refuse to participate.

Sec. 108. Punitive Damages.—Would arbitrarily limit the maximum amount of punitive damages which may be awarded to the greater of two times compensatory damages or $250,000 (although the judge would have very limited discretion to allow an increased award based on a variety of very narrow extenuating factors). Lawsuits against individuals whose net worth does not exceed $500,000 and businesses with less than 25 full-time employees would be subject to a reduced punitive damages cap equal to the *lesser* of $250,000 or two times compensatory damages. The bill would also limit the award of punitive damages to only those cases where the victim had established by ''clear and convincing evidence'' that the injury was the ''proximate cause'' of conduct specifically intended to cause harm manifesting a ''conscious, flagrant indifference to the rights and safety of others.'' Finally, the section would permit any party to request a separate proceeding to determine whether punitive damages should be awarded and the extent of such damages. Again, the punitive damages cap is written so it only preempts states with no punitive damage caps or higher caps, it does not preempt states with lower caps. (This could create confusion to the extent a state's cap is more lenient in some respects, and more restrictive in other respects than the federal standard.)

These changes would in large part eliminate the role of punitive damages in the product liability system, thereby reducing the system's overall deterrent effect. For a civil case, these proposed evidentiary and substantive standards come close to ''criminalizing'' tort law for purposes of punitive damages: in other words, an injured victim would almost have to show that a manufacturer acted with ''criminal intent''—and not gross negligence. Moreover, the legislation creates a standard of ''conscious indifference'' which appears to be so narrow as to be mutually exclusive. Permitting parties to bifurcate proceedings concerning the award of punitive damages will lead to far more costly and time consuming proceedings, generally working to the disadvantage of harmed victims. The proposed caps largely eliminate incentives for manufacturers to remove life-threatening products from the market place, and instead allow defendants to substitute ''cost-benefit'' analyses based on the estimated value of lives. The exception for ''small businesses'' would insulate more than ⅔ of American businesses from significant punitive damages (according to Census Bureau data), and create perverse new incentives to avoid expanding employment opportunities. The ''additur'' procedure allowing the court to increase punitive damages above the statutory cap may well be held to be an unconstitutional violation of the defendant's right to a jury trial in federal court. *See Dimick* v. *Schiedt,* 293 U.S. 474 (1935).

Sec. 109. Liability for Certain Claims Related to Death.—This incorporates provisions from the Senate bill so that the punitive damages cap does not apply to a particular action brought in Alabama.

Sec. 110. Joint and Several Liability—Would supersede traditional state common law by eliminating joint and several liability for non-economic damages, such as pain and suffering. (The justification for the common law rule is that it is better that a wrongdoer who can afford to do so pay more than its share, rather than an innocent victim obtain less than full recovery; also, a defendant who pays more than its share of damages can seek contribution from the other defendants.) The provision has the effect of discriminating against groups less likely to be able to establish significant economic damages, such as women, minorities, seniors and the poor. Moreover, the elimination of joint and several liability would actually increase courts' caseloads and increase litigation costs, by discouraging settlements and requiring injured consumers to initiate multiple claims.

Sec. 111. Workers Compensation Subrogation—In addition to codifying certain state laws permitting employers to seek subrogation from their employees, this provision allows a responsible manufacturer to seek contribution from a negligent employer up to the amount of workers compensation benefits paid by the employer. (The provision also provides for reimbursement of the employer's legal fees by the manufacturer if the employer is wrongfully brought into an action.) Legal aspects of workers compensation are new issues that the House has never considered or debated before.

Title II—Limitation on Liability relating to Medical Implants—Suppliers of raw material and component parts used to assemble medical implants (such as breast implants) would only be liable under State law if a victim establishes the supplier failed to meet the contract requirements or specifications for the implant. The bill also specifies new rules for bringing suits against biomaterials manufacturers and sellers, provides for an expedited removal procedure for the biomaterials suits and provides for reimbursement of the defendant's legal fees if the victim's claim against it is found to be meritless. (No reimbursement mechanism is provided for the victim if the suit is successful, however.)

Title III—Limits on Application; Effective Date—Specifies that federal appellate court decisions supersede other court interpretations and the Act applies to lawsuits brought after the date of enactment.

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

Mr. BLILEY. Mr. Speaker, I yield myself 3 minutes.

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

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report on H.R. 956, the Commonsense Product Liability and legal Reform Act of 1995. This is a projobs, procompetitiveness bill that will help to bring fairness and accountability back into our legal system.

Almost two decades ago, the Commerce Committee began a bipartisan effort to reform our product liability laws. Over the years, we have held dozens of hearings, receiving written and oral testimony from hundreds of witnesses. Early last year, the committee reported legislation which is incorporated into the conference report before us now. And today, as part of the Contract with America, and with the leadership of the distinguished chairman of the Judiciary Committee, we stand ready to put some historic changes into place.

I regret that the conference report falls somewhat short of the reforms included in our earlier House bill, which passed the House by a wide, bipartisan margin. Nonetheless, the conference report contains a number of reforms which the Commerce Committee has worked on, and which will clearly help to relieve the burden of excessive litigation.

For example, the conference report still contains critical protections for biomaterials suppliers developed in our committee to ensure that consumers will have continued access to lifesaving and lifeenhancing medical devices. It also still contains provisions for reasonableness and balance in product liability punitive damage awards, and sets forth enumerated guidelines which should be considered before such awards are made. In addition, it includes important exceptions for environmental claims, and allows for reasonable limits on the life expectancy for products in the workplace.

These reforms are essential to the long-term competitiveness of the American economy, as we established in our work in the Commerce Committee over the past number of years.

Mr. Speaker, I include for the RECORD, relevant portions of the Commerce's Committee's report on H.R. 917, legislation which was incorporated in significant part into H.R. 956, the bill before us today.

EXCERPTS FROM HOUSE REPORT 104–63, PART 1

BACKGROUND AND NEED FOR LEGISLATION

For two decades, the Committee on Commerce has grappled with the issue of product liability reform. After developing an extensive record on the subject of product liability law, the Committee has concluded that the present system places an enormous burden on interstate commerce, inflates prices, stifles innovation, and subjects manufacturers and sellers to a capricious lottery where sanctions can exceed any found in criminal law. In light of these facts, Congressional action is long overdue.

Historically, injury caused by a defective product gave rise to a tort action in State courts. As transportation and communications systems developed, more products crossed State boundaries, increasing the volume of interstate commerce exponentially, creating more interstate product liability. From 1973 to 1988, product liability suits in Federal courts increased 1000%; in State courts the increase was between 300% and 500%. Meanwhile, tort doctrine in State courts evolved from fault-based standards to strict liability for manufacturers and sellers.

Tort costs have risen significantly as well, reaching an estimated $132 billion in 1991. (Tillinghast. (1992) tort Cost Trends: An International Perspective. New York:

Tillinghast.) Products manufactured in one State are now sold in another and cause injury in yet others. Because each State has different rules governing recovery in tort, forum shopping is encouraged, common law is developed unevenly, and manufacturers are found liable for conduct in one State that would fail to give rise to a cause of action in another.

American manufacturers and sellers have found that, given the multiplicity of evidentiary standards in State tort law, products may be found defective even after full compliance with all applicable regulations. The vast majority of product liability cases are filed in State courts. This leaves manufacturers and sellers without the benefit of uniform standards on which to base conduct in the design, manufacture and sale of goods. Manufacturers are told that their products must be ''safe,'' without being told what constitutes safety.

In many jurisdictions, liability on the part of a manufacturer for economic and punitive damages is found in the absence of negligence or malice. The doctrine of joint and several liability often compels a defendant to pay damages far in excess of his proportionate responsibility for the injury, and the plaintiff's Bar has become remarkably skilled at identifying and joining defendants with deep pockets who, despite limited responsibility for injury, would rather settle a case than face the costs and publicity associated with litigation.

Because over 70% of products manufactured in any one State cross State borders before the point of final sale, American manufacturers must contend with the uncertainty created by 51 different product liability jurisdictions in their own domestic market. The result is a de facto ''liability tax'' which chills interstate commerce and deprives consumers of product choice available to consumers in other nations throughout the world. Unfortunately, instead of encouraging the development of safer products, the present system often forces manufacturers to increase product prices or withdraw products from the market altogether. According to surveys reported to the committee by Pace University Professor of Law M. Stuart Madden, because of liability costs, 36% of American manufacturers have withdrawn products from the world market, 47% have withdrawn products from the domestic market, 39% have decided not to introduce new products, and 25% have discontinued new product research.

The case of Bendectin is illustrative: Bendectin is the only prescription drug in the United States ever approved for combating nausea and vomiting in pregnancy. Introduced in 1956, the drug was used in over 30 million pregnancies. In 1969, allegations that Bendectin could cause birth defects appeared in some scientific journals. Despite the fact that no causal relationship between Bendectin and birth defects was ever established (the Food and Drug Administration affirmed the drug's safety), nearly 1,700 product liability suits were brought against the manufacturer.

Almost all cases that went to court were decided in favor of the manufacturer, yet annual revenues from the sale of the drug barely exceeded legal fees and insurance premiums. The manufacturer voluntarily withdrew Bendectin from the market in 1983. While the rate of birth defects has not declined since Bendectin was withdrawn, the cost in the U.S. for treatment of severe nausea during pregnancy is now nearly $40 million per year.

Another example comes from the sporting goods industry. In a 1988 Forbes magazine article, author Peter Huber noted that product liability legal fees and insurance premiums accounted for 55% of the price of a football helmet. (Peter Huber. (Oct. 1988) Forbes ''The Litigation Scandal.'') In 1988, Rawlings Sporting Goods announced that it would no longer manufacture, distribute, or sell football helmets. Rawlings was the 18th company in 18 years to abandon the football helmet business due to liability exposure, joining Spaulding, MacGregor, Medalist, Hutch, and other manufacturers. As one commentator observed:

''This situation is not what the crafters of product liability law intended. Product liability law was created to improve product safety and compensate victims of unsafe products. It was not meant to penalize conscientious companies that provide products and services vital to the U.S. economy.''

(Frederick B. Sontag. (1994) Product Liability and Innovation. ''Indirect Effects of Product Liability on a Corporation.'' National Academy of Engineering.)

In addition to driving products from the marketplace, raising prices, and draining capital, the patchwork of liability standards throughout the nation severely inhibits the competitiveness of U.S. industry. While it is true that a foreign company doing business in the United States is subject to the same liability laws as a U.S. company, most U.S. companies have had products in the marketplace for longer than their foreign competitors.

Since many states have no statute of repose, products which have been in use for 15 or more years can still expose a manufacturer to liability. The costs of insuring against product liability and legal fees spent in liability lawsuits are built into the cost of such products, creating a price disadvantage for domestic producers facing well financed foreign competition with far less liability exposure.

American industry's chief foreign competitors face no such handicap in their domestic markets. Both the European Community (EC) and Japan have uniform product liability regulations. The EC Directive establishing product liability standards was published in 1985, and differs significantly from product liability law in the United States in the following ways: first, a single definition of product ''defect'' applies; second, if a product complies with mandatory regulations issued by public authorities, the manufacturer has no liability exposure; third, noneconomic damages (pain and suffering) are limited; fourth, punitive damages are generally not allowed; fifth, most EC countries limit liability to known technical knowledge; and sixth, a 10-year statute of repose begins when the manufacturer puts a product into the stream of commerce. Operating under the provisions of this Directive, European manufacturers and sellers pay, on average, twenty times less for liability coverage than their American competitors.

The status quo also retards the ability of American firms to create jobs. A memorandum dated November 30, 1990, from the Office of Vice President Quayle to Members of Congressional Committees considering product liability reform legislation states that 40% of chief executive said product liability has had a major impact on their business; 36% stopped some manufacturing as a result; 15% laid off workers, and 8% closed plants. Almost 90% of American companies will be defendants in a product liability claim at least once according to a 1988 Rand Institute study. In the study, of 19,500 companies surveyed, 17,000 were lead defendants in at least one product liability suit.

In summarizing the background and need for H.R. 917, the Committee finds itself in agreement with the observations of Francois Castaing:

''It is well understood that product liability laws have a purpose. They are supposed to compensate for injury, promote safety, and penalize gross negligence. If a corporation is irresponsible, it should be held accountable. But in the United States, the situation has gone beyond punishing gross negligence. Now punishment is meted out for many risks that simply cannot be avoided when a product is produced and sold to a public that has wide discretion in how it chooses to use that product. When no distinctions are made in assigning responsibility for risk and companies are held responsible (and penalized) for all risk—from those attributable to the vagaries of human nature to those truly within a company's aegis—the ability to innovate, engineer, and compete is compromised.''

Francois J. Castaing. (1994) Product Liability and Innovation. ''Automotive Engineering and Product Liability,'' National Academy of Engineering.

The present product liability system in the United States unfairly denies consumers the right of free choice in the marketplace and inflates prices for available products. For manufacturers and sellers, the system discourages innovation, retards capital formation, and creates a distinct competitive disadvantage in the world market.

The Committee has developed an extensive record on the negative impact of product liability on commerce in the United States, and has concluded that Congressional action is long overdue. Support for product liability reform within the Commerce Committee has always been bipartisan, and legislation has been reported from the Committee to the House under both Republican and Democratic Chairmen.

HEARINGS

During the 104th Congress, the Subcommittee on Commerce, Trade, and Hazardous Materials held one day of hearings on H.R. 917, the Common Sense Product Liability Reform Act, and related legislation, including section 103 of H.R. 10, the Common Sense Legal Reform Act. Additionally, since the 99th Congress, the Committee has held 12 days of hearings on the subject of product liability reform and that record contributed significantly to the Committee's consideration of H.R. 917.

On February 21, 1995, the Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on H.R. 917, the Common Sense Product Liability Reform Act and Related legislation. Testimony was received from Mr. Paul R. Huard, Senior Vice President, National Association of Manufacturers; Mr. Larry S. Stewart, President, Association of Trial Lawyers of America; Mr. Victor E. Schwartz, Esq., General Counsel, Product Liability Coordinating Committee; Mr. Daniel E. Richardson, Administrator, Latta Road Nursing Home, (testifying on behalf of the National Federation of Independent Business); Mr. Jeffery J. Teitz, Executive Committee, Vice-Chair, Assembly on Federal Issues of the National Conference of State Legislators; and Mr. James A. Anderson, Jr., Vice President of Government Relations, National Association of Wholesaler-Distributors.

During the 103rd Congress, the Subcommittee on Commerce, Consumer Protection and Competitiveness held three days of hearings on H.R. 1910, the Fairness in Product Liability Act, whose language is closely tracked by H.R. 917. The first hearing was held on February 2, 1994 and focused on the impact of product liability reform on the health care industry. The Subcommittee received testimony from Ms. Stephanie Kanarek; Mr. Ted R. Mannen, Executive Vice-President, Health Industry Manufacturers Association; Mr.

Calvin A. Campbell, Jr., President and CEO, Goodman Equipment Corporation (testifying on behalf of the American Mining Congress); Ms. Lucinda Finley, Professor, State University of New York at Buffalo Law School; Mr. Victor E. Schwartz, Esq., General Counsel, Product Liability Coordinating Committee; and Mr. Bruce Finzen, Robins, Kaplan, Miller & Ciresi.

The second hearing sought a broad spectrum of opinion on the bill from consumers, manufacturers, and academics and was held on April 21, 1994. The Subcommittee received testimony from Mr. Marcus Griffith, President, The Hairlox Company (testifying on behalf of the National Association of Manufacturers); Ms. Dianne Weaver, Weaver, Weaver & Lipton; Ms. Norma Wallis, President, Livernois Engineering (testifying on behalf of the Association of Manufacturing Technology); Mr. Robert Creamer, Executive Director, Illinois Public Action; Professor Stuart Madden, Pace University School of Law; and Professor Andrew Popper, Deputy Dean, Washington College of Law, The American University.

The Subcommittee received testimony from victims of defective products and other interested parties on May 3, 1994, from Janey and Lawrence Fair; Amy Goldrich for Sybil Goldrich, Command Trust Network; Charles Ruhi (accompanied by Don Singer, Attorney); James L. Martin, Director, State & Federal Affairs, National Governors Association; Emmett W. McCarthy, Dreis and Krump Manufacturing Company; James Oliphant, President, Defense Research Institute; Liberty Magarian (testifying on behalf of the Product liability Coordinating Committee); and Larry R. Rogers, Power, Rogers, & Smith.

In the 100th Congress, the Subcommittee on Commerce, Consumer Protection, and Competitiveness held seven hearings on Federal product liability reform covering punitive damages reform, joint and several liability, workplace safety, the impact of product liability reform on the general aviation industry, state-of-the-art and government standards defenses, the effect of product liability reform on the affordability and availability of product liability insurance, and the issue of product liability reform in general.

Witnesses included: Representatives Jim Slattery and Al Swift; the Honorable Malcolm Baldrige, Secretary of Commerce; The Honorable Harry L. Carrico, Chief Justice, Supreme Court of Virginia; Mr. Robert H. Mallot, Chairman and CEO, FMC Corporation; Mr. Victor E. Schwartz, Esq., Crowell & Moring; Mr. John B. Curico, Chairman, President, and CEO, Mack Trucks, Inc.; Mr. Marcus M. Griffith, Hairlox Company; Mr. Joseph Goffman, Public Citizen; Ms. Pamela Gilbert, United States Public Interest Research Group; Mr. Gene Kimmelman, Legislative Director, Consumer Federation of America; Robert L. Habush, President, Association of Trial Lawyers of America; Mr. John T. Subak, Action Commission to Improve the Tort Liability System, American Bar Association; Mr. Stephen Daniels, Project Director, Punitive Damage Project, American Bar Foundation; Professor David G. Owen, University of South Carolina School of Law; Mr. Malcolm Wheeler, Esq., Skadden, Arps, Slate, Meagher & Flom; Mr. Bill Wagner, Esq., Wagner, Cunningham; Mr. George S. Frazza Esq., General Counsel, Johnson and Johnson Products, Inc.; Professor David Randolph Smith, Vanderbilt University School of Law; Professor Aaron Twerski, Brooklyn Law School; Senator Robert Frey, National Conference of State Legislators; Mr. Alfred W. Cortese, Jr., Esq., Kirkland & Ellis (representing Lawyers for Civil Justice); Mr. Robert Martin, Esq., Martin, Pringle, Oliver, Tripplett & Wallace (representing Beech Aircraft Corporation); Mr. Charles T. Hvass, Jr.; Mr. Frederick B. Sontag, President, Unison Industries; Mr. C.O. Miller, Safety Systems, Inc.; Mr. John S. Yodice, Esq., General Counsel, Aircraft Owners and Pilots Association; Mr. Jonathan Howe, President, National Business Aircraft Association; Mr. David M. Silberman, Associate General Counsel, AFL–CIO; Mr. John Mottley III, Director of Federal Government Relations, National Federation of Independent Business; Mr. Richard Duffy Director, Department of Occupational Health and Safety, International Association of Firefighters (accompanied by Cheryl Gannon, Legislative Assistant); Mr. Kent Martin, Chairman of Government Affairs Committee, National Printing Equipment and Supply Association (accompanied by Mr. Mark J. Nuzzaco, NPES Government Affairs Director); Mr. James A. Mack, Public Affairs Director, National Machine Tool Builders Association; Mr. Jonathan Reynolds, Esq., Cosco, Inc.; Mr. Clarence Ditlow, Executive Director, Center for Auto Safety; Mr. Geoffry R.W. Smith, Esq., McCutchen, Doyle, Brown, and Enerson; Dr. Sidney Wolfe, Health Research Group; Mr. R. David Pittle, Technical Director, Consumers Union; Professor Nicolas A. Ashford, Associate Professor of Technology and Policy, Massachusetts Institute of Technology; Mr. Howard M. Acosta, Esq., Rahdert, Acosta, and Dickson, P.A.; Professor Jerry Phillips, University of Tennessee School of Law; Richard A. Bowman, Esq., Bowman and Brook; Mr. Frank S. Swain, Chief Counsel for Advocacy, United States Small Business Administration; Professor Joseph A. Page, Georgetown University Law Center; Mr. Edward H. Southton, Deputy Commissioner for Company Supervision, Office of the Insurance Commissioner; Ms. Linda Matson, State Director, National Federation of Independent Business (accompanied by Ms. Mary Jane Norville, National Federal of Independent Business); Ms. Jean Stinson, Vice President, R.W. Summers Railroad Contractor, Inc.; Ms. Debra Ballen, Vice President for Policy Development and Research, American Insurance Association; and Mr. Thomas A. O'Day, Associate Vice President, Alliance of American Insurers (accompanied by Mavis A. Walters, Senior Vice President, Insurance Services Office).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title; Table of Contents.

This section provides the title of the Act and a table of contents.

Section 2. Preemption.

This section establishes the scope of the Common Sense Product Liability Reform Act, governing any product liability action in any State or Federal court brought against a manufacturer or product seller, on any theory, for harm caused by a product. It does not include actions for commercial loss. State law is only superseded to the extent that State law applies to the same issue. The Act does not affect the sovereign immunity of the States, choice-of-law rules, venue, or environmental laws.

Section 3. Product Seller Liability.

This section sets forth the standard of liability for product sellers. A product seller is only liable for harm caused by its product where (1) the claimant establishes that the product was sold by the seller, that the seller failed to exercise reasonable care regarding the product, and that such failure was a proximate cause of the claimant's harm; (2) the seller made an independent express warranty, the product failed to conform to the warranty, and such failure caused the claimant's harm; or (3) the seller was engaged in intentional wrongdoing as determined under State law, and such wrongdoing was the proximate cause of the claimant's harm. Sellers are not required to inspect a product where there is no reasonable opportunity to inspect such product in a manner which would reasonably have revealed the aspect of the product which caused the claimant's harm. A seller would become liable, however, by stepping into the shoes of the manufacturer if the State where the action is filed would not be able to serve process against the manufacturer, or if the State determines that the claimant would be unable to enforce a judgment against the manufacturer.

Section 4. Alcohol and Drug Defense.

This section provides a defense to a liability action where a claimant is more than 50% responsible for the accident causing harm as a result of being under the influence of intoxicating alcohol or illegal drug. The determination of intoxication or whether the claimant is under the influence of alcohol or drugs shall be made according to the relevant State law. Illegal drugs include any controlled substances according to federal law.

Section 5. Misuse or Alteration.

This section allows a manufacturer or product seller to establish that a percentage of a claimant's harm was proximately caused by the misuse or alteration of a product in violation of an express warning or instructions, or by the misuse or alteration of a product involving a risk of harm which would be known by the typical consumer. The award of damages against the manufacturer or product seller would be reduced by such percentage of claimant's misuse or alteration. The manufacturer's or product seller's liability shall not, however, be reduced by the percentage of responsibility for the harm attributable to the misuse or alteration of a product by the claimant's employer or coemployees who are immune from suit by the claimant pursuant to State law applicable to workplace injuries. These provisions only supersede State law to the extent that State laws are inconsistent.

Section 6. Statute of Repose.

This section bars liability for a product liability action unless the complaint is served and filed within 15 years of the time of first retail purchase. This bar will only apply, however, if the claimant is eligible for workers' compensation for the harm, if the harm did not cause a chronic illness, and if the manufacturer or seller did not include an express written warranty as to the useful safe life of the product which was longer than 15 years.

Section 7. Punitive Damagers.

This section provides that where states allow punitive damages, such damages may be awarded where a claimant establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by the product. The punitive damages awarded shall not exceed the greater of $250,000 or three times the economic injury.

A failure to exercise reasonable care in selecting among alternative product designs or warnings shall not by itself constitute conduct meriting punitive damages, and punitive damages may not be awarded unless compensatory damages have been awarded which are not merely nominal damages. A defendant may request a separate proceeding to determine an award of punitive damages, in which case evidence related only to the claim of punitive damages shall not be admissible in the proceedings to determine compensatory damages.

The trier of fact shall consider all relevant evidence in determining a punitive damage

award, including the severity of harm, the duration, concealment, or profitability of the defendant's conduct, the number of products sold by the defendant which can cause such harm, previous punitive awards to similar claimants, prospective compensatory awards to other claimants, the criminal or civil penalties imposed on the defendant for the complained of conduct, and whether any of the foregoing have been presented in a prior proceeding involving the defendant.

Punitive damages shall not be awarded against a manufacturer or seller of a drug or device which caused the claimant's harm where such product was preapproved by the Food and Drug Administration (FDA) with respect to its formulation, performance, or adequacy of packaging or labeling, or where it is generally recognized as safe and effective pursuant to conditions established by the FDA. This bar on punitive damages shall not apply where the defendant, before or after FDA approval, intentionally and wrongfully withheld from or misrepresented to the FDA information which is required to be submitted concerning the drug or device, or if any illegal payment to FDA employees were made for the purpose of securing or maintaining drug or device approval.

The manufacturer and seller of a drug shall not be held liable for punitive damages for a product liability action for harm relating to the adequacy of the drug packaging or labeling, where the drug is required to have tamper-resistance packaging (and labeling) under regulations of the Secretary of Health and Human Services, unless the claimant establishes by clear and convincing evidence that the drug product is substantially out of compliance with such regulations.

Section 8. Several Liability for Noneconomic Damages.

This section provides that joint liability for noneconomic damages shall not be recognized. A separate judgment shall be rendered against each defendant for their several liability for noneconomic damages, which shall be in direct proportion to their individual percentage of responsibility for the claimant's harm, as determined by the trier of fact.

Section 9. Federal Cause of Action Precluded.

This section precludes any new Federal cause of action pursuant to a Federal question or Act Congress regulating commerce. It is intended to ensure that no additional jurisdiction is granted under this Act to the Federal courts.

Section 10. Frivolous Pleadings.

This section provides that the signing or verification of a pleading in a product liability action shall be considered a certification that to the signor's or verifor's best knowledge, information, and belief, formed after reasonable inquiry, the pleading is not frivolous. A pleading is defined as frivolous if the pleading is groundless and brought in bad faith or for the purpose of harassment or other improper purpose such as to cause unnecessary delay or needless increase in the cost of litigation. Groundless is defined as having no basis in fact or unwarranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

Within 60 days after a pleading in a product action is filed, a party may petition the court to determine the pleading is frivolous. In making this determination, the court shall consider the multiplicity of parties, the complexity of the claims and defenses, the length of time available to the party to investigate and conduct discovery, and the affidavits, depositions, and other relevant matters. If the court determines that a pleading is indeed frivolous, the court shall impose an appropriate sanction on the signatory or verifier of the pleading, which may include the striking of the offending portion or the entire pleading, the dismissal of a party, or an order to pay the reasonable expenses of an opposition party incurred because of the filing of the pleading, including costs, fees of attorneys, witnesses and experts, and deposition expenses. A general denial and the amount requested for damages shall not constitute a frivolous pleading.

Section 11. Liability of Biomaterials Suppliers.

This section provides that a biomaterials supplier is liable for harm caused by a medical device only if the claimant establishes that the biomaterials supplier's failure to meet contract specifications as set forth below was an actual and proximate cause of harm to the plaintiff. The biomaterials supplier is deemed to have failed to meet contract specifications if the raw materials or component parts delivered by the biomaterials supplier did not constitute the product described in the contract between the biomaterials supplier and purchaser, or they fail to meet any specifications that were provided to the biomaterials supplier and not expressly repudiated prior to acceptance of delivery of the supplies, or that were provided to the biomaterials supplier or to the manufacturer by the biomaterials supplier, or which are contained in a master file submitted by the biomaterials supplier to the Secretary of Health and Human Services (HHS) that is currently maintained by the biomaterials supplier for the purposes of premarket approval of medical devices, or specifications that were included in the submissions of the purposes of premarket approval or review by the Secretary of HHS and which have received such clearance and were not expressly repudiated by the biomaterials supplier prior to acceptance.

Section 12. Definitions.

This section provides definitions for the following terms: ''biomaterials supplier,'' ''claimant,'' ''commercial loss,'' ''harm,'' ''manufacturer,'' ''product,'' ''product liability action,'' ''product seller,'' and ''State.''

Section 13. Effective Date.

This section provides that the Act shall apply to actions which are commenced after the date of its enactment.

Mr. Speaker, I believe this information will help to establish the need for a number of the reforms contained in the pending conference report.

Mr. Speaker, we need commonsense legal reform that will put more power into the hands of the American people to make their own consumer choices, and bring some sanity back to our legal system. We need reforms that recognize responsible behavior, and put an end to the legal jackpot mentality. We need commonsense legal reforms today.

I urge support of this bill.

□ 1215

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

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

Mr. DINGELL. Mr. Speaker, I will vote for the conference report today for three reasons. The first is that the context is relatively balanced and sound. The second, it is consistent with similar legislation which I have supported over the years. Third, it represents a complete and utter repudiation of the extremist Republican agenda, which included tacking on to the original House bill a host of special interest amendments stripping average Americans of the traditional legal rights for the benefits of the wealthy and the powerful few.

I take some measure of pride, Mr. Speaker, in having launched the original product liability reform movement in the Congress back in the late 1970's. So it is as one who is no John-Dingell-come-lately to this issue. I am pleased today for those people in America's manufacturing community who have worked with me for many years on this issue. I particularly want to single out one individual for special thanks, Dr. Victor Schwarz, an attorney, professor, casebook editor, and nationally renowned expert on tort law who, for nearly 20 years has helped guide this movement and its supporters in the Congress with sound advice, good judgment, and personal integrity.

But I have trouble mustering any great enthusiasm for today's events. The reason is simple. The process leading up to our having this legislation on the floor today has been an utter disgrace. The conference on this bill was a complete sham. At the one and only meeting which the conferees held in December, we were told that the conference would be open and bipartisan. Nothing was further from the truth. Instead, precisely the opposite occurred. The House Republicans proceeded to cut a secret deal in closed meetings with no participation by anybody else. There was no discussion, no consultation, and no conference meeting after that time.

Our staffs were presented with the final conference report on a take-it-or-leave-it basis late one evening after the Members had gone home. We were not even given the courtesy of being able to review the documents overnight. This is apparently the Republican definition of open and bipartisan. It may be open and bipartisan on the other side of the aisle, but it is not open and bipartisan, nor is it a process which follows the traditions of this House or which takes into consideration the concerns of the American people that the matters of this Congress should be done in an open and honorable fashion.

The House Republicans not only excluded Democratic conferees from all discussions and decisions, but they ignored the will of the House on one very important issue. Last year the House voted to include a provision ensuring that foreign companies that sell defective products to American consumers are treated the same way as American corporations. That amendment was adopted under the leadership of the distinguished gentleman from Michigan [Mr. CONYERS]. The House recently reaffirmed that commonsense position by voting to instruct the House conferees to insist on this provision in the conference. Despite two overwhelming and bipartisan votes, I note, the Republican conferees dropped the provision

entirely. To my knowledge, the Republican Members never even raised this issue in the secret backroom discussions on this legislation.

I note that all eight House Republican conferees voted against the original amendment on the motion to instruct. Those few Members are entitled to their views, but those views get preferential treatment to foreign corporations to the disadvantages of American corporations. But that should not empower them to so brazenly disregard the expressed will of the House, the expressed will of the American people as clearly expressed by this House. The Republicans say they want to reduce Federal power, yet last year they were busy sticking the Federal snout into dog bite cases, accidents, and slip and fall disputes.

The bill that passed last year as a part of the contract on America amounted to a wish list of all manner of scoundrels and wrongdoers. That legislation protected drunk drivers, sexual predators, scoundrels, and others who prey upon the weak, defenseless, and infirm, and those who intentionally inflict great harm and damage. They treated cases involving intentional and gross misconduct as though they were simple negligence cases.

Fortunately, they are not going to get their way. I do not believe that the Republican leadership ever wanted enactment of this bill as public law. If they did, they would not have allowed it to languish for the best part of a year before even asking for a conference. If they did, they would not have included in the process a system which systematically excluded House Democrats like me who have for years supported product liability reform, and they would not have conducted the overall matter in the way in which they did. Instead, this will get what they really want, not a law, but a campaign issue.

We have reached the bottom of the barrel when for pure partisan games, Republicans will not let Democrats who agree with them work with them or participate in the legislative process. Once again, we have seen, as it has happened so many times in this Republican Congress, the constituents who need real action are getting just promises and press conferences and not real action. They will be the losers.

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

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

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

I stand here today to plead for a special interest, I say to the gentleman from Michigan, who so quickly criticizes every manner and means of special interest. The special interest for which I make a plea are some 8 million Americans who this day contain in their bodies medical devices that have been implanted, which have saved their lives in many cases, and the supplies for which are being threatened by the massive lawsuits that have caused the suppliers of raw materials to withhold those materials from future medical devices, like heart transplants, brain shunts, heart valves, knee replacements, hip replacements.

That is a special interest, I say to the gentleman from Michigan, where we ought to be doing everything we can to make sure that those consumers who need replacements, who need heart valves, who need all of these medical devices for the sake of their health and their lives, we ought to give them the opportunity to have future medical devices available, access to them. And what title II does, of this piece of legislation, is to release a little bit of the raw material suppliers from that type of massive liability that makes no sense, that keeps them from supplying these raw materials to the manufacturers of these lifesaving medical devices.

When are we going to try to understand that special interests sometimes are those people who are victims of heart attacks, victims of disease that we can help if we simply relax a little bit on the restrictions on liability that some of the suppliers of these raw materials have to face.

I say it is time for us to encourage the President not to veto heart transplants, not to veto brain shunts, not to veto hip replacements, but rather to sign the bill into law that will acquire for the American people a balance and allow them to have access to all sorts of new and wonderful lifesaving medical devices.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds to remind my friend from Pennsylvania, Mr. GEKAS, that title II of the products liability conference report would prohibit most women from recovering any damages from the supplier of silicone gel, despite evidence that the supplier misled women and many of their doctors about the safety of that product. It would also prohibit suits against suppliers of biomaterials used in the manufacture of medical implants.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a distinguished member of the Committee on the Judiciary.

Mr. SCOTT, Mr. Speaker, there is no explosion in punitive damage products cases. This chart shows the total number of civil cases that are filed, now many are products liability cases. The products liability cases get decided by trial, and then when you get down to punitive damage awards in liability cases, it is in the millions; 391 million of the cases filed are punitive damage cases involving products.

Mr. Speaker, one study in 1995 of cases decided in 1992 could only find three punitive damage cases in the entire United States.

This bill is not balanced. It helps corporate wrongdoings at the expense of innocent victims. One is the limitation on punitive damages. Although they are rare, they have a deterrent effect. Those pajamas that the ranking member pointed out, for 3 cents per set of pajamas, they could have made them inflammable pajamas, and yet they wanted to make that extra 3 cents for every set of pajamas. It is only the punitive damages that took them off the market.

Mr. Speaker, another benefit for wrongdoers is the issue of joint and several liability. Most States allow the wrongdoers to figure out who has to pay the total damages. This bill forces the innocent victim to chase all the insolvent, out of town, and uncooperative defendants in order to get their full cooperation.

Another little benefit for the corporate wrongdoers is that only overturned State laws can benefit the consumers. The State laws are free to provide additional protection for the corporate wrongdoers, but not allowed to provide any more protection for the consumers.

Mr. Speaker, this hurts the consumer, it helps the corporate wrongdoers, it eliminates the deterrent effect, it benefits the wrongdoers and forces the plaintiff to chase around for the defendants, and I think we should defeat this bill and keep the State laws as they are today.

□ 1230

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS], a member of the committee.

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

Mr. Speaker, I also rise in support of the conference report, and I was very glad to hear that the gentleman from Michigan [Mr. DINGELL], who is the former chairman of the Committee on Commerce, supports the bill. Also I want to recognize Victor Schwarz for all his long-term work on this project.

For almost two decades, Congress has been struggling to interject common sense into our product liability laws. I want to commend the conferees for their success in bringing balance and reasonableness to our legal system. Everyone has heard justice delayed is justice denied. Well, this legislation ensures legitimate plaintiffs finally have their day in court by ending the frivolous lawsuits that needlessly tie up our judicial system.

Mr. Speaker, these lawsuits have effectively prohibited individuals from pursuing legitimate grievances through the judicial system due to the fact that the dockets are overcrowded with meritless lawsuits. There are studies that indicate that fully half of the costs of our tort system are consumed in legal fees and expenses, while only one quarter goes to compensate actual economic losses. Attorneys are primarily the ones benefiting under the current system. This legislation encourages settlements out of court, thereby getting lawyers out of the way.

I urge all of my colleagues to support this conference report that emphasizes fairness and individual accountability while maintaining an injured party's fundamental right to restitution.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

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

In this very serious and weighty debate, I cannot help but be a little amused that some of the same forces that come here and complain about the litigation explosion, about how our courts are too crowded are the same folks that I read about this week in USA Today who are going around the country making it against the law to speak ill of vegetables. Yes, if you bad mouth brussels sprouts, the USA Today reports, it could cost you, if you are opposed to onions, if you diss a kiwi. Now in 12 States, it is against the law to do that and you can be hauled into court.

So the same folks that come here and say there are too many lawsuits in our courts are going around the country, in fact they are trying to do it this week in Maryland, enacting laws to get us in trouble for speaking ill of vegetables. But if they turn us into a vegetable because of their disregard for safety and health in this country, then our rights will be limited.

Mr. Speaker, this is not about the litigation explosion, it is about limiting the rights of individuals whose health and safety is affected. What about the effect on cost and on jobs that we have heard so much about? Well, the folks that put out Consumer Reports, that is the magazine that a lot of us turn to when we have got to buy a refrigerator or television or some kind of service and we want to find out what the most cost effective alternative is, they report that over 30 million Americans each year are injured by consumer products and 29,000 are killed. Only a small fraction of those result in lawsuits, but the total cost to us of having assurance that there is protection in the event that there is harm caused by a defective product comes to about one penny one of a $5 purchase.

That is a very small price to pay for the assurance that someone who is burned and who will face one painful skin graft after another, to a young family whose infant is going to require care for the rest of that child's life, to a young child who is scarred for life, why deny rights to those people when the cost to America is 1 cent for a $5 purchase?

But we are told, of course, that this is a jobs bill, that it means more jobs. It is only anecdotal evidence that tells us that, but why then if it is a jobs bill are we replacing the concept of personal responsibility with giving foreign manufacturers an advantage over American manufacturers? We say that if you build your project in Taiwan, in Singapore, in Germany, you are going to have under this piece of legislation advantages that are not available to American manufacturers. I think that has got it all backward.

Just as this reliance on something other than personal responsibility has got it all backwards, just as the argument of States' rights, of letting our States resolve these issues, rather than turning them all over to the Federal Government to resolve, has got it all backwards.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the chairman for yielding me the time.

I rise in strong support of this conference report and with some observations. We have heard a lot about how this is going to impair the ability of those that are legitimately injured to recover, so I think it is important just to go through an example. Let us assume, as I did recently when I had an opportunity to discuss this bill at the Wilson Equipment Co. in Spartanburg, SC, that one of their John Deere tractors injures somebody.

Let us assume this scenario. Mr. Jones is cutting grass with a riding lawnmower. A rock is thrown out of the lawnmower, hits Mrs. Jones who is nearby tending the flower garden or something. Mrs. Jones is hurt badly. Let us say she is hurt real badly. Let us see what happens in this case. Well, of course the Jones are going to sue for the medical bills that Mrs. Jones incurred. They are also going to probably sue for pain and suffering, and they are going to sue for punitive damages, everybody does. So let us see what happens.

Economic damages, let us say she had medical bills of $200,000. Again, I am assuming that Mrs. Jones is really hurt. If she is really, really hurt, it is more than $200,000. But I am intentionally choosing a relatively low number, $200,000 economic damages. Now, let us assume that the jury awards Mrs. Jones $200,000 for pain and suffering. Mind you, it is very important to note this is not limited in this bill. Pain and suffering will not be limited so the jury is free to decide whatever they want. Mrs. Jones is really hurt and they give her $200,000 pain and suffering. She has $200,000 economic damages, $200,000 pain and suffering.

Now we come to the only limit imposed in the bill and that is of course punitive damages. The jury is instructed and here is what they can do. They can give her 200 plus 200 times 2, would be the maximum that they could give in this case. So Mrs. Jones here will get $400,000 potentially in punitive damages. So she has gotten $200,000 economic damages, plus $200,000 pain and suffering, plus $400,000 punitive damages. I am sorry, plus $800,000. She has 200 plus 200 times 2, so that is $800,000 punitive damage amount. So Mrs. Jones can recover 200 plus 200 plus 800, which is $1.2 million.

Now, that is a fair amount of money, but it does not really put Mrs. Jones back where she was, and we have to admit that. If she is really badly hurt, it is just a bad situation. She has gotten $1.2 million, but she would really rather not have the money. She would really rather have her health back. But we cannot put her health back, so we give her $1.2 million. That is our system operating rationally, I believe; $1.2 million for this hurt Mrs. Jones.

Now mind you, there is still plenty of money for the trial lawyers, and I realize a lot of people in this body defend trial lawyers as though they are the greatest folks in America. There is still one-third for them, so in this case the trail lawyers get $400,000. There is still plenty of money in the system for adequate recovery.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from California. [Mr. CAMPBELL].

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

Mr. CAMPBELL. Mr. Speaker, I rise in support of this bill.

I would like to take this time to comment on the issue of tort reform, and its ramifications on our business community, and especially upon California's Silicon Valley.

For years, the debate has raged over whether our country engages in excessive litigation. Some have offered the argument that lawsuits are socially useful in defusing workplace tension, deterring dangerous means of production, and compensating those who have been harmed. Others have as strongly maintained that lawsuits have siphoned off scandalous amounts of time and energy, caused many good ideas never to be commercialized, dried up capital for investment, and crippled America in competition with the world. So, who is right?

I have concluded that our civil liability laws are indeed in need of reform to stem the flood of frivolous lawsuits that have detrimentally affected productivity and overall employment not only in California but across the Nation. My position is based upon a study that I participated in, which showed conclusively that the more a State reformed its civil liability laws, the greater its productivity and employment increased.

Here are a few facts and statistics:

Frivolous strike suits, which allege fraud when stocks take inevitable dips, have hit every one of Silicon Valley's top 10 companies and more than 60 percent of the valley's high-technology firms.

According to one estimate, shareholder suits are a $1.4 billion a year business, with settlements averaging $11 million.

A suit brought against 60 computer monitor manufacturers alleges fraud on behalf of the manufacturers because monitors labeled as 15 inches have—due to the dark border characteristic of computer technology—an actual viewing space of 14¾ inches.

The accounting firm of Tillinghast-Towers Perrin reports that the tort portion of our legal system cost $152 billion in 1994—two and half times the industrialized world average.

What we need are reforms that will stem this explosion of tort litigation; reforms like

placing caps on contingent fees and pain and suffering awards; allowing defendants to pay damages over time; constraining punitive damages; and modifying the joint-and-several-liability rule where a party only partly at fault can end up paying the entire damage award if the other parties at fault cannot.

I want to make clear that I seek only to bar frivolous lawsuits and not block those that have merit. A step in this direction was taken when Congress over-rode a Presidential veto and enacted the Securities and Litigation Reform Act of 1996. It reigns in frivolous class-action suits that victimize employers and investors across State lines. It provides, for example, protection to companies with solid records of rapid growth from lawsuits over a minor loss in a single quarter. And when legal costs can easily rise to the millions of dollars, mostly new, startup entrepreneurial high-technology firms are at greatest risk. This is especially true for Silicon Valley.

The litigation mess is not only affecting big business. It also prevents small businesses from expanding, causes new drugs and new products never to reach the market, and results in charities running short of volunteers.

Everyone today is a potential hostage to capricious and expensive lawsuits. National civil liability reform is needed to correct this broken system. I do not seek to sanction corporate irresponsibility, but merely to obtain reforms necessary to obtain fairness and common sense; with the result being more jobs and greater productivity in every State.

Finally, I was disturbed to learn that there is now an Internet web site which invites the public to invest in shares of lawsuit stock. Essentially what this outfit wants to do is publicly sell and trade stock based not on the performance of a corporation, but on the outcome of a lawsuit. I cannot view this approach in any other light than as another example of how out of control our tort system has become and how essential it is that we institute systemic reforms like the ones I have mentioned.

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I remind the distinguished gentleman from South Carolina [Mr. INGLIS] that in his hypothetical, he used up 1 of the 14 punitive damages cases that occur annually in the U.S. courts.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding me the time.

Let us be clear what this bill does. Let me put this in another perspective from the example that was just given by my friend from South Carolina. If you are a corporate CEO and you make $1 million a year and God forbid you should have an accident because of a product malfunction, this bill says that you can receive full recovery of your economic losses. But if you are a working mom and you make $15,000 a year and you are struggling to put a little away for your child's education and you should be injured by that same accident and that accident involves more than one wrongdoer and God forbid you should lose your ability to have children, you may never be fully compensated for pain and loss. Now that is what this bill does.

This bill says the lives of corporate CEO's and Wall Street bankers and the economic elite are more important and more valuable than the lives of the working men and women, and I think it is shameful. Mr. Speaker, we do not need a bill that tilts the balance away from victims of defective products and toward the big corporations who make them.

We certainly do not need a bill that gives foreign manufacturers a leg up on American companies. Even though 82 of my Republican friends supported an amendment that put America first, it was dropped in the conference committee by the Republicans. That too is shameful. Mr. Speaker, if we live in a country where 98 percent of the growth in income since 1979 has gone to the top 20 percent, the other 80 percent has gotten 2 percent of real income growth in this country. What is going on here?

Mr. Speaker, yesterday the Republican leadership, in both this body and in the other body, blocked efforts to raise the minimum wage, and once again we are here today trying to write special rules for the wealthy one more time. Mr. Speaker, enough is enough. It is a tragedy when anybody is injured by a faulty product. Let us not make women and children and seniors pay a special price.

I urge my colleagues to vote ''no'' on this conference report. The President has indicated he will veto this bill because of the reasons and other reasons that have been given on this floor, the reasons that I gave and others have given, and we will need roughly 140-some votes to sustain his veto. So this is a very important vote this afternoon, and I urge my colleagues for economic justice for the people that we represent that we send this measure down to defeat this afternoon.

Mr. BLILEY. Mr. Speaker, could we get a report on how much time remains?

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Virginia [Mr. BLILEY] has 11 minutes remaining, the gentleman from Illinois [Mr. HYDE] has 8 minutes remaining, the gentleman from Michigan [Mr. CONYERS] has 1½ minutes remaining, and the gentleman from Michigan [Mr. DINGELL] has 7 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of the conference report.

For almost two decades now, the House Committee on Commerce has grappled with the issue of product liability reform. After developing an extensive record on the subject of product liability law, the committee concluded that the present system places an enormous burden on interstate commerce, inflates prices, stifles innovation, and subjects manufacturers and sellers to a capricious lottery where sanctions can exceed any found in criminal law.

Last year, we worked with the Judiciary Committee to draft a joint legal reform bill to bring some common sense back into our legal system. We then worked with our Senate counterparts to help them move this critical legislation forward. While the final conference agreement falls somewhat short of the reforms passed in the House, it still represents a great achievement and far more than anyone might have hoped for just 2 years ago.

For the first time in our Nation's history, we will enjoy the protections of proportionality requirements for punitive damage awards. Damage awards for speculative noneconomic injuries will now be based directly on someone's actual responsibility for the harm, not on the depth of a defendant's financial pockets. Plaintiffs who harm themselves primarily through their own excessive use of drugs and alcohol will no longer be able to transfer the costs of their addiction to third parties, and frivolous claims against innocent product sellers and biomaterials suppliers will no longer be allowed.

These reforms will play a critical role in increasing the long-term competitiveness of American industry and thereby protecting American jobs. And they will create a renewed emphasis on fairness and accountability in our legal system, without undercutting the basic rights to restitution for consumers.

I recognize that the President has promised to veto this pro-jobs, pro-fairness bill. This is unfortunate. As Governor, President Clinton twice supported resolutions drafted and unanimously approved by the National Governors Association calling for Federal product liability reform.

Throughout the last year we have been working with Senator ROCKEFELLER's staff in the Senate to communicate with the President and modify the bill accordingly, deleting numerous stronger House reforms and adopting an extended additur provision for punitive damages which his own Cabinet helped to write. The administration's last minute bait-and-switch was subsequently decried by Senator ROCKEFELLER, who noted that ''Special interests and raw political considerations in the White House have overridden sound policy judgment.'' This sort of trial lawyer protectionism and turnstile politics, revealed earlier on securities litigation reform, is beginning to ring very hollow.

Part of the premise of the Contract With America was to put an end to politics as usual in Washington. This legislation is a consensus solution, built on decades of bipartisan efforts by my Democratic colleagues and fellow Republicans, for bringing some balance and reasonableness back into our legal system. I ask your support in helping us bring this commonsense reform back into our legal system.

Let us pass this with an overwhelming vote and send it to the President and hope he changes his mind.

□ 1245

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the conference report on the product liability reform. This bill benefits those who place profits above the health and safety of the American public, and it should be defeated.

Let's look at some of the real-life consequences that this ill-considered legislation would have.

Currently, there are approximately 1 million women who have silicone breast implants. To date 100,000 of them have suffered real harm from these devices. Although these women were told that the implants were safe, many began to leak and break—exposing the women to the silicone inside. If this bill is passed, implant manufacturers will be exempted from liability, and thousands of the women who are ill will be prevented from recovering damages.

This bill will hurt American women in other ways. The legislation eliminates joint and several liability for noneconomic losses—which means that if a housewife from my district and Donald Trump are both injured by the same defective product, Donald Trump will be able to recover much more money for injuries. That's wrong Mr. Speaker—we must not make it more difficult for women to recover damages from the companies of defective products.

I would also like to bring to my colleagues' attention a very shocking unintended result of this bill. Mothers Against Drunk Driving opposes this bill because it will cap punitive damages that can be enforced against those who serve alcoholic beverages to obviously intoxicated persons and minors.

Last year, this House passed a measure that I introduced that will finally get tough on underage drunk driving. That measure is now the law of the land and States that do not have zero tolerance policies for teens who drink and drive are in the process of adopting them. We must not now take away one of the biggest disincentives bar owners have to serving minors by passing this bill. We must not send a mixed message to Americans about drunk driving.

My colleagues, this bill says to companies that making defective products is just another cost of doing business. We must demand that companies take responsibility for their actions—just as we demand that individuals do. Those who put profits ahead of their fellow human beings do not deserve our protection.

Mr. HYDE. Mr. Speaker, I yield myself 30 seconds simply to say I have heard so many things about this bill that just are not so. There is nothing in the world inhibiting a woman who has a faulty breast implant from suing and getting full recovery, economic, noneconomic, and, if the case warrants, punitive damages, twice whatever the economic and noneconomic total up to. And if it is an egregious case, the judge can add more to it.

So I just do not know what I am hearing here. They are talking about some other bill that has not been written.

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Tennessee [Mr. BRYANT].

(Mr. BRYANT of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Tennessee. Mr. Speaker, I thank the gentleman for yielding me this time.

I, too, rise in strong support of this bill, this conference report, and think it is a very modest bit of reform.

As an attorney who practiced in the civil litigation area for a number of years, it is interesting to hear the debate on this floor. It is very different being in the courtroom where you can respond directly to statements that are made, sometimes outrageous statements that are made, sometimes misstatements that are made. And in the arena on this floor it is difficult to sit here and listen to some of these examples that are being thrown out as why this very good reform should not occur.

Let me tell you what, let me respond, I guess, in the best way I can to some of the allegations being made about this bill. The chart goes up and says, well, punitive damages cases are not that significant in number, very few are filed in a year, even less awarded.

Let me tell you in the real world how punitive damage cases affect you and I that cause a huge litigation tax on the average American citizen that is in the thousands of dollars each year that we all pay for in some way or another in direct or indirect costs of product liability lawsuits.

Every case that comes in that has punitive damages claims has to be assessed and has to be judged as to whether or not what that case is worth in terms of actual compensatory damages and what it is worth from a punitive damages standpoint. Many of these cases are settled before they even result in lawsuits. They are settled before a case is even filed. Those cases are not going to show up on this chart. Most cases are settled, once they are filed, out of court before they go to judgment. As you settle these cases wherever it is in the process, you have to take into account what is this case worth from a punitive damage standpoint. It affects very dramatically the cost of litigation. Cases that should be settled early should be settled quickly, that do not have to go through the long extensive litigation that costs everyone, are not settled because of this. If we place a cap, a reasonable cap, on punitive damages, it will help the consumer, it will help the injured plaintiff get quicker disposition of their lawsuit, quicker settlement, quicker money in their hands, quicker compensation. And I suggest to you it would be more fair to all concerned. It completely allows full recovery for compensatory damages. This bill is no way affects a person's right to recover for pain and suffering, permanent disability, lost time from work, future income, earning capacity diminished, medical bills. It affects that in no way. All it affects are punitive damages, and its gets some correlation, some relationship between this case and not a pie-in-the-sky figure that that particular jury feels like awarding that day, whether it is a McDonald's case or the BMW case or whatever. It makes the person responsible pay for the negligence they caused, their portion of the injury. If a defendant is found liable for 20 percent of the injury, they do not have to pay 100 percent of the damages. That is only fair. You only pay what you are responsible for causing. And we are hearing complaints about that.

We have heard about the special-interest groups here, and we are not really, I guess I should say that this debate really may even be moot because we have already been told by our President that he is going to veto this bill. He says he is for small business and for doing things to stimulate the economy and helping out the small people. But yet he is already saying he is going to veto this very modest bill that is supported by people on both sides.

This is not a Republican-Democrat issue.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN], a distinguished member of the Committee on the Judiciary.

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

Mr. BERMAN. Mr. Speaker, I rise in opposition to the conference report on what I would view as the Victim Compensation Depriving and Deterrence Weakening Product Liability Report.

I do not oppose this bill in the belief that American law on product liability is perfect. But like many other Members of this body, I found that my efforts, in committee and on the floor, to moderate the excesses of this legislation, and in so doing, to articulate the sorts of reforms I can support, were entirely shut out by a majority hell-bent on moving an industry agenda at the expense of American consumers.

Nor is it the notion of uniform Federal law on the subject of product liability which I oppose, even though this subject has traditionally been viewed as a matter for State law. States' rights is not my watchword, though I thought it was the operating principle for my colleagues in the majority, a principle they seem to set aside when expedience dictates.

But what we find in this conference report is not uniformity. Instead, what we have is Federal standards except where a State's law is worse in terms of consumer protection. So let there be no mistake about what this legislation is about. Uniform national standards? Hogwash. This is lowest common denominator justice for consumers.

I also want to express my very strong support for solving the problems faced by biomaterials suppliers. I am dismayed that their interests have been sacrificed to advance an extreme agenda I cannot support. If this bill is indeed vetoed, and that veto is sustained, I hope that we can move the biomaterials access reforms to solve that particular industry's problems for the benefit of all Americans.

Mr. Speaker, I cannot support legislation that deprives injured victims of fair compensation, and eliminates important deterrents to the design and manufacture of unsafe products in the first place. I oppose this conference report, and I urge my colleagues to do so as well.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. WATT], a member of the Committee on the Judiciary.

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I rise today in opposition to House conference bill H.R. 956, the conference report on the Products Liability Reform Act.

Folks are on the floor today blaming lawyers for all the ills in America today. And this conference report is suppose to protect America from these greedy trial lawyers. Well, for the record I want you all to know that prior to coming to this place, I practiced law for 22 years and I'm proud of that and I'm proud of the contributions of the bar in shaping America and making it a better place for all of us.

People often quote the line from Shakespeare's ''Henry VI,'' ''First thing we do, let's kill all the lawyers.'' Sounds funny out of context. But they don't tell you about the scene. It's a scene where a corrupt king and his followers are trying to figure out how to suspend everybody's freedoms and rights and the only folks who could possibly stand in their way—you got it, the lawyers. Think about that the next time you're tempted to use this quote.

Calling someone a hypocrite might be funny too, if it's taken out of context. And yesterday, we spent an hour debating whether it was proper debate for one of my Republican colleagues to call Democrats hypocrites. Well, I want to be careful not to call any one or any party a hypocrite, even though the ruling of the Chair yesterday confirmed that I would be within my rights to do so. I would, however, like to pose the question in the context of this debate on product liability reform: Exactly who is being hypocritical?

Who is being hypocritical when they claim they want to stop the explosion of individual product liability claims so that you can alleviate the backlog on civil court dockets when, in fact, the backlog has been cased by an explosion of civil claims filed by big businesses against other big businesses over commercial disputes? My 22 years of practicing law showed me, and the statistics confirm it, that antitrust and commercial litigation is getting longer and longer, more and more complex and taking up more and more court time. At the same time, individuals are being squeezed out and priced out of courts. Courts are no longer for the people. They can't afford them.

Who is being hypocritical when they preach about personal responsibility for individual citizens but then absolve corporate citizens from responsibility for injuries they cause, even when the corporations make a calculated business decision to do so?

Who is being hypocritical when they claim to be champions of States' rights and a limited Federal Government on one hand, but then fight for this legislation, which would preempt the laws of 50 States which have developed over hundreds of years on the other hand?

Finally, who is being hypocritical when they claim to support individual rights even though they're supporting a bill that will severely limit an individual's access to justice? That's what this bill does.

Vote ''no'' on this bill. Fight hypocrisy.

Mr. CONYERS. Mr. Speaker, I yield 1 minute and 20 seconds to the gentleman from Massachusetts [Mr. FRANK], the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, I had been undecided on this bill. I am now going to vote against it. It is a far better bill than the one the House previously did. I still have concerns about the unequal effects on women.

But I must tell you that I am very unprepared at this point to vote for one more piece of legislation that the corporate leadership of the country wants at a time when it has unfortunately been so resistant and unyielding to the cries many of us have made for some fairness and for some social justice.

A company in the city I represent, New Bedford, we just learned, has been bought up by a larger entity and a profitable company will be shut down, jobs will be lost, and it will be moved away. In the right overall mix, I am prepared to support product liability. But at a time when the minimum wage is stonewalled, when unions are, in effect, dismantled by the misuse of the law by employers, when corporate salaries go up and up and up and we get no sympathy whatsoever for the plight of workers, I am not prepared to provide one more thing on the shopping list of those who are already doing well.

On the merits, as part of an overall package, I could support this. I would hope it would be somewhat better drafted. But I will not at this point contribute, will not be part of furthering a public policy imbalance which says that those who own do better and better and those who work, unfortunately, are treated less and less fairly.

As part of an overall approach to fairness in America, I would be supportive of this, but not as simply one more gift to those who are already gifted.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a member of the committee.

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

Mr. GANSKE. Mr. Speaker, I would just like to address the gentleman from Massachusetts for a moment and ask that he strongly consider supporting this bill. I am going to deviate from my notes and speak to a prior speaker who had concerns about breast implants.

My mother had breast cancer when she was 24 years old. I can remember as a child her external implant falling out of her swimming suit. She has had a breast implant since then, and this has been a great thing for her.

As a physician, I have been involved with medical devices. I am concerned about the availability of these products for our patients. My wife had a sister who was born with a condition called hydrocephalus. This is where the cerebral spinal fluid does not get absorbed, and if there is not a cerebral spinal fluid shot, the head rapidly expands. Had that product been available to my wife's sister, she would still be alive today.

If we do not get a handle on product liability, we will not have the type of medical devices that will be necessary to protect the lives and health of our brothers, our sisters, our parents. This is a very reasonable and modest bill. I am glad that my colleague from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce, supports this bill.

I would urge the President to sign this bill. This is a bipartisan bill. This is not about politics. This should not be about politics. This bill is about providing products for people's health and their lives.

Mr. GANSKE. Mr. Speaker, this do-something Congress is working hard for the American people. Yesterday, we passed legislation to make health insurance more affordable. We passed a bill to allow senior citizens to retain more of their earnings if they remain in the work force. We passed a bill to give regulatory relief to businesses. We passed the line-item veto. And we gave final approval to legislation to modernize our Depression-era farm programs.

Today, we will send to the President product liability legislation to restore common sense in this area; to protect consumers and prevent abuse that unnecessarily raises the price of practically everything we buy. Amazingly, President Clinton has threatened to veto this modest bill that Mr. DINGELL supports.

Mr. Speaker, if the President vetoes this bill, the losers will be the American people, victims of a hidden lawsuit tax. They pay more for goods and services because businesses are forced to spend hundreds of millions of dollars in defending frivolous lawsuits.

Mr. Speaker, this is not partisan politics. A leading Democrat in the other body said ''Unfortunately, special interests and raw political considerations in the White House have overridden sound policy judgment.'' That's a Member of the President's own party speaking.

I urge my colleagues to vote for this limited legal reform bill and to give it the votes necessary to override a threatened veto.

This bill isn't everything I think is important, nor is it everything my colleague from Michigan wants. But in the spirit of cooperation in order to move to a better solution, we are both supporting this bill. I urge Members of both sides to put aside partisan politics and support this bill.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in strenuous opposition to this conference report.

Remember the famous Pinto automobile recall, the exploding gas tanks. Remember the fact that the manufacturer knew the gas tank in the back of the car would explode if hit in an accident. Remember the in-house memo that the manufacturer sent that admitted they knew the gas tank would explode, but made the cold-blooded decision it would not be cost-effective to recall the car? They said it would cost them too much money. Lives were lost. People were harmed.

How dare anybody suggest we dismantle our current product liability laws? Greedy corporations will increase their profits at the expense of the American people if we, as public policymakers, do not have enough backbone to stand up for the protections for our citizens. We do not deserve to be here if we cannot protect them. As many as 6,000 American lives were saved each year due to the current deterrent of product liability laws.

Mr. Speaker, this bill is a sham. It must be defeated.

□ 1300

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE], a distinguished member of the Committee on the Judiciary.

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

Mr. GOODLATTE. Mr. Speaker, I thank the chairman of the committee for yielding me this time.

Mr. Speaker, the other side and the President have a number of times said that this is an anticonsumer bill. Mr. Speaker, this is a proconsumer bill. This bill is very fair to those who may experience harm as a result of a defective product, but at the same time taking away from juries the opportunity to give unlimited amounts of awards that affect every consumer in this country by taking product off the market, as the previous speaker, the gentleman from Iowa [Mr. GANSKE], just indicated, and by increasing the cost of insurance and, as every corporation in this country does, spreading that increased cost to every consumer in this country with increased prices. This is a very fair bill. Juries should not be legislators. They are unelected. They should have the opportunity to determine the compensatory damages, to determine the pain and suffering award, and a reasonable amount of punitive damages in cases where they find it appropriate, but it should not be unlimited.

Mr. Speaker, I urge support of this report.

Mr. CONYERS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Michigan has 10 seconds remaining.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. DINGELL], the dean of the House, and ask unanimous consent that he be allowed to allocate that time.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BECERRA].

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

Mr. Speaker, on balance, this conference report is transparently unbalanced. It is bad where State laws would otherwise benefit consumers and victims, and it is good where State laws would benefit manufacturers. The problems for States, this law preempts States that wish to take action at the State level against product liability abuse.

Who does this conference report exclude the Conyers provision that would have held foreign manufacturers liable for damaging, injuring, killing American citizens?

Why does this conference report on the manufacturer of a defective elevator that might be 14 years, 364 days old, let that victim sue that manufacturer of that defective elevator, but the next day that same victim would not be able to sue because of a statute of limitations that would not allow that to occur?

Why does a victim of a manufacturer's product have to prove, through a higher burden of proof, the damage occurred or the injury occurred?

This is an unbalanced conference report. It does not deserve the support of this conference, because it does not support the American consumer. I urge a ''no'' vote.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. WHITE], a member of the committee.

Mr. WHITE. Mr. Speaker, until about a year and a half ago, for 15 years I practiced law in the city of Seattle. I have to tell you that anybody who has been involved in our legal system and has taken a fair and objective look at it knows that, unfortunately, our legal system is broken and badly needs to be fixed.

It does not have so much to do with the number of cases that are filed, the number of product liability cases that we have. It is the fact that every week we hear a new ruling that offends our fundamental sense of justice about what our system is supposed to produce. Every week we hear about the cup of coffee is spilled on someone when they are driving in their car and all of a sudden they can collect $2 or $3 million for that. We hear about the paint job that was not quite right on the BMW, and somehow that results in a judgment of multimillions of dollars.

Ordinary people and lawyers and all of us who hear these things get the impression that, unfortunately, it is becoming true that our legal system has turned into an elaborate game of chance, where if you play the game right, you have the right lawyers, you can hit the jackpot and make a lot of money.

That is the most pernicious thing about the developments we have seen in our legal system over the last several years. It is a tragedy when a child is killed or someone is injured because of using a product. But the fact is, no matter how much money we compensate that person for, we cannot bring back the child, we cannot bring back the arm that is cut off, or we cannot fully solve the damages. Unfortunately, our system seems to equate paying money to solving that problem. It is something we just cannot do.

This bill is a modest bill. This bill does not go far enough. There are many additional things that we should do to solve the problems in our legal system. But it is a modest step that we need to take.

Mr. Speaker, I urge my colleagues to vote for this, and I hope very much the White House will change its mind and sign this bill when we pass it in this Congress.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, the sad part of this whole debate is the fact that it attacks the confidence and credibility of an institution that has served Great Britain and the United States and our various States now for some 700 years, and that is the jury trial. Sure, juries are composed of humans, and you are going to find some cases that many people will disagree with the outcome of. Jessie James' brother, Frank James, for instance, was acquitted, even though there was hard evidence that he held up those banks. Many people disagreed with the outcome of the O.J. Simpson case. But overall, Mr. Speaker, the jury trial is a very basic institution. What this does is this takes it out of balance.

I had the opportunity through the years to participate in the American justice system by trying cases, by defending people accused in civil cases, by representing others. So I think we should do our very best maybe to look at this again in light of the fact that we have a very sound institution called the jury system.

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

Mr. Speaker, I was shocked to learn that the jury system is somehow no longer applicable. That is news to me.

Mr. BLILEY. Mr. Speaker, it gives me pleasure to yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN], a member of the committee.

Mr. TAUZIN. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, let me first make a confession: I am a former trial lawyer. I still hold a law degree.

Let me also disabuse you all of a notion: This House is not composed of a majority of lawyers. Only 170 Members of this House admit or believe they

have a law degree; 435 Members, 170, that means three-fifths of this House are not lawyers. That surprises most people. They think it is the other way around.

Many of the lawyers in this House rise as I do today in support of these commonsense legal reforms, and it is to the lawyers in the House I want to speak for a minute.

We have a responsibility to the legal profession. We were educated in it. Many of us practiced in it. Our obligation is to make sure that it is a good profession, that it works well, that justice arises out of it. And when the law and when the practice of the law is such that it encourages frivolous lawsuits, that it encourages the pursuit of deep-pocket defendants instead of responsible parties, when it does not make people personally responsible for their own actions, as this bill does when it says if you are drunk or on drugs and you have an accident and that is the real cause of the injury you ought not be able to sue someone and collect, when we in this body are prepared to write comonsense legal reform, lawyers ought to be the first ones to rise and say we are prepared to do it.

We did that on security litigation reform. We passed that bill by a two-thirds vote of this House and the other body. The President vetoed it. We overrode his veto. We passed good commonsense medical reform, malpractice reform yesterday in this House. I hope we see that through to finish.

If we pass this bill today and send it to the President, I hope he will do something very important. If lawyers in this House can say yes to commonsense legal reform, then the President ought to be able to say no to some of his trial lawyer friends, and he ought to sign this good bill when it hits his desk.

Mr. BLILEY. Mr. Speaker, it is a great pleasure to yield the balance of my time to the gentleman from Colorado [Mr. SCHAEFER], the chairman of the subcommittee.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 2½ minutes.

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

Mr. SCHAEFER. Mr. Speaker, I thank the chairman of the committee for yielding time to me. I commend the work of the House conferees on this important legislation. This plan will bring some commonsense to our country's product liability laws.

Sadly, frivolous litigation has become a fact of American life. Too often, bringing people to court has taken the place of personal responsibility. People treat liability damages like a lottery. Urged on by attorneys with huge financial stakes, many people no longer look at themselves first for blame, but instead search out the easiest way for a big court settlement.

Frivolous suits cost our economy up to $80 billion every year. Thus, American companies have become hesitant to pursue technological innovation and product development for fear that their actions may result in never-ending court battles and financial ruin. This well-founded fear is costing jobs, consumer benefits and, if continued unchecked, it will cost America its competitive edge.

I would like to address one particular section, the biomaterials access provision. One of America's leading industries is the biomaterial device field. These products literally save and enhance lives every day. From pacemakers to artificial heart valves to cataract replacements, the products afford miraculous opportunities for recovery, allowing people to continue their lives.

The suppliers of base materials oftentimes provide the manufacturer with elements of the device that are too costly to produce except in mass quantities, but alone have no implant value or purpose.

Unfortunately, in recent years, these suppliers have been named as codefendants in lawsuits against actual device manufacturers. In almost every case, they are cleared of any wrongdoing or negligence. Nevertheless, in the process, they are forced to spend vast financial resources to achieve exoneration.

This litigation risk has caused many supply companies to, quite simply, stop providing base materials for these lifesavings devices. Consequently, the inability of device manufacturers to obtain the needed base supplies is causing the death of the biomaterials industry in America.

The biomaterials section addresses this tragic consequence of overzealous litigation. This language will assure that, quite simply, unless the supplier is negligent in the design specifications requested by the device manufacturer or if the supplier is also a party in the overall manufacture or marketing of the device, the supplier is cleared from liability.

This commonsense legal reform bill goes a long way toward ending this litigation madness, while preserving each individual's right to pursue just compensation for actual harm. I urge my colleagues to support this long overdue reform.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. PETE GEREN.

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

Mr. PETE GEREN of Texas. Mr. Speaker, I rise in support of this conference report.

I believe the Commonsense Product Liability Act has become necessary to deal with our increasingly litigious society and the arbitrary and capricious nature of many punitive damage awards.

Today, in 1996, product liability unquestionably has become a major factor in interstate commerce. Less so 20 years ago, but today product liability determines what goods are available in what States and at what price. Further, liability laws have had the impact of sending the manufacture of goods overseas, taking American jobs with them, for example, as we've seen in the private aircraft industry.

There can be no doubt that the measures in this legislation—punitive damage reform, joint and several liability reform, and a provision similar to an amendment that I offered to the original House bill—that limits the liability of rental and leasing agencies for the tortious acts of another—fall well within this category of appropriate and much needed reform. The changes proposed in this bill will rearrange the legal landscape, but they will further the cause of commerce and competitiveness, reduce costs for consumers and create jobs across America.

The problems we address in this bill are national problems. American citizens, businesses, municipalities, and other charities across our Nation pay $80 billion a year as a litigation tax. And these costs are paid by all of us through increased costs in our goods and services. Today 30 percent of the price of a stepladder and over 95 percent of the price of childhood vaccines go to cover the costs of tort liability. Each new private aircraft made by American workers has a $100,000 litigation tax added to its cost. The present system costs jobs, costs lives, and burdens every citizen in America with a litigation tax that is unaffordable.

The time has come for sensible product liability reform. This legislation will strengthen the economy and the free market by removing the impediments to interstate commerce and encouraging innovation. His legislation provides a national solution to a national problem, and I hope my colleagues will join me in supporting it.

Mr. DINGELL. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas [Ms. JACKSON-LEE].

The SPEAKER pro tempore (Mr. GUNDERSON). The gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 2 minutes and 10 seconds.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here to talk about people. I think that is what we have missed in this whole debate. Thirty million Americans are injured by consumer products, not including automobiles; 29,000 people are killed in tragedies that involve everything from medical devices to chain saws.

It is important that my colleagues realize that we should not draw the line in the sand amongst ourselves. This is in fact the people's House. Most do not care what side we are on. They only ask that we remedy a problem that exists for the American people.

I have heard my colleagues talk about frivolous lawsuits and moneys that are expended.

Mr. Speaker, may I share with my colleagues that the Department of Justice said that product liability cases represent only 1.6 percent of civil cases. May I say to my colleagues that we have only had 14 injury awards of punitive damages annually for the last 2 years. But allow me to tell Members

a story of an American worker who may be injured by a product older than 15 years old. That injured worker may be injured by a product that explodes while he is trying to work for his family. That individual has no rights under this law. But yet his corporation or his factory could still go to court and charge that the product maker interfered with his business. But that injured employee can no longer go to the court under this legislation. Thirty million Americans are injured by devices.

I heard my colleague talk about breast implants. Let me respect his expertise and the acknowledgment of the progress that has been made in breast implants. But there are many, many women who have suffered under the present design. I want to make sure that the sons and daughters in the future will not suffer the pain of these women who are involved in present-day breast implant litigation.

That is what this House is here for. The people's House is here to ensure the people's rights. And this products liability bill is, in fact, what the New York Times said, it is the ''Anticonsumer bill for 1996.''

Remember the 30 million, remember the 29,000. Vote against this legislation.

Mr. Speaker, I rise today to express my concerns regarding the conference report on H.R. 956, the product liability reform bill. The proponents of H.R. 956 may have intended for this bill to level the playing field among consumers and manufacturers but it does not achieve this goal. The bill eliminates joint liability for noneconomic damages and caps punitive damages at $250,000 or two times compensatory damages, whichever is greater.

While most interested observers agree that some elements of the current product liability system need to be reformed, they do not believe that such reform is necessary because of a great explosion of product liability lawsuits. The Justice Department's Bureau of Justice Statistics indicates that product liability cases represent only 1.6 percent of civil cases. Another influential study on product liability lawsuits indicates that there have been only an average of 14 jury awards of punitive damages annually for the last two decades.

Contrary to arguments made by proponents of the bill, the current system is not discouraging capital investment or increasing the costs of developing new products. In fact, the General Accounting Office reports that insurance costs to businesses represent less than 1 percent of most businesses' gross annual receipts. Moreover, the National Association of Insurance Commissioners indicate that product liability insurance premiums have dropped by nearly 30 percent over the last 6 years.

President Clinton has already announced that he will veto this bill because it preempts State law when such law favor consumers and defers to State law when such provisions favor the manufacturers. I am surprised that many members of the majority party in the House support this bill's uniform, Federal product liability standards since these Members strongly favor granting more authority to State governments.

Specifically, I am concerned about the elimination of joint and several liability for noneconomic losses because of its potentially disproportionate impact on women, children, and the elderly. The bill retains joint and several liability for economic losses such as lost wages. Noneconomic losses such as disfigurement or loss of fertility deserve similar treatment by the legal system as economic losses such as lost wages. This particularly impacts the number of breast implant cases affecting women across America.

The provisions of the bill relating to punitive damages must be carefully examined because punitive damages provide a powerful incentive for manufacturers to make strong efforts to ensure that their products are safe. A cap of $250,000 on punitive damages would mean that some large companies may incorporate this figure as a cost of doing business as they implement their quality control procedures for manufacturing products. Moreover, a provision in the bill permits judges to award punitive damages exceeding $250,000 in egregious circumstances. The intent of the bill however, is that a judge would rarely exercise this discretion.

Additionally, I am concerned about the statute of repose provision that prohibits courts from awarding damages for injuries caused by durable goods that are 15 years or older. The definition of durable goods is narrow and excludes various consumer products.

During the recent elections in California, the voters of that State rejected various referenda that would have changed the tort liability system by restricting the rights of consumers.

Mr. Speaker, I urge the Members of the House to carefully review the provisions of this bill and consider its potential impact on millions of American consumers.

Mr. HYDE. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANZULLO].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANZULLO] is recognized for 3 minutes.

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

Mr. MANZULLO. Mr. Speaker, today we have a great opportunity to move America forward by passing this conference report on products liability reform. This is not a perfect bill, but it is a fair bill. It is fair to the consumers in America, and it is fair to the companies that make the products.

One of the companies is Mattison Technologies of Rockford, IL. This is a company facing liability lawsuits involving products that are as old as the company itself. Madison is celebrating its 100th year of operation. That is correct, Mr. Speaker, Mattison Technologies have been manufacturing tools for one century.

Recently they were sued by a plaintiff in Ohio for a machine that was built in 1917. That is right, 1917, the same year Americans went to fight in the First World War, the same year the Bolsheviks were turning out Czar Nicholas. That is a long time for a machine tool to be functioning and too long for a company to be held liable for one of its products. Mattison has 150 employees and yet every 3 months the sheriff shows up with a brandnew summons bringing a brandnew lawsuit against the company.

I have a letter from Robert Jennings, the general manager. Listen to what he said: ''The present product liability situation in this country has had a tremendous impact on our ability to successfully compete in the marketplace.''

We are continuously defending lawsuits concerning machines built 30, 60, and even 70 years ago. ''We are being penalized for building quality and longevity into our equipment, yet we believe this is what made in America is all about.''

And what a bitter irony it is that current law keeps manufacturers from making better equipment or modifying it because that modification could be used to prove the initial design may not have been safe enough.

This bill would help rectify the problem. A 15-year statute of repose would stop such lawsuits on old products.

Mr. Speaker, a company being sued for a machine they manufactured in 1917. This is outrageous. This bill provides a balance. It protects the consumers. It protects the employers. And it also protects employees. Why are the 150 employees of Mattison Technologies the beneficiaries of this legislation? It is easy. Because if Mattison did not have to defend against these lawsuits, they could pour more into productivity, more into investment, more employees would be hired. They would become more competitive overseas.

Mr. Speaker, this is a good bill. It is a tough bill. It is a bill that is good for the economy of America. It is a bill that relates to one of the 1,800 companies in the district that I represent. I would encourage the Members of this body to vote in favor of the conference report.

MATTISON TECHNOLOGIES INC.,
Rockford, IL, March 28, 1996.

Re Common Sense Product Liability Legal Reform Act.

Hon. DONALD MANZULLO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MANZULLO: On behalf of Mattison Technologies, Inc. and its 150 employees, I ask that you support the above referenced legislation.

The present product liability situation in this country has had a tremendous impact on our ability to successfully compete in the marketplace.

We are required to defend product liability claims against equipment that we built 50, 60, and yes, even 70 years ago.

We recently received a Complaint on a woodworking machine we built and shipped in 1917; that's 79 years ago!

We are being penalized for building quality and longevity into our equipment, yet we believe this is what ''Made In America'' is all about.

Among other sensible uniform product liability changes, this Act addresses the ''forever liability problem'' with a 15 year Statute of Repose.

The machinery manufacturing community, so vital to Illinois and the nation's economy, needs this reform.

Thank you for your support.

Sincerely yours,

ROBERT K. JENNINGS.

Mr. CARDIN. Mr. Speaker, I rise to express my disappointment with the conference report on H.R. 956, the Product Liability Reform Act. I have long been a supporter of legal reform and in particular, product liability tort reform. Unfortunately, some of the measures in this bill are too extreme and therefore, I must vote ''no'' on final passage.

I support a number of the provisions in the conference report including the abolishment of joint and several liability for noneconomic damages and the encouragement of alternative dispute resolution. In addition, the FDA defense proposed in the original House-passed bill was lifted in conference. Under the House bill, plaintiffs would have been barred from winning punitive damages for harm caused by products approved by the Food and Drug Administration.

The conference agreement also contains a more workable legal standard for punitive damages. Under the House bill, plaintiffs would be required to prove that a product was specifically intended to cause harm. The conference languages, which sets a standard of clear and convincing evidence for punitive damages, is a much more reasonable standard.

While the conference report improves on the House-passed legislation on punitive damages restrictions, I believe the language is still unacceptable. I support reasonable caps on punitive damages. However, the conference report allows a large number of businesses to be subject to an unreasonably low cap on punitive damages. In addition, an overall limit on $250,000, or two times compensatory damages, is also too low. I and many of my colleagues had suggested a cap of $500,000. I regret that the Conference Committee did not accept that recommendation.

The additur language was a good attempt to ease the impact of the punitive damage cap. It would allow a judge to award punitive damages above the cap if the judge determines the defendant's conduct was egregious. Although this provision is an improvement, it is subject to constitutional challenge, and would not apply to small business.

As I have indicated, I support many provisions in the conference report. However, there is much that I cannot support, including the preemption of States' rights, the statue of limitations, and lawsuit limits placed on victims of firearms violence.

I find particularly offensive the inclusion of negligent entrustment cases under the limits of this legislation. Sensible product liability reform should not subject cases involving gun or alcohol sales to minors to these new lower punitive damage limits or higher standards of proof.

Mr. Speaker, we can reform the legal system while still ensuring consumer protection. As a supporter of legal reform, I urge a ''no'' vote on this conference report so that it can be sent back to conference for further consideration.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of H.R. 956.

Because of unwarranted product litigation, medical device manufacturers are in danger of being denied access to essential raw materials for the production of life-saving technologies. An alarming number of suppliers are refusing to sell these raw products to the manufacturers, for fear of being joined in a liability suit against the manufacturer.

Mr. Speaker, a full 32 percent of the Nation's medical device manufacturers are headquartered in California. A great number of these are in my San Diego district. These companies make pacemakers, heart valves, and other implantable medical devices which improve the quality of life and ease the suffering of innumerable patients. These companies depend on patented alloys and synthetics, such as Teflon and synthetic polymers, to ensure that these devices will be compatible with the patients who need them.

Under current law, the suppliers of these raw materials can be liable in product liability actions brought against device manufacturers, even though they have no role in the production or sale of the finished devices. As a result, many suppliers have announced plans to limit or discontinue sales of these raw biomaterials to device companies. This would drastically restrict the ability to provide these innovative devices to people who desperately need them.

This bipartisan conference report will reform this tragic situation, by allowing suppliers to resume sales to cutting-edge California device manufacturers, and in turn ensure that patients nationwide retain access to state-of-the-art technologies. This is about people, Mr. Chairman, and doing what we can to make sure patients in need are provided relief from their afflictions and suffering.

Mr. Speaker, this is a fair and bipartisan reform package, and I urge my colleagues to support it. Let us send H.R. 956 to the President, with the knowledge that Californians who need this reform are watching, as is the entire Nation. A veto of this bill, as promised by the President and supported by the Trial Lawyers Association, would be tragic; however, it would clearly demonstrate to the American people where the priorities of this administration truly lie.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in opposition to the conference report on H.R. 956, the so-called Commonsense Product Liability Legal Reform Act. The only relation this bill has to common sense is that it takes just a little common sense to see that it is designed to protect big business at the expense of U.S. consumers.

It pulls the rug out from under U.S. consumers by applying unfair limitations on the means through which they can seek relief if hurt by a faulty product. It is puzzling that the party who has screamed about States' rights for the last year chooses to impose a Federal standard when it comes to limiting the rights of consumers. While this bill sets a Federal standard for product liability cases it allows States to retain their own laws only when it benefits big business. Specifically it requires States to adhere to the cap placed on punitive damages by this bill, but it does not require punitive damages in States that currently do not have punitive damages.

The arbitrary cap on punitive damages at $250,000 or two times actual damages, which ever is greater, is based on highly inflammatory rhetoric about the explosion of unreasonable jury awards in product liability cases. Product liability cases make up less than 0.5 percent of all lawsuits in the Nation. Cases in which punitive damages were awarded are even fewer. In 1994, punitive damages were awarded in only 15 cases nationwide. And nearly 80 percent of these cases resulted in the withdrawal of the product, improved product design, or strengthened warnings. Punitive damages are meant to punish wrongful actions of manufacturers and to deter the future production of similar faulty products. A cap of $250,000 is hardly a deterrent for a mega-corporation.

For smaller businesses the cap is the lesser of $250,000 or two times actual damages. Utilizing a different standard for small business establishes a precedent that a person harmed by a small business is entitled to less, even though the loss, disfigurement, or pain is equal to or greater than an injury incurred by a product of a larger business.

Furthermore, the bill imposes a more difficult burden of proof in order for punitive damages to be awarded, further reducing the effectiveness of punitive damages as a deterrent. Punitive damages are allowed to be awarded only if the plaintiff proves clear and convincing evidence that the conduct of the defendant was a conscious flagrant indifference to the rights and safety.

The most offensive provision to me personally is the provision which discriminates against women, children, and the elderly by barring joint and several liability for noneconomic damages. Treating economic and noneconomic damages differently establishes a two-tiered system which hurts women, children and the elderly, who typically have damages not related to lost wages. Their damages are injury related and go to pain and suffering, disability and physical losses. Under this bill a high-paid corporate executive would recoup all of his economic, income, damages while a woman who stays home with her children, a person with little or no economic loss, would not. Equal justice should not be dependent on age, employment, and economic status.

The intent of this bill is to discriminate against women, children, and the elderly. Since women have been subject to so many faulty products and drugs, like DES, silicone breast implants, IUD's, and the Dalkon Shield, it is grossly unfair.

I am a DES mother who took this harmful drug. If this law had been in effect at the time of my lawsuit, it would have been very upsetting. My losses would not have qualified for access to joint and several liability. Such a bar to fair and equitable recovery is unconscionable. This bill must be defeated.

If we are going to move toward a national standard on product liability, let it be a fair standard. One that treats men and women the same, one that recognizes the value of noneconomic damages, one that applies fairly to all businesses, and one that does not arbitrarily limit punitive measures needed to curb the production of faulty products.

Mr. Speaker, I urge my colleagues to vote down this conference report.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of this measure and to express his pleasure that this legislation has advanced to this stage and is one step closer to becoming law.

This Member introduced the first product liability legislation in the Nebraska Unicameral Legislature in 1977. During this process this Member realized that this issue must be dealt with on the Federal level, because the vast majority of products and services move through interstate commerce. Addressing product liability at the State level is like patching 1 hole in a tire with 50 holes.

Mr. Speaker, all Americans are paying higher prices for consumer goods and services because this legislation has been delayed for so very long. The insurance costs incurred by companies protecting against and paying for outrageous product liability suits are passed along to the consumer each and every day, in each and every product and service purchased.

Perhaps even more outrageously, the current system unfairly imposes upon the American public product design standards, which are created in response to penalties awarded in a few States with the highest punitive and compensatory damages. Those States get to impose their juries' ideas of appropriate design and safety standards on the rest of the Nation. That is a perversion of federalism. National standards should be set by the national legislature. That is what this bill will do.

Mr. Speaker, this Member has been a longtime cosponsor of product liability reform, dating back to at least 1986 when this Member was an early cosponsor of registration introduced by his distinguished colleague, Mr. ROTH. This Member is pleased that this conference report is before the House for final approval and urges his colleagues to support it.

Mr. RAMSTAD. Mr. Speaker, as chair of the task force which crafted the legal reform plank of the Contract With America, I feel extremely gratified to see an important part of our efforts come so far in the process.

Although the reforms contained in the conference report are not as sweeping as those the House put forward last year, they are a vast improvement over the present legal system. Our present system results in higher prices for consumers, lost jobs, and stifled innovation.

I want to talk about a particular provision in this conference report which is more than just sound economic policy; it is sound health policy.

Over 11 million Americans rely on implanted medical technologies, ranging from artificial joints to complex mechanical devices such as cardiac defribrillators and drug infusion pumps.

Unfortunately, the spectre of product liability litigation has caused many raw material suppliers to restrict the use of their products in implanted medical devices. The lack of materials and components for these medical devices jeopardizes the well-being—and in some cases the very lives—of the millions of Americans who depend on these technologies.

The biomaterials access assurance provisions of H.R. 956 will help ensure that the threat of product liability litigation will not hurt patients who need access to implanted medical devices. H.R. 956 will prohibit claims against biomaterials supplier unless the company acted irresponsibly and its mistake actually caused the harm.

It is also important to note what the biomaterials access assurance provisions will not do. Nothing will reduce the amount of money to which a person injured by a defective implant is entitled. Device manufacturers will design suitability and performance specifications for the raw materials, certified by the FDA, and suppliers will continue to be liable when materials or components do not meet the specifications.

But suppliers will not be responsible when their products meet the manufacturer's specifications. In these circumstances, the manufacturers will be responsible for any product defect. This commonsense approach protects the rights of injured plaintiffs, but at the same time presents a biomaterials shortage our country just cannot afford.

I urge my colleagues to support this important bill.

Mr. BUYER. Mr. Speaker, I am pleased to support this legislation which will return common sense to our legal system as it applies to products. While these reforms do not go as far as I would like, they are essential to restoring balance to our legal system as we seek to protect consumers while providing predictability to manufacturers.

The bill establishes a 15-year limit on when a manufacturer may be held liable for its products. Product sellers will not be liable in cases where illegal drugs or alcohol contributed more than 50 percent toward the harm. In addition, producers will not be liable for the percentage of blame attributed to product misuse or alteration.

This measure makes clear that punitive damages should be awarded only in the most serious cases of egregious conduct. Punitive damage awards will be linked to the actual harm caused by allowing punitive damage awards of up to two times the compensatory damages or $250,000, whichever is greater. There are special rules for individuals of limited net worth and to small businesses.

Liability for noneconomic damages will be several, rather than joint, making defendants liable only for their proportionate share of the fault. This addresses the deep pocket syndrome.

The bill also addresses the unique difficulty faced by biomedical device manufacturers. Medical device manufacturers are quickly losing suppliers of materials due to litigation. Huge awards are often sought from suppliers even though they had no role in the design, manufacture, or sale of a device. The courts are not finding suppliers liable, yet millions of dollars and countless hours are spent on defense in court. This bill will provide expedited dismissal against suppliers in court and they cannot be sued unless they are a manufacturer or a seller of devices and as long as they have abided by the contract and supply specifications of the manufacturer. Biomedical device manufacturers in Warsaw, IN, BIOMET, Zimmer, DePuy, and Danek, are producing the needed devices, pacemakers, heart valves, artificial blood vessels, hip and knee joints, that add so much to the quality of life for countless individuals.

There are so many small businesses in the Fifth District of Indiana that will be helped by this legislation. These businesses will be able to concentrate on product development and expansion rather than fighting lawsuits. One such company is Whallon Machinery of Royal Center, IN, which manufacturers industrial material handling machines. In nearly 30 years of business, over 83 percent of all machines built are still in use. Prior to 1993, Whallon had no product liability claims. One customer had modified a Whallon machine. Had this legislation been in place then, Whallon Machinery may not have faced a fourfold increase in insurance premiums.

It is time to return a sense of reasonableness to ensure that injured parties are compensated in a manner that protects all consumers and America's competitiveness. This legislation is a very good start.

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to the product liability conference report. This bill effectively condones egregious misconduct, carelessness, and greed of manufacturers which produce and sell defective products. This bill makes it cost-effective for some companies to put profits ahead of safe products. In my opinion, Mr. Speaker, this is wrong. The unfortunate victims of the repercussions of this legislation are the American consumers.

I object to the provisions in this bill which arbitrarily limit the amount of punitive damages injured person may recoup when harmed by faulty or dangerous products. Punitive damages should serve as a deterrent to manufacturers who knowingly build and sell dangerous products. Punitive damages force companies to fix dangerous products. For example, punitive damages have been effective in making safer children's pajamas and baby cribs, automobiles, and medical devices. Without the threat of these large damage awards, manufacturers have an incentive to settle with individuals hurt by dangerous products rather than correcting their wrongs. We cannot actively condone and promote such unconscionable business practice.

Proponents of this legislation argue for the need to limit punitive damages to $250,000 because without such caps juries have awarded ridiculously high punitive damage awards. This is simply not true. The National Center for State Courts reports that only 600 of the 1 million tort actions filed each year result in punitive damages. It should further be noted that most of those are reduced on appeal. It is easy to talk about the outrageous $2.7 million award to the woman who was burned by the hot coffee at McDonald's. However, let us examine the facts. This grandmother had to undergo extensive skin grafts for her burns. McDonald's had ignored 700 prior complaints about too-hot coffee and, in fact, the judge reduced the punitive damage award to $400,000. How many burns must it take to have a company change its harmful ways? The unfortunate fact remains that business usually comes down to dollars. Mr. Speaker, it cannot pay to make dangerous products. I urge my colleagues to defeat this bill.

Mrs. MEEK of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I strongly oppose the so-called Common Sense Product Liability Legal Reform Act.

There is no common sense in it.

What is the common sense of having Washington dictate to juries in each of the 50 States how to decide a case where someone has been injured by a dangerous product?

What is the common sense of having Washington dictate to the voters and State legislatures in each of the 50 States? The States are

acting. For example, in 1988 Florida's voters rejected, by a vote of 57 percent to 43 percent, an amendment to the constitution that would have arbitrarily capped noneconomic damages in all tort cases at $100,000. Since 1986, 31 State legislatures have altered their product liability laws.

The Republican majority preaches federalism and returning power to the people. But its actions speak louder than its words. The Republican leadership wants to override what the States are doing because it does not like what the citizens of each State are deciding.

The Republican leadership preaches that individuals should be accountable for their actions. Why not apply the same standard to corporations that make and sell dangerous products?

Title II of this bill will prevent women who needlessly suffered from faulty breast implants from suing the company that negligently supplied the silicone gel. That is wrong.

Mr. Speaker, President Clinton is right when he said he will veto this bill. This conference report favors corporate profits over the health and safety of our citizens, and I urge my colleagues to vote against it.

Mr. KLECZKA. Mr. Speaker, I rise in opposition to the conference report on H.R. 956, product liability reform.

Last March, I voted in favor of this legislation because I believed there were problems in our product liability system which needed to be addressed. We have all heard stories of excessive awards, or juries granting vastly different awards for similar injuries. However, the conference report before us today and recent congressional action radically shift the balance against the consumers.

To get a better understanding how this new version of product liability reform would affect the buying public, I met with Mary Griffin from Consumers Union. She discussed with me a number of the conference report's provisions which would adversely impact consumers, including the 15-year statute of repose, preemption of State laws more favorable to plaintiffs, the combined effect of the bill and other deregulatory efforts, and the 2-year statute of limitations on filing lawsuits.

This legislation contains a number of provisions which, in my judgment, would place unreasonable restrictions on individuals' ability to receive compensation for injuries caused by faulty products. Taken together, these provisions cause the product liability system to tilt dramatically against consumers.

The bill establishes a false and unfair distinction between individuals and corporations by limiting the ability of the individual to collect damages in product liability cases. For example, the statute of repose is set at 15 years for durable products like heavy machinery and elevators. If a defective product is more than 15 years old, an individual may not sue the manufacturer for injuries the product caused. Companies, however, could still go to court to recover damages. As a result, if a 16-year-old defective furnace explodes in a factory and kills a worker, that individual's family cannot sue the furnace manufacturer. The employer, however, is still permitted to take the furnace company to court to collect compensation for lost production, repairs, and so on.

The State pre-emption provisions of the conference report also trouble me deeply. State laws more favorable to consumers, such as higher or unlimited punitive damages, are pre-empted by this bill. At the same time, if the State standards are stricter, they are allowed to stand. This position is ironic to me given the current mood of Congress in returning authority to the States. Evidently, the congressional leadership is not confident that States will protect big business sufficiently. Under this legislation, companies would not have to go to the trouble of venue-shopping; Congress simply guarantees them the best possible deal. These pre-emption provisions have earned the bill the opposition of the National Conference of State Legislatures, the Conference of Chief Justices, Mothers Against Drunk Driving, and many other groups.

I am troubled by the apparent link between this product liability reform bill and the current congressional efforts toward deregulation. Congress is cutting the budgets of agencies like the Occupational Safety and Health Administration and the Consumer Product Safety Commission, which are responsible for overseeing the safety of products in the workplace and the home. It simply does not make sense to cut government safety oversight and, at the same time, slam the courthouse door on consumers who are injured by defective products.

Finally, I must object to the 2-year statute of limitations inserted by the conference committee. Under this provision, a person must file a lawsuit within 2 years of discovering their injury. Mr. Speaker, many of the ailments caused by these injuries are progressive in nature, developing over time. A person cannot possibly file a lawsuit when they have no idea how their condition may progress and what sort of medical treatment they may require in the future.

For these reasons, I cannot support the conference report on H.R. 956. I urge my colleagues to vote ''no'' on this legislation.

Mr. PALLONE. Mr. Speaker, I am strongly opposed to H.R. 956, the so-called Common Sense Product Liability Legal Reform Act.

H.R. 956 would pre-empt State law to require a $250,000 cap on punitive damage awards. Punitive damages are not compensation to a victim—through they serve that purpose—they are intended as punishment to businesses that are negligent. Punitive damage awards serve as a deterrent to bad actors in the market place who put explosive water heaters or automobiles on the market. It forces companies to be very careful and it forces them not to cut corners in an attempt to make a few dollars more.

It does not take a degree in math to realize that a $250,000 punitive damage award is hardly a deterrent to negligent Fortune 500 companies that rake in hundreds of millions or even billions of dollars each year. In fact, what this fixed figure does is allow companies to carefully calculate the costs and benefits of being negligent. Right now, because punitive damage awards are uncertain, the maker of a gas heater that has a faulty valve has no idea how much the company will lose as a result of successful suits against its faulty product. But under this bill, all that manufacturer would have to do is figure out how many of those heaters will explode, multiply by $250,000 and then compare that with expected profits. If profits outweigh damage awards, then you can bet that that deadly product will be out on the market.

This bill also does not contain language that I and 257 of my colleagues supported to hold foreign manufacturers to at least the same silly standards in this bill. So if you lose your sight, or your arms, or your children because of some negligent U.S. manufacturer, you can take some solace in the fact that you will get limited compensation, and the manufacturer will have to pay a little bit of money for being bad. But, if you lose a family member or your legs as a result of some faulty product from a foreign manufacturer, you get nothing. That company gets away scot-free, because H.R. 956 gives foreign manufacturers a free ride on the health, safety, and welfare of American consumers.

I also find it ironic that Republicans—who have harped on the issue of States rights for many years—have put together a bill that tramples on States rights. Currently, States enjoy the right to impose either ceilings or floors on punitive damages; however, this legislation would impose a ceiling while still allowing States to enact even lower damage caps. A similar situation exists with regard to the statute of repose which is capped at 15 years. In addition, a provision was recently added to the bill that would pre-empt the law in numerous States governing the liability of certain utilities, including gas pipelines.

The truth is time after time in this Congress, Republicans have put special corporate interests ahead of the needs of the average American. That is why I wrote to the President recently urging him to veto H.R. 956, and I ask that the text of my letter be made part of the RECORD.

This is just the latest in a series of efforts to undermine consumer protection at the expense of the health and safety of the average American. This undermining of American health and safety law represents a sea change from the consensus that reigned here for many years. But things have changed, and they have changed for the worse.

For example, early in the year, we passed a risk assessment bill that, if enacted, would have effectively repealed current statutory and regulatory standards designed to protect health, safety, and the environment. That bill contained language that in a mindless, sweeping way, would have wiped away decades of work done by Congress, and by State and Federal courts.

And just today, as we were considering H.R. 965, Republicans were telling us that the Consumer Product Safety Commission—which each year helps prevent millions of injuries due to negligent manufacturers or faulty products—had outlived its usefulness because the people were well protected by our Nation's product liability laws.

Mr. Speaker, we need to ensure public safety. We need to protect small children. But what we do not need is the H.R. 956 the corporate dollars and sense Product Liability Reform Act. I am sure the President will veto, and I hope my colleagues will sustain his veto and stop Republicans from gutting consumer protections for the benefit of corporate special interests.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
Washington, DC.

DEAR PRESIDENT CLINTON: I am writing in support of your announced intention to veto H.R. 956, the Common Sense Product Liability Legal Reform Act.

H.R. 956 would pre-empt state law to require a $250,000 cap on punitive damage

awards. Currently, states enjoy the right to impose either ceilings or floors on punitive damages; however, this legislation would impose a ceiling while still allowing states to enact even lower damage caps. A similar situation exists with regard to the statute of repose which is capped at 15 years. In addition, a provision was recently added to the bill that would pre-empt the law in numerous states governing the liability of certain utilities, including gas pipelines.

Also, it is clear that the threat of a $250,000 penalty is not a sufficient deterrent to irresponsible behavior in many instances. Nor is it adequate punishment for conduct that results in death or serious injury such as the loss of a limb. Coupled with the legislation's elimination of joint-and-several liability for noneconomic damages, this bill, if enacted, would definitively tip the balance against consumers and in favor of those who manufacture and market defective products.

Finally, it is important to note that this legislation is not being considered in a vacuum. The Republican majority in Congress continues to attack public health, safety and consumer protection laws both through the authorization process and by underfunding the agencies that enforce those laws. Enactment of extreme legislation, like H.R. 956, taken together with these other efforts will surely threaten the health, safety and well being of all Americans.

For these reasons, I urge you to veto H.R. 956.

Sincerely,

FRANK PALLONE, Jr.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. HYDE. 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 259, nays 158, not voting 14, as follows:

[Roll No. 110]

YEAS—259

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—158

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clyburn
Coble
Coleman
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Doyle
Durbin
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Stark
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Bryant (TX)
Collins (IL)
de la Garza
Eshoo
Fields (TX)
Ford
Fowler
Hayes
McNulty
Smith (TX)
Stokes
Torres
Weldon (PA)
Weller

☐ 1343

The Clerk announced the following pair:

On this vote:

Mrs. Fowler for, with Mrs. Collins of Illinois against.

Mr. EDWARDS changed his vote from ''nay'' to ''yea.''

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, pursuant to the order of the House, I call up the joint resolution (H.J. Res. 170) making further continuing appropriations for the fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 170

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 104–99 is further amended by striking out ''March 29, 1996'' in sections 106(c), 112, 126(c), 202(c) and 214 and inserting in lieu thereof ''April 24, 1996''; and that Public Law 104–92 is further amended by striking out ''April 3, 1996'' in section 106(c) and inserting in lieu thereof ''April 24, 1996'' and by inserting in Title IV in the matter before section 401 ''out of any money in the Treasury not otherwise appropriated, and'' before ''out of the general fund''; and that section 347(b)(3) of Public Law 104–50 is amended to read as follows:

''(3) chapter 71, relating to labor-management relations;''; and that section 204(a) of the Auburn Indian Restoration Act (25 U.S.C. 1300*l*–2(a)) is amended by striking ''shall'' in the first sentence and inserting in lieu thereof ''may''.

SEC. 2. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT, AGENCY FOR INTERNATIONAL DEVELOPMENT

Assistance for Eastern Europe and the Baltic States

(Including Transfers of Funds)

For an additional amount for ''Assistance for Eastern Europe and the Baltic States'' for Bosnia and Herzegovina, including demining assistance, $198,000,000: Provided,

That of the funds appropriated under this heading by this Act that are made available for the economic revitalization program in Bosnia and Herzegovina, not less than 87.5 percent shall be obligated and expended for programs, projects, and activities, within the sector assigned to American forces of the military Implementation Force (IFOR) established by the North Atlantic Council pursuant to the General Framework Agreement for Peace in Bosnia and Herzegovina and within the Sarajevo area: Provided further, That the preceding proviso shall not apply to any project that involves activities in both the American IFOR sector and other contiguous sectors: Provided further, That priority consideration should be given to projects and activities designated in the IFOR ''Task Force Eagle civil military project list'' in making available funds for the economic revitalization program: Provided further, That none of the funds appropriated under this heading by this Act shall be made available for the construction of new housing or residences in Bosnia and Herzegovina: Provided further, That none of the funds appropriated under this heading by this Act or under this heading in Public Law 104–107 may be made available for the purposes of repairing housing in areas where refugees or displaced persons are refused, by Federation or local authorities, the right of return due to ethnicity or political party affiliation: Provided further, That not to exceed $5,000,000 may be transferred to ''Debt Restructuring'' to be made available only for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, notwithstanding any other provision of law: Provided further, That $3,000,000 shall be transferred to ''Operating Expenses of the Agency for International Development'' for administrative expenses: Provided further, That the additional amount appropriated or otherwise made available herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the provisions of section 515 of Public Law 104–107, and any similar provision of law requiring advance notification to the Congress, shall be applicable to funds appropriated under this heading, except that the requirements of those provisions shall be satisfied by notification five days in advance of the obligation of such funds: Provided further, That, effective ninety days after the date of enactment of this Act, none of the funds appropriated under this heading by this Act may be made available for the purposes of economic revitalization in Bosnia and Herzegovina unless the President determines and certifies in writing to the Committees on Appropriations that the aggregate bilateral contributions pledged by non-United States donors for economic revitalization are at least equivalent to the United States bilateral contributions for economic revitalization made by this Act and in Public Law 104–107: Provided further, That 50 percent of the funds appropriated under this heading by this Act that are made available for economic revitalization shall not be available for obligation unless the President determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has complied with article III of Annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has been terminated: Provided further, That funds withheld from obligation pursuant to the previous proviso may be made available for obligation and expenditure after June 15, 1996, notwithstanding the previous proviso if the President determines and reports to the Committees on Appropriations that it is important to the national security interest of the United States to do so: Provided further, That the authority contained in the previous proviso to make such a determination may be exercised by the President only and may not be delegated: Provided further, That with regard to funds appropriated under this heading by this Act (and local currencies generated by such funds) that are made available for economic revitalization, the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and the Administrator shall receive the agreement of grantees that such funds shall be subject to audits by the Inspector General of the Agency for International Development: Provided further, That with regard to funds appropriated under this heading by this Act (and local currencies generated by such funds) that are made available for economic revitalization, the Administrator of the Agency for International Development shall provide written approval for the use of funds that have been returned or repaid to any lending facility and grantee under the economic revitalization program prior to the use of such returned or repaid funds: Provided further, That, notwithstanding any provision of law under this heading in Public Law 104–107, the provisions of section 532 of that Act shall be applicable to funds appropriated under this heading that are used under the economic revitalization program and to local currencies generated by such funds: Provided further, That such local currencies may be used only for program purposes: Provided further, That for the purposes of this Act, local currency generations under the economic revitalization program shall include the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program.

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the order of the House today, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] will each control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 170, and that I may include tabular and extraneous material.

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

There was no objection.

Mr LIVINGSTON. Mr. Speaker, I yield myself 5 minutes.

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

Mr. LIVINGSTON. Mr. Speaker, I had hoped to stand before the House today and ask for the opportunity to present the final solution, if you will, for fiscal year 1996, the wrap-up bill, the omnibus bill, the bill that has plagued this House for the last 6 months. Unfortunately, that was not to be the case.

However, I am very pleased to tell the Speaker and our colleagues that we are really within hours of presenting that solution. Unfortunately, we cannot complete it before we go on break for the district work period. Therefore, Mr. Speaker, we have to come back in a few days after the recess and complete our business. In fact, I really do not think it will take very long. Assuming our leadership continues to work with the White House, and we get cooperation from all parties, we should be able to conclude the mighty bill.

The fact is most of the issues in the remaining appropriations bills have been resolved, but there are still a few of them that are uncompleted. We also have not quite resolved both the payment of the funding level for those bills and the ''paid fors'' anything that exceeds the House budget levels.

We are still working on offsets; we are still working on such problems as the HIV issue within the national security bill; the abortion issue within the foreign operations bill, ergonomics, and various other isolated issues. I want to compliment all of the conferees in both House and Senate, Republican and Democrat, Mr. Speaker, for pitching in, shoulder to shoulder, over the last few days and working diligently in the hopes that we could finalize our negotiations by this time today. It was not to be, but it was not for lack of a conscientious bipartisan effort. I am deeply grateful to all of the Members for pitching in.

Since that is the case, Mr. Speaker, I am compelled and pleased to present to the House the current bill, which extends all of the current continuing resolutions and all of the appropriations bills that are contained within those continuing resolutions, through April 24.

Tomorrow, Members will go back to their districts to hold town meetings, make appearances, and spend time with their families. This may be a change from the last few weeks, but the fact is that by the time they return, there will only be 6 legislative days before the end of the this current continuing resolution we're presenting to the House today.

Mr. Speaker, this bill also provides four separate items which we feel are of such an emergency status that we must address them. The first provides a full year Federal payment to the District of Columbia, of without which the District of Columbia would collapse and cease to function. Second, it appropriates $198 million for Bosnia and Herzegovina for economic revitalization, money that is needed today. It is needed with most urgency in order to help our troops complete their tasks and pull out of that troubled region. These funds would have been included in the conference agreement on H.R. 3019, but because of the urgent need, they are being advanced in this resolution.

Then, really, there are only two technical provisions. One amends the fiscal

year 1996 Transportation Appropriation Act to clarify FAA personnel reforms, and the other simply amends the Auburn Indian Restoration Act to create discretionary authority for the Secretary of the Interior to accept lands into trust status on behalf of the tribe. These two items are technical in nature, and meet bipartisan consensus, and there is no objection to them.

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

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

Mr. Speaker, let me simply say that I am extremely disappointed that once again we are having to fund government on a stop-and-go basis, with yet, I believe, the 12th or 13th, maybe it is lucky 13, 13th CR or continuing resolution for this fiscal year.

I am extremely disappointed that more progress was not made this week in finishing action on the entire set of appropriation matters for the remainder of the fiscal year. What the situation is, is basically this: The Senate, in a constructive move, moved this process much closer to a possible White House signature by the changes that they made in the House appropriation bills when they were before the Senate, but as the White House has made quite clear, much as they welcome that movement in the Senate, they still require some additional movement in order to achieve a bipartisan compromise.

It is not just enough for the Members of the House to reach agreement with the Members of the Senate, or for Members of one party in the House to reach agreement with the Members of their party in the Senate. We also have to reach agreement between the leadership of the Congress and the leadership of the executive branch, which means the President of the United States. He has indicated he still is considerably concerned about remaining insufficiencies, especially in the area of education, worker training, and environmental protection.

So I think, Mr. Speaker, we will be focusing on those issues very firmly over the next 2 weeks. Meanwhile, the committee has again brought a short-term continuing resolution to the floor. This resolution is, regrettably, and in my view unnecessarily restrictive in terms of the funding levels that it provides for a number of areas, most especially including programs like chapter 1; and we know that we have some 40,000 school districts who are facing the prospect of having to lay off teachers if this is not resolved. That is why this must be resolved. But we are not quite there yet. I think we are moving a bit closer, but it is really going to require earnest negotiations over the next 2 weeks in order to put this matter to bed for the remainder of the fiscal year.

Let me simply say, Mr. Speaker, I know Members what to get out of here. I regret very much the fact that this resolution has such a restricted funding level, especially in the area of education, as I have said, but that is what we have before us. I would simply say that it is my determination to pursue every possible avenue of compromise over the next 2 weeks, so we can get the matter resolved. I thank the chairman of the committee for his assistance in dealing with issues on which we both agree and disagree.

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

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

I would just simply urge all our Members, Mr. Speaker, to keep the Government open, support this resolution, and have a happy Easter; and notice how I said that: Have a very happy Easter.

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

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WELCOME TO WASHINGTON'S NEWEST REPUBLICAN, WILLIAM HANNA BOGER IV

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

Mr. CRAPO. Mr. Speaker, I rise today to welcome to Washington the Nation's newest Republican, William Hanna Boger IV. William was born Tuesday, March 26 at 8:24 a.m., was 20 inches long and weighed 7 pounds, 7 ounces.

His proud parents are my executive assistant, Dorothy S. Boger of Morrow, LA and her husband William, of Columbus, OH, partner at the law firm of Wilkinson, Barker, Knauer and Quinn and a former staffer of my good friend BOB LIVINGSTON.

Although he was immediately registered as a Republican for the 2014 elections his parents extend their thanks to their friends on both sides of the aisle for the many expressions of support they received over the last few days.

Congratulations, Dorothy, Bill, and little Billy.

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

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

Mr. HOYER. Mr. Speaker, would the child like some counseling about this registration, before he takes this very serious step?

Mr. CRAPO. Mr. Speaker, I would tell the gentleman, I would offer that to his parents, but I will tell him, I think I am in a good position, and I will provide that counseling, if he does not mind.

Mr. HOYER. Congratulations to the family.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, MARCH 29, 1996, TO MONDAY, APRIL 15, 1996, AND ADJOURNMENT OR RECESS OF THE SENATE FROM FRIDAY, MARCH 29, 1996, OR THEREAFTER, TO MONDAY, APRIL 15, 1996

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 157) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 157

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, March 29, 1996, it stand adjourned until 12:30 p.m. on Monday, April 15, 1996, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, March 29, 1996, Saturday, March 30, 1996, or Sunday, March 31, 1996, pursuant to a motion made by the Majority Leader or his designee in accordance with this resolution, it stand recessed or adjourned until noon on Monday, April 15, 1996, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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ELECTION OF MEMBER TO COMMITTEE ON WAYS AND MEANS

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 397) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 397

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

Committee on Ways and Means: Mr. HAYES of Louisiana, to rank following Mr. PORTMAN of Ohio.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the majority leader, for the purpose of inquiring of the schedule for when we are coming back and what the majority perceives to be the business as we come back.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, this marks the last vote for the day and the beginning of the April district work period. As the adjournment resolution indicated, we will be back on April 15, and we expect to have votes after 5 p.m. on Monday, April 15. We would at that time be taking up for consideration H.J. Res. 159, proposed constitutional amendment to require a two-thirds vote to raise taxes, the taxpayer bill of rights; and H.R. 842, to provide off-budget treatment for transportation trust funds, both subject to a rule. During the course of that week we would consider these items. Of course, conference reports, if they are available. We would expect to be out by 6 p.m. on Thursday, with no votes on Friday.

I should also mention we will have some suspensions which we will make available to both the minority and majority Members on the first day back.

Mr. HOYER. I thank the majority leader and wish he and his colleagues the very best and hope that as we come back, we will come back to a productive session, particularly as it relates to getting the business of the CR completed and moving on to the budget for the coming fiscal year.

Mr. ARMEY. If the gentleman would yield again.

Mr. HOYER. I yield to my friend from Texas.

Mr. ARMEY. It has been my privilege to work with and to observe the extraordinarily hard work that has been put out by Members from both sides of the aisle, from both parties, on the appropriations process these past couple of weeks. I think we can all, the entire body can be proud of all of these Members for their willingness to work on that, and the effort made by the staff as well. I have every confidence that we will be able to come back in 2 weeks and see some renewed effort that will be fruitful.

Mr. HOYER. I thank the gentleman for his comments and wish him well.

PERMISSION FOR MEMBERS TO EXTEND THEIR REMARKS IN THE RECORD FOR TODAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled ''Extension of Remarks.''

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request to the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, April 15, 1996, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 17, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 17, 1996.

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

There was no objection.

DESIGNATION OF THE HONORABLE BILL EMERSON TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 15, 1996

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

WASHINGTON, DC,
March 29, 1996.

I hereby designate the Honorable BILL EMERSON to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Monday, April 15, 1996.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objections, the designation is agreed to.

There was no objection.

COMMUNICATION OF THE HONORABLE KENNETH E. BENTSEN, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable KENNETH E. BENTSEN, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia. This subpoena relates to her employment by a former Member of the House.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and procedures of the House.

With kindest personal regards,

Sincerely,

KENNETH E. BENTSEN, Jr.,
Member of Congress.

UNITED STATES ON SLIPPERY SLOPE TOWARD EXTENDED DEPLOYMENT

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

Mr. SKELTON. Mr. Speaker, this is the fourth in a series of speeches I am giving on the status of the NATO peacekeeping mission in Bosnia.

Our troops continue to do an outstanding job. They are fully deployed. They are completing tasks according to schedule, although not always under optimum circumstances.

However, I have concerns about three conditions that may cause us to stay in Bosnia past our scheduled departure at the end of 1996. I outlined these three concerns in a letter I sent to the President this morning. I will place the letter into the RECORD at the end of my remarks.

First, the March 21 edition of the New York Times reported the United States and NATO are being urged to keep our forces in Bosnia after the end of the year. International civilian and military authorities are alleged to be pressing for continued NATO presence beyond our scheduled departure.

To keep American troops in Bosnia past the end of 1996 would be a major mistake. It flies in the face of a clear statement by Secretary of State Warren Christopher, who said:

> This is not a permanent commitment. This is approximately a 1-year commitment. If it can't be done in a year, perhaps it can't be done in a longer period of time.

Staying in Bosnia breaks faith with our American troops who are presently stationed in Bosnia, who expect to return to their families in 9 months. It also contradicts what the American people were told about the duration of the mission.

American forces are facing a difficult and challenging assignment in the NATO peacekeeping mission. The 1-year deployment was intended to provide an opportunity for peace, not a guarantee of it. The people of Bosnia must assume the responsibility of ensuring their own peace.

Second, American and NATO peacekeepers are being diverted from their original mission to the task of rebuilding Bosnia. This assignment shifts the focus of our military forces from peacekeeping to assisting in civil projects.

Third, and finally, by several accounts, a cornerstone of the Dayton agreement—the continuance of the Muslim-Croat federation—appears severely weakened. The U.S. and NATO could well be in a quandary if that alliance should crumble.

The push to keep United States and NATO forces in Bosnia, the expansion

of mission assignments and the possible disintegration of the Muslim-Croat federation could compel us to extend our commitment in Bosnia. We are on a slippery slope toward a lengthy deployment of 5 or even 10 additional years.

Another issue that concerns me is the continued presence of Iranians in Bosnia who are training Bosnian Government soldiers. This is a clear violation of the Dayton peace agreement. Their presence also poses a threat to the safety of our troops, as some of these groups are opposed to our peacekeeping effort.

I commend Maj. Gen. William L. Nash, commander of the American sector of NATO forces in Bosnia, who stressed his determination to withdraw on schedule. He properly stated that the burden for peace is ''on the shoulders of those folks that live here.''

If the people of Bosnia truly want peace, 1 year is more than enough time to get it started.

Mr. Speaker, I urge the President to stick by the commitment and have our American troops home by Christmas.

Mr. Speaker, I ask to include a copy of my letter to the President in the RECORD at this point.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 1996.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The March 21 edition of the New York Times reported the U.S. and NATO are being urged to keep our forces in Bosnia after the end of the year. International civilian and military authorities are alleged to be pressing for continued NATO presence beyond our scheduled departure.

To keep American troops in Bosnia past the announced date of departure at the end of 1996 would be a major mistake. First, it flies in the face of a clear statement by Secretary of State Warren Christopher: ''This is not a permanent commitment. This is approximately a one-year commitment. . . . If it can't be done in a year, perhaps it can't be done in a longer period of time.'' Second, it breaks faith with our American troops who are presently stationed in Bosnia, who expect to return to their families in nine months. Third, it contradicts what the American people were told abut the duration of the mission.

American forces are facing a difficult and challenging assignment in the NATO peacekeeping mission. The one-year deployment was intended to provide an opportunity for peace, not a guarantee of it. The people of Bosnia must assume the responsibility of ensuring their own peace.

Already, American and NATO peacekeepers are being diverted from their original mission to the task of rebuilding Bosnia. This assignment shifts the focus of our military forces from peacekeeping to assisting in civil projects.

Further, by several accounts, a cornerstone of the Dayton agreement—the continuance of the Muslim-Croat Federation—appears severely weakened. The U.S. and NATO could well be in a quandary if that alliance should crumble.

The push to keep U.S. and NATO forces in Bosnia, the expansion of mission assignments and the possible disintegration of the Muslin-Croat Federation could compel us to extend our commitment in Bosnia. We are on a slippery slope toward a lengthy deployment of five or even ten additional years.

I command Major General William L. Nash, Commander of the American sector of NATO forces in Bosnia, who stressed his determination to withdraw on schedule. He properly stated that the burden for peace is ''on the shoulders of those folks that live here.''

Mr. President, if the people of Bosnia truly want peace, one year is more than enough time to get it started.

Very truly yours,

IKE SKELTON,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

[Mr. SHADEGG 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 American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

[Mr. FALEOMAVAEGA 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 Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana 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 Texas [Mr. GENE GREEN] is recognized for 5 minutes.

[Mr. GENE GREEN of Texas 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 Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

[Mrs. SCHROEDER 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 Wyoming [Mrs. CUBIN] is recognized for 5 minutes.

[Mrs. CUBIN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

[Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE CHILDREN'S TELEVISION ACT RULEMAKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MARKEY] is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, in 1990 we passed in this body the Children's Television Act. In that act we set as a requirement that the Federal Communications Commission had to go into a rulemaking on the question of what the responsibilities of local broadcasters would be to have served the educational and informational needs of the children who live within the broadcast area of every television station in the United States. During the Bush years there was no real activity on this rulemaking that had to be undertaken, and there was a delay of almost a year before Reed Hunt was in fact confirmed as the new Chairman of the FCC in 1993.

The FCC is in a rulemaking right now on this issue, and it is I think about as important a debate as we can have in this country because, while the V-chip which we passed on the floor and is now law, as signed by President Clinton, gives to the parents of the country the ability to block out excessively violent, sexually material on their screen, and that will be a technology available to parents within the next couple of years, it still does not in any way ensure that there will be quality positive children's television that will enhance the educational and informational needs of children across the country. That is what the Children's Television Act rulemaking at the Federal Communications Commission is all about.

It is my belief that the Commission has to take a very strong stand on this issue. We know that children watch, on average, 4 to 7 hours of television every day. Now, would that it was not so, but we have moved from the 1950's in the era of ''Leave It To Beaver'' to the 1990's in the era of ''Beavis and Butthead.''

Increasingly, the broadcast stations in our country have reduced dramatically the amount of children's television of educational content that they put on the air, and instead, substituted the Flintstones or the Jetsons, and argued that in fact those are programs of educational quality because the Flintstones teach children about the archaeological age and the Jetsons will teach children about the future. But parents know that they really do not serve any educationally nutritious role in the development of young people's minds.

So this debate at the FCC is quite important. I am of the opinion that the FCC has to put on the books a requirement that a minimum of 3 hours per

week, even that is embarrassingly low, but 3 hours per week be the standard, and that every broadcaster have to meet that minimal standard.

Now, we know that the good broadcasters are going to do that anyway, and they will far exceed the 3-hour minimum. But we will capture those broadcasters who think of their broadcast license as nothing more than an opportunity to print money, just take in the advertising dollars and to use it for whatever purposes they want, excluding children as a constituency. So this is very important, and it is my hope that all Members who are concerned about this issue will in fact join in the effort to advance this children's television agenda at the Federal Communications Commission.

In addition, and I want all Members to be aware of this, as part of the communications bill we also ensure that each one of the 51 public utility commissions in the United States has to go into a rulemaking to ensure that every school in the United States has access to advanced digital technologies.

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Now why is that important? Very simply, because as we pass GATT and NAFTA here on the floor of Congress, we are basically constructing a new compact with the people in our country. One, we are letting the low-end jobs go, and increasingly that is the case across this country. But secondly, we are also saying that we are going to try to tie it to high-end jobs, the high-technology jobs of the future so that they will be based here in the United States. Well, what kind of competitive people will we have if we have not thought through a strategy to ensure that every child in the country, not just the children of the upper and the upper-middle class in our country, but every child, including those in the bottom 40 percentile, have access to the skills they are going to need, have the skill sets that they are going to need in order to compete for these higher-end jobs?

That is why we have to give parents the weapon of blocking out the excessive violence and sexual material. That is why we have to have more positive children's programming on commercial stations. That is why we have to ensure that the public broadcasting budget is kept high so that the quality programming of Sesame Street to Barney, right through the day remains on the air, and that is why we have to ensure that every child has access to these computer technologies in every classroom from K through 12 from the day they begin school.

PRESERVING THE ENVIRONMENT AND OUR NATURAL RESOURCES

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Indiana [Mr. BUYER] is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, what I would like to do today is to address the House, and the subject is the environment and you, the environment and me, and the environment and us. I am one that believes in the preservation of our natural resources, to do that in a managed way. I also believe in clean water, our water quality, and clean air.

I want my colleagues to know that I grew up on the Tippecanoe River in Indiana. When you grow up on the river, you do not belong to anybody but the river itself. My father taught me a lot of valuable lessons on the river, not only to myself but to my brother, the same lessons that his father taught him and I am now teaching to my son. Dad bought a small little farm there on the river. Dad is kind of a Johnny Appleseed. He planned everything, from 3 acres of strawberries to all these fruit trees and an acre of vegetable garden, and that is what we did. We managed all of that since I was 9 years old. So he taught us about being good stewards of the land, and how you have to take care of the land for the preservation so that you can make sure you have good yields year in and year out. So I know what it is like to be on my hands and knees and weed 3 acres of strawberries without the use of pesticides. It is a lot of work.

The reason I took the moment to share that with you is the two issues I would like to discuss on the environment are the Superfund issue and that of out of State waste. Let me start though with out-of-State waste. I bring that up because in the Fifth District of Indiana, we receive two-thirds, almost in excess of 1 million tons of out-of-State waste is dumped into my congressional district. My constituents are forced to handle the millions of tons of waste generated by States and other localities that do not dump within their borders; they dump within our borders. And almost every day when I am on the road I get to witness, not far from the Tippecanoe River along the plains in Indiana is a mountain. This mountain is the largest thing that you could ever see, and it is a mountain of trash. It does not bother me that the trash is there. What bothers me is that in Indiana and States like Indiana who are trying to act responsibly on the issues of solid waste, and we create our solid waste districts and we minimize the amount of landfills that we have so that we can do things correctly and move toward proper management, the preservation of our environment, there are States that are not acting responsibly; all they want to do is take it and shove it into other States that are acting responsibly.

So basically what we have is in America we have a nonsystem. When you have a nonsystem, it begins to penalize States that have a system, and that is what we have here. So I am very concerned on the issue of the interstate waste. The Supreme Court has already stepped forward and says it is the Congress that has to decide this issue. Now, it seems session in, session out, the issue has come up, and this Congress has not acted. Those in the States of New York and New Jersey have made their effort to move on the flow control issue in this House, and it failed. It failed because the issues of interstate waste and flow control must move together in this House.

And I encourage this Congress to finally move with sensibility, with ration and reason and good thought with regard to how we manage our environment, and move a bill together to address the issues of flow control and interstate waste together in this House; because if we do not, we are not acting responsibly, like I think we should.

Let me address the issue of the Superfund. The reason I want to discuss the Superfund is because we are also looking at reforming the issue. Fifteen years after the Superfund toxic waste cleanup program began, over $25 billion have been spent and only 12 percent of the toxic waste sites have been cleaned. I have a Superfund site in my congressional district. I have to take a particular interest in it. That is only an average of five sites, though, a year are being cleaned up. I believe that we have to stop, I think, let us stop the frivolous spending of taxpayer money on litigation. That is what is happening.

This is an issue between those of us that want to preserve and clean up the environment versus those who want to line the pockets of the trial lawyers and the lawyer lobbyists. I think this game has got to end. So let us find a good balance here with regard to moving Superfund reform this year so we can stop it.

I know the President is playing the environmental game, saying, ''I am an environmentalist, I want to do some Superfund reform,'' at the same time the trial lawyers are backing his Presidential run. You cannot have it both ways. So let us act responsibly again on the issue of Superfund, and let us act in a way that moves with our passion for how we want a healthier environment in this country, how we want not only the beauty and the spirit of what makes this country good, but also what makes us well.

YESTERDAY'S RULE VOTE WAS NOT IN ANY WAY, SHAPE, OR FORM AN UP-OR-DOWN VOTE ON THE LINE-ITEM VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 minutes.

Mr. MOAKLEY. Mr. Speaker, first of all, I would like to thank you for your patience in allowing me to put my matters together. I rise today to correct what I believe has been a serious misunderstanding of yesterday's rules vote. Yesterday, a number of news organizations erroneously reported that a vote on the rule, House Resolution

391, was in fact a vote on the line-item veto. Mr. Speaker, this is not the case. The vote on the rule was an extremely complicated vote on a procedural matter. It was most certainly not a place in which Members believed that they were registering either support or opposition to the line-item veto. In fact, there was not one single occasion yesterday when this House had an up-or-down vote on the line-item veto.

Anybody interested in finding a clean up-and-down vote on the line-item veto, and I want you to pay strict attention, anybody interested in finding a clean up-or-down vote on the line-item veto should read the CONGRESSIONAL RECORD from February 6, 1995, or they should look at some of yesterday's other votes. For instance, the vote on the motion to recommit was a vote either for or against making the line-item veto effective immediately as opposed to waiting until January 1997, after the Presidential elections.

Mr. Speaker, the rules of the House are very complicated, and yesterday's rule was one of the most confusing that I have seen in a long while. In fact, even if the rule had failed, line-item veto could still have proceeded on to the President. But I believe we in the House have a responsibility to explain those rules to the people we serve, rather than simplifying them to the point that they no longer reflect the realities of the House. So let me state again, Mr. Speaker, so that I may make myself perfectly clear: Yesterday's rule vote was not in any way, shape, or form an up-or-down vote on the line-item veto.

CONTRIBUTION LIMIT TO SECTION 457 RETIREMENT PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises to invite his colleagues to cosponsor legislation which he introduced this morning. The measure, similar to provisions in the Balanced Budget Act passed in December, raises the annual contribution limit that State and local government and nonprofit corporation employees may contribute to their section 457 retirement plans to equal that which their private-sector colleagues may contribute to their 401(k) plans and requires that these plans be held in trust.

Under the Tax Reform Act of 1986, State and local governments and nonprofit corporations were prohibited from offering 401(k) plans for their employees. Under the 1986 Act, section 457 plans were fixed or frozen at an annual contribution limit of $7,500 while the 401(k) limit was only $7,000 but was indexed for inflation. This indexing has increased the 401(k) limit to $9,240. This measure states that the limit for section 457 plans will mirror that of the 401(k).

Also, by placing the assets in trust the employees retirement funds will be protected against claims by general creditors. The financial woes of Orange County, CA, are a recent example of why this is prudent. Again, Mr. Speaker, this Member invites his colleagues to cosponsor this legislation.

GROWTH AND DEFICIT REDUCTION

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

Mr. WISE. Mr. Speaker, today I would like to speak on growth, deficit reduction, balancing the budget and getting incomes up to a livable level, all a pretty big order in a 5-minute period. Let me talk about deficit reduction for a moment. You want to balance the budget, you want to do deficit reduction, there are a couple things we have got to realize. First of all, let us make sure we take into account what has been done. Deficit reduction is on a definite, positive trend. The deficit has been cut by one-half in the last 3 years. As to the deficit today is at its lowest point since 1979. It is at one-half of where it was in relation to our overall economy just 3 years ago. It is the lowest now in the industrialized world. It is coming in this year at even lower than was projected last year. That does not mean you let up but it means something positive is occurring. Because of that, I think we also have to make sure that in balancing the Federal budget we do not unbalance a lot of family budgets. I happen to believe that future generations should not be burdened with debt but they should not be burdened with ignorance, either. There is nothing more grievous or no more debt that is heavier than that. That the expenditures that are made today in education, whether it is title I, assistance in mast and reading for elementary school students, whether it is student aid, Pell grant and Stafford, student loans, whether it is VA loans, whether it is assisting research in our universities, whether we invest in infrastructure, the roads, the bridges, the airports, the sewer systems, the water systems, those things that bring us growth and bring back more over time than what up pay out, those things are positive investments and ought to be on the positive side of the ledger. There is something else that we can do for growth in the Federal budget and that is to move this budget to the same kinds of budget that every business has and every family has, and that is to have a capital budget. That is to say that those things that we are investing in that pay out over time, we will show on the books that way. Sandy and I, my wife and I cannot afford to pay for a house in one year. We have a mortgage, like most everybody else in this country. We pay that out over 20 or 30 years. So let the Federal Government show the roads, the highways, the physical infrastructure the same way. Many people do not know but your Federal Government does not do it that way. That needs to change. Other things we need to do is to recognize the importance of wage growth. Henry Ford had it right. He said: ''I got to pay adequate wages so that my people can afford to buy my cars.'' Well, we are going in the opposite direction unfortunately in this country when 60 percent of the American workers are seeing declining wages over the last 15 years, not increasing wages.

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And so both at the private sector level and at the Government level we need to be encouraging that upward growth.

Let me tell you quite frankly, Mr. Speaker, the Republican party has it wrong and the White House, the Democrats in the White House, have it wrong. If you think that 2.5-percent growth is going to get us out of this, we can balance this budget in 7 years, we can have a 2.5-percent growth and we are going to have a deficit that is bigger than it is today.

We have got to focus on getting that 2.5-percent growth up to 3 or 3.5-percent growth, not an unrealistic level. But you cannot with a Federal Reserve that chokes back growth and insists to fight only the inflation war. You cannot do it with Government policies that do not stimulate the economy, that cause it to restrict. You cannot do it with a private sector afraid to make investments. And so we have to focus on growth.

Are you worried about Social Security? Social security improves as productivity and incomes improve. Do you want to focus on the family moving ahead? The family moves ahead as the family's income and opportunities improve.

The problem is that both parties, if you are focusing on 2.3- to 2.5-percent growth, are only going to put us down the road, not up the road. So that is the challenge that I believe is ahead of us in these many months to come. Declining incomes have to come up. The rising tide does lift all boats, but the tide has to start from the bottom, not from the top down.

I will return to visit this subject another day.

THE REST OF THE STORY; PAYING MORE AND GETTING LESS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker and my colleagues, I saw the President was in New York earlier this week. He was talking about improving education. Unfortunately, he really did not tell the rest of the story, as Paul Harvey would say. The President really did not take time to tell the American people about the U.S. Department of Education and the fact that it has 5,000 Federal bureaucrats who justify their existence primarily by pumping out

and churning out mindless regulations for our teachers and our States.

President Clinton really did not tell the rest of the story when he did not tell the people that of those nearly 5,000 people in the U.S. Department of Education that three-quarters of them, about 3,500, are right down the street in Washington, DC, making over twice what our average classroom teacher is making in my district.

President Clinton did not talk about ending welfare as we know it, welfare, really which has destroyed our family structure, any sense of values, self-discipline, and respect and really any hope for education. President Clinton really did not tell the rest of the story about his failed drug policy that has raised youth drug use to all-time levels and made juvenile crime epidemic in this country.

You know, the debate going on, the debate today about funding the country, and we have just been in the process of passing a resolution to continue for 4 more weeks, a lot of people say, ''Why can you not decide this?''

There are some fundamental differences about how we spend money on education, the environment, and these other issues. Most people would not know this. But, in fact, the Republicans have proposed from the beginning in their budget a vast increase in spending in education, $25 billion more over the next 7 years.

But the real debate is over how those dollars are spent, again, whether we finance bureaucrats in Washington, whether we pay to continue to support programs where students cannot read their own diplomas, where students continue to score lower in their tests and we spend more money. My community college has entrants of which over 50 percent need remedial education. So the real question is how we spend our money.

I wanted to also cite for the House and the Speaker here a story from the Orlando Sentinel that cites a report on State education and job training programs. It says State and Federal Governments spend about a billion dollars in Florida on vocational education programs. What is the result? And this is from the report: The programs fail to produce graduates or workers who can earn a decent salary. In fact, only about 20 percent of those who enter these programs completed them, and then a small percentage, 19 percent, found a job after that, and then most of them got a low-paying job and were out of the job in a short period of time.

Lawmakers in Florida were astonished, this report says, when they heard the findings.

The report also indicated that money was wasted on duplicate programs. So this debate about education and environment is paying more and getting less, and that is what this is all about.

People have to understand, because this is important, it is not just how much money you throw at the program, it is how you spend it and do we improve these programs, do we provide a better education, do our students come out with a diploma they can read and then get a job where they can earn a decent living and be a productive and capable, independent citizen in this great Nation?

So that is what the debate is about, paying more and getting less.

Mr. Speaker and my colleagues, again, as Paul Harvey would say, that is the rest of the story.

APPOINTMENT AS MEMBERS OF THE BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, and pursuant to the provisions of section 168(b) of Public Law 102–138, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group: Mr. CLINGER, Pennsylvania, vice chair; Mr. BROWNBACK, Kansas; Mr. EMERSON, Missouri; Mr. LINDER, Georgia; Ms. MOLINARI, New York; Mr. PETRI, Wisconsin; and Ms. PRYCE, Ohio.

There was no objection.

THE MICHAEL NEW CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Speaker, it is an unusual thing for me to come over and do a 5-minute special order. I very seldom do that. Part of the reason that deals with the issue of Michael New, who was stripped of his position and discharged from the U.S. Army because as a military hero he was twice decorated, he refused to wear the blue beret and the shoulder patch of the United Nations. As some people say, Michael New should be thrown out. He was insubordinate, he did not listen. That is what the Army said in their court martial and their proceedings.

But I have a resolution in with the gentleman from Maryland [Mr. BARTLETT], a good friend of mine that says that the Congress of the United States should reinstate Michael New with his rank and back to the Army because he brings to the attention of the American people more than just this individual obstinacy. He said he took an oath to the U.S. Constitution, not to the charter of the United Nations. And, quite frankly, I agree with him, and I think we have taken this new world order business a little bit too far.

I think the Michael New case is more than about a soldier that has been thrown out of the Army. I think it is a microcosm of how we as a Nation have gone so far that we have our troops under foreign command wearing the uniforms of other identities. And, quite frankly, all the money we give the United Nations, I think they blow an awful lot of it. They should be doing more peacekeeping so we would not have to send in our troops in the first place.

I just wanted to come over here for the New family, because it was a special order that was put together by the gentleman from Maryland [Mr. BARTLETT], and I stand in support of Michael New and I oppose this new world order madness that has our troops under foreign command, wearing foreign uniforms, and I think Michael New is not an individual that has just gone off rebelliously. He is a twice-decorated veteran. He is a patriot, and I think he takes a stand that should become the subject of great debate here in the Congress of the United States.

So I thank you for belaboring that issue with me, and Mr. BARTLETT will give more information on the resolution itself because I just came over spontaneously and wanted to offer my support.

THE HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to speak to my colleagues about two items.

First, I wish to congratulate the House on the passage last evening of H.R. 3103, the Health Coverage Availability and Affordability Act. For the first time in this Congress we have passed legislation which will provide for 25 million Americans at least accessibility, affordability, and accountability in health insurance.

This legislation in its most pertinent parts provides portability. If you lose your job, you take the insurance with you. If you get a new job, you will take that insurance with you.

It also makes sure that no matter what preexisting medical condition you may have, you still qualify for health insurance.

It increases deductibility from 30 percent to 50 percent for the self-employed who provide health coverage for themselves and their employees. It will allow small businesses group coverage of insurance, will also provide medical savings accounts.

I am very hopeful the Senate will agree. This legislation is forward-thinking and positive.

TRIBUTE TO CHARLES REED

Mr. Speaker, I want to make a tribute to a fallen hero. U.S. FBI agent Charles Reed of my district was gunned down last Friday trying to do his job to win the war against drugs, and for 16 years served the people of the tristate area of Pennsylvania, Delaware, New Jersey, in making sure we eliminate the scourge of drugs in our country.

One of the most successful agents in the history of the country, he found leads where no one else could even tell there was evidence lurking, and he

brought whole cartels of drug dealers down in his work, and he was dedicated. Every day he worked the longest hours, did the best job, and as Louis Freeh said, the FBI Director who came to his funeral in Montgomery County, PA, this week, he said this was a fallen hero, a man who is a role model for all FBI agents. He was the first FBI agent to be killed from the Philadelphia area in the history of the department. He is someone who is a great loss because he was a wonderful father, a loving husband, and a great community leader, and he epitomizes for me what is great about America.

The war against drugs will go on, and there will be awards named in his honor because as an American hero, I salute him, this Congress salutes him, and a grateful Nation says we will keep the fight up, we will prevail, because of the agents like Chuck Reed, who really make a difference and their lives have meant so much to so many. God bless you, Chuck Reed.

A TRIBUTE TO PFC. FLOYD E. BRIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to reach out today to Mr. and Mrs. Floyd Bright of my community in Houston, TX, and speak to them on behalf of this Nation and this Congress to acknowledge that along with the entire Houston community this Nation is saddened and diminished by the loss of one of our finest young citizens, Pfc. Floyd E. Bright, who lost his life in the service of his country on March 22, 1996, while on duty in Bosnia and Herzegovina.

In behalf of myself, my congressional colleagues, and fellow Houstonians, I would like to express our heartfelt condolences and sympathy for the family of Private Bright and to say to them that we share their loss.

Neither his country nor the community will ever forget Private Bright's sacrifice, and we hold his memory in the highest honor.

We also honor and hold in the same high esteem the supreme sacrifice that has been made by his family. We share their grief and feel deeply what it means to lose a child, a shining light gone out far too soon. Private Bright was a graduate of Lamar High School in Houston and attended San Jacinto Community College. All who knew him would acknowledge him as a person of extreme curiosity, friendliness, and a willingness to serve. How lucky we are as Americans that we have the kinds of young people that will go forth and serve their country.

It reminds us of the very special and solemn responsibility of this Government, this President, this U.S. Congress to ensure in all times that we stand for what is right in this world, that we respect the fact that we must respect and love our young men and women and acknowledge that anytime that we can assist them in staying away from harm's way, we should take up the charge.

To the family of Private Bright, let me again say we honor you and respect you and love you, and we shall remain forever proud of him and so shall his country which he served so very well.

The entire Houston community is saddened and diminished by the loss of one of our finest young citizens, Pfc. Floyd E. Bright, who lost his life in the service of his country on March 22, 1996 while on duty in Bosnia and Herzegovina. On behalf of myself, my congressional colleagues, and fellow Houstonians, I would like to express our heartfelt condolence and sympathy for the family of Private Bright and to say to them that we share their loss. Neither his country nor this community will ever forget Private Bright's sacrifice, and we hold his memory in the highest honor. We also honor and hold in the same high esteem the supreme sacrifice that has been made by his family. We share their grief and feel deeply what it means to lose a child, a shining light gone out far too soon.

Private Bright was a graduate of Lamar High School in Houston and attended San Jocinto Community College. We shall remain forever proud of him, and so shall his country, which he served well.

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THE MICHAEL NEW CASE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. BARTLETT] is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, we want to spend a few minutes this afternoon looking at the very special case of Specialist Michael New. His name is out to a number of our people, but some may not be familiar with this case and the issues involved here.

Michael New is the son of missionary parents. He was home schooled. He volunteered for the military. He was stationed in Germany. The group he was with was being moved to Macedonia. As a part of that move, they were told that they had to wear the insignia of the United Nations.

Specialist New took the position that the oath he took when he entered the military was to defend and protect the Constitution of the United States; that he had not taken an oath to defend and protect the charter of the United Nations.

Now, in the helicopter accident over Iraq, when several of our military personnel were killed, the Vice President, AL GORE, went to their parents and told them they should be proud of their sons who died as U.N. soldiers. Specialist New had the conviction that if he were to wear the insignia of the United Nations, that he would become, as the Vice President indicated, he would become a U.N. soldier, and he thought that this was a violation of the oath he took to protect and defend the Constitution of the United States.

He would gladly have gone to Macedonia as a U.S. soldier assisting in a U.N. operation. Our military personnel did that by the thousands in Korea. We were there and lost many lives over a number of years, but not one of our soldiers there was a U.N. soldier. They were all U.S. soldiers.

What Specialist New was asked to do was something he felt was very different than this. He felt that he was being required to change his allegiance to the Constitution of the United States to the charter of the United Nations, and he was not willing to do this.

He was told in his training that he was not to obey an unlawful order. Let me read to you from the 1990 Army field manual. U.S. soldiers are instructed that, quoting from the manual,

> Moral courage is as important as physical courage. Do not ease the way for others to do wrong. Stand up for your beliefs and what you know is right. Do not compromise your professional ethics or your individual values and moral principles. If you believe you are right after sober and considered judgment hold your position.

This is precisely what Specialist New did. He had no problem in going to Macedonia. He would have willingly gone. As a matter of fact, he is a decorated soldier, once for saving the life of a comrade, and a second time for saving the eyesight of a comrade. So he was not trying to avoid a dangerous situation.

His concern was the concern of conscience, that he could not in good conscience transfer his allegiance from the Constitution of the United States to the charter of the United Nations. He was court-martialed for this, and it is now under review within the military, but he was court-martialed, and he is to be given a bad conduct discharge.

I have some charts here that will help us to understand how we got where we are. Let me put the first one up.

As you can see in this chart, this defines the relationship between the U.N. charter and the law that regulates or controls how we relate to the United Nations. This is the United Nations Participation Act of 1945.

In the U.N. charter, there are two chapters of relevance here. The first of those chapters is chapter 6. Chapter 6 relates to peace observations. It defines the role of the United Nations in peace observations. Chapter 7 defines the role of the United Nations in peace enforcement. There are significant differences between peace observation and peace enforcement.

Now, the United Nations Participation Act of 1995 is the law which determines how we as a country relate ourselves to these two chapters of the United Nations. Interestingly, the two sections of this law, the Participation Act, are section 6 and section 7. But as you can see from the chart here, section 6 relates to chapter 7, which is

peace enforcement, and it clearly requires prior congressional approval.

Section 7 of the United Nations Participation Act, as you can see, relates to chapter 6, and this requires no congressional approval. But there are some limitations here. There cannot be more than 1,000 troops worldwide, and they have to be noncombatant troops.

Now, which was this operation? Macedonia is a part of the overall ex-Yugoslavia operation. There have been a number of U.N. resolutions relative to it. Which one was this?

This is a letter from the President, written by Bill Clinton to then Speaker of the House Thomas Foley, and this is justifying his order to deploy U.S. troops to Macedonia as a part of the overall effort in what used to be Yugoslavia, which, of course, includes Bosnia.

Here is the significant statement. The President said that this was under chapter 6 of the U.N. charter.

But let us look now at the position that the United Nations has taken relative to this. There have been 97 U.N. Security Council resolutions and 13 U.N. Secretary General reports that relate to the Yugoslavia situation and Bosnia and all of the missions, including Macedonia, which are associated with that. Of these 97 U.N. Security Council resolutions, 27 of these resolutions specifically refer to chapter 7. They say that it is a chapter 7 operation.

Interestingly, not one of them, not one of them refers to this operation as the chapter 6 that the President said it was. So we have now a major difference between what the President said it was and what 27 resolutions of the United Nations said this operation was.

Now, if it in fact was, and let me go back to the first chart here, if in fact it was a chapter 6 operation, then no congressional approval would be required. But the United Nations in their 27 resolutions said very clearly that it was a chapter 7, and if it was chapter 7, then it clearly requires prior congressional approval. There has been no congressional approval.

This next chart is from some of the specific resolutions, and this is language which makes it even clearer that they have not made an error in designating it a chapter 7, determined to ensure the security of UNPROFOR and its freedom of movement for all of its missions, and to these ends under chapter 7. So this is another clear indication from 1 of the 27 resolutions that I mentioned, a clear indication that the United Nations felt that this was clearly a chapter 7 activity.

We now go to several more of these. They used the kind of words that are consistent only with a militarized peace enforcement activity, or chapter 7. ''Demilitarization, protect, interpose, prevent hostilities.'' These are not descriptions of an observation force. These are descriptions of an enforcement force. So it is very clear from all of these resolutions in the United Nations that the United Nations felt this was a chapter 7, not a chapter 6.

It is interesting that the administration has now admitted that it was a chapter 6, but they say, surprisingly, and let me go back to the first chart here, they say surprisingly it can be a chapter 6, but it can still relate to section 7 of this act. This, of course, is impossible. There is no way that you can construe section 6 of the United Nations Participation Act to be consistent with chapter 6 of the U.N. charter.

So here we have the basis of the problem, Specialist New taking the position that he should not have to wear the insignia of the United Nations, that that transfers his allegiance, and his problem with this order which has led to the larger question of whether or not this was a lawful order.

There are two levels of whether it is lawful. The first is even if it was a lawful mission, and it would appear that the President did not have the right to send the troops there because he had not had congressional approval and the United Nations said clearly it was a chapter 7, but even if he had the right to send the troops there, there is still the question of whether or not he could send our troops there as U.N. soldiers.

Now, this gets into a third area, which is a broader one and a very interesting one, and that is one which has needed resolution for quite a while now. The Congress tried to do this in the so-called War Powers Act.

There is in the Constitution the clear prescription of the responsibility of the Congress, and there is the clear prescription of the responsibility of the President. But between those two clearly defined areas there is a major gray area. I think that this has occurred because the Framers of our Constitution could not have anticipated the kind of world that we would be living in in 1996.

Let me read from the Constitution the responsibilities of the Congress, because I think it is well to go back to the original language. The responsibility of the Congress is to declare war. It is to raise and support armies. It is to provide and maintain a Navy. Then, very significantly, to make rules for the government and regulation of the land and naval forces. I am reading from article I, section 8 of the Constitution.

Now, if I go to the powers of the President, let me read the powers of the President relative to the military. They are taken from article 2, section 2. ''The President shall be commander-in-chief of the Army and the Navy of the United States and the militia of the several states when called into actual service of the United States.''

Now, there may be a grammarian's argument as to ''when called into the actual service of the United States,'' what does that refer to? Does it refer to the Army and the Navy and militia, or is it restricted to the militia alone?

To determine what our forefathers had in mind, one needs to go back to put their statement in the context of the time. Remember when this was written, the fastest way one could travel on land was on horseback. Ordinarily armies marched. The fastest way to travel at sea was in a sailing boat. Clearly, nothing was going to happen very quickly in this kind of a world. I doubt that our forefathers ever envisioned that there would be a need to commit the troops before Congress had the opportunity to discharge its responsibilities.

Again, let me read the responsibilities of the Congress to discharge its responsibilities. Let me read the responsibilities of the Congress to declare war. Now, sending troops in harms's way, where a number of thousands of them, as happened in Korea, could be killed, I am sure, and were killed, I am sure our forefathers would have envisioned this as the equivalent of declaring war.

Now, to decide to send our troops to Macedonia in this operation there, I am sure they felt would come under either that declaration of war, or under to make rules for the government and regulation of the land and naval forces.

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So we have a problem today, and that problem is that our military today must act in a fashion that our forefathers could never have imagined that they would need to act. For example, if an enemy in Asia were to launch an intercontinental ballistic missile and we knew the moment they launched it, it would be here in half an hour, that is clearly not time for the Congress to be convened and to make a declaration of war. Clearly our President has to have the ability to respond to that threat.

Nobody wants to deny the President the opportunity to respond to that threat and others that may not be so severe and imminent but may not permit the Congress to convene and to go through the formal declaration of war.

But there are many activities that our troops have been engaged in in the past and are now being engaged in which fall in this gray area. Clearly, clearly it was no great urgency that we send our troops to Somalia, no great urgency that we send them to Haiti, no great urgency that would have precluded the Congress from meeting that we sent our troops to Macedonia or to Bosnia. Yet in each of these instances, the President felt as Commander in Chief that he had the authority to commit our troops there.

So this case of Specialist New has unearthed this much larger area, and that is what are the constitutional prerogatives of the Congress and what are the constitutional prerogatives of the President. This case is now going to foster a debate on this very important subject.

Mr. Speaker, there have been disagreements among Presidents and Congresses. When we had a Republican President and Democrat Congress, we had a disagreement. We have that same

disagreement now that we have a Democrat President and a Republican Congress. So Specialist New unwittingly, I think, has opened up this larger venue, an issue that really needs to be addressed. The Congress has the responsibility of funding the military, to raise and support armies, to provide and maintain a Navy.

If the President can commit our troops to have expensive ventures, then it could be argued that he has wandered into the congressional area of responsibility because we cannot commit troops without committing the moneys that are necessary to support them. So these are some very important issues that need to be addressed.

Also there is another area of the Constitution that those who are pursuing legally the Specialist New case have mentioned. That is article I, section 9, which they think made the command that he got to put on the U.N. insignia not only a lawful command but a United States constitutional command.

Let me read that and my colleagues use their judgment as to what they think our forefathers meant by this. Let me read the whole paragraph. It is the last short paragraph in article I, section 9: No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them—that certainly includes the military—shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Specialist New made the argument, we will remember, that he felt that being required to put on the insignia of the United Nations and then fighting as a United Nations soldier and, as the Vice President has said, dying as a United Nations soldier if dying in that fight, that he transferred his allegiance from the oath he took to defend and protect the Constitution of the United States to the charter of the United Nations. He felt this to be an unlawful order. He felt that this was a violation, and those who are pursuing his case agreed, that this is a violation of article I, section 9 of the Constitution that prohibits this action without the consent of the Congress.

There has been no consent of the Congress.

Mr. Speaker, this case is now going through the military court process. It is going through the appeals there. It is now being reviewed by a senior officer who will indicate shortly whether or not he concurs with the decision that was made by the court-martial.

Let me mention, by the way, to make something very clear here that in this court-martial, the judge in the court-martial instructed the jury that it was beyond their pay grade to consider whether or not this was a lawful order. The word he used was that this had some political overtones and that this could not be decided in the military courts. So he instructed his jury that they had to consider that this was a lawful order.

Mr. Speaker, if we consider it was a lawful order, obviously he did not go by the order. So the court-martial was no great surprise once we have the prescription that the jury had to consider this a lawful order. But the judge has made the point, as I read earlier, that he is willing to hear this argument after it has gone through the military courts. It is not that he has rejected the argument of Specialist New. It is just that he does not think this is an appropriate time for this to be heard in the civilian courts, in the Federal court system.

As a matter of fact, in that last statement I read, he held the door open not just a little but he held the door open a great deal. He said, once the military proceedings are completed, and I would gather that he does not expect because of the position of the military that Sergeant New is going to get the kind of decision he wants, once the military proceedings are completed, Specialist New may either move to reopen this proceeding or file a new petition for a writ of habeas corpus.

He had earlier said in his conclusions, just the page before, that the court takes his allegations very seriously. The court has taken them seriously, he says.

So where we are now is that this case is proceeding through the military courts. It is now being reviewed by the senior officer. If that review, if he upholds the court-martial decision, then there is a formal appeals process and Specialist New's lawyers—who, by the way, are providing their services pro bono; they have recognized that this is a case that goes far beyond the heartfelt conviction of this young man—that this is a case that will be important in defining, helping to define the relationship between the President and the Congress and may go a long way to avoiding the kind of indiscriminate deployment of our troops around the country that many view are not necessarily in our vital national interest and would sap large amounts of money from the limited funds that we have to maintain a military that we desperately need to protect us against real enemies now and in the future.

I hope that in the military courts that Sergeant New gets satisfaction. If they continue to take the position that his order was lawful, then he will not get satisfaction there, and it will move in due time into the Federal courts. We need a dialog all across America. The great wisdom of the country is not the 545 people who are inside the Halls of the Congress here, inside the beltway. The great wisdom of the country is out all across America.

We need a dialog across America so that we have an input from our constituents in all of our districts across the country because we may need legislation in the Congress. We may need legislation here in the Congress to solve the problems that are brought out by Specialist New's courageous action. We would like our citizens to become very knowledgeable on this subject. We would like them to research the Constitution. We would like them to search their conscience, and we would like them to communicate with their legislators so that we have the advantage of an input from our constituents when we come to the point that we make a decision whether or not we are going to offer legislation and the kind of legislation that we are going to offer.

There is, apart from the legal arguments here, the recognition that here we have a brave young man, who has been twice decorated, once for saving the life of one of his fellows, and secondly for saving the eyesight of another. He is a medic, by the way. And he has now taken a position of conscience. In an America where increasingly anything goes and where we are more appalled each day by the kind of fare that we get over our radios and our televisions, we ought to stand up and applaud a young man who at great risk to his future takes a courageous position like this.

However this comes out, and I have to believe that not only is Specialist New going to be exonerated but that we are going to have the opportunity to enact some very important legislation that will define the roles of the Congress and the President so we do not have the kinds of misunderstandings that have come up not just during this administration but previous administrations as well, but whatever happens in this, I think that we need to remember that this is a brave young man who has taken a position of conscience.

Mr. Speaker, how many of us would have had the same kind of courage to risk a bright future by taking a position of conscience like this? He could have rationalized it: This is somebody else's problem. I am just a lowly specialist. I do not need to take, to dig my heels in and take this position.

He did not do that. He did what I hope more and more of us across the country do every day. That is to recognize that we have a responsibility.

Let me read again, let me read again from the Army field manual. I will close with this because I think this speaks the minds and the hearts of most of our people:

Moral courage is as important as physical courage. Do not ease the way for others to do wrong. Stand up for your beliefs and what you know is right.

America, we need more of this. Do not compromise your professional ethics or your individual values and moral principles. If you believe you are right after sober and considered judgment, hold your position.

Mr. Speaker, this was not only great advice for Specialist New and every other brave young person who has volunteered for our military, it is also great advice for all the rest of us. My hat is off to Specialist New and his position of courage.

I hope that everyone out there will become better informed about this and will convey to their Representatives what they would like them to do in solving the problems that have been brought up by this very special case of Specialist New.

THE GOLDEN EAGLE AND VULTURE AWARDS ''COME SHOP WITH ME CAMPAIGN'' UPDATE

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, a little over a year ago, our Jobs and Fair Trade Caucus brought together a small coalition of working women, consumer groups, and Members of Congress to launch what we have called the come shop with me campaign, a campaign to educate the American consumer about the link between the loss of U.S. jobs here at home, high prices, static wages, sweatshop working conditions in the developing world and even in some places here in this country and the record profits being made by certain multinational companies which keep U.S. prices high while relentlessly moving our jobs offshore.

We illustrated this link between loss of U.S. jobs and trade by targeting specific corporations, going to stores and checking prices, scouring annual reports and newspaper clippings, and most importantly, talking to consumers and workers, getting their side of the story.

Mr. Speaker, today we embark on a golden eagle campaign to recognize and reward fine U.S. companies that exemplify the best that is in us as a nation. Simultaneously, we will identify those companies and chief executive officers whose behavior is not exemplary and deserve to be labeled only as corporate vultures.

The corporate vulture label will be given to American corporations which are in need of vast improvement. These are the ones which exploit our marketplace yet have downsized their work forces, which have outsourced most of their production to foreign countries, which use sweatshop labor abroad and then import these transshipped goods back to the United States, keeping their prices high here at home and maintaining a shell company in our country, even while enjoying all of the benefits of being called an American company.

The vulture, a predator and a scavenger, is an appropriate symbol for identifying U.S. corporations that exploit foreign workers while getting fat on the backs of American consumers and giving back almost nothing in return.

□ 1515

But let us begin on the positive side of the ledger with our first award, the Golden Eagle Award, and we will do one of these each month between now and the end of this fiscal year. This very prestigious Golden Eagle Award recognizes a U.S. firm and its chief executive officer who exemplified the best in business behavior. We are proud of them as citizens of this great country. The Golden Eagle Award will be presented to a U.S. firm that treats its workers with dignity while making decent profits, resists the tide of downsizing and outsourcing production, contributes to the strengthening of our communities, charges a reasonable price for its products, and remains and prospers in the United States of America.

I am very pleased to present the first Golden Eagle Award on behalf of our caucus, along with a new U.S. flag flown over our Capitol, to Malden Mills in Methuen, MA, and more specifically I would like to present the first Golden Eagle Award to Aaron Feuerstein, the 70-year-old owner of Malden Mills whom the local press there has hailed as the saint in New England.

On December 11 last year a major fire struck Malden Mills, the company Mr. Feuerstein's grandfather founded in 1906, burning down 3 of 9 buildings and idling 1,800 employees, three-quarters of the work force at that company. But instead of laying off his work force and pulling up stakes for Mexico, as so many other textile and apparel firms have done across this land, Mel Feuerstein promised he would pay the workers their wages and, even more incredibly, their health care benefits, for 30 days, and when it became obvious that more time was needed, he extended the period to 60 days and then to 90 days.

When asked why he did it, Mr. Feuerstein replied simply, ''Because I consider the employees standing in front of me as the most valuable asset Malden Mills has. I don't consider them as just an expense which can be cut.''

What makes Mr. Feuerstein's story all the more remarkable is that he stayed in Methuen, MA, even in the face of adversity while most of his much larger competitors, some of the names you will even recognize, Sara Lee, Fruit of the Loom, continue to close plants in this country and give pink slips to workers and move their production offshore.

Over the past 20 years 292,300 workers, mostly women, have lost their jobs in our Nation in the textile and apparel industries. Forty percent of that industry in our country is without a job. But Aaron Feuerstein, and he is not a multinational, has tried to hold out, treated his workers well and has continued to make a profit. He is a shining example of what it means to be a good corporate citizen in the United States and try to struggle uphill against the vultures of the mega corporations that would like to snuff him out of business.

Mr. Feuerstein truly deserves our praise as a patriotic citizen. Along with our first Golden Eagle Award, we will mail to him today this brand new flag flown in his honor and his firm's honor over this Capitol of the United States. Mr. Feuerstein, thank you, thank you for your decency and for your leadership as a corporate citizen of this Nation.

By contrast, we have chosen to designate the Nike Corp. as the first recipient of our corporate vulture label. Nike has shut down all of its production in this country. It does not even produce one athletic shoe in the United States of America, even while it earns billions in profits off this marketplace. In fact, their profits have quadrupled, gone up over 4 times over the past 5 years, by aggressively marketing, and I underline the word ''marketing,'' many of their shoe products and marketing them to some of our most impressionable young people.

The company now commands over one-half, one-half of the men's athletic shoe market in this country. Not a bad racket if you are Nike, paying your women workers in Indonesia and China 12 cents an hour while charging our kids and our families $135 to $150 a pair for shoes, but not a good deal if you are a downsized American worker who used to make those shoes in Maine or in California, or a consumer who has to pay those high prices. Not a good deal for them. Or how about if you are an anonymous Chinese woman worker whose government makes its money off the sweat of your work? Not a good deal for you either.

Now Nike would like you to believe that they are a great American company. In fact, they have been spending $250 million a year out of the money they make off of you trying to convince you how good they really are. They bought so much advertising it is hard to turn on television without seeing it. Nike has virtually bought off the entire American sporting world to delude the American consumer about what is really going on here.

The truth of the matter is that all of Nike's 75,000 production workers, mostly poverty-stricken women and hungry girls, are in countries like Indonesia, Thailand, China, and South Korea, countries which are notorious for their sweat shop working conditions and bleeding all they can out of their people until they are finished with them. Then they throw them out the door, and there is another million people who are hungry, lined up to replace them to work for 10 cents an hour.

Now here at home Nike threatens to tear up our communities with their relentless marketing to our most vulnerable kids. You know what is happening. In some places in this country our children are killing one another for these shoes. As Phil Mushnick, a sports writer for the New York Post, courageously pointed out when he refused to endorse Nike shoes, he said, ''I saw the prices going from $40 to $90 to $100 and then $150, and in full cognizance that people were dying for these shoes, inner city kids, too, the kids that Nike was

targeting with their inner city role model marketing binge.''

For this our caucus can think of no other company more deserving of the label ''corporate vulture'' than Nike Corp.

Now Mr. Philip Knight, the chairman of the board of that company and its chief executive officer, took home compensation of over $1.5 million last year, not including his stock bonuses and other benefits and perks. I often ask myself whether this type of individual has any conscience left or if he ever had any, to profit personally off the meager wages paid to Asian women and the U.S. workers he has sent to the unemployment lines. Mr. Knight and Nike, for you our caucus designates the ''vulture'' label.

Mr. Speaker, I also wanted to place in the RECORD this evening in our battle, continuing battle for job creation in this country to give our workers and our communities a fair shake in the international market, some information on a bill moving through this Congress that Members should know about. It concerns our patent laws, the very basis for our collective intelligence as a people, the foundation of our new products where the genius for America's future lies.

The U.S. patent system is under attack, and the United States, without question, has the largest body of intellectual property in the world, protected from the time of George Washington and created by the first Congress of the United States. If this system is weakened, and there are many who would like to see that it is, America's job creation capacity will be even more seriously eroded.

Today I rise to point out that one of the bills moving in this Congress is a grave threat to our traditional patent system; that bill number, H.R. 2533, with a very innocuous title, ''The U.S. Intellectual Property Organization Act of 1995.''

Why am I concerned about it? Because why should our Nation pass a law that puts us at a greater competitive disadvantage with our trade competitors around the world? H.R. 2533 is tantamount to selling off our national heritage bit by bit. H.R. 2533 would subject our patent examiners to undue pressure by special interests by removing their current civil service status.

You know, there ought to be some things in this town not for sale.

H.R. 2533 would undermine the Constitution of this country by removing the Patent Office as a core Federal function, and congressional oversight in that bill becomes almost nil.

I ask my colleagues to pay attention to this bill, oppose H.R. 2533, and support H.R. 359, which restores patent terms and gives our patent and inventors, the geniuses of our country who are inventing our future, the kind of protection and respect that the Government of the United States and the people of the United States owe them.

Let me say to my colleagues, do not be fooled by the wolves at the door, and let me say you might ask yourself the question, ''Well, who would want to tamper with our patent system? In whose interests would it be to weaken the protections we give to our inventors?''

There is an article I am going to be placing in the RECORD called the National Security Report, lead article, ''American Patent System Subject To Foreign Power Grab.'' There are plenty of powerful interests around the world that would like to own the competitive genius of this country, and they know the only way they can do that is by changing the laws.

In fact, the Constitution of the United States, and I quote from the article I am going to enter in the RECORD,

> In the war for global economic dominance, the fiercest battles today are over intellectual property. Where nations once fought for control of trade routes and raw materials, they now fight for exclusive rights to ideas, innovations and inventions.

The article referred to is as follows:

[From the ROA National Security Report, Sept. 1995]

AMERICAN PATENT SYSTEM SUBJECT TO FOREIGN POWER GRAB

(By Beverly Selby)

The recent book Patent Wars: The Battle To Own The World's Technology, best describes the reason for the current legislative struggle in the 104th Congress about intellectual property. It states, ''In the war for global economic dominance, the fiercest battles today are over intellectual property. Where nations once fought for control of trade routes and raw materials, they now fight for exclusive rights to ideas, innovations and inventions.''

In 1947, intellectual property comprised just under 10 percent of all U.S. exports; today, the estimate is that ''intellectual property accounts for well over 50 percent of all American exports.'' The United States is a major player in the world community because it has the largest body of intellectual property in the world. Job creation opportunities are directly linked with the patent system which has been the secret of America's job creation and economic power for over 200 years.

Today, in the 104th Congress, the debate is about restoring the patent term, and other issues which will radically change the American patent system. Legislation has been introduced to restore the patent term, publish patent applications before a patent is issued, re-examine issued patents, and create a government Patent and Trademark Corporation.

On one side of the argument are multinational companies and foreign interests, and on the other are independent inventors, small businessmen, venture capitalists and universities. The major issue is the patent term. Several concerns have been raised about pending legislation and its effect on the American patent system.

Last year when Congress approved legislation implementing the General Agreement on Tariffs and Trade (GATT), a provision was included that dramatically changed the way the U.S. patents will be issued. Historically, patents have been awarded for a term of 17 years beginning when the Patent & Trademark Office (PTO) grants a patent to an applicant. However, beginning on 8 June of this year, the PTO will issue patents for a 20-year term beginning when the application was filed with the PTO.

The net effect of this change is to dramatically shorten the useful life of breakthrough patents held by emerging companies, which have led to the creation of entire industries. Patents of highly technical, cutting-edge discoveries take years to issue. Under current law, such a delay in inconsequential as the patent holder is assured a minimum patent term of 17 years because the time does not begin to tick until the patent is issued. Not so with the new 20 year standard, as it often takes the PTO eight to nine years or even longer to issue a patent, leaving the patent holder with only a few years of protection, if any.

Given the vast amount of capital needed to sustain many high growth companies, retaining exclusive use of the underlying intellectual property for a full 17 years is imperative if any emerging company is to recover its costs and provide a competitive rate of return to its venture investors.

Congressman Dana Rohrabacher (R-Calif.) has introduced legislation that would cure the problem of a shortened patent term. His bill, H.R. 359, would make U.S. patents valid for 17 years from date of issue, or 20 years from date of filing, whichever period is longer. During the course of the GATT debate last fall, United States Trade Representative Mickey Kantor agreed the Administration would not oppose legislation guaranteeing a minimum patent term of 17 years as it would not constitute a violation of the GATT agreement.

Many changes to the American patent laws were proposed in 1994. The patent term limitation was passed because it was piggybacked on the GATT-implementing legislation. This change in the patent term weakens the American patent system and penalizes the breakthrough patents. Also, these changes facilitate widespread copying of the more important inventions by foreign companies.

Three of these changes, when taken in combination, establish a disastrous scenario that clarifies the reason for the Japanese insistence that America adopt these changes. These three changes are (a) a patent term measured from the filing date (the GATT patent term), (b) publication in 18 months and (c) three party re-examination.

The scenario for important breakthrough (e.g. high-tech) patent applications is disturbing. The breakthrough patent application is filed and then it is published in 18 months. Because of its importance, large multinational companies rally to oppose the breakthrough patent by filing prior art, and most likely by filing arguments opposing the issuance of the breakthrough patent. Because of the significantly longer pendency for important patents, the breakthrough patent is far from issuing when the oppositions' are filed. The patent examiner, who is reluctant to issue a breakthrough patent having broad claims, enters new rejections based upon the prior art submitted by the opposition. This further increases the pendency time.

Currently, the patent officer permits the filing of multiple re-examinations in sequence. Therefore, to be consistent, the patent office will undoubtedly permit the filing of multiple oppositions in sequence, opposition after opposition, causing the examiner to enter new rejections as new art is cited, further delaying the issuance of the patent. Under the GATT patent term, the term of breakthrough patent applications is further reduced by the long pendency.

Because of the 18 month publication requirement, companies worldwide are able to copy and to develop the breakthrough technology while the patent application is still pending. As currently practiced in Japan, and as a direct result of the publication,

competitive products begin to appear in the marketplace and large companies ''flood'' the PTO with multitudes of mundane improvement patents on the breakthrough technology. As in Japan, these mundane improvement patents are often issued before the breakthrough patent because of the prosecution delays inherent with such a breakthrough patent, and because delaying oppositions are not filed for mundane improvement patents.

When and if the breakthrough patent finally issues, much of the GATT patent term has expired, and its patent owner will be competing with mature products in the marketplace and ''floods'' of mundane improvement patents based upon the patent owner's originally published breakthrough technology. However, this is far from the end of the ordeal for the patent owner. Now the competitors file a sequence of re-examinations, one after another. A re-examination is a post-issuance opposition. The company behind the re-examination is kept secret, and an attorney is usually named as the re-examination requester. A re-examination can take more than five years. After a re-examination is completed, another, and another, and another, can be filed. A patent cannot be realistically enforced while a re-examination is in progress. Hence, a sequence of re-examinations further dissipates the effective term of the patent.

Now, new legislation is in progress to make re-examinations third party proceedings. Presently, a re-examination is conducted by the patent examiner. The requester can file initial papers but is not permitted to intervene in the re-examination. The new legislation permits the requester to participate in the re-examination. This will change a re-examination into a form of litigation with a team of opposing attorneys arguing issues, filing briefs, and performing many other complex litigation activities. The PTO has trouble hiring and training qualified patent examiners; now the PTO will have to train patent examiners to be litigation judges.

Even worse, many breakthrough inventions come from small companies and individual inventors with limited resources. Matching up such a patent owner against a team of attorneys from a large foreign company will usually end in devastation of the breakthrough patent. Even if the patent owner prevails, another re-examination will be requested by another large company citing a different stack of prior art references and the attack will start all over again.

In Japan the combination of conditions has resulted in important technologies being exposed and unprotected: a patent term measured from the filing date (the GATT patent term), publication after 18 months, and third party oppositions. This has resulted in Japan becoming a nation of copiers. Now, those seeking to copy American technology are demanding legislation to deprive America of its innovative talents. America must stand firm behind its inventors, small businesses, research universities, and entrepreneurs, and not permit its intellectual property to be copied with impunity.

Research universities also share a longstanding interest and an active involvement in intellectual property issues that affect higher education. Since the passage of Public Law 96–517 (The Bayh-Dole Act) in 1980, research universities have been actively engaged in establishing patent protection for university-developed technology and subsequently licensing their patents to industry and small business. Innovations resulting from university research are deemed largely responsible for the spectacular growth of the biotechnology industry, and of significant importance to the microelectronics, computer and health care industries. These innovations are culled from the fundamental scientific explorations of university faculty, students and research scientists and, as a result, tend to be at the cutting edge of scientific theory and practice. As a consequence, patent applications on university inventions have historically spent years in the PTO before ultimately issuing as patents.

University licensing programs are generally dependent upon patent protection to induce mature companies as well as small businesses and start-up company investors to take a financial risk on backing the further development of new, and often early-stage, technologies. Consequently, university technology transfer managers were indeed concerned to find that H.R. 5110, in implementing the GATT, had potentially shortened the long-established patent term of 17 years from date of patent issue, and had done so despite the fact that such action was not required by the GATT.

Our interests in enhancing the successful transfer of university technology, and in helping to keep the U.S. as a front-runner in commercially exploiting new technologies, are not well-served by potentially diminishing the useful life of our patents in an effort to reap an unquantified benefit from harmonization with potentially less innovative nations who stand to gain from shorter patent terms.

These are but a few of the concerns of the independent inventor, venture capitalists and universities who are relying on their patents for income and to create new industries. What must be remembered is the fact that the U.S. system is unique and was created by the founding fathers as a means of generating jobs and prosperity for the country. To date, the United States is leading the world in fundamental patents, which are most often cited in patent literature worldwide.

These patents are the way to chart the prosperity and future for a nation because the patent holder will derive income over a period of time. From those patents spring new industries. At stake in the legislation now before Congress is whether the patent system should be used to benefit the American taxpayer and voter, or the world at large. The choice of the future is ours.—NSR

NSR FOCUS

Experts warn that the current debate in Congress on patent regulations can have a serious impact on the national security of our nation. Critics of the new system, which resulted from GATT negotiations and a deal cut with Japan last year, contend that foreign firms will gain access to American inventions, ultimately weakening the international competitiveness of the United States.

Robert Rines, an inventor and prominent Boston lawyer, claims that the new system is going to wreak havoc with breakthrough inventions, which, historically, have come from individual inventors or small firms, not from large corporations.

The U.S. system awards patents to the original inventor, not the first to file, as in other countries. Under the new 20-month publication provision, key concepts of an invention become available to anyone before the inventor has a chance to refile and win protection. That is why Japan, the multinations and other big companies love it, and why, according to Rines, ''the little guys are deathly afraid of it.''

Beverly Selby's article is a fundamental document which clearly details the fear and concerns of the small businesses and American inventors, who, at the core of the U.S. innovative process, are faced with new patent provisions that fail to protect American technology and innovative small business—AACG

Ms. KAPTUR. I ask my colleagues again to support H.R. 359 and oppose H.R. 2533, and, Mr. Speaker, I would like to yield to the gentleman from New Jersey [Mr. PALLONE], who I understand has some remarks that he would like to make at this point.

□ 1530

INDEPENDENCE FOR THE BELARUS REPUBLIC

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman yielding me this time.

Mr. Speaker, I wanted to speak, if I could for a few minutes, on the issue of independence for the Belarus Republic.

Mr. Speaker, on March 22, 1996, Belarusan President, Aleksandr Lukashenka met with Russian President Boris Yeltsin to discuss a new union state. The following day, Lukashenka met with Russian Prime Minister Viktor Chernomyrdin to discuss the plan, which would politically, economically, and culturally tie Belarus with Russia.

The collapse of the Soviet Union humiliated and disgraced this former global superpower. The Russian Duma has recently voted to declare void the 1991 agreement dissolving the Soviet Union—a declaration which America must clearly not recognize as having any validity. Now, in an attempt to save face and regain some of the lost Soviet power, President Yeltsin and President Lukashenka are acting to reintegrate the independent Republic of Belarus with Russia. This new confederacy, open to all of the former Soviet Republics, would place Russia at its core. The two leaders discussed the possibility of one currency and a single constitution.

Belarus' geographical location puts it in a particularly vulnerable position for the reintegration plan. In addition, Belarusans were the last to leave the Soviet Union, while its government has been the most willing to rejoin forces with Russia.

According to Prime Minister Chernomyrdin, the new union with Belarus and Russia would ''be built from two individual countries that would remain separate.''

In response to this new plan, last Sunday 15,000 members of the Belarusan Popular Front marched in the Belarusan capital of Minsk in opposition to the threat of reintegration. These marchers fear that President Lukashenka will in fact relinquish Belarus' current democratic sovereignty.

As a supporter of the American-Belarusan community, and of those members of the Popular Front, I strongly believe that we must act to prevent this new union of Russia and Belarus. Accordingly, I am drafting a concurrent resolution that expresses the sense of Congress that we recognize March 24 as the anniversary of the proclamation of Belarusan independence, express our concern over the

Belarusan Governments' infringement on freedom of the press in direct violation of the Helsinki accords and the constitution of the Republic of Belarus, and state our misgivings about the proposed association between Russia and Belarus.

Mr. Speaker, it is particularly important at this moment in history that we proclaim our strong support for the Republic of Belarus and the other Newly Independent States of the former Soviet Union. Events in both Moscow and in Minsk itself raise serious concerns about the long-term viability of an independent Belarus state and nation.

Last Sunday, I had the opportunity to attend a commemoration of the establishment of the anniversary of the Belarusan Republic, sponsored by the Belarusan American Association of New Jersey and held in New Brunswick, NJ. How ironic that the very day on which Belarusan-Americans were celebrating their heritage, Belarusans in Minsk were protesting the new union between Russia and Belarus.

On June 23, 1994, Belarus held its first multiparty Presidential elections since its independence, with a run-off election on July 10, 1994. The winner, Aleksandr Lukashanka, was a former Communist Party official and former head of the parliament's Anti-Corruption Committee. The Helsinki Commission, which observed the elections, proclaimed that the elections were conducted in conformance with international practices and that the results reflected the freely expressed will of the electorate. Unfortunately, those results have left the country with a President and government that has not shown the degree of commitment to democratic values, nor the independence from Moscow, that Belarusan-Americans and their friends had hoped for.

Last fall, Belarus suddenly made it to page 1 news when an American hot-air balloon was shot down in what seemed like an event out of the cold war. For an American public clearly not overly familiar with Belarus, this incident clearly put the county in a very bad light. Belarusan-Americans condemned this action, just as they have condemned the anti-democratic excesses of the new government in Minsk.

Clearly, Belarus is at an important crossroads. The unique language and culture of Belarus, which courageous Belarusans preserved during the years of Soviet domination, is now under attack—from no less a source than the Government of Belarus itself. While it is inevitable that the people of Belarus should feel some cultural affinity with their Russian neighbors, and seek to promote good relations in trade and other areas, the overly pro-Moscow tendencies of President Lukashanka should be questioned.

Meanwhile, the ongoing Russian military action in Chechnya raises serious questions about the possibility of imperialistic designs by Russia on former nations under its empire—whether Czarist or Soviet. President Yeltsin, whose control over the situation seems to be less than secure, has bowed to nationalist and militarist forces in Moscow on the Chechnya question. Furthermore, President Yeltsin, whose health and popularity are both failing, may well be replaced by the Communist/Russian nationalist forces who have made no secret of their desire to reunite the old Soviet Empire.

While the official status of Chechnya as a part of the Russian Federation is different from the other independent former Soviet Republics, such as Belarus, Russian actions there are creating a very troubling precedent indicative of a desire by Moscow to reassert control over what the Russians call the near-abroad.

Since the collapse of the Soviet Union, the United States has sought to provide economic assistance to the Newly Independent States. Amid the pressures that many of these states are now under because of structural economic problems, ethnic tensions and the threat of Russian imperialism, we must maintain a strong commitment to helping these emerging nations achieve a democratic political system and a market economy. For nearly half a century, we devoted considerable sums to containing the Soviet threat. Now that the Soviet Union has collapsed, we have the opportunity, with much more modest levels of spending, to invest in the long-term stability of these formerly captive nations.

Unfortunately, events are working against us. On the one hand, neo-isolationist forces in Congress are trying to diminish the American commitment to supporting freedom and economic reconstruction in the former Soviet Empire. The Foreign Operations Appropriations bill that finally became law earlier this year, after a long delay over an unrelated issue, shows an obvious lessening of the enthusiasm for American involvement in the former Soviet Union that seemed so intense just a few years ago. On the other hand, the trends in Russia, Belarus and elsewhere against reform and towards the election of former Communists is giving our isolationist forces here strong ammunition.

March 25 is the actual date that Belarusans throughout the world salute the sacrifices and bravery of the members of the Council of the Belarusan Democratic Republic, who in 1918 liberated their country from the harsh and oppressive Czarist and Soviet rule. Representatives of the United Councils of the First Belarusan Convention, meeting in the capital city of Miensk (Minsk), issued a proclamation of independence of the Belarusan National Republic, adopted a national flag with three horizontal stripes—white, red and white—and received widespread international recognition. For the first time since 1795, the Belarusan nation re-emerged as an independent state. Despite the hardships from the First World War and the revolutionary turmoil in neighboring Russia, the Belarusan language, culture and national identity flourished.

Unfortunately, the freedom and independence of the Belarusan nation did not last long. In 1921, Russia's Bolshevik regime invaded and conquered the newly independent state and renamed it the Byelorussian Soviet Socialist Republic. For the next 70 years, the Belarusan people endured a totalitarian Communists regime, denied the most basic civil and political rights. Millions of Belarusan nationals were exterminated. Although the Byelorussian SSR was officially considered a member of the United Nations since 1945, the country was in fact politically and militarily dominated by Moscow, with the Belarusans' aspirations for self-government and independence completed subverted.

The Belarusan Parliament initially declared its independence back in July of 1990. Following the attempted coup against Soviet President Gorbachev in August of 1991, the Speaker of the Belarusan Supreme council, Stanislav Shuskevich invited Russian President Boris Yeltsin and Ukrainian President Leonid Kravchuk to Belarus in December 1991 to finally bury the moribund Soviet Union. In its place was established the Commonwealth of Independent States [CIS] with Miensk as its administrative seat. Although the Belarusan Parliament, as with many other emerging East European democracies, was dominated by former Communists, protections for Belarusan culture, as well as basic human rights, were enacted.

Since my wife Sarah is part Belarusan, I have had the opportunity to become particularly familiar with this proud people. The Sixth Congressional District of New Jersey, which covers most of Middlesex County, is home to a significant Belarusan-American community. Since the fall of the Soviet Union, Americans in general have had the opportunity to learn more about this distinct land and its culture. In 1994 President Clinton visited the Belarusan capital, and a variety of United States public and private sector initiatives have been launched in Belarus. Let us resolve to continue to improve the economic, security and cultural ties between the great peoples of the United States and the Republic of Belarus.

Mr. SPEAKER, I include for the RECORD the concurrent resolution.

The concurrent resolution referred to is as follows:

Whereas, the seedlings of an independent and democratic Belarus, for which generations of Belarusan patriots had fought and died, are now in danger of being swept away as a result of the policies of Belarusan President Alaksandr Lukashenka and the efforts of Russian nationalist leaders to reunite the Newly Independent States of the former Soviet Union;

Whereas, March 25 is the date that Belarusans throughout the world salute the

sacrifices and bravery of the members of the Council of the Belarusan Democratic Republic, who in 1918 liberated their country from the harsh and oppressive Czarist and Soviet rule. Representatives of the United Councils of the First Belarusan Convention, meeting in Miensk (Minsk), on March 25, 1918, issued a proclamation of independence of the Belarusan National Republic, adopted a national flag with three horizontal stripes of white, red and white, and subsequently received widespread international recognition

Whereas, the Russian Duma in March 1996 has voted to declare void the 1991 agreement dissolving the Soviet Union;

Whereas, the Government of President Lukashenka has monopolized the mass media, undermined the constitutional foundation for the separation of powers, suppressed the freedom of the press, defamed the national culture, narrowed the educational basis for patriotic upbringing of youth, maligned the Belarusan language, and undercut the ground for all-Belarusan unity.

Now, therefore be it

Resolved by the House of Representatives, That it is the Sense of the House of Representatives that, March 25 be recognized as the anniversary of the declaration of an Independent Belarusan State;

Be it further resolved, That the United States press the Government of President Lukashenka to abide by the provisions of the Helsinki Accords and the Constitution of the Republic of Belarus and guarantee freedom of the press, allow for the flowering of Belarusan culture and enforce the separation of powers;

Be it further resolved, That the Congress of the United States join with the people of Belarus and Belarusans throughout the world in the defending the statehood and democracy of Belarus, sustaining the country's Constitution and preventing the loss by Belarus of its hard-won nationhood and its opportunity to survive as an equal and full-fledged member-state among the sovereign nations of the world.

COMMEMORATING THE ACCESSION OF THE UNITED STATES OF AMERICA TO THE PROTOCOLS OF THE SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I have just returned to Washington form the South Pacific, where I was privileged to be part of the U.S. delegation to the signing ceremonies for the Treaty of Rarotonga. I want to take this opportunity to inform our colleagues in Congress and the people of our great Nation of the historic event that took place this past Monday, March 25, 1996, in Suva, Fiji.

Mr. Speaker, on Monday, the Government of the United States of America signed the protocols of the South Pacific Nuclear Free Zone [SPNFZ] Treaty, also known as the Rarotonga Treaty, formally evidencing America's unequivocal support for the nuclear free zone in the South Pacific.

Mr. Speaker, this action by our Government constitutes a great and momentous development in the history of relations between the United States and the nations of the Pacific region. At the Suva ceremonies, the Governments of France and Great Britain joined us in signing the protocols of the SPNFZ Treaty.

□ 1545

With this development, Mr. Speaker, all of the world's nuclear powers are now signatories to the South Pacific Nuclear Treaty.

I want to express my deepest heartfelt appreciation to the House Committee on International Relations chairman, the gentleman from New York [Mr. GILMAN] and the committee's ranking Democrat, the gentleman from Indiana [Mr. HAMILTON], for authorizing me to represent the Committee on International Relations and the U.S. Congress in this historic milestone achievement for the people of the Pacific. Coming from the Pacific, Mr. Speaker, I was deeply honored to have been extended this great privilege.

Mr. Speaker, for decades, the island nations have strived for U.S. accession to the SONFZ protocols, which symbolizes America's support of and respect for the South Pacific people's dream of a homeland free of nuclear weapons. To have played a small role in Washington over the past 8 years in bringing about the realization of these aspirations for the people of the Pacific has been a long and hard struggle, but indeed, a very worthy one.

At this time of celebration in the Pacific, I want to recognize and thank those who have contributed greatly over the years in a bipartisan spirit to this week's historic event. In particular, the following individuals must be recognized for their leadership, the former chairman of the House Foreign Affairs Subcommittee on Asian-Pacific Affairs, the gentleman from New York and former Congressman, the Honorable Stephen Solarz; former Congressman and revered champion of Pacific interests, the gentleman from California and my very good friend, the Honorable Robert Lagomarsino; and the greatly respected member of the Committee on International Relations, the gentleman from Iowa, currently chairman of the Committee on Banking and Financial Services, the Honorable JIM LEACH.

I also want to express appreciation to my colleagues and Members of this great institution—Congressmen BEN GILMAN, LEE HAMILTON, CHRIS SMITH, HOWARD BERMAN, Congresswoman CONNIE MORELLA, Congressmen GARY ACKERMAN, RON DELLUMS, DOUG BEREUTER, TOM LANTOS, PETE STARK, MATTHEW MARTINEZ, BOB UNDERWOOD, and the distinguished delegation from the State of Hawaii, Senators DANIEL INOUYE and DANIEL AKAKA, Congresswoman PATSY MINK, and my good friend, Congressman NEIL ABERCROMBIE—for supporting my efforts over the years for U.S. accession to the SPNFZ Treaty.

Mr. Speaker, I also want to recognize the tremendous leadership role that the Arms Control and Disarmament Agency [ACDA] has played in urging, since the Reagan administration, for U.S. support of the SPNFZ Treaty. ACDA has long been a crucial and vital part of several administrations' efforts to stop nuclear proliferation around the globe. While ACDA's mission is growing with greater importance—Start II implementation, chemical weapons convention ratification, and completion of the comprehensive test ban treaty negotiations and implementation—I find it an unfathomable tragedy that ACDA's funding is being butchered. Stopping proliferation of weapons of mass destruction must clearly be a top priority of our Government, and steps must be taken to ensure that ACDA will be given the resources necessary to accomplish this most urgent of missions.

Mr. Speaker, although we were not able to stop France from resuming their recent nuclear bomb detonations in the South Pacific, we should welcome the fact that Paris' irresponsible actions ignited worldwide protests and served as a catalyst for France to join the SPNFZ Treaty protocols.

Mr. Speaker, although we were not able to stop France from resuming their recent nuclear bomb detonations in the South Pacific, we should welcome the fact that Paris' irresponsible actions ignited worldwide protests and served as a catalyst for France to join the SPNFZ Treaty protocols in an attempt to defuse international condemnation.

Mr. Speaker, the international community's strong and visceral opposition to French nuclear testing sent a strong message that we have entered into a new post-cold-war era where nuclear testing and nuclear weapons development are increasingly viewed around the world as an unnecessary evil for preserving peace, stability, and freedom. Perhaps this is a lesson we can all take to heart on the eve of the 21st century.

Mr. Speaker, it is about time that the three remaining nuclear powers have finally joined Russia and China, who ironically supported SPNFZ years ago, by acceding to the SPNFZ Treaty. The fact that all of the world's declared nuclear powers are now signatories to the treaty, establishing the South Pacific's vast nuclear-free zone, cannot but be perceived positively in Geneva, Switzerland, where the United Nations-sponsored Conference on Disarmament is under way. Joining the SPNFZ Treaty is proof of the nuclear powers' good faith commitment to progress on nuclear disarmament, that should bolster efforts to negotiate a genuine ''zero-yield'' Comprehensive Test Ban Treaty before the end of this year.

Mr. Speaker, a couple of observations, as I have followed the question of nuclear testing for the past 8 years and diligently pursued this issue with my colleagues while serving as a member of the House Committee on International Relations. We proved in World

War II the devastating effect of nuclear weapons and their impact on human beings. The bomb the United States dropped on Hiroshima some 50 years ago killed and vaporized over 150,000 men, women, and children, and points to the stark reality of the devastation that nuclear weapons can wreak upon mankind.

Mr. Speaker, I am not one to quibble with the fact that we were at the height of a world war or that the axis powers were on the verge of oppressing all of the free people of the world and that our country was in the midst of this great war for democracy and freedom, but what basic lessons have we learned, Mr. Speaker, in perfecting how to destroy multitudes of fellow human beings by the creation of this great weapon, the atomic bomb? I wonder when we detonated what was known then in 1954 as the ''Bravo Shot,'' where the United States was the first nation to explode a thermonuclear device, which was then known as the hydrogen bomb, what was gained for mankind while the people of the Marshall Islands suffered from these hydro tests in their homeland?

I also wonder, Mr. Speaker, at this point in time in our history whether nuclear weapons really provide security for the American people as well as the other nations of the world. I am concerned, Mr. Speaker, about the fact that we have perfected the use of nuclear weapons and their destructive powers, just as we have made, I am sure, earnest efforts to harness peaceful uses of nuclear energy to improve living conditions for mankind.

At the same time, Mr. Speaker, we are now capable of exploding a thermonuclear device 1,000 times more powerful than the atom bomb that we dropped on Hiroshima. What does that mean, Mr. Speaker? It means that we have perfected a device to hand down to generations to come so that we can kill other human beings by the destructive nature of the atom and hydrogen bomb.

I am concerned, Mr. Speaker, about the fact that the Western nuclear powers condemn China now for continuing its efforts to perfect its nuclear devices, while the United States, for example, allocates a tremendous amount of our military budget to maintain our distinct and unchallenged nuclear technology supremacy. I find this hypocritical, Mr. Speaker.

Mr. Speaker, while we harnessed nuclear energy for the benefit of our citizens to provide electricity for our homes, our Government also has to deal with the reality that it is going to take approximately $350 billion of the American taxpayers' money to clean up and store the spent nuclear waste that is in our own country. This is just in our own country. It does not even address the issue of other nations currently using nuclear energy for electrical production.

So we seem to be at a crossroad now, Mr. Speaker.

Mr. Speaker, where is it going to end, or when is it ever going to end? We need to bring the nuclear nightmare to an end and regain some sense of morality among nations of the world, so that peace can be attained in a constructive fashion. We cannot continue with this idea that we are going to win and they are going to lose if we press that nuclear button first.

Mr. Speaker, I submit whoever presses that nuclear button, it is going to be a lose/lose situation for all of the nations of the world. I sincerely hope that perhaps having nuclear-free-zones, like the South Pacific nuclear-free-zone, throughout the world will be a positive step for peace and stability in the world. We should all take a minute and say to ourselves, let us hold back, let us have a sense of better control of what we are doing, especially since we have already proven the destructive nature of nuclear weapons. We do not need to prove this again, as we did in World War II among the people that lived in Nagaskai and Hiroshima.

I pray, Mr. Speaker, that my colleagues will help in our efforts to see that perhaps the five nuclear nations and the other undetected nations who have the capability for nuclear destruction, will provide a very strong and binding commitment that we will not spread this evil cold danger to other nations of the world.

Mr. Speaker, I include the following material for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 27, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Department of State, Washington, DC

DEAR MR. SECRETARY: We write to recommend an early review of U.S. policy toward signature of the Protocols of the South Pacific Nuclear Free Zone (SPNFZ) Treaty.

Such a review would appear to be appropriate not only in the context of non-proliferation policy but also because of the relevance of SPNFZ to U.S. relations with the South Pacific. SPNFZ is a significant non-proliferation measure and any support the U.S. can lend to it would strengthen the cause of non-proliferation in the region. It would also contribute to support for the extension of the Non-Proliferation Treaty in 1995. Given the importance of SPNFZ to South Pacific Forum members, U.S. accession to the Protocols would enhance U.S. influence and credibility in the South Pacific.

As we understand them, the provisions of the SPNFZ Treaty and its three Protocols do not appear to be inconsistent with U.S. national interests. The Treaty specifically respects states' rights under international law to freedom of the seas and leaves it up to individual signatories to decide whether to allow foreign ships and aircraft to visit or transit their territory.

We note that, at the hearing of the Foreign Affairs Committee on 18 May, you said the U.S. was not at odds with the basic thrust of SPNFZ. You did, however, express concern about the Treaty's possible impact on the U.S.'s operational flexibility and freedom in the South Pacific.

We would be interested in understanding the nature of the Administration's concerns about operational flexibility for U.S. forces in the South Pacific, and are interested in working with you in support of a policy regarding the SPNFZ Protocols that protects and promotes U.S. interests in the South Pacific and enhances U.S. non-proliferation objectives.

We are writing a similar letter to the Secretary of Defense.

With best regards,
Sincerely yours,

BENJAMIN A. GILMAN.
JIM LEACH.
LEE H. HAMILTON.
GARY L. ACKERMAN.
ENI F.H. FALEOMAVAEGA.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 1995.

Ambassador RALPH EARLE II,
Head of Delegation, U.S. Delegation to the Nuclear Non-Proliferation Treaty Extension Conference,
New York City, NY.

DEAR AMBASSADOR EARLE: It is my understanding that, in conjunction with the Nuclear Non-Proliferation Treaty Extension Conference proceedings being held in New York, there shall be convened a working group focussing on nuclear-weapon-free zones.

As a member of the House International Relations Committee, I am writing to urge that the U.S. delegation take an active role in those discussions and strongly support the use of nuclear-weapon-free zones as a non-proliferation tool.

Treaty-based nuclear-weapon-free zones with adequate verification safeguards have already proven effective in preventing spread of nuclear weapons and serve to assist efforts ''rolling back'' existing proliferation.

As you know, the U.S. has supported establishment of nuclear-weapon-free zones around the world, including those in Antarctica, the seabed and outer space. We are also a signatory to the Treaty of Tlatelolco, which prohibits nuclear weapons in Latin America. The White House has recently lauded the Latin America Nuclear-Weapon-Free Zone as a critical building block of peace and stability throughout the Western Hemisphere which reinforces the worldwide non-proliferation regime.

I have long urged that our government should also join the South Pacific Nuclear-Free Zone created by our allies through the Treaty of Rarotonga. The protocols to the Rarotonga Treaty are substantially identical to our commitments under the Latin America Treaty. In the post-Cold War era, the Soviet nuclear threat in the Pacific no longer exists, overcoming past justification for not joining the Treaty of Rarotonga.

At a time when it is crucial that the U.S. utilize all resources to forge a majority for indefinite extension of the NPT, joining the South Pacific Nuclear-Free Zone Treaty would materially enhance U.S. credibility, gain international goodwill and act as visible proof of America's commitment to nuclear arms controls.

Ambassador Earle, I wish you the very best in your discussions regarding nuclear-weapon-free zones and the benefits of their formation around the world, in particular in the Middle East, Southeast Asia, Africa, and the South Asia Subcontinent. I further commend you and the delegation for your efforts leading to permanent establishment of the NPT, a mission of utmost urgency and importance to our nation and the world.

With best personal regards,
Sincerely,

ENI F.H. FALEOMAVAEGA,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 1995.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to recommend that the long-pending review of U.S. policy toward the South Pacific Nuclear Free Zone (SPNFZ) Treaty be brought to a close, and would strongly urge that our nation sign the Protocols to the SPNFZ Treaty.

The review was appropriate due to our nonproliferation policy and the relevance of SPNFZ to U.S. relations with the South Pacific. We feel SPNFZ is a significant non-proliferation measure and any support the U.S. can lend to it would strengthen the cause of non-proliferation in the region.

The provisions of the SPNFZ Treaty and its three Protocols are not inconsistent with U.S. national interests or present security practices. The Treaty specifically respects states' rights under international law to freedom of the seas and leaves it up to individual signatories to decide whether to allow foreign ships and aircraft to visit or transit their territory.

While the U.S. has yet to act on the SPNFZ Protocols, ironically, both China and Russia are signatories. The U.S. is, however, a signatory to the Protocols of the Latin America Nuclear Free Zone Treaty, substantively the same as SPNFZ, which your administration has lauded as a critical building block for peace and stability in our backyard, the Western Hemisphere.

Given the importance of SPNFZ to South Pacific Forum nations, U.S. accession to the Protocols would enhance U.S. influence and credibility in the Pacific. Moreover, U.S. accession to SPNFZ would bolster progress on global non-proliferation measures, including the indefinite extension of the Non-Proliferation Treaty and negotiation of a zero-yield Comprehensive Test Ban Treaty. In light of France's decision to support a zero-yield CTBT, the time is particularly right for the U.S. to accede to SPNFZ.

We thank you for your consideration of this request and urge timely action.

Sincerely,

ENI F.H. FALEOMAVAEGA.
LEE H. HAMILTON.
JAMES A. LEACH.
CHRISTOPHER H. SMITH.
ROBERT A. UNDERWOOD.
Members of Congress.

THE WHITE HOUSE,
Washington, November 7, 1995.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR ENI: Thank you for your letter regarding the South Pacific Nuclear Free Zone (SPNFZ) Treaty.

On October 20, 1995, the United States, France and the United Kingdom jointly announced our intention to sign the relevant protocols of the SPNFZ Treaty in the first half of 1996. This announcement reflects a number of positive developments that have occurred recently, such as the extension of the Nuclear Nonproliferation Treaty indefinitely and without condition and progress on a Comprehensive Test Ban Treaty.

I appreciate your efforts in support of SPNFZ and look forward to working with Congress to achieve ratification of the SPNFZ protocols.

Sincerely,

BILL.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, DC, December 8, 1995.

Hon. ENI F.H. FALEOMAVAEGA,
Committee on International Relations,
U.S. House of Representatives.

DEAR CONGRESSMAN FALEOMAVAEGA: I wanted to convey my admiration for and congratulations upon your tireless efforts to achieve formal U.S. adherence to the Protocols of the Treaty of Rarotonga. As you know, the U.S. was able to declare its intention on October 20, 1995 along with the United Kingdom and France, to sign the Protocols in the first half of 1996.

The United States has always respected the goals and the spirit of Rarotonga. As we stated in 1987, our activities in the region were not inconsistent with the Treaty. That is, however, a long way from assuming the legal obligations of the Protocols and thereby conferring the full legal and political support of the United States. Now, the U.S., U.K. and France will sign the Protocols together, and at a stroke bring all five nuclear weapon states in accord with the solemn commitments and obligations undertaken by the states of the region.

I am extremely gratified that the United States of America can formally adhere to this important regional denuclearization treaty, and am pleased that my Agency was able to play a crucial role in this decision. Your efforts have contributed greatly to this momentous decision, and I again offer my congratulations.

Sincerely,

JOHN D. HOLUM.

THE WHITE HOUSE,
Washington, March 24, 1996.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR ENI: Last fall I promised to keep you informed of developments regarding the South Pacific Nuclear Free Zone (SPNFZ) Treaty. I am pleased to advise you that on March 25 the United States will join France and the United Kingdom in signing the relevant protocols to this Treaty at a tripartite ceremony in Fiji.

Last year's NPT Review and Extension Conference agreed that internationally recognized nuclear free zones, based on arrangements fully arrived at among the states of the region concerned, enhance international peace and security. The Conference also agreed that the cooperation of all the nuclear weapon states and their respect and support for the relevant protocols are necessary for the maximum effectiveness of such zones.

Our decision to sign the SPNFZ protocols demonstrates our clear support for a nuclear weapons-free zone in the South Pacific, our commitment to nuclear nonproliferation and our determination to achieve a Comprehensive Test Ban treaty mandating a permanent end to nuclear testing throughout the world.

I appreciate your strong support for the important step we will be taking on March 25.

Sincerely,

BILL.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, March 28, 1996.

Hon. ENI F.H. FALEOMAVAEGA,
Washington, DC.

DEAR ENI: I am writing to congratulate you for the superb work you have done over the years on behalf of the South Pacific Nuclear Free Zone Treaty—work whose culmination we witnessed earlier this week when the United States joined France and Great Britain in signing the three SPNFZ protocols.

It was only fitting that you should have been in Suva to participate in this ceremony.

You have been an eloquent and impassioned voice on this issue, and all of us are very much in your debt.

So please accept my hearty congratulations for a splendid job and a successful conclusion to your labors.

I look forward to your leadership on many other issues in the days ahead.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

H. CON. RES. 111

Whereas the nations of the South Pacific, which share with the United States a strong interest in nuclear non-proliferation, have negotiated and signed the Treaty of Rarotonga, establishing a South Pacific Nuclear Free Zone;

Whereas the Treaty of Rarotonga came into force on December 11, 1986, and has been ratified by 11 nations;

Whereas the Treaty of Rarotonga prohibits the testing, manufacture, acquisition, and stationing of nuclear weapons in the territory of parties to the treaty and the dumping of radioactive wastes at sea;

Whereas the 3 protocols to that treaty, which are open for ratification by nuclear-weapon states, require that those nuclear weapon states that ratify those protocols abide by the treaty's provisions in their territories in the region, not contribute to violations of the treaty or threaten to use nuclear weapons against its parties, and refrain from testing nuclear devices in the zone;

Whereas the Treaty of Rarotonga does not prejudice or in any way affect the rights of all nations to freedom of the seas under international law and leaves to each party policy decisions on visits or passage through its territory by foreign ships and aircraft;

Whereas the establishment of verified nuclear-weapon-free zones can reinforce the international norm of nuclear nonproliferation and build consensus for long-term extension of the Nuclear Nonproliferation Treaty (NPT) when reviewed for extension by its members in 1995;

Whereas the United States leadership to extend the Nuclear Nonproliferation Treaty would be further enhanced if United States signature and ratification of the protocols were part of an overall nonproliferation policy that included negotiations on a comprehensive nuclear test ban;

Whereas Article VII of the Nuclear Nonproliferation Treaty affirms ''the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,'' and state parties to the Treaty of Rarotonga have implemented a safeguards agreement for the region with the International Atomic Energy Agency;

Whereas it has been the policy of the United States to favor the establishment of effective nuclear-weapon-free zones in regions of nonproliferation concern and where such zones would enhance international stability and security;

Whereas the United States has set forth 7 criteria whereby the effectiveness of proposed nuclear-weapon-free zones will be judged, as follows: (1) the initiative is from the nations in the region, (2) all nations whose participation is deemed important participate, (3) adequate verification of compliance is provided, (4) it does not disturb existing security arrangements to the detriment of regional and international security, (5) all parties are barred from developing or possessing any nuclear device for any

purpose, (6) it imposes no restrictions on international legal maritime and serial navigation rights and freedoms, and (7) it does not affect the international legal rights of parties to grant or deny others transit privileges, including port calls and overflights;

Whereas the United States has signed and ratified the protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Treaty of Tlatelolco), establishing a nuclear-weapon-free zone in Latin America, whereby the United States committed itself not to test, manufacture, acquire, or store nuclear weapons in its territories in the region (namely Puerto Rico and the United States Virgin Islands), not to contribute to any violation of the treaty, and not to threaten to use nuclear weapons against the parties;

Whereas the United States is also a party to the Antarctic Treaty, the Seabed Arms Control Treaty, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, which preclude nuclear weapons from these regions;

Whereas support for these nuclear-weapon-free zones does not prejudge United States policy with respect to other proposed nuclear-weapon-free zones, each of which must be judged on its individual merits in accordance with United States national interests;

Whereas in order to maintain the security of United States military forces and their ability to contribute to nuclear deterrence, the United States must preserve the principle of neither confirming nor denying whether particular United States naval vessels or other military forces possess nuclear weapons;

Whereas the protocols to the Treaty of Rarotonga do not conflict with the United States policy of neither confirming nor denying the presence of nuclear weapons on United States vessels or aircraft and do not prohibit any current or anticipated activities in United States territories in the South Pacific or elsewhere in the region; and

Whereas past administrations have stated that while the United States could not, under circumstances prior to the cessation of the Cold War, sign the protocols to the Treaty of Rarotonga, United States practices and activities in the South Pacific Nuclear Free Zone region, then and now, are consistent with the treaty and its protocols: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that—

(1) the Treaty of Rarotonga is consistent with United States security commitments in the South Pacific since it does not prohibit port calls by naval vessels which are nuclear powered or may be carrying nuclear weapons and does not create other impediments to United States military operations in support of the Security Treaty between Australia, New Zealand and the United States (ANZUS Treaty);

(2) the Treaty of Rarotonga satisfies the 7 criteria, set forth in the preamble of this resolution, which have been established by the United States Government for judging the effectiveness of proposed nuclear-weapon-free zones;

(3) signature and ratification of the protocols to that treaty would be in the national interest of the United States by contributing to a comprehensive United States nonproliferation policy that would enhance prospects for extending the Nuclear Nonproliferation Treaty in 1995, particularly if such a policy were to include negotiations on a comprehensive nuclear test ban agreement; and

(4) signature and ratification of the protocols would not prejudge United States policy with respect to proposals for nuclear-weapon-free zones in other regions, such as those in which the presence of an effective nuclear deterrent has contributed to United States national security by enhancing stability.

(b) Noting that the executive branch has indicated that United States practices and activities in the region are consistent with the Treaty of Rarotonga and its protocols, it is therefore the sense of the Congress that the United States should sign and ratify the protocols to that treaty.

[From the Christian Science Monitor, Jan. 11, 1994]

ENSURING STABILITY IN THE PACIFIC

(By Eni F.H. Faleomavaega)

In the afterglow of the recently concluded Asia-Pacific Economic Cooperation meetings and the North American Free Trade Agreement, a new era of increased trade and economic growth is dawning. But the vision of Pacific prosperity is impossible to realize unless a foundation of peace and stability can be ensured. For half a century, the United States has provided this crucial element of security in the Asia-Pacific region, directly aiding the dynamic growth of Asia's economies. The US should build on this legacy by supporting the security arrangements necessary for economic prosperity.

Nuclear proliferation is a major threat to Pacific and US security, as exemplified by the crisis over North Korea. The Clinton administration has urged the indefinite renewal of the Nuclear Non-Proliferation Treat and negotiation of a Comprehensive Test Ban Treaty. To bolster US nonproliferation policy, the president also should build support for nuclear-weapon-free zones and join the existing nuclear-free zone in the South Pacific.

Eleven Pacific island nations are members of the Rarotonga Treaty, establishing the South Pacific Nuclear-Free Zone (SPNFZ), which bans the testing, stationing, or use of nuclear weapons in the zone. The treaty, a symbol for the peoples of the South Pacific, expresses their trepidation over nuclear weapons and the possibility of a nuclear holocaust in the region. With France and the US having detonated more than 100 nuclear bombs in the South Pacific, the nations there have gained a firsthand appreciation of the hazards of nuclear weapons.

Since the treaty took effect, the island nations have eagerly sought US support for a nuclear-weapon-free South Pacific. By refusing to sign the treaty, the US is increasingly perceived as indifferent to the aspirations and concerns of its South Pacific allies—many of whom fought at our side during World War I, World War II, the Korean War, and the Vietnam War, and supported America in the cold war. Ironically, Russia and China have signed the treaty.

The treaty would advance US nonproliferation objectives without undermining US security policy in the South Pacific, as past administrations have conceded when testifying before Congress. It was carefully drafted to accommodate US interests, including our policy to neither confirm nor deny the presence of nuclear weapons on US warships or aircraft; and it protects free transit through the zone by US vessels and planes carrying nuclear weapons.

The US already supports nuclear-weapon-free zones around the world, and has signed treaties prohibiting nuclear weapons in Latin America, the Antarctic, the ocean floor, and outer space. Furthermore, the US supports creating nuclear-weapon-free zones in South Asia, the Middle East, and Africa. With the end of the cold war, justification for much of America's reluctance to join the SPNFZ has evaporated. The Soviet nuclear threat in the Pacific no longer exists. Instead, the US and Russia are committed to keep reductions in their nuclear arsenals, the US has removed tactical nuclear weapons from its surface fleet, and all nuclear-weapon states except China are observing a nuclear-testing moratorium.

If the US is serious about promoting nonproliferation and free trade, then it should make use of nuclear-weapon-free zones that enhance the security that makes economic prosperity possible. Signing the Rarotonga Treaty would be an important step toward realizing the promise of a secure and prosperous ''New Pacific Community.''

PROTECT OUR AMERICAN TROOPS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Let me adjust my gig line here for this prestigious well of the world's greatest legislature, straighten my First Armored Division pin, still thinking about bringing the men and women home from Bosnia, where European men and women should be doing the miserable ground duty while we do everything else, like air power, sea power, all the airlift, 99 percent of it, 99 percent of the ships at sea, most of the hospital supplies, the food, the fuel, most of the munitions, and of course 100 percent of the intelligence from our satellite architecture down to unmanned aerial vehicles like the fantastic predator program.

□ 1600

Why do American men and women have to be on the ground missing Easter with their families as they missed Christmas? So I guess we can free up European young people to work on the assembly line at places like Ferrari and Fiat, Jaguar, Rover, Rolls Royce, and the big-five in Germany, Mercedes, Audi, BMW, Volkswagen, and who am I forgetting? Porsche. We do not want to take people from those assembly lines, shipping products over here.

Let us just bankrupt the American people and pour our money into Haiti. The money we sent to Rwanda, they are back killing one another. Somalia, the fighting goes on without the BBC or the CNN cameras. And in Bosnia, 19 young people have died, two of them Americans, one from an accident, one a hero, Sergeant Donald Dugan of—his initials are D-A-D, dad. He left four sons behind. Donald A. Dugan. First Sergeant of the First Squadron of the First Battalion of the First Cavalry of the First Brigade of the First Armored Division, and he was an A troop to boot and was one of the first Bradleys. A picture of him in the turret crossing the Sava River right after Christmas.

Mr. Speaker, his last words—I learned this in Bosnia about a few weeks ago. His last words were to some children. He did not know whether they were Muslim heritage children, who are really Serbians who adopted the Islamic faith so that the Turkish

Ottoman empire would not confiscate their property. He did not know if they were Serbs of the Muslim faith or Serbs of the Orthodox Christian faith, or Croatian children of the Roman Catholic faith. He did not know what they were. He just knew they were children. His nickname was MacGyver, after the television series hero Richard Dean Anderson who played the swashbuckling expert with munitions, that was his proud name in the First Division, MacGyver. And Don Dugan, his last words to these children, he motioned them back, and he said mino, probably his own ethnic universal word for mine, mine. He says mino, boom, boom, boom, and then indicates get back. And the next boom was a real one tearing part of his face off.

And he had told his friends, they told me over there because I did not like the way the Clinton administration was putting a spin on this, that he had dome something wrong so do not blame Bill Clinton. He had told his friends, our job here is to make this battlefield safe for children. We are going to get rid of these mines.

Now, that is not what he was sent there for, and he did not die in vain if all the other young men and women there take Donald Dugan's heroic death to heart and stay on the roads and stay out of the mine fields. He had marked this mine earlier, cut a trip wire from the mine set waist high in a tree to a barricade. There were cattle in this field. Kids are out. He cut that, marked the mine with a white flag. But then this thought kept coming back to his MacGyver nature, and he went back to the mine while his friend was around behind a building answering nature's call. And when his friends came back around, there was Don in the prenatal position bent over. The mine he tried to disarm, almost instantly killed by the blast.

Now, why in the name of heaven other than campaigning was Miss Hillary and their beautiful teenage daughter, Chelsea, what were they doing in a dangerous combat theater, graciously received by our troops, of course, as the President was graciously received and the men telling me, is he not here just to get reelected? Are these photo ops for him? Well, she was there. It is election year.

And we have not seen the end of Air Force One at tremendous expense to the American taxpayers, all the administration does this is a bipartisan, shameful way. I think that during the election year, there should be a hired campaign plane, as BOB DOLE, the majority leader, does, not use a congressional airplane. He uses a fully paid for campaign airplane. And when Mr. Clinton is going out on a fully paid campaign trip, it should be a hired, safe, four-engine, two-engine 757, 767, paid for by the millions of dollars flowing into the Clinton coffers by Republican businessmen saying, just in case you win, do not hurt us too much with your socialist liberal beliefs.

It is outrageous that all he pays, Clinton, is a first-class air ticket, and his purely campaign staff pays a first class air ticket, like 750 bucks from here to California. But all the rest of the people on this 747, and he has five others, six 747's at the disposal of the President.

Mr. Speaker, I told Mr. Bush when we flew from Chicago to here that it was excessive. He agreed. I said you ought to dump these 747's. You should have one or two E–4's, command and control birds, and one 747 for international trips only kept at Andrews and for domestic flying. You should have a Presidential 747, 757, not going to buy a French Airbus, and you should use Lear jets. Not Lear jets, the Gulfstream. And President Bush said, well, that is my favorite airplane. I like to fly on the C–20 Gulfstream because then I do not have the press on the airplane with me all over my back. Let them charter their own DC–10 as they do as backup, but selected press at a first-class air ticket paid for by the networks that are all money machines. They make so much money, they all get on the airplane in favored status.

I remember when I went at the 50th anniversary in Omaha Beach and the Normandy D–day landings and first we went down to Anzio to the Anzio cemetery. BOB DOLE spoke there the next day because that is where a lot of his friends were buried. And here at the airport at Naples were to 747's nose to nose, that beautiful Air Force One paint job on both, filled with prepubescent staffers who never served in the military, ditch the ceremony at the Anzio cemetery and went into Naples.

Then the same thing up in France. Half of the 700 people that went with the Presidential group to Normandy, half of them went into Paris and never made it to the 50th anniversary of D–day. Another one of those photo opportunities using our fine young men and women in uniform. And they say now that the Clinton campaign plan is to surround him with uniforms, school children in uniform, police, law enforcement people in uniform, and to use our U.S. military forces to get him around people in uniform and then maybe the triple draft dodging issue will never come up. Not as long as I am alive, have my health and have this well and various other media outlets around the country.

Now, Mr. Speaker, a friend of mine, Owen Frisbee, passed me in the hall and said, did you hear Paul Harvey in the last few days? He said, here is something that he said on his radio show recently that I think is worth a House resolution, a Senate resolution, a joint resolution to let the whole country know this before all the 50th anniversaries of the end of World War II are gone.

This is the year of the anniversary of Winston Churchill's great speech at a small college in Missouri named after Westminster, England, Westminster College. It was there on my dad's birthday in March 1946, 50 years ago this month, that Churchill created that memorable sentence. He said the Communists have drawn a line from Stetyn in the Baltic down to Trieste on the Adriatic, an Iron Curtain has fallen. And fall it did. And more people died under the heel of Stalin before, during and after World War II times multiple factors than died under the tyranny of Hitler's vicious demonic 12-year Reich. Fifty-five million died because of the warlords in Japan, Mussolini's facism, Hitler's Nazism, but there were a lot of Americans naive enough to believe that Uncle Joe Stalin was not the fourth tyrant, creating the bloodiest century in all of civilization's history.

Here is what Paul Harvey said, for perspective. Hitler's Nazis must not be forgotten for their slaughter of some 6 million Jews. Six million other people, including Protestant ministers like Dietrich Bonnhover or Catholic priests like St. Maximillian Colby. I was there at the Vatican when he was elevated to sainthood, standing next to the man he saved in Auschwitz. Said to the German guards he spoke 10 languages, in German. Let me go, this man is married and has 10 children. His children were there with him. His wife was still alive. The man is still alive.

They said to Colby, the Nazi Gestapo guard was so taken aback, or SS guard, he said: Fine, you die in his place. And they put him in a cell. I went to that room. There is a beautiful bas relief, marble relief on the wall. There were some votive lights burning, a few aging flowers. The very bunker cell where they locked up Maximillian Colby, Father Colby and 10 others, and they allowed them to just starve over 10 days to 2 weeks. There were so skinny, it did not take the usual 3 weeks of you starving. And they came in and Father Colby was the last one still alive. And they injected him with air into his veins and he expired, dying in Christ's footsteps that he would give his life, John 15:13, so that another man may live.

While I am holding Mother Teresa's hand, I looked at this man. What day was that? October 10, 1982. Priest, priests, ministers, not just 6 million Jews were killed, 6 million other nonJews. But the Jewish slaughter has this ring of the Holocaust because they were targeted for death only because of what God had made them, people of Hebrew heritage. Unbelievable.

So I digress. Let me come back to Paul Harvey and start at the top. For perspective: Hitler's Nazis must not be forgotten for their slaughter of some 6 million Jews. For perspective, let history not forget that Russia's Communists, since the Bolshevik revolution of 1917, have killed over 100 million people, 6 million European Jews slaughtered by Hitler, men, women, and tiny little babies, children, 100 million, including women and children and little babies slaughtered by Russia's Communists.

So an effort is underway in Washington, DC, a memorial honoring Communism's victims and a reminder of another evil which free people must ever oppose, still oppose. Today in Russian, today in Vietnam, as I testified this morning, not to put another nickel into the U.S. embassy in Hanoi. Not another dime into our diplomatic mission there until the Communists in Hanoi account for our missing in action.

They can solve hundreds of cases out of the 2,140, hundreds of cases, 3,400 at a minimum this very day. They could solve these cases and bring instant relief to these heroes' families who are heroes themselves, the missing in action families, Communist Cuba. You notice the Communist Cubans out of Hanoi withdrew their protest at the United Nations that those three American aircraft were in Cuban waters. Not. They were in international waters. We proved it with hard copy from radar images and they withdrew their complaint, which means that Fidel Castro, through his officer corps of Communist officers, sell-outs, Judases every one. He ordered American aircraft, licensed in America, built in America, flown by Americans of Cuban birth and heritage, ordered them murdered.

That is the style of Castro, first degree murderer. And that is what Paul Harvey is saying to the largest radio audience on the planet Earth, a reminder of another evil, Communism, which people must ever oppose. In Point du Hoc, North Korea and that part of the Korean peninsula that they still crush with human rights violations, the sad little islands of Cuba, those 11 million people who bathe in sunlight and no freedom. And an emerging Communist Party crawling out from under the bloody rocks of most of this century of death trying to rebuild itself in Russia, and in a few other countries in that area. And the Communism of Vietnam and the Communism of the world's largest nation.

The United States will soon pass 266 million people. China has 266 million plus a billion. Five times the size of the United States. Go to a store at Disneyland or Disney World. Pick up the expensive china. Made in China, where china comes from. Pick up the tiniest little refrigerator magnet, made in China.

□ 1615

Pick up a pencil curled in Mickey Mouse's ears, China, China, China, the most expensive toys, the cheapest toys, the stuffed animals, the expensive sweaters, shirts. China, China, China, where women work at slave labor wages exactly like the worst scandals in Dickens's England or the turn of this century and child labor as bad as any of the worst periods of this century or during the industrial revolution in Europe. Excellent, excellent commentary, Mr. Harvey.

Then not to be commenting upon tragic world-sweeping issues, Paul Harvey delivers the following short essay that is worthy of repeating in the well of the U.S. House of Representatives. Paul Harvey, again, the new protection racket, I want to mimic that inimitable great style of his that has become an institution, he says, Mr. Harvey, fear-mongering is unforgivable, whether by pessimistic politicians or unscrupulous booksellers or by scientists. Anybody who tries to come between you and your money by scaring you is a con man.

The winter of 1996, unprecedented blizzards marched across our Nation. Vast areas disappeared under a blanket of white, and airports became refugee centers and firefighters had to locate fire hydrants with metal detectors. It was so cold in Minnesota, somebody used a frozen banana to pound a spike into 5/8ths plywood thickness, yet undoubtedly, some scientists were insisting that our planet is threatened with global warming.

If Mr. Harvey will allow me, the inimitable Jay Leno, closet conservative, opened his show in New York one night in the middle of the blizzard, saying, by the way, an announcement New York's global warming conference is canceled until further notice. Big laugh, of course, from the audience. Mr. Harvey continues, anybody involved with government grants or private foundation money is constantly besieged by the fear-mongerers. They have learned that if they can frighten us enough we will pay whatever it costs for protection.

Mr. Patrick Michaels is an exception, Virginia State climatologist, Mr. Patrick Michaels has researched global climate for many years. He expects that there will never be an agreement among scientists on anthropogenic climate change. He notes a 1990 report about global warming in which scientists were utterly unable to agree on why our Earth had warmed one half a degree Celsius over the past 100 years. Quote, they still cannot agree, unquote.

I hope my classmate, AL GORE, who served in this House for 8 years, I hope he is listening tonight. Vice Presidents sometimes have afternoons to kill, and maybe out of sheer nostalgia he tunes in the House floor or the Senate that he went off to 1984.

Satellite records, Mr. Harvey continues, are our present best way to measure the Earth's temperature. They, in use since 1979, show that our world has in fact been cooling further. The Arctic, which, by the way, I sailed under the North Pole with the aforementioned AL GORE when he was a lowly Senator just the two of us, on codel DORNAN, went up there. I put him in the cockpit of a B–1 at Grand Forks, ND. He had never seen one. He was described on Meet the press as an expert in strategic areas. I took him down into a missile ICBM silo. This was in 1989. He had never seen an ICBM armed, armed, cocked, fired ready to go at some target on the other side of the Iron Curtain, and that I mentioned Churchill's description of what was behind the Evil Empire, and AL and I learned a lot on that Arctic trip.

So further, the Arctic, where scientists say most warming should be happening, has seen no warming whatsoever in the past 50 years. The polar ice caps are not, not is underlined for Harvey's emphasis, not melting.

Now, the disciples of global warming, unquote, to perpetuate their profitable false alarm, are trying to contend that this year's record cold and snow are actually the result of global warming. Now, how are they going to explain this? They say their computers show global warming causes blizzards and extreme cold. Well, Harvey says, any computer geek, expert or novice, knows that computers are programmed by people. They do what humans direct them to do, and because scientists are feeding their own measurements into the computers their predictions are no more accurate than their own fuzzy logic.

The science of global climate change is complex. We are still learning how parts of our atmosphere interact. Yet all human experience suggests that there would be fewer major snowstorms in a greenhouse world. Somewhere up the road ahead other scholars may decide that planet Earth is cooling instead, but presently they have far too much invested in global warming theories to let go. Fear begets money, money to fund hundreds of millions of dollars' worth of research work being done by universities, by environmental organizations, and Government Agencies with U.S. hard-working taxpayers' dollars. Their jobs depend on keeping you scared.

Al Capone's enforcers used fear to force shopkeepers to buy insurance. Should you, the taxpayer, refuse to pay, they might smash your knees with a baseball bat. Today, you pay protection money in research grants, organization dues, or taxes. You are threatened with an impending apocalypse.

Perhaps the most negative of the new protection rackets is the degree to which eventual public disillusion may discourage investment in more legitimate research. Excellent. Thank you, Mr. Frisbee, for giving me what I missed on Harvey's broadcast.

Ladies and gentlemen, if you saw Meet the Press last Sunday, you were stunned, as I was, the two main guests were our colleague here, JOHN KASICH of Ohio and Pat Buchanan. But at the end of it Tim Russert, who mercifully escaped the acid tongue of Don Imus, at the most peculiar banquet, roast or dinner ever held inside the Beltway. Somebody taped it for me. I can hardly wait to see it given some of the bloodthirsty descriptions of what New York City's longest-running talk show host did to everybody in both parties from the White House down to Tim Russert. He said Tim Russert's job, somebody told me when he worked for a Senator, it was to hide the booze bottle. House rules and good taste prevent me from

repeating the name of my Senate friend in the other party, and they said his job for the former Governor of New York was to hide the bodies. He left no dignity, I guess, with Bill Clinton and NEWT GINGRICH sitting on one side. Imus, I understand, absolutely dumped a load of concrete all over the dais and the various Senators and media people in the audience. I understand he lectured one of the people on 60 Minutes that he was a newsman and not a pirate, so stop wearing an earring. I understand they laughed at that. But other than that they were pretty frozen by that point in the program. Anyway, he dumped on Russert more gently than others, I think. I think Tim Russert is probably one of the better hosts on Meet the Press that they have ever had. He is fair and a loyal Catholic, pro-life. I am a little prejudiced in his favor. At the end Mr. Russert says through an unidentified man, do we believe American values in some sense need reforming? He cuts to a very young Jerry Brown with a full head of dark hair, not the shaved head we see today in the prison denim shirt that is Jerry Brown's new image.

During the campaign for the Presidency, 4 years ago, it was white turtlenecks and a 900–number. Now it is a shaved head and a prison shirt, a bright guy, Jesuit-trained, just like yours truly. I must give you the date first: October 5, 1975, 20 years and 5 months ago. He says, I think American values need reassertion in terms of their fundamental roots. I think there has been an overemphasis on the ability of material comfort, on the ability of our economic machinery to provide human happiness. Sounds more like Pope John Paul or Billy Graham than the youngest Governor ever to serve in our biggest State, which had become the biggest State during the prior Governor, Ronald Reagan. Let us see, Jerry Brown was 36 when he got elected; he was in office 1 year. So he is 37 years old, he says, and I would not call it a reform in the sense it is something new, but it is a returning to a traditional view of human nature, that looks to fundamental principles, to right and wrong, to ethics, to morality, to a sense that human nature is constant. It, human nature, is weak. This is the reflection of our Jesuits in that period teaching us about original sin. It needs a type of government that recognizes that mankind is really brought down by its own instincts, and we ought to recognize that. Jerry Brown closes, ''We are not going to create a new man or a new person in this country, and every civilization that has gone to a sensate, sensual culture has fallen.'' And I think that is a real possibility here, and to that extent I would like to see, here comes the rough Jerry Brown message, an austere, leaner commitment on the part of the people of this country. Yes, end of videotape. And Mr. Tim Russert, just a few days ago, comments, economic insecurity, fundamental values, sound familiar? The same issues raised two decades ago, and we hear them today. We will be right back.

Now, I am coming to the end of what I described in this well on February 7, 1995, the 40th anniversary of my getting that ring and my wings of silver in the Air Force 41 years ago. Now on February 7, 1995, I declared for the Republican nomination for President in this well. That is almost 14 months ago. That is a special date for me, February 7, because a quarter of a century ago, 26 years now, on the 15th anniversary of my getting my pilot wings, I pointed to this Montagnard, proper name, ethnic name is Hmong, Hmong people of the mountain people, the French called them, Montagnard is the French name, there long before the Vietnamese, the Lao, or the Yeo or any ethnic Chinese were there. I pointed to this bracelet on the very first Robert K. Dornan Show. I was 37 years of age, 36 years of age. I had just won two Emmys for a local show. My reward was 90 minutes live on Saturday night in the second biggest market on the planet, Los Angeles, and environs. I pointed to this bracelet and said I will wear this, to the first guest on my first show. I stayed on the air for 6 years straight, combining both shows. I said I will wear this for your heroes, for your missing-in-action, heroes, one Marine, three Air Force. They never did get back. They are heroes, those 4 wives and friends of mine who had just come back from a 5-week trip around the world, locked up in Moscow in an old hotel with no heat, 4 of us, including myself, became sick out of the 5. Bill Clinton was in Moscow that very week, January 1970, at a banquet called the Mir Banquet, same name of the Russian space satellite that is up in the sky right now, Mir means peace, a peace banquet. The guest of honor was a Senator who lasted 12 years, Eugene McCarthy, otherwise a loyal Catholic, there he is in the Evil Empire in the heart of it, in Moscow, in the shadow of the Kremlin, literally across the street from the Kremlin in the National Hotel.

□ 1630

Twenty-three year old Bill Clinton ditching class at Oxford, where he never went to school, never earned his degree, just demonstrated against his country in a foreign land. He is in town. Ross Perot is in Copenhagen with a plane full of medicine for our POW's, which he had just flown in from Vientiane, Laos, home of the Montagnard people. He was told he could fly into Moscow if he would go into Copenhagen. Moscow keeps him on the ground, never does let him in.

I am under arrest with four wives, Pat Hardy, Pat Burns, Carol Hanson, now Carol Hanson Hickerson, and Connie Hessel, an African-American lady whose Colonel husband was head of academics at our gunnery school. Said he did not have to go. Did not have to go. Said it was his duty to go. Never heard from again. Direct hit from a SAM on his F–4 Phantom.

I am with these wives, locked in a hotel. Clinton is in town being wined and dined as one of the sympathetic students who had organized the fall offensive named by the Communists for sympathetic demonstrations in Finland, Stockholm, Oslo, Norway, Paris, Clinton ran the ones in London, New York, here in the District of Columbia, Los Angeles, San Francisco, and Chicago. All around the world, a huge pro-Communist outpouring of love and affection for the Communist killers in Hanoi who meant to conquer, and eventually did, the freedom loving people in South Vietnam. What a week.

And I come home from that trip a month later, and God rewards me with the Robert K. Dornan Show, which led to me in the district that was the prime aerospace district in the country, represented then by the wealthiest man in the House, tough district, that show obviously gave me the name recognition to come to Congress 20 years ago.

So that date, February 7, the debut of the Robert K. Dornan Show, was special. So, of course, when it fell on a House day, in session, the 25th anniversary bracelet, 40th for my Air Force wings, I said ''Today is the day I come to the well.''

I do not live in the green room at ''Meet the Press'' like certain Senators. I did not have a nickel in the bank at that time. But I said, I think my words were, I am going to launch a mission that will be one of the great adventure of my life. And I am still a declared candidate. Buchanan, Jesuit educated Catholic, Keyes, the same, loyal Catholic, and DORNAN. And the winner, a hero of mine, BOB DOLE, always said he would win from day one. That is why I never raised much money. But I am still in.

It has been that great adventure I expected. I came in, announcing February 7, 1995, and then the formal announcement on Jefferson's birthday, April 13, at the Law Enforcement Memorial up here in Judiciary Square, to begin a trip up the east coast so that on Easter Sunday at the church where I was baptized, St. Patricks Cathedral, 7th biggest church on Earth, where my parents were married in 1929, I would renew my wedding vows, because it was my 40th anniversary, on my wife's birthday. I married her on her 21st birthday.

It was quite a day, ruined a little bit by Connie Chung and a weird show called ''TV Nation,'' pretending they were the BBC, lying in my face, tracking us all day with cameras in our face, out to the Statue of Liberty, ruining a day with 9 grandchildren, now 10. And we went up to New Hampshire, went to the birthplace of the Republican Party, nine grandkids running all over, Sally and I in the glow of our 40th anniversary and Sally's birthday. It began the formal part of the campaign.

I announced at Jefferson's Memorial that I had a message for my country. It

was very similar to Jerry Brown's message that man does not live by bread alone, we had a moral crisis in the White House, and that we had a moral crisis in our country. That we were heading toward financial bankruptcy, and that is what we have been debating here all day long and passed by voice vote, both sides are so exhausted and the White House is a little unsure of their polling numbers and their focus groups, by voice vote a few minutes ago, we continue the Government for another 2 or 3 weeks with a continuing resolution.

We still have half the Government unfunded by last year's authorization bill, and we are already into markup. I am the chairman of two subcommittees here, only two of us chair two subcommittees, because the two intelligence subcommittees do not count. That is the dark secret world. But I am the military personnel chairman, and I have had my hearings all jammed together and rushed in 6 weeks, and now I have to write, ''markup'' we call it, for next year's defense authorization.

Clinton signed this year's defense authorization on February 10. He took out three of the things that I worked on here for the last 20 years. He took out national missile defense, SDI is what Reagan called it, strategic defense initiative. Clinton took it out.

We are told by careful polling that 80 percent of the people who visit this Chamber, 80 percent of intelligent, educated, Americans across this country, do not know that if some radical state, a communist state like Cuba or Korea, or a terrorist state like Iraq or Iran, launched one, uno, O–N–E, one nuclear missile, we could track it from the time the heat appeared on the launch pad through its accelerating trajectory, its mid-course, and its final trajectory, to wiping out a total American city, a medium-sized city like Raleigh, Sacramento or Anaheim, or an entire megalopolis, like New York, this whole Beltway and all the surrounding suburbs and areas in Maryland and Virginia, or all of the whole Los Angeles area, with fallout killing people, depending on the winds, in Santa Barbara or San Diego. One missile, We can track it from launch to impact. And the death of more Americans than every earthquake, fire, down to a single home fire, every hurricane, every flood, every natural disaster, for the entire last 15,000 years, since Asia man came down the Alberta Channel between the glaciers and populated this whole hemisphere from the Bering Straits to Patagonia in Argentina. More deaths in one instant of a flash of radioactivity than every natural disaster in the history of this hemisphere, all put together, times 3 or 4. And we cannot stop that missile.

And Clinton and his Secretary of Defense, Dr. Perry, say it is too soon to defend ourselves. It is not ready yet. Let the next President do it after my second term.

Then he takes out the biggest applause standing-ovation trigger for any one of the 11 Republicans, when Wilson was hanging on and Forbes came in, they sort of replaced one another, we had 10 then, when we had 10 candidates, what I wrote for the Contract With America with JOHN DOOLITTLE of California, what was passed on this floor, what I helped put into the authorization bill, what Clinton vetoed, what we fought through two long arduous conference committees, and he finally demanded be taken out, was no U.S. troops under foreign command. When Governor Lamar Alexander said it, former governor, or Buchanan or Keyes, or Senate Leader BOB DOLE or me, it was an instant standing ovation from the crowd. No U.S. troops under U.N. or any foreign command.

Senator DOLE put it in on the other side, on the north end of this building. I put it in here. I used to sit there and somebody would whisper to me they are all taking credit for it, but you wrote it. I used to tell people, you know what Ronald Reagan had on his desk, a little sign that said if you do not care who gets credited, there is no end to what you can accomplish. But Clinton took that out, takes out defending our Nation.

By the way, we fought to get in theater missile defense. Now, what does that mean? That means that we are building a system to protect our men, now that we are putting women in combat, our women, in the field. And we also are going to protect our allies in the field as we send Patriot missiles to shoot down Scuds. You do not need to be told who is the good guys when the defense system is called Patriot and the evil system is called Scuds. But we gave that to Israel. We will protect, and Israel is working on a system we hope will work, called Arrow, a theater missile system, TMD, theater missile defense. He signed that. No, he is no fan of it, but he signed it. But he took out homeland defense.

So we defend allied foreign troops in the field, and we should, and our own troops, that is a moral obligation, but we do not defend their wives and their children or if it is a fighting mom, we do not defend Mr. Mom, who is taking care of the kids back home. Or their parents, or their grandparents, or everybody else's family. That is naked to attack. That comes out. And then we put people under foreign command. He says that is his prerogative and constitutionally it is not.

Then the third one he takes out, just as unseemly as the others, is Bosnia, Haiti, and Somalia, where 19 better men than he ever dreamed of being, died, two of them winning the Medal of Honor posthumously, dying to save Michael Durant, giving two lives for his one life. Another man was captured alive and beaten to death, their bodies torn apart, horrible story.

Clinton thinks he can do that without this House weighing in or the Senate. Clinton believes in his mind he can send us to Tibet tomorrow, and we have no role. He thinks he can send the 82d Airborne to bail out Tibet and recapture the big temple there and send the Dalai Lama home.

Now, it sounds absurd. He is not going to do it. He probably never thought about it. But constitutionally, he thinks he can send the 101st Airmobile, a former paratrooper unit, back to Rwanda. He has not sent them there, but he thinks he can send them there again. He thinks he can go back to Somalia in an election year if he feels like it, to get rid of that 19-man death and the 104 others wounded in his adventure there when Bush said we are through, we are finished, we fed 3,050,000, we are out of there. Operation Hope is closed down. And Clinton said let us help the U.N., let us avenge the 29 Pakistanis who were disemboweled. Let us go back and arrest Aideed.

Two weeks after our heroes were killed. They would not dare ask Army men to defend him. Aideed was ordered to be defended by U.S. Marines, but put on an armed C–12 Beachcraft and sent down to a seminar in Addis Ababa, the man whose people just murdered and cut the bodies apart of 19 of our heroes, the helicopter crew with the five dragged through television, desecrated before our eyes. The worst, mercifully not shown on American or some European channels, showed the full horror of it.

What is it that he thinks he can do this, because of one line in the Constitution? One line in this small Constitution of ours that says no, that the President's job is the commander-in-chief, period. That means when we declare war, when we decide what foreign operation will be undertaken, a smart war hero Senator actually said, Jefferson set the precedent. He sent a naval force and Marines over to the Barbary Coast. The Marines still sing about going to the shores of Tripoli. The truth is 180 degrees the opposite. Get educated, U.S. Senate.

Our Congress ordered our second President, John Adams, our third President, the aforementioned Thomas Jefferson, and the following father of our Constitution, 5-foot dynamite James Madison, we ordered them from this Chamber and the U.S. Senate 10 times with public law, go get the Barbary pirates. Jefferson is recorded, you can find it in his own handwriting in the archives or our Library of Congress, where he says as President, No. 3, as President, I cannot order our military to do anything but defend these 13 colonies if attacked, unless the Congress orders me to do something else. And now I came across a story refreshing my memory that the dean of Washington reporters, I believe it was Sarah McClendon, said to President Lyndon Baines Johnson, you do not have the constitutional right to have 400 young men die every week in Vietnam. The Tonkin Gulf thing was a resolution. It is 6 years old. You cannot continue this. That was 1964, he was out by 1968. She said it is 3 years old.

□ 1645

You cannot continue this. He says, I have got the constitutional power. And that is what Clinton thinks. So he takes No. 3 out of the bill that he says that we infringed upon his constitutional power to demand that the U.S. Congress, under its constitutional authority, article I, section 8, says, we shall raise armies, build navies, and maintain them. Do you know that I am the chairman of the military personnel committee, Mr. Speaker? I know you know this. And Senator DAN COATES of Indiana, replaced Dan Quayle, is the military personnel chairman over there. Do you know we have the authority to change the color of the military uniforms, override the Joint Chiefs? We decide how much they will be paid, what their housing will be like, how big the units will be, how many ships will sail, whether we are going to buy the F–22, whether we are going to make more F–15's, 14's, 16's, 18's, what we are going to do with the Harrier, the AV–8B, the vertical takeoff aircraft we are rebuilding, 10 to 20 of them, for night radar capability, an amazing system that after three decades walks away with every air show. We decide what kind of basic allowance for quarters. I just raised it 5.2 percent, got the Senate to go along with it and it is law now.

I put into the last bill that people who have the AIDS virus, are infected with the AIDS virus, and will probably die, not before 10 years, we hope, that is what we have extended it to if they live a clean life, exercise, and eat nutritious food, there are 1,049 in the military. They are not deployable. The three surgeons general said they must be brought home from Bosnia or Haiti or other misadventures. They can never be assigned to Korea, to Japan, to Europe. They cannot be a marine guard in an Embassy in any of the 191 nations in the world, 185 in the United Nations, including us, 7 others, 192 nations, including us, our status of treaty says that not a single nation in the world, 191, including the 6 not in the United Nations, that is like Taiwan, Switzerland, Tonga, Nauru, no nation wants an HIV-infected American citizen in uniform in their countries. And they will never go in combat again.

If a person tests HIV positive in Bosnia, he is brought home. He is grounded from his helicopter or his aircraft; he will never fly again. All of the technical schools, the training, it is all flushed. It is gone. Then we put out of the military, or do not recruit someone out of high school new, and give him the job of somebody we have let go who did not get infected with the HIV virus. It is an unbelievable story.

I passed it in the House, in subcommittee, committee. They would not debate it on the floor. Nobody would try to challenge me. They thought they would do it in the other Chamber. It got through two hard-fought conferences. And when Clinton vetoed the bill, he griped about national defense, stopping him from these adventures like Somalia, Bosnia, and Haiti, and United States troops under foreign command. He said that is his constitutional right. It is not. Even somebody as smart and as excellent a leader as BOB DOLE slipped and said, I know it is his constitutional right to send the troops to Bosnia. It is not. He said, but I do not think they should go. We should arm the Moslems. But even he did not understand fully the history of this. So when Clinton finally signed the defense authorization with 10 things in it that I had worked on, no more abortions in military hospitals. I won that battle. The staff did not even want me to do it. Do not, it is too contentious. We will lose on the floor. We won on the floor, 7 times. We won. The Senate tried to take it out. We beat them in conference twice. And Clinton with his own pen, I wish he would send me that pen, undid one of his five culture-of-death Executive orders. He had to undo it because of this Congressman from southern California. One down, four to go of the culture of death. They did not gripe about that one.

But guess what? Clinton says, you took out defending the homeland, the heartland of America or its big cities. I get to put people under U.N. foreign command. I get to send people to Bosnia, Somalia, Tibet, or any cockamamie place I darn well feel like, but I feel bad about this HIV thing. This is mean-spirited, bigoted. Goes on and on and then says, you people out there who want to sue this, sue the Government, sue the military, do it. My Justice Department, Janet Reno, will not counter it. You can sue with impunity. Meanwhile, homosexuals in the military, Janet Reno's Justice Department people are supporting the military policy, as screwed up and contradictory as it is, thanks to Les Aspin, Lord rest his soul and this confused President on this moral, cultural issue.

He is not going to, he is going to support the military orders there in this dumb mixed up policy on homosexuals in the military, but go ahead and sue on HIV.

So guess what, 3 hours ago, the conference of Senators and House Committee on Appropriations members still cannot decide whether they are going to try without a hearing, try without a hearing, without a bill, without an amendment on the Senate side, without any voting over there, they are going to try and strip out the Dornan language and keep HIV-AIDS-infected people on active duty who are jerked out of all their jobs that have anything to do with combat, even combat support, and who cannot go anywhere in the world, not even Hawaii or Alaska, let alone possessions like Puerto Rico, Guam, Samoa, the Virgin Islands, stay in the American States.

The figures here, most are in California and Virginia, two States with the highest land values and the highest tourist budgets. Unbelievable that he would make an issue out of that, February 10. But that is the constitutional power of Congress under article I, section 8, to decide the total parameters of the size, pay and composition, and equipment of our military.

Clinton thinks they are his toys to be used for photo ops. I will make a charge on the floor right now, Mr. Speaker, that I have been studying for months. The entire intelligence process at the highest levels in Haiti has been politically debauched and compromised. The Aristide government, this man that the Vice President, Mr. Clinton tried to lionize, Aristide, this defrocked cleric, this man who publicly, I have heard it on tape, bragged about how the smell of burning flesh was exciting, telling people to put tires around people's necks and burn them alive with those tires, this defrocked cleric Aristide ordered through his Interior Ministry the death, the assassination of competitors in the recent Presidential election down there.

We found out about these assassination threats. And through a political destruction, and I cannot go any further than this, because of certain responsibilities I have here, because in the politicizing of our intelligence, people died. There are still reports bottled up on Somalia and Bosnia, 17 men dead, NATO Allies, 15, 2 of them our people, dozens injured, land mine accidents, bobby trap bombs in the buildings in Sarajevo, which I drove through a few weeks ago, thinking about my trip there in 1991 on the eve of the dissolution of the Communist cobbled together 8 provinces of the former Yugoslavia. I could hardly recognize this beautiful city of Sarajevo, the Olympic city of the same year that we had the Olympics in my Los Angeles, the Winter Olympics of 1984. Went by the beautiful stadium where Scott won the gold medal, I forget his last name. Now he is a narrator for skating events. That whole stadium collapsed, became a graveyard, the Olympic areas and fields mass graves, unbelievable what they did to themselves there. But 3 years before we used the air power, which I supported, to stop this sniping of women and children, killing mothers in front of their sons or vice versa.

I told George Bush, put a helicopter raid on those concentration camps. Look at this cover of Newsweek, Mr. President. What is this, Auschwitz all over again? What about the ringing words from the Holocaust, ''never again.'' Put about 20 Blackhawks in there. Give them 20 Apaches or Cobra gunships to give them cover. Shoot up the gun towers. They will all run for the tall grass when they see 20 Apaches coming over the nape of the land and put all those prisoners whether they are Moslem-, Bosnian-, or mostly Serbian-held prisoners, put them in helicopters and take them to Strasbourg, France, dump them on the steps of the European Parliament. Not dump them, with great dignity and respect, after we fed them and clothed them, ''present'' them is the word I want for the European Parliament. And tell

them, you vowed never again, these are European human beings. What are you doing? Good idea, BOB, good plan. Cannot get involved. Not our deal.

I said, what are you going to do, wait for the Europeans until the death toll is so bad that we will have to get involved. Then Clinton fritters away 3 years. Now we are in there when there are so many blood debts built up over the last 4 years and they are still killing one another, still burning homes in the suburbs, that I drove through, of Sarajevo. Unbelievable that we are involved also on the ground to relieve what I said when I opened up, European young men and women to work in their industries, to build Airbus aircraft at Air France in Toulouse, France so they can sell them to our big airlines here.

Let me close, Mr. Speaker, on a few notes on the greatest health tragedy to ever hit the United States of America.

Mr. Speaker, nobody has made as many speeches on the floor of the House or on the floor of the Senate about AIDS as I have. Not Mr. Dannemeyer, who is retired, 4 years ago, not Mr. WAXMAN, when he was chairman of the Health Committee and Subcommittee of Commerce, no one has made as many speeches as I have.

My speeches have been rooted in mercy and compassion, and I have voted for every AIDS money appropriation in my last 10 years that I have been here because this is young people dying in their prime, where cancer and cardiac problems hit people generally at the later end of their life. Here are the new figures that I got out of the Atlanta Centers for Disease Ccontrol.

Mr. Speaker, you are an historian. You know that depending on your encyclopedia, 295,000 people died in combat in World War II or 312,000 is the high number. AIDS deaths, as of New Year's Eve, 315,928. We have 513,486 infected with AIDS and over 1 million positive with the human immunodeficiency virus, 1 million infected, half a million with AIDS and 62.3 percent dead. Let me add to that, children, almost 4,000, 3,921, for a cumulative total of 319,849.

You can add to that Dr. Koop, the former surgeon general, told me 30 to 40,000 who died in 1981, 1982, 1983, 1984, where the doctors, mercifully to protect the family, only put down the proximate cause of death, heart, lungs, pneumonia, cancer, and did not say it was caused by a breakdown in their immune system.

So the figure is closer to 350,000, 50,000 more than died in the jungles, the deserts, the Arctic, the sea, the air, all over this planet in World War II, Americans. Now we are heading toward the Civil War figure. We have already passed Civil War combat deaths, but pneumonia, disease, and Andersonville, the Auschwitz of its time, we lost 618,000, another half a decade and we will pass the Civil War death toll. Never has a disease ever cut down so many young Americans, and it has always been handled as a public relations problem, never as a pandemic, that is a worldwide epidemic, a pandemic killing plague, because people's reputations are more important than saving those innocent victims, those 4,000 children.

My heart goes out to the 1,049 people in our military. I am going to find out who is an innocent victim. I will prevail over Mr. Clinton again. During this break I am going to become a walking encyclopedia with visits to Walter Reed, Bethesda, and maybe to San Antonio's Wilford Hall, Air Force. I will not be beaten on this by Senator KENNEDY who does not have a clue of what this is all about.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; and

H. Con. Res. 157. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message also announced that pursuant to Public Law 103–432, upon the recommendation of the majority leader, Jo Anne B. Barnhart of Virginia, Martin H. Gerry of Kansas, Gerald H. Miller of Michigan; and upon the recommendation of the minority leader, Paul E. Barton of New Jersey are named to the Advisory Board on Welfare Indicators.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. GOODLING (at the request of Mr. ARMEY), for today until 1 p.m., on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOODLATTE) to revise and extend their remarks and include extraneous material:)

Mr. BUYER, for 5 minutes, today.

Mrs. CUBIN, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MOAKLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. TRAFICANT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3136. An act to provide for enactment of the Senior Citizen's Right to Work Act of 1996, the Line Item Veto Act, And the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit; and

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. (Mr. BARTLETT of Maryland). Pursuant to the provisions of House Concurrent Resolution 157 of the 104th Congress, the House stands adjourned until 12:30 p.m. on Monday, April 15, 1996, for morning hour debates.

Thereupon (at 5 p.m.), pursuant to House Concurrent Resolution 157, the House adjourned until Monday, April 15, 1996, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2316. A letter from the Director, Test, Systems Engineering and Evaluations, Department of Defense, transmitting a letter notifying Congress of the intent to obligate funds for fiscal year 1996 Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

2317. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 11th monthly report as required by the Mexican Debt Disclosure Act, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

2318. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Turkey (Transmittal No. 16–96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2319. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–238, ''Retirement Reform Temporary Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2320. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–233, ''Insurance Demutualization Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2321. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–238, ''Insurance Redomestication Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2322. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–237, ''Safe Streets Anti-Prostitution Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2323. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–236, ''Human Remains Decisions Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2324. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–232, ''Anatomical Gift Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2325. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–231, ''Learner's Permit Amendment Act 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2326. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–230, ''Insurance Industry Material Transactions Disclosure Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2327. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–229, ''Merit Personnel Early Out Retirement Revisions Amendment Act of 1996,'' pursuant to D.C. Code, Section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–228, ''Insurance Confidentiality of Information Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2329. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–227, ''Henry J. Daly Building Designation Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2330. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–235, ''Insurance State of Entry Act of Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2331. A letter from the Secretary of Veterans Affairs transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2332. A letter from the Chairman, Federal Election Commission, transmitting proposed FEC form 5, the form to be used by persons other than political committees to report independent expenditures, pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

2333. A letter from the Administrator, Federal Aviation Administration, transmitting a copy of the updated aviation system capital investment plan [CIP], pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

2334. A letter from the Chairman, Federal Election Commission, transmitting the Commission's fiscal year 1997 budget request justification and its fiscal year 1996 supplemental appropriation request, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on Appropriations and House Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASICH: Committee on the Budget. H.R. 842. A bill to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund; adversely (Rept. 104–499, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCINNIS: Committee on Rules. House Resolution 395. Resolution providing for consideration of the joint resolution (H.J. Res. 159) proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes (Rept. 104–513). Referred to the House Calendar.

Mr. QUILLEN: Committee on Rules. House Resolution 396. Resolution providing for consideration of the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund (Rept. 104–514). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2747. A bill to direct the Administrator of the Environmental Protection Agency to make grants to States for the purpose of financing the construction, rehabilitation, and improvement of water supply systems, and for other purposes; with an amendment (Rept. 104–515). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON BILLS INITIALLY REFERRED UNDER TIME LIMITATIONS

Under clause 5 of rule X, the following actions were taken by the Speaker:

H.R. 995. The Committee on Commerce discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

H.R. 3070. The Committees on Ways and Means, the Judiciary, and Economic and Educational Opportunities discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CALVERT:

H.R. 3198. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Resources.

By Mr. BURR (for himself, Mr. GREENWOOD, Mr. RICHARDSON, Mr. BILIRAKIS, Mr. TOWNS, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. KLUG, Ms. ESHOO, Mr. UPTON, Mr. GORDON, Mr. BILBRAY, Mr. BREWSTER, Mr. COBURN, Mr. DOOLEY, Mr. GANSKE, Mr. MCHALE, Mr. OXLEY, Mr. PAYNE of Virginia, Mr. FIELDS of Texas, Mr. ROSE, Mr. PAXON, Mr. HOLDEN, Mr. TAUZIN, Mr. SCHAEFER, Mr. FOX, Mr. FUNDERBURK, Mr. CAMPBELL, Mr. MCINTOSH, Mr. COX, Mr. DREIER, Mr. HEINEMAN, Mr. WELDON of Florida, Mr. SHAYS, Mr. HASTERT, Mr. NORWOOD, Mr. BURTON of Indiana, Mr. FRAZER, Mr. STEARNS, Mr. FRISA, Mr. RAMSTAD, Mr. MARTINI, and Ms. DUNN of Washington):

H.R. 3199. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biological products, and for other purposes; to the Committee on Commerce.

By Mr. KLUG (for himself, Mr. GREENWOOD, Mr. TOWNS, Mr. BILIRAKIS, Mr. RICHARDSON, Mr. BURR, Mr. HALL of Texas, Mr. BARTON of Texas, Mr. GORDON, Mr. UPTON, Mr. BREWSTER, Mr. BILBRAY, Mr. PAYNE of Virginia, Mr. COBURN, Mr. DOOLEY, Mr. GANSKE, Mr. MCHALE, Mr. OXLEY, Mr. HOLDEN, Mr. FIELDS of Texas, Mr. PAXON, Mr. WHITFIELD, Mr. SCHAEFER, Mr. TAUZIN, Mr. FOX, Mr. CAMPBELL, Mr. MCINTOSH, Mr. COX, Mr. DREIER, Mr. HEINEMAN, Mr. FUNDERBURK, Mr. WELDON of Florida, Mr. SHAYS, Mr. HASTERT, Mr. NORWOOD, Mr. FRAZER, Mr. STEARNS, Mr. FRISA, Mr. RAMSTAD, Mr. MARTINI, and Ms. DUNN of Washington):

H.R. 3200. A bill to amend the Federal Food, Drug, and Cosmetic Act to increase access to nutritional information about foods, to increase the availability of safe food products, and for other purposes; to the Committee on Commerce.

By Mr. BARTON of Texas (for himself, Mr. GREENWOOD, Mr. RICHARDSON, Mr. BILIRAKIS, Mr. HALL of Texas, Mr. GORDON, Mr. BURR, Ms. ESHOO, Mr. COBURN, Mr. BREWSTER, Mr. KLUG, Mr. DOOLEY, Mr. GANSKE, Mr. MCHALE, Mr. BILBRAY, Mr. PAYNE of Virginia, Mr. OXLEY, Mr. HOLDEN, Mr. FIELDS of Texas, Mr. PAXON, Mr. SCHAEFER, Mr. TAUZIN, Mr. FOX, Mr. UPTON, Mr. CAMPBELL, Mr. MCINTOSH, Mr. COX, Mr. DREIER, Mr. HEINEMAN, Mr. FUNDERBURK, Mr. WELDON of Florida, Mr. HOSTETTLER, Mr. SHAYS, Mr. HASTERT, Mr. NORWOOD, Mr. BURTON of Indiana, Mr. FRAZER, Mr. STEARNS, Mr. FRISA, Mr. RAMSTAD, Mr. MARTINI, and Ms. DUNN of Washington):

H.R. 3201. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, clearance, and use of devices to maintain and improve the public health and quality of life of the citizens of the United States; to the Committee on Commerce.

By Mr. DEFAZIO:

H.R. 3202. A bill to decrease military spending to a sensible level by reducing force structure, major weapons system procurement, and other programs; to the Committee on National Security.

By Mr. BILBRAY (for himself and Ms. DUNN of Washington):

H.R. 3203. A bill to require the administrative agency responsible for adjudicating

claims under the workers' compensation provisions of title 5, United States Code, to follow certain procedures in seeking medical opinions; to the Committee on Economic and Educational Opportunities.

H.R. 3204. A bill to require the administrative agency responsible for adjudicating claims under the workers' compensation provisions of title 5, United States Code, to select board certified physicians to provide second opinions; to the Committee on Economic and Educational Opportunities.

H.R. 3205. A bill to change the appeals process in the workers' compensation provisions of title 5, United States Code; to the Committee on Economic and Educational Opportunities.

By Mr. CHRISTENSEN (for himself, Mr. HAYES, Mr. NEUMANN, Mrs. MYRICK, and Mr. FOX):

H.R. 3206. A bill to amend title 18, United States Code, with respect to Federal prisoners, and for other purposes; to the Committee on the Judiciary.

By Mr. BAKER of California (for himself, Mr. BEREUTER, Mr. BROWN of California, Mr. CALVERT, Mrs. CLAYTON, Mr. COX, Mr. DICKS, Mr. DELLUMS, Mr. EHLERS, Ms. ESHOO, Mr. FARR, Mr. FUNDERBURK, Mr. GENE GREEN of Texas, Mr. HASTERT, Mr. JACOBS, Mr. PARKER, Mr. ROGERS, Mr. ROYCE, Mr. ROTH, Mr. TAYLOR of North Carolina, Mr. TOWNS, Mr. WELDON of Florida, Mr. WILSON, and Mr. WISE):

H.R. 3207. A bill to amend the Communications Act of 1934 to facilitate utilization of volunteer resources on behalf of the amateur radio service; to the Committee on Commerce.

By Mr. BASS:

H.R. 3208. A bill to amend the Federal Election Campaign Act of 1971 to strengthen certain provisions relating to independent expenditures, and for other purposes; to the Committee on House Oversight.

By Mr. BEREUTER:

H.R. 3209. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount deferrable under a 457 plan for any year to the amount deferrable for such year under a 401(k) plan, and to require that amounts in 457 plans be held in trust; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 3210. A bill to amend the Bank Holding Company Act of 1956 to clarify that the Board of Governors of the Federal Reserve System has full discretion with regard to the type and amount of information required to be included in an application to become a bank holding company or to acquire a bank, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FAWELL:

H.R. 3211. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Economic and Educational Opportunities.

H.R. 3212. A bill to amend the Fair Labor Standards Act of 1938 to provide a limited overtime exemption for employees performing emergency medical services; to the Committee on Economic and Educational Opportunities.

By Mr. FORBES:

H.R. 3213. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 relating to the dumping of dredged material in Long Island Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of Connecticut:

H.R. 3214. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a brownfield cleanup loan program; to the Committee on Commerce, 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. HAYWORTH:

H.R. 3215. A bill to amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, Mr. FRANKS of New Jersey, and Mr. HORN):

H.R. 3216. A bill to amend the Occupational Safety and Health Act of 1970 to require that inspections of construction sites carried out under that act shall be conducted by inspectors who have been trained pursuant to standards established by the Secretary of Labor; to the Committee on Economic and Educational Opportunities.

By Mr. LATOURETTE (for himself, Mr. SAXTON, Ms. LOFGREN, Ms. RIVERS, Ms. KAPTUR, Mr. GILCHREST, Mr. STUPAK, Mr. QUINN, Mr. RAMSTAD, Mr. MILLER of California, Mr. OBERSTAR, Mr. MEEHAN, Mr. FRANKS of New Jersey, Mr. PETRI, Mr. HOKE, Mr. EHLERS, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, and Mrs. MORELLA):

H.R. 3217. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE:

H.R. 3218. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that a portion of their income tax refunds be retained by the United States for use for certain public purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Commerce, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York (for himself, Mr. BEREUTER, Mr. HAYWORTH, and Mr. JOHNSON of South Dakota):

H.R. 3219. A bill to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SALMON (for himself and Mr. STEARNS):

H.R. 3220. A bill to provide for the opportunity for the families of murder victims to attend the execution of the murderers; to the Committee on the Judiciary.

By Mr. SANDERS:

H.R. 3221. A bill to amend the Electronic Fund Transfer Act to prohibit the imposition of certain additional fees on consumers in connection with any electronic fund transfer which is initiated by the consumer from an electronic terminal operated by a person other than the financial institution holding the consumer's account and which utilizes a national or regional communication network; to the Committee on Banking and Financial Services.

By Mr. SANDERS (for himself, Mr. STARK, Ms. MCKINNEY, Mr. DELLUMS, Mr. HILLIARD, and Mr. FRAZER):

H.R. 3222. A bill to prohibit gag rule clauses, improper incentive programs, and indemnification clauses in health care insurance contracts and health care employment contracts, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Economic and Educational Opportunities, 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. SCHIFF (for himself, Mr. MCCOLLUM, Mr. COBLE, Mr. SKEEN, Mr. FROST, Mrs. MYRICK, and Mr. LATOURETTE):

H.R. 3223. A bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a second serious violent felony or serious drug offense; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself and Mr. SHAYS):

H.R. 3224. A bill to improve Federal efforts to combat fraud and abuse against health care programs, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Government Reform and Oversight, Ways and Means, and 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. SHAYS (for himself, Mr. SCHIFF, and Mr. BARRETT of Wisconsin):

H.R. 3225. A bill to amend title XVIII of the Social Security Act to expedite payment adjustments for durable medical equipment under part B of the Medicare Program based upon inherent reasonableness; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself and Mr. MILLER of California):

H.R. 3226. A bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, 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. STUPAK:

H.R. 3227. A bill to amend title 23, United States Code, relating to the statewide planning process to provide for greater participation by elected officials having jurisdiction over transportation in nonmetropolitan areas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. VELÁZQUEZ (for herself, Mr. GUTIERREZ, Mrs. KENNELLY, Mr. KENNEDY of Massachusetts, Mr. SERRANO, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, and Ms. ROS-LEHTINEN):

H.R. 3228. A bill to require the Secretary of the Treasury to mint coins in commemoration of all the brave and gallant Puerto Ricans in the 65th Infantry Regiment of the United States Army who fought in the Korean conflict; to the Committee on Banking and Financial Services.

By Mr. VENTO:

H.R. 3229. A bill to require that wages paid under a Federal contract are greater than the local poverty line, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. LIVINGSTON:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal

year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. LANTOS:

H.J. Res. 171. Joint resolution proposing an amendment to the Constitution to permit the Congress to limit contributions and expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Con. Res. 157. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. BROWDER:

H. Con. Res. 158. Concurrent resolution instructing the Architect of the Capitol to recommend measures to recognize, through the National Statuary Hall, the ongoing contributions of all American citizens, including women; to the Committee on House Oversight.

By Ms. VELAZQUEZ (for herself, Mr. GUTIERREZ, Mrs. KENNELLY, Mr. KENNEDY of Massachusetts, Mr. SERRANO, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Ms. ROS-LEHTINEN, and Mr. UNDERWOOD):

H. Con. Res. 159. Concurrent resolution expressing the sense of the Congress that the heroism of the brave and gallant Puerto Ricans in the 65th Infantry Regiment of the United States Army who fought in the Korean conflict should be commemorated; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY:

H. Res. 397. Resolution electing Representative JAMES A. HAYES of Louisiana to the Committee on Ways and Means; considered and agreed to.

By Mr. ENGEL (for himself, Mr. GILMAN, Mr. NADLER, Mr. SAXTON, Mr. DEUTSCH, and Mr. MCNULTY):

H. Res. 398. Resolution condemning the construction of a shopping center within the internationally protected zone around the Auschwitz death camp in Poland; to the Committee on International Relations.

By Mr. PAYNE of New Jersey (for himself, Mr. CHABOT, Mrs. CLAYTON, Mr. CONYERS, Ms. MCKINNEY, Mr. BEREUTER, Mr. OWENS, and Mr. WYNN):

H. Res. 399. Resolution expressing the sense of the House of Representatives with respect to the promotion of democracy and civil society in Zaire; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. SCHAEFER.

H.R. 103: Mr. KLINK, Mr. DIAZ-BALART, and Mr. BRYANT of Texas.

H.R. 294: Mr. FATTAH and Ms. PELOSI.

H.R. 324: Mr. LUTHER and Mrs. CLAYTON.

H.R. 452: Mr. DIAZ-BALART and Mr. STUPAK.

H.R. 468: Mr. REGULA.

H.R. 500: Mr. DICKEY.

H.R. 528: Mr. TIAHRT.

H.R. 820: Mr. GOODLING and Mr. TRAFICANT.

H.R. 1023: Mr. DORNAN and Mr. LATHAM.

H.R. 1119: Mr. SANDERS.

H.R. 1171: Mr. MCCOLLUM and Mr. COX.

H.R. 1297: Mr. QUILLEN.

H.R. 1386: Mr. SCHAEFER, Mr. BONILLA, and Mr. BRYANT of Tennessee.

H.R. 1406: Mr. SPENCE.

H.R. 1492: Mr. WELDON of Florida.

H.R. 1514: Mr. BATEMAN, Mr. COSTELLO, Mr. SMITH of Texas, Mr. MCDADE, Mr. PORTER, Mr. BARRETT of Nebraska, Mr. LEWIS of Georgia, Mr. TORRES, and Mr. ALLARD.

H.R. 1552: Mr. FRELINGHUYSEN, Mr. BRYANT of Texas, Mrs. LOWEY, Ms. MCKINNEY, Ms. NORTON, Mr. CUNNINGHAM, and Ms. WOOLSEY.

H.R. 1661: Mr. HOSTETTLER, Mr. GORDON, Mr. ZELIFF, and Mr. WELDON of Pennsylvania.

H.R. 1662: Mrs. MEEK of Florida and Mr. CRAMER.

H.R. 1684: Mr. PARKER, Mr. GEPHARDT, and Mr. ENGLISH of Pennsylvania.

H.R. 1711: Mr. DOOLITTLE.

H.R. 1802: Mr. BEILENSON.

H.R. 1953: Mr. BATEMAN.

H.R. 1972: Mr. YOUNG of Florida and Mr. COSTELLO.

H.R. 2011: Mr. BROWN of Ohio.

H.R. 2019: Mr. HUTCHINSON.

H.R. 2026: Ms. PELOSI, Mr. BEILENSON, Mr. GINGRICH, Mr. MASCARA, and Mr. FALEOMAVAEGA.

H.R. 2086: Mr. BEREUTER.

H.R. 2087: Mrs. CUBIN.

H.R. 2143: Ms. ESHOO and Mr. BERMAN.

H.R. 2178: Mr. GEJDENSON.

H.R. 2192: Mr. COSTELLO.

H.R. 2193: Mr. PETE GEREN of Texas, Ms. MCKINNEY, Mr. FOX, Mr. FALEOMAVAEGA, Mr. BONILLA, and Mr. STENHOLM.

H.R. 2247: Mrs. CLAYTON, Mr. FRANK of Massachusetts. Mr. FRAZER, Ms. ROYBAL-ALLARD, and Mr. WILLIAMS.

H.R. 2250: Mr. RIGGS.

H.R. 2391: Mr. SOLOMON and Mr. SHADEGG.

H.R. 2400: Mr. SPENCE.

H.R. 2421: Mr. TORKILDSEN, Mr. FLAKE, Ms. MOLINARI, Mr. QUINN, Mr. LAFALCE, and Mr. RANGEL.

H.R. 2470: Mr. COBURN.

H.R. 2489: Mr. BEILENSON, Ms. BROWN of Florida, Mr. BURTON of Indiana, Mr. COBURN, Mr. FOX, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mrs. MALONEY, Ms. MOLINARI, Mr. OBERSTAR, Mr. PETRI, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Ms. WATERS, and Mr. WELLER.

H.R. 2548: Mr. PAYNE of New Jersey and Mr. BILBRAY.

H.R. 2579: Mr. THOMAS, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. WATT of North Carolina, Ms. WOOLSEY, Mr. WAXMAN, Mr. NADLER, Mr. OBERSTAR, Mr. DAVIS, Ms. LOFGREN, and Mr. LUTHER.

H.R. 2699: Mr. DICKS, Ms. JACKSON-LEE, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. DOYLE, Mr. JEFFERSON, Mrs. CLAYTON, Mr. PAYNE of New Jersey, Mrs. MEEK of Florida, Mr. TOWNS, Mr. CLAY, Mr. THOMPSON, Mr. BISHOP, and Mr. CHABOT.

H.R. 2727: Mr. HOSTETTLER.

H.R. 2741: Mr. BURR, Mr. PACKARD, and Mr. MOORHEAD.

H.R. 2757: Mr. PAYNE of Virginia, Mr. THORNBERRY, Mr. METCALF, and Mrs. CLAYTON.

H.R. 2823: Mr. TRAFICANT, Mr. RIGGS, Mr. ACKERMAN, and Mr. ALLARD.

H.R. 2875: Mr. WELLER and Mr. RANGEL.

H.R. 2900: Mr. FIELDS of Texas, Mr. EVERETT, Mr. UPTON, Mrs. SMITH of Washington, Mr. BURTON of Indiana, Mr. RAHALL, and Mr. SCHIFF.

H.R. 2919: Mr. LIPINSKI.

H.R. 2922: Mrs. THURMAN.

H.R. 2959: Mr. QUINN.

H.R. 2986: Mr. VENTO, Mr. NEY, and Mr. HINCHEY.

H.R. 3004: Mr. THORNTON and Mrs. CLAYTON.

H.R. 3022: Mr. FRAZER, Ms. NORTON, Mr. HILLIARD, Mr. PAYNE of New Jersey, Mr. YATES, Ms. MCKINNEY, and Mr. PALLONE.

H.R. 3030: Ms. WOOLSEY, Ms. MCKINNEY, Mr. HILLIARD, Mr. WAXMAN, Mr. TORRES, Mr. MATSUI, Mr. MORAN, Mr. DELLUMS, and Ms. LOFGREN.

H.R. 3050: Mrs. CLAYTON.

H.R. 3052: Mrs. LOWEY, Ms. NORTON, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. DELLUMS, Mr. FROST, Mr. QUINN, Mr. FOX, Ms. MCKINNEY, Mr. FRAZER, Mr. BORSKI, Mr. FAZIO of California, Ms. LOFGREN, Mr. FARR, Mr. THOMPSON, Mr. WILSON, Mr. TORRES, Mr. GEJDENSON, and Mr. EVANS.

H.R. 3067: Mr. DEFAZIO.

H.R. 3079: Mr. KLECZKA.

H.R. 3081: Mrs. CLAYTON, Mr. FARR, Mr. PAYNE of New Jersey, and Mr. FROST.

H.R. 3089: Mrs. MORELLA, Mr. PALLONE, Mr. MATSUI, Mr. MILLER of California, and Mr. KLINK.

H.R. 3104: Mr. ENSIGN and Mr. GENE GREEN of Texas.

H.R. 3119: Mr. EDWARDS.

H.R. 3130: Mr. EVANS and Mrs. CLAYTON.

H.R. 3149: Mr. RAMSTAD and Mr. HERGER.

H.R. 3152: Ms. WOOLSEY, Mr. RIGGS, Mr. FAZIO of California, and Mr. ROHRABACHER.

H.R. 3170: Mr. MARTINI and Ms. MOLINARI.

H.R. 3173: Mr. KILDEE, Ms. ROYBAL-ALLARD, and Mr. KLINK.

H.R. 3177: Mr. KLUG, Mr. ROTH, Mr. PETRI, Mr. OBERSTAR, Mr. MILLER of Florida, Mr. BARRETT of Wisconsin, and Mr. FRANK of Massachusetts.

H.R. 3195: Mr. GRAHAM and Mr. SPENCE.

H.J. Res. 70: Mr. FRAZER.

H. Con. Res. 47: Mr. DEFAZIO, Mr. MORAN, Mr. TOWNS, Mr. WELLER, and Mr. STOCKMAN.

H. Con. Res. 95: Mr. WATTS of Oklahoma, Ms. PELOSI, and Ms. NORTON.

H. Res. 30: Mr. PETERSON of Florida, Mr. BRYANT of Texas, Ms. WATERS, Mr. SCHIFF, Mr. SCHAEFER, Mr. KILDEE, and Mr. BECERRA.

H. Res. 359: Mr. BARRETT of Wisconsin, Mr. RANGEL, and Mr. DELLUMS.

H. Res. 374: Ms. DELAURO, Mr. GREENWOOD, Mrs. ROUKEMA, and Mr. MCCOLLUM.

H. Res. 378: Mr. MANTON and Mr. LIPINSKI.

H. Res. 385: Mr. BEREUTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1834: Mrs. JOHNSON of Connecticut.

H.R. 1972: Mrs. MINK of Hawaii.

H.R. 2754: Mr. QUILLEN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

[Omitted from the Record of March 22, 1996]

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Glen Browder.

[Submitted March 29, 1996]

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Patricia Schroeder, David Minge, Thomas M. Barrett, William P. Luther, Glenn Poshard, Jack Reed, Bob Inglis, Edward J. Markey, and James A. Leach.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, FRIDAY, MARCH 29, 1996 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:

Lord God, Sovereign of this Nation, we praise You for the gift of authentic hope. More than wishful thinking, yearning, or shallow optimism, we turn to You for lasting hope. We have learned that true hope is based on the expectation of the interventions of Your spirit that always are on time and in time. You are the intervening Lord of the Passover, the opening of the Red Sea, the giving of the Ten Commandments. You have vanquished the forces of evil, death, and fear through the cross and the Resurrection. All through the history of our Nation, You have blessed us with Your providential care. It is with gratitude that we affirm, ''Blessed is the Nation whose God is the Lord.''—Psalm 33:12.

May this sacred season culminating in the Holy Week before us, including Passover, Good Friday, and Easter, be a time of rebirth of hope in us. May Your spirit of hope displace the discordant spirit of cynicism, discouragement, and disunity. Hope through us, O God of hope. Flow through us patiently until we hope for one another what You have hoped for us. Then Lord, give us the vision and courage to confront those problems that have made life seem hopeless for some people. Make us communicators of hope. We trust our lives, the work of the Senate, and the future of our Nation into Your all-powerful hands. In the name of the Hope of the World. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. For the information of all Senators, this morning the Senate will conduct a period for morning business until 12:30 p.m., to accommodate a number of requests on both sides of the aisle. It is still the hope that the omnibus appropriations conference report will be available for consideration today. Senators should be aware that rollcall votes are possible throughout today's session of the Senate. The Senate may also consider any other legislative or executive items that can be cleared for action. At this time I think it is safe to say we just are not sure whether or not action will be completed on the omnibus appropriations bill, and if not, what other action may be taken; but I am sure that the appropriators will be meeting and working on this problem and trying to find a solution. As soon as information is received on that, it will be conveyed to the Senators.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 30 minutes.

Mr. THOMAS. Thank you, Mr. President. I ask unanimous consent that in that 30 minutes, I be permitted to speak for about 10 minutes, the Senator from Georgia for about 10 minutes, and the Senator from Texas for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDAMENTAL CHANGE IN THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, we are now well into this year, the second year of this congressional session, preparing to go on a recess, to go back to our districts, do our business. So it is sort of interesting to reflect a bit on where we are and I guess more importantly where we go.

It seems to me that this has been an extraordinary year, a year in which for the first time in 30 years, there has been a great effort to bring about a fundamental change in the operation of the Federal Government. Much of it, I think, results from the fact that the 1994 elections, at least to most of us, had a message. The message was, the Federal Government is too large, costs too much, and it is overregulated. And there are consequences, there are consequences to that.

Obviously, the consequence of being overregulated, one of them, is to keep a damper on the growth of the economy. It has to do with jobs, it has to do with wages. And we all want to change that.

The idea of overspending, of course, has a couple of consequences. One of them is that we enjoy the benefits, we continue to add cost to Government without paying for it, to put it on the credit card—on your credit card. And you will be paying for it.

The other is, of course, it takes more and more money from families, money that was earned by families, sent to the Government when more of it could be used by families themselves.

What has really happened over the 30 years is we tended to go ahead with the Great Society programs in the social arena. We tended to simply discuss here how much more do we put into the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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programs that have been there for a very long time. They are not all bad programs. But certainly after a number of years, there needs be to be a real look at whether or not those programs need to be there, whether, those, programs can be done more efficiently, whether, indeed, those programs can be transferred to local governments, closer to those who are governed, whether they need to be discontinued.

So I am very pleased, frankly, with this year, even though we have not come to closure on as many things as I hoped we would have. We still have an opportunity in this week. And this week has been a good week for that.

Nevertheless, the debate has changed entirely. The debate has changed from one of how much more money do we put into the program, to a real analysis of the program, a real change. Frankly, I guess being a freshman here makes it a little more exciting to help bring about that change, as the Presiding Officer would agree.

But it is something that I think most of us want to do, and we intend to continue to do that. I had the good opportunity this last week, Mr. President, as I often do, to go to schools in my district. I went to CY Junior High in Caspar, WY. They asked me to come and talk a little bit about politics and particularly the primary. I am always happy to do that. I am happy to do it for a couple reasons.

One is, of course, even though we sort of despair about politics and we call them politicians and all those things, politics is the way we govern ourselves. Politics is the way people in Caspar, WY, in my precinct where I am a precinct chairman, have input into what is done in this country, regardless of the party that they are in. So that is what politics is about. Obviously, I have urged young people to learn about it and become involved in it.

The other, of course, is the primary, which is a very interesting aspect of our society, particularly when we generally have two parties, a two-party system. So there is in general a difference between the parties. Indeed, there should be. It is legitimate that there be that. That is what gives people a choice on how they govern themselves.

Of course, generally, Republicans have been more conservative, the Republicans have been for less government, the Republicans have been for moving more government to the States. The Democrats, on the other hand, have generally supported more Federal Government and making more of the decisions there. Both of these are legitimate views. I happen to feel rather strongly about my view. I do not insist, however, that it is always correct.

But it has been interesting this week, I think, Mr. President, to see how many of the things we have talked about just in the last couple of days would tend to show that that is indeed the case.

The farm bill, we talked about the farm bill yesterday. It was a pretty clear choice as to where we go in the future. The choice is basically whether we continue to have a farm program—and I happen to come from a background of agriculture, and I can recall people, when I first got into agriculture in the 1960's, people saying, ''Hey, we have got to get out of this farm program. We have to get so we're producing for the market. We have got to get to doing something where farmers have more choices for themselves.'' We have not done that until now. Now we have an opportunity in this farm bill to move out over a period of adjustment into the marketplace, where we ought to be. It is pretty clear, a pretty clear division. We could see it on the floor yesterday.

Health care—we will work today, we will work this week, we have worked for a very long time on health care. There are some very clear definitions there as to whether we want to deal with health care in the private sector, where people can make their choices, where we have IRA's for health care, where we do something about private insurance, or whether we move, as the administration sought to, 2 years ago, to a Government-controlled program. It is pretty clear.

I think it is really important that we do understand that there are some philosophical differences here that have impact. I used to debate a Congressman from California, Mr. GEORGE MILLER, on issues about land and the environment, but we had to make it clear to begin with that we had a great difference of philosophy, because often we were not really arguing about the bill but arguing about philosophy. GEORGE MILLER would like to have the Government own more land. I tend to say there ought to be a limit, and private ownership ought to be sustained.

Jobs and wages—I think all of us are concerned about that. We see two very different approaches taking place. One is to encourage the private sector. The Republicans are saying we should do something about that, do something about capital gains so people are encouraged and given incentives to invest, to create jobs, do something about overregulation; on the other hand, our friends with a little different point of view, different philosophy, say, ''Look, we ought to get the Government involved here and put these corporations in different categories, and if they behave properly with respect to Government regulations, then we give them some sort of preference.''

I guess, Mr. President, what I am saying is, we talked a bit about differences, about choices. Obviously, no one agrees entirely with everything their party is for, but they find the party that most closely represents their point of view. That is what primaries are about. That is what elections are about. People ought to see where they are—the 10th amendment, the idea of involving the States more.

Mr. President, I think this has been an exciting year. I look forward to completing more of that fundamental change that has been brought about here. One of the final comments I make, it was interesting that the Chief of Staff of the White House was indicating the other day it is up to the Congress to deliver to the President the kind of bill that he wants. Let me suggest that is not exactly the way it is set up, in my view.

Under the Constitution, there are three equal divisions of the Federal Government—judicial, legislative, and executive. Each of them has the authority to make some decisions for themselves, and, indeed, the President has the perfect right to veto, and he should veto. That is his constitutional privilege. To veto does not mean the Congress has to continue to bring everything back until it meets his particular point of view. This is not a unilateral decision. This is a joint decision.

My only point is the White House needs to make some accommodations, as well. The way you make that work is after a couple vetoes, you do not send any more, and there is no opportunity for the President to work.

I hope we do come together. Certainly, we never will all agree. We do have the responsibility to move forward. We do have the responsibility to make the system work.

Mr. President, I hope that we can move on some of those things. We have passed a great number of items in this Congress, all of which have met the same fate at the White House. We will change that. We will have to change that, so that we can move forward and respond to those voters who spoke very clearly in 1994.

I yield to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the remarks of my distinguished colleague from Wyoming. Many of my remarks will reinforce the point he is making. Sometimes we need to step back from the fray to sort of size up the situation we are in.

Here in the waning days of March 1996, over 3 years after the election of President Clinton, I think we can come to the conclusion that the President does not want a balanced budget. He does not want a balanced budget.

Those that might be listening would say, ''Well, how do you come to that conclusion?'' First, this recent budget we received from the President is his ninth attempt—ninth. He promised the American voters in 1992 that he would balance the budget within 5 years. He has yet to take an affirmative step to do that. In the first 2 years, he raised taxes in an unprecedented level—over 200-plus billion dollars. And the first effort he made was to add $20 billion to the deficit. That was his first financial overture to the people of the United States.

Well, we wrangled over that for a period of time, and finally the 104th Congress, this Congress, sent the President

a balanced budget, and he vetoed it. This Congress tried to pass a balanced budget amendment to the Constitution, and he rose in opposition and defeated it. He caused six Members of his own party who voted for the exact proposition the year before to change their votes because he did not want a balanced budget amendment to the Constitution, a discipline that would cause America to have to live within its means.

At the time he and his colleagues said, ''Well, we just have to have the will. We do not need an amendment to the Constitution. Congress just has to have the fortitude and utilize its own jurisdictional powers and pass a balanced budget.'' Lo and behold, we did. And he vetoed it, and he opposed the balanced budget amendment. Then he would not submit a balanced budget. Then the Government closed down twice.

Now we have the latest attempt in his last year of office under this term. He submits his ninth attempt. What does it do? Well, the first thing that happens is that 70 percent of the savings that theoretically would produce a balanced budget occur after he leaves office, if he is elected the second time. So all the work has to occur when he is long gone. As a world statesman, it is sort of like, ''Here, you handle it, America. You take care of it.'' Mr. President, 70 percent of the correctional devices occur after he is out of office.

It makes no structural adjustments in the area of Medicaid and Medicare. In the case of Medicare, he totally ignores his own trustees who have told the President, they have told the Presiding Officer, they have told me, our colleagues in the Nation, that Medicare will write its last check in 5 years. This budget ignores that crisis, and therefore is ignoring all those senior citizens dependent upon that program. Once again, ''Here, you handle it—later. We will look at that after the next election.''

Mr. President, these budgets talk of big, big numbers. They are hard to follow, even if you work on it every day, much less if you are trying to do the things that you are responsible for at home—get the kids up, get them fed, get them to school, get to the job, leave the job, someone is sick, get to the school, to the doctor, back home, one of the parents comes—we know the routine very well, Mr. President. Those families are the ones that are most impacted by the failure of this budget.

What it does to that family, that average Georgia family at home, is it leaves enormous burdens right on their shoulders and backs. That family today makes about $40,000. Both parents work, as I just described, and they have two kids. Under this plan that the President has given us, they are going to take about 20 to 25 percent of the total earnings—gross earnings—of that family and ship it up here to Washington. Another 10 percent—$3,000 to $4,000—comes out to take care of State and local government. This is an interesting figure: Out of the $40,000 they make, they will contribute $6,500 for the regulatory apparatus we have set up in America.

Under this President, it is going up. Just since he has been President, the bill for the regulatory apparatus has gone up $688 in the last 36 months. They are going to get to pay about $2,000 as their share of the interest on our debt, which we just increased last night.

When you add it all up, how much do they have left to do what we have asked them to do for the country? Remember what we asked them to do, Mr. President? We said raise the country, educate the country, feed it, house it, transport it, see to its health. What does this budget that the President has just given us leave for that family to do its work? About half. They have $20,000 to $22,000 to do all the work we have asked them to do and to build their dreams—to build their dreams. That is what this President's budget leaves for them.

When he vetoed a balanced budget, in effect, he took $3,000 out of their checking account—$3,000. Just think what that family could do with that. That is the equivalent of a 10- to 20-percent pay raise in that family. But this President thinks that the $3,000 is better used up here than in their checking account. Sometimes we wonder why people are so frustrated.

When we took that $3,000 out of their account and brought it up here, it reminds us that when they sent Secretary O'Leary and her aides and friends all over the world, flying first class, staying in the best hotels, it cost $3.7 million, which took 739 Georgia families to pay for that travel bill. It took all that they sent up here to pay for that travel bill. To send her to China took 170 Georgia families, my neighbors, just to get her to China. No wonder they are furious. To send her to India, it took 144 Georgia families—everything they have earned and worked for and sent up here went to get her to India. It took 140 families to get her to South Africa.

When the First Lady and her entourage went to Beijing, that took 499 Georgia families to pay for that. Here is the whopper: To send Commerce Secretary Ron Brown and his aides around the country and the world, it took 13,700 Georgia families. We ask them to raise the country, feed the country, house the country, educate the country, prepare the country for the future. And here we have 17,000 Georgia families, and everything they earn, all that hard sweat that came up here just to fund this kind of foolishness. This budget that we just got from the President leaves all that burden and all that apparatus right in place, and it leaves all that pressure on those families. And it is not right.

Sooner or later, the demand for balanced budgets, which leaves those resources in those families, will prevail, despite the opposition of this President.

Mr. President, I yield to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. What is the order?

The PRESIDING OFFICER. The Senator has up to 10 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I want to commend the Senator from Georgia. He really talked about the effect on people of wasteful, big Federal Government. He did not just talk about numbers on a page that do not relate to anything. He talked about how much it costs to have a bureaucrat waste taxpayer dollars, how many Georgia and Texas families it takes to pay for the waste in Government, families that do not have the ability to waste money because they are working so hard to do the things for their children that they would hope to do. So I thank the Senator from Georgia for bringing this into a debate about people and the effect on people's lives.

Balancing the Federal budget is not about the runaway Federal deficit, or the debt ceiling, or even about temporary Government shutdowns. It is about the future of our country, about what America will be like tomorrow and the next day and a generation from now.

Most Americans believe they are better off than their parents. But it is amazing how many Americans do not believe their children will be better off than they were. The American dream has always been about progress, about growth from one generation to the next, about generational improvements, that our children will have more opportunities, more choices, better lives than their parents. Why is it, for the first time in history, that a generation of Americans have lost hope, have lost confidence in our future? The answer is that too many people are in Washington, DC, making decisions about how to spend our money. For too long, Washington has spent more than it takes in.

I was listening to the radio this morning, and a man called in and he said, ''I remember a quote about Thomas Jefferson.'' Thomas Jefferson was brought the Federal budget, and his budget advisers put it on his desk. Thomas Jefferson had one simple question: ''Do we take in more than we spend? That is the only question that matters because if we do not take in more than we are spending, take it back, do something with it, that is the only question that you have to answer right.''

Thomas Jefferson said what we should be saying today instead of too many people in Washington spending our tax dollars the way they see fit and many times for the wrong reasons.

The President's budget proposal asks for $600 million for increased audits

and enforcement and $850 million, on top of the $4 billion already spent, to improve tax collection procedures. Americans want the Federal Tax Code to be made simple, fair, and uniform. But they really do not want billions more to be spent on IRS bureaucrats.

The President's budget fails to institute real work requirements for welfare recipients. It also guarantees that illegal immigrants will be able to receive food stamps. By refusing to sign the welfare reform legislation that Congress has sent to him twice, the President guarantees that welfare dependency will continue in the country and that the American people will continue to foot the bill. The working American will continue to foot the bill.

I believe that is why Republicans were elected in 1994—to end politics as usual. For decades, politicians came to Washington and put Band-Aids on a bad situation until the next election.

That is not what we are here for. We were sent here to offer real long-term solutions—not for the next election but for the generation.

That is why we are trying hard to do what we said we would do and balance the budget. It is why we sent a balanced budget to the President. But he has vetoed that balanced budget. The balanced budget is not about numbers. It is about people just as the Senator from Georgia was just saying.

I think of parents with children in high school afraid their children will not be able to attend college because they cannot afford the interest rates for college loans. I think of the newly married couple that wants to buy their piece of the American dream—a new home—but they are not going to be able to afford the interest rates on the mortgage. I think about working people in their forties and fifties who are trying desperately to set aside that little bit of extra money they are earning for their retirement security. And yet in the budget that the President has submitted it does not even allow homemakers to set aside $2,000 a year for IRA's like those who work outside the home are able to do. They are not even thinking about one-income earner couples that are sacrificing so that one spouse—the homemaker—will stay home and raise children. And I think of senior citizens who are depending on Medicare but are afraid that it may not be there when they really need it.

These are real people with real concerns and real fears. Unfortunately, instead of hope, President Clinton hyped the status quo. Instead of inspiring Americans to have confidence in their future, instead he incites fear.

It is wrong to ask that American people live within their means but not ask the Federal Government to do the same. Is it wrong to demand that Washington stop wasting taxpayer dollars? Is it wrong to demand an end to politics as usual?

That is what we are demanding—a return to principle instead of politics; a commitment to the next generation instead of the next election.

We are 4 years away from a new millennium. The year 2000 should be a new beginning. Where will we be in the year 2000? As we look forward to the year 2000, where will we be starting with what we need to do today?

As that ball drops in Times Square, and people all over our Nation are celebrating a new beginning, will we be firmly on the path to a balanced budget, and a growing economy? Or will the deficit still be eating away at the working people's livelihood in this country? Will we have reformed the welfare system, or will it continue to undermine the work ethic destroying families and ruin the very lives of people who are receiving welfare? Will we have reduced the excessive tax burden on the American family leaving them with more of their money in their pockets or will we continue to have taxes that takes people's extra money so they cannot put it away for saving for their retirement? Will we have reformed Medicare so that our future generations will know that it will be there for them so that it will be stronger? Or will we have continued on the path that we are on now? And will Medicare be 2 years away from going out of business so that seniors in this country really will have to fear whether it is going to be there for them?

In short, Mr. President, will we have continued business as usual for these 4 years that we have been elected to make change, or will we have kept the promise that we made to the American people?

I hope that in the year 2000 we will have said this year there is no more politics as usual, no more excuses, that we kept our promises in 1996 so that in the year 2000 when we are celebrating a new beginning we will indeed have a strong and thriving economy, and that we will have American families with the hope that their children will be able to have a better life than they have had just as so many generations in the past have been able to hope.

Mr. President, the time to prepare for a new beginning in a new millennium is right now, and we are missing that opportunity with a budget by the President that does not speak to tax fairness and equity for the working families of this country. We are trying to make a difference.

The President has vetoed welfare reform. He has vetoed a balanced budget. He has vetoed middle-class tax cuts. All of the things that he promised and all of the things that we promised—and we are trying to deliver—have been vetoed by the President.

The time is now for us to put partisanship aside and do what all of us said we would do for the American people—balance the budget. That is our commitment. And, Mr. President, we have a chance to keep our promise. And that is what we are trying to do.

Thank you, Mr. President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized to speak for up to 20 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for as much time as I need.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF GOVERNMENT

Mr. DORGAN. Mr. President, this is, it seems to me, a time to talk about change in this country. I think the central question is what kind of change will make this a better place in which to live?

We have had a lot of struggles in our history in this country about what the role of government is. Is there a role for government? What kind of government, and how much government do we want? We have struggled over the decades with that question.

I go back to the early 1900's which relates to the struggle we had over the question of food inspection. I have told my colleagues this before. Some know it because of the readings they have done. But even then we began the struggle over all of these issues.

On the issue of food inspection, Upton Sinclair wrote a book at the turn of the century. He did an investigative book on his discoveries in the meat, packing plants, I believe in Chicago, where he discovered that in the meat packing plants they had rats running around the plants. And they were trying to, of course, control the problem of rats in the meat packing plants. That is a pretty big problem. So they would put out bread laced with arsenic and lay it around the meat plants. And the rats would eat the bread, and die. And they would throw the rats and the bread and the meat down the same chute, and out comes mystery meat on the other side sold as sausage in some location somewhere in America to an unsuspecting consumer. Rats, arsenic, poison bread, meat and sausage.

Upton Sinclair wrote about that—about the outrage of that, about the threat to this country's health as a result of that. And guess what happened? The debate in this country turned quickly to the question of how to stop that. How do we prevent that? How do we assure ourselves that our food supply is safe?

We created in this country a level of government that says we are going to inspect food so that when you eat food you are not going to eat mystery meat laced with bread and arsenic that was used to poison rats. Even then we had people who said it is none of government's business; let the private sector decide. Well, arsenic and rats in meat are the public's business.

Oh, we have gone several stages from that. And in the mid-1960's half of America's senior citizens had no health care. They reached an age where they were not working. They reached retirement age, and did not have any money; nothing really to speak of. And they had no health care coverage.

I remember driving one fellow to the hospital some 55 miles away when I

was a teenager—an old fellow that lived by himself, had no one, had nothing, had no insurance, and was very sick. And my father, who could not take him, asked me to take him to the hospital. I drove him there. They said, ''Do you have money, or insurance?'' Of course not. They took him in anyway.

But back then half of American seniors had no health coverage at all. In the mid-1960's we had a discussion about that in this country, and we decided that we would develop a Medicare Program.

A lot of people—90 percent of the majority party now—in Congress voted against it and said we do not want Medicare the first time we voted on it. Some are still bragging they voted against it.

Do you know something? Ninety-nine percent of American senior citizens are now covered by health care. I am proud of that.

Do we have some problems with Medicare? Yes, we do. Should we fix it? You had better believe it.

But should we decide to retreat on the things we have done to make this a better country—food inspection and health care and dozens of other areas? I do not think so. I do not think it really does much good to suggest that somehow all of government is unhealthy or unholy and does nothing to protect people. Government is our teachers. Government is our police force. Government is our fire department. Government is the food inspectors, the air traffic controllers. A lot of folks do a lot of good work.

Now, we are reducing the size of government, and we should. There are fewer people working for the Federal Government today than have been at any time since John F. Kennedy. Why? Reinventing Government, headed by AL GORE, the Vice President, developed by Bill Clinton. Reinventing government is reducing the size of government. Do not believe me? There are 200,000 less people working for the Federal Government now than there were 4, 5 years ago. We have program after program after program that has been abolished or disbanded because it did not work. Other programs are reduced. Some programs that are important are expanded.

That is what we ought to do. We ought to use good judgment to see what works and what does not. Let us get rid of what does not work. We ought to ask two questions about everything we do in Congress: Do we need it? Can we afford it? And if the answer is yes, let us go and do it as a country.

I am a little confused, I guess, about some of the things that I have heard in some discussion today, and I have certainly heard a lot of it previously, about what an awful place this is, America has gone to hell in a handbasket. Gee, this country is just in terrible shape. And then we have folks out running for President who want to build a fence between the United States and Mexico and keep the Mexicans out. And we have folks from every other country of the world who want to come to this country. We have a serious immigration problem.

Why would that be? Is it because this place is such an awful place to live? No, it is because this place is still a remarkable country, a country filled with people with enormous strength and vitality and interest to make this a better place.

How do we make it a better place? Do we make it a better place by calling for changes that say, well, let us decide to retract our commitment to Medicare; let us decide it is not important for a poor kid to have an entitlement to a hot lunch in the middle of the day at school; let us decide that is not important; let us decide that what we really need to do is cut the Star Schools Program which is designed to try to boost our country in math and sciences and education; let us cut Star Schools by 40 percent, and let us increase the star wars program by over 100 percent because we want to build more missiles and put an astrodome over America with missile defense and we want to do it much faster with much more money than the generals and admirals think is appropriate because these folks know better about that, so increase that spending 100 percent and cut Star Schools investments by 40 percent. Does that advance this country's interests? I do not think so.

Maybe build some orphanages, as a welfare solution. Maybe give every poor kid a laptop, take their lunch away but give them a laptop. And the other one is term limits. If you can just have term limits, you would solve all the problems. I tell you, it is hard not to laugh out loud to see people walk in this Chamber who served here 30 years and vote for term limits and say, ''Yes, the problem is I have served here too long so stop me before I run again, except the term limit I want to vote for will not apply to me.''

That is what they say. It is hard not to laugh out loud when you see that. They do not believe that. And it is wrong not to deal with the real issues.

Do you know what the real issues are, in my judgment? The real issues I think you can categorize in about three areas. Kids. That is our future. Jobs. There is no social program in this country more important than a good job that pays well. Jobs. How do we get jobs? How do we expand jobs and create jobs and have an economy that provides more opportunity? Kids, jobs, and the other issue is values.

Those are the core issues I think we have to address. We can run around on dozens of other issues. I just heard discussions about the balanced budget amendment. We ought to pass a balanced budget amendment. But anybody who thinks they are going to get a balanced budget through this Chamber that loots the Social Security system by taking the Social Security trust funds to the tune of nearly $700 billion in 7 years is dreaming.

I am not going to vote for that. I did not come here to vote to loot the Social Security trust funds. We ought to balance the budget honestly. The Social Security trust funds are dedicated only to be used for Social Security, and to use them for other purposes is dishonest budgeting. To those who say, well, we could not get it through the Chamber of the Senate, I say I voted for a constitutional amendment to balance the budget, one that said the Social Security trust funds will have a firewall; you cannot use Social Security trust funds as operating budget revenues because it is dishonest. Guess what. The folks who said they wanted a balanced budget voted against that because they wanted a balanced budget amendment in the Constitution that created a constitutional opportunity for them to misuse $1.2 trillion in Social Security trust funds over 10 years.

No wonder it did not get through the Senate. It is the goofiest idea I ever heard—tell people we are going to take money out of your paychecks, called Social Security taxes; we are going to put it in a trust fund; and we promise we will get it in a trust fund dedicated only for that use. But now we have decided to put in the Constitution a provision that says we are going to use hundreds of billions of dollars of the trust funds as offsets against other operating revenue. And by the way, what are our priorities for the revenue and expenditures on the rest of the budget? Well, we say, while we balance the budget let's provide a tax cut. Let's provide a very large tax cut for people with very large incomes and let's provide a minuscule tax cut for all the rest. It seems to me maybe people are bound to be a little skeptical about that.

So what do you do about the central issues that I think really relate to people's lives? Kids, what about our kids, jobs and values? When people in my hometown sit down to have supper—we call it in Regent, ND; we sit down for supper—and you talk about your circumstances, what is important? What is important is how are your kids doing. What kind of opportunities are your kids going to have. It is also important, how are we doing? Do we have more income now? We are working harder. Are we making more? How are we doing? What kind of economic opportunity will we have?

And then the issue of values. There is a collapsing kind of value system, coarsening language, difficulty with what our children see on television, more crime, and a whole series of related issues that I think fall under the heading of values. But let me talk just for a moment about kids.

The first issue with kids that matters most to this country, in my judgment, is not all the peripheral antigovernment nonsense. It is, do you have in this country the best education system in the world or do you not? Because if you do not, we will not win. Our country ought to dedicate itself at

every single level of Government, and we ought to dedicate ourselves in every home with every set of parents and in every school that America is going to have the best education system on the face of the Earth. American kids are going to be the best educated kids in the world. That ought to be the central debate.

Now, most of education is run by State and local governments. It is not run by the Federal Government. We play a peripheral role. We play a role of providing financial aid to college students largely, plus we have some title programs—title I which moves some money to school districts to help some of the disadvantaged kids. But education is largely a function of State and local government. We must, it seems to me, as a country, not necessarily with a central plan but as a country in which all of us work together, decide our goal is to have the finest education system on the face of the Earth. That is the way this country will succeed and win in the future.

I have told my colleagues before, and I am going to again because I think it is so illustrative, the first week I came to Congress some years ago I walked into the office of the oldest Member of the House, Claude Pepper, and I will never forget what I saw on the wall behind his chair. Two pictures. One was Orville and Wilbur Wright making the first airplane flight down at Kitty Hawk, and Claude was an old fellow, wonderful old fellow at that point. He had an autographed picture of Orville Wright making the first flight autographed to Congressman Claude Pepper, an autographed picture to him before he died, and then he had a picture of Neil Armstrong walking on the Moon autographed to Congressman Claude Pepper. I thought to myself, here is the person who has an autograph of the first American to leave the ground and fly and the first person to step on the Moon. What is the significance of leaving the ground to fly, and flying to the Moon? Education, massive investments in education, so that this country led the world in technological achievement in dozens of areas from airplanes to television to medicine—you name it. Education; it is the key to this country's future.

Second, with respect to kids, is welfare. I know people talk about welfare in this Chamber with respect to able-bodied people who will not work. Able-bodied people on welfare ought to go to work. We offered a program called Work First, which I am enormously proud of, that says to people, ''If you are down and out and disadvantaged we will give you a hand up and a helping hand, but your obligation is to get up and out and get a job.''

But understand the reality of welfare. Two-thirds of the welfare payments in this country go to kids under 16 years of age. A young boy named David spoke at a hearing I went to some years ago, a 10-year-old boy from New York who lived in a homeless shelter. He said, ''No 10-year-old boy like me ought to have to lay his head down on his desk in the middle of the afternoon at school because it hurts to be hungry.'' Welfare largely relates to America's children as well. One in four children in America under the age of 3 is living in circumstances of poverty. We must have a welfare system that says to able-bodied people, ''We are going to help you get a job because you cannot, as able-bodied persons, remain on welfare indefinitely.''

But we must also have a welfare system that understands kids and the needs of kids. It is not their fault they were born in circumstances of poverty. And those who parade around these Chambers and say, ''By the way, let us retract the entitlement for a poor kid to be able to get a hot lunch in the middle of the day of school,'' do no service for children. Let us care about kids, educate them, help them become better educated citizens for the future of this country.

With respect to jobs, we can talk about a hundred other issues but there is no social program that we will discuss in the 104th Congress that is as important to this country and as important for Americans as a good job that pays a good income.

We have seen what causes the anxiety. The chief executive officers of America's corporations increased their compensation 23 percent last year; last year alone, a 23-percent increase for the people at the top. But guess what? For 60 percent of the American families now, when they sit down for supper at night and talk about their lot in life after 20 years, they are working harder and they are making less money. When you adjust their income for inflation they have less purchasing power now than they had 20 years ago.

How can all that have happen? Last year we had the largest trade deficit, merchandise trade deficit in the history of this country; the largest merchandise trade deficit in history. That means jobs are leaving, not coming. It means we are competing with 2 or 3 billion other people in the world, some of whom will make 12 cents, 18 cents, 50 cents, or $1 an hour, working in unsafe plants that are dumping pollution into the air and water. That is not fair competition and we should not have to deal with it. We must deal with the issue of jobs and do it now. We must bring jobs issues to the floor of the Senate and respond in a real way.

Those who come to the floor talking about helping people do no service, especially to working people at the bottom of the ladder, when they also embrace policies that will pull out the rug from under those people on the earned income tax credit, because that is the kind of policy designed to help working people at the bottom of the economic ladder.

Finally, on the issue of values, I think there is general agreement in this Chamber, between Republicans and Democrats, that there is a collapsing of values in this country that is troublesome. There are, perhaps, many reason for it. But the restoration of values starts in the home, in the neighborhood, in the community. It starts with all of us. Television is too coarse, language is too coarse during times when children are watching. There is too much violence on television. America has become too violent a country. We are the murder capital of the world. We are the cocaine capital of the world. We have 23,000 murders and 110,000 rapes every year, and we must respond to it. And that is one of the areas, I think, in which Republicans and Democrats have joined in trying to respond in a significant way. But we must understand the collapsing of values in this country is also causing significant concern.

Let me, finally, point out about those who spend a lot of time talking about how awful Government is—and there are plenty of areas of Government that have gone awry, that we must rein in and correct—I applaud those and join them when they want to do that. I would also say it is important for us to talk about what works and what is right. Do you know we now use twice as much energy as we did 20 years ago, but we have less water pollution and less air pollution? We have cleaner air and water than we did 20 years ago, despite the fact we have doubled our energy use. Is that accidental? No, it is not. It is because this Congress decided we are going to start penalizing people who pollute; there is only one Earth to live on, and we want the environment to be clean.

I urge my colleagues to understand, there is a lot of what has been done by people of this country in public policy, ranging from cleaning up our air and water to providing health care for senior citizens, intervening in the lives of young children to provide education and to deal with hunger and nutrition issues, and many other areas that have made this a better country.

As I conclude, let me just say I had a town meeting in which I said to people who, I am sure, listen to all of the talk shows—and everyday in every way we have all these shows that talk about what is wrong with America. They hold up this little thing and say, ''Isn't this ugly? See this? Is this not awful?'' I understand, it is what entertains.

I said, ''Why don't we talk about what works? Let us be positive for a half-hour. Let's talk about only what works in our lives.'' It was a remarkable transformation, because a lot of people talked about a lot of good things in their lives, a lot of things that are improving, a lot of things that are working. Then from that we discovered what is left, what is left for us to do as a people together to make this a better country.

I hope, in the coming months, the challenges that were discussed by the Members of the majority party today and myself and others are challenges we will decide to embrace quickly and

debate in a thoughtful way. What about the future of our children? What about our kids? What kind of jobs and opportunities will we have in the future? How do we address the issue of collapsing values in our country? Those are the central challenges I think we face in our country today.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my understanding, I say to my colleagues, is that I have 10 minutes in morning business. I will not exceed that. I will be very brief.

The PRESIDING OFFICER. That is correct.

NATIONAL DOMESTIC VIOLENCE HOTLINE

Mr. WELLSTONE. Mr. President, for the past 2 weeks I have tried to come to the floor every day, whenever my colleagues would generously allow me a few minutes, to announce the realization of another component of our initiative to prevent violence against women, which the Senator from Utah has been a very, very strong leader in, the national domestic violence hotline. The hotline, which officially opened on February 24, signifies the realization of the key provision of the Violence Against Women Act, passed by the Congress as part of the 1994 crime bill.

The toll free number—I have tried to announce this on the floor over the last several weeks—is 1–800–799–SAFE. This will provide immediate crisis assistance and counseling and local shelter referrals to women across the country, 24 hours a day. There is also a TDD number for the hearing impaired, and that number is 1–800–787–3224.

Today, on the last day of the 2-week period in which I promised to highlight the hotline, I want to take the opportunity to stress how much work still has to be done to fight domestic abuse in our country. On Tuesday of this week, the chief prosecutor in Alexandria, VA, John Kloch, called for tougher strategies against domestic violence in response to a murder of a local schoolteacher, Karen Mitsoff, who was killed early Monday of this week by an ex-boyfriend who had been stalking her.

Miss Mitsoff's former boyfriend, Mr. Senet, reportedly broke into her apartment on March 10 and threatened to kill her and himself. Senet was charged with burglary and then released on a $2,500 bond in a routine hearing.

This past Monday, 1 week after his arrest, he apparently broke into Miss Mitsoff's apartment and fatally shot her before killing himself. Commonwealth Attorney Kloch was quoted as saying:

> This case shows that there are holes in the system. Somehow we failed to stop this. This case clearly illustrates that in many instances, potential threats to women are not addressed with enough urgency.

Let me explain just how urgent these threats to the safety of women and children are.

Every 12 seconds, a woman is beaten by a husband, boyfriend, or partner in the United States of America—every 12 seconds;

Over 4,000 women are killed every year by their abuser;

Every 6 minutes in our country, a woman is forcibly raped;

Severe repeated violence occurs in 1 out of every 14 marriages, with an average of 35 incidents before it is reported;

Roughly 1 million women are victims of domestic violence each year, and battering may be the most common cause of injury to women, more common than auto accidents, muggings, or rapes by a stranger.

According to the FBI, Mr. President, one out of every two women in America will be beaten at least once in the course of an intimate relationship. Let me repeat that. According to the FBI, one out of every two women in America will be beaten at least once in the course of an intimate relationship.

It is estimated that the new hotline, that we have shown and brought out to the floor of the Senate as often as we could over the last 2 weeks, will receive close to 10,000 calls a day.

The first day I came to the floor to talk about the hotline, I shared a story told to me by my wife, Sheila, while she was speaking in southern Minnesota 2 days before the hotline opened. I would like to tell the story again of a courageous woman in danger whose story illustrates how crucial the existence of a national domestic violence hotline will be in saving the lives of women and children in danger.

This woman had been living in New York with her abusive husband and a 5-month-old child. Her husband had moved to New York following their marriage, and he kept his wife and child very isolated there. The husband was very controlling and made it impossible for his wife to socialize, to make friends, or have a job. He checked on her all the time to make sure that she was at home with her baby.

In addition to beating her routinely and savagely, he took out a life insurance policy on her, so she lived in constant fear of being killed.

This woman told my wife, Sheila, that every time she opened the apartment door, she was sure someone would be on the other side with a shotgun.

Her husband had a one-time, out-of-town business deal. He left in the afternoon and planned on returning the following morning. After he left, she decided that it was her only chance to get away. Panicked and pressed for time, she called a local hotline number but found it was disconnected. She was devastated. She called the Legal Aid Society in New York City and was initially told that they could not help her.

Out of sheer desperation, she persisted with Legal Aid and was finally given a local agency phone number. Calling the local agency, the woman informed them she wanted to return to Minnesota. They were able to access a computer and put her in touch with a battered woman's shelter in Minnesota in her hometown. She and her baby were on a plane the next morning before her husband got home.

Mr. President, this woman was lucky; she was able to obtain the information she needed. But how much better it would be if that hotline had been up and running to give her the information immediately. Unfortunately, some women might not have the whole day to track down information. I think this shows how crucial a national network, like the hotline, will be for keeping women and children safe, literally saving their lives.

So today, I ask everyone listening to honor the memory of Karen Mitshoff of Alexandria, VA, as well as all the other women who lose their lives every year at the hands of a husband or a boyfriend or a partner.

I also ask you to honor all of the women who have been hurt at the hands of someone with whom they have had an intimate relationship. Chances are you already know one of those women —a coworker, a sister, a mother, a daughter, or a friend.

I commend innovations like the national domestic violence hotline. I want to support more creative solutions to stopping this family violence. I want all of us to do that, Democrats and Republicans alike. But most important, today I want to remember Karen Mitshoff who lost her life on Monday, and remind everyone that these efforts to stop this violence in our homes must be ongoing.

Mr. President, once again, at the end of this 2-week period, I want to one more time talk about the hotline number. The toll free number of the national domestic violence hotline is 1–800–799–SAFE and 1–800–787–3224 for the hearing impaired.

Everyone has the right to be safe in their own home. Share the number today, those of you who are watching, and maybe you will help someone make themselves safe.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). Under the previous order, the Senator from Utah, Senator HATCH, is recognized to speak for up to 20 minutes.

JUDICIAL SELECTION

Mr. HATCH. Mr. President, I rise to address a subject that I have discussed several times in the past few weeks, and that is the issue of judicial selection. As I said in those speeches, differences in judicial philosophy can have real and profound consequences for the safety of Americans in their neighborhoods, homes, and workplaces. Sound judging is every bit as much a part of the Federal anticrime effort as FBI and DEA agents and prosecutors.

It does the Nation little good to put more cops on the beat if judges put the criminals back on the street. And, I might add, the President overstates the number of police that the Federal Government is helping put on the street.

I see that the President has attempted this week to respond to my speeches through his subordinates. One argument, made by his former White House counsel, maintains that it is really the home State Senators who appoint judges. This argument is just another example of the President attempting to hide from the consequences of his decisions. The last time that I looked in the Constitution, it stated that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges.'' Presidents may look to individual Senators to recommend good nominees in each State, but the Constitution itself makes clear that the choice of judges is the President's responsibility and the President's alone.

I do agree with one thing that Lloyd Cutler said in his Washington Post op-ed. It sometimes is difficult to predict what nominees will be like once they ascend to the Federal bench. While the executive branch, as Mr. Cutler said, has ''an extensive vetting process,'' we in the Senate do not. For the most part, a President's nominees usually are confirmed by the Senate. When the people elect a President, they put into office with him his judicial philosophy and the judges he will appoint. But perhaps the Senate does need to spend more resources vetting nominees. Perhaps the Senate should interview each and every judicial nominee as a matter of routine, if Lloyd Cutler is right.

Another argument made by President Clinton's current White House counsel, Jack Quinn, is that there are soft-on-crime decisions by judges appointed by Presidents Reagan and Bush. As I said on Monday, I do not agree with every decision by a Republican-appointed judge or disagree with every decision by a Democrat-appointed judge. Moreover, we all know that prosecutors and police sometimes go over the line, and that it is the job of state and federal judges to correct those mistakes. Unfortunately, sometimes those decisions will benefit criminals that we all know to be guilty.

But what we are talking about here are not a few isolated cases or incidents. We are talking about track records: about the fact that judges appointed by Democrat Presidents, and President Clinton in particular, generally will be softer-on-crime and will be more likely to follow an activist judicial philosophy than judges appointed by Republican Presidents. Just as President Johnson appointed Judge J. Skelly Wright to the D.C. Circuit, a notorious judicial activist, and President Carter appointed, among many others, Judge Stephan Reinhardt of the ninth circuit, a judge who is so activist that the Supreme Court regularly overturns his decisions, so has President Clinton appointed judges such as Judges Baer and Beaty, Judges Michael and Calabresi, and Judges Sarokin and Barkett, whom I will discuss today.

The President seems to think that it is wrong to evaluate the decisions of these judges. ''The point is that it is unfair to evaluate any judge on the basis of any single case,'' writes his counsel in the Wall Street Journal. I disagree. It is only by reading the opinions of these judges that we can make a determination of the kinds of men and women that President Clinton has chosen to send to the Federal bench. Let me also be clear that it is not the result of an individual case that is the problem. The problem with these Clinton judges is the way they reach their decisions—their willingness, perhaps even eagerness, to stretch the law, to expand criminal rights at the expense of the community, to seize on petty technicalities to release defendants, to find new constitutional rights where there were none before. Many of these judges are activists who simply cannot understand that their role as is to interpret the law, not to make it.

But the President's approach—that once a judge is on the bench, and you cannot read his or her opinions—is a convenient one. It is the only way that he can explain his decision to appoint Judge H. Lee Sarokin to the U.S. Court of Appeals for the Third Circuit and Judge Rosemary Barkett to the U.S. Court of Appeals for the Eleventh Circuit. These were judges with crystal-clear track records of being liberal, soft-on-crime activists, when President Clinton appointed them. These two judges, who sit on the second most powerful courts in the land, have displayed an undue and excessive sympathy for the criminals who are destroying our society and who are all too willing to impose their own moral beliefs onto the law and onto our communities.

I led the fight to oppose the confirmation of these two judges because their judicial records indicated that they would be activists who would legislate from the bench. Senators from both sides of the aisle joined me in that fight. I regret to conclude that we have been proven right in our predictions of their activism on the Federal bench.

Let us look at what Judge Sarokin has been up to since President Clinton chose to elevate him in 1994. The Senate confirmed his nomination 63–35—a pretty large vote against him—on October 4, 1994. I think that it is safe to say that no Republican President would have nominated a judge like Judge Sarokin, and that if the Republicans had control of the Senate in 1994, Judge Sarokin would never have been confirmed.

Let me tell the American people about the cases of William Henry Flamer and Billie Bailey, which were heard by the third circuit late last year. Delaware versus Flamer; Delaware versus Bailey. This was a case involving two multiple murders in which Judge Sarokin voted to overturn a jury's imposition of the death penalty.

In the Flamer case, on a snowy February 7, 1979, at 8:00 a.m. in the morning, Arthur Smith, the 35-year old son of Alberta and Byard Smith, walked across the street to his parents' house in Delaware. He found them sprawled on the living room floor obviously murdered in cold blood. Both parents died of multiple stab wounds in the head and neck. The medical examiner counted 79 wounds on Mr. Smith's body and 66 wounds on Mrs. Smith's body.

Their car was stolen, a television was missing, chairs were overturned, bags of frozen food were strewn about, and Mr. Smith's pockets were turned inside out. The son—can you imagine what it must be like for a son to discover such violence to his parents in their own home—called the police.

Eyewitnesses indicated that William Henry Flamer, whose mother was Mrs. Smith's half-sister, might be the killer. Police went to his family's residence and found the missing television, frozen food similar to that strewn about the Smiths' home, and a bayonet with dried blood stains on the blade. When police arrested Flamer, they found blood on his fingernails and coat and fresh scratches on his neck and chest.

After he had been read his Miranda rights numerous times and after his arraignment, Flamer confessed. He told police that he and another man brought a knife, the bayonet, and a shotgun, and that he had told Mrs. Smith, his aunt, that his grandmother had experienced a stroke and was missing in order to gain entrance to the Smiths' home.

In early 1980, a jury convicted Flamer of two charges of intentionally causing the death of another person and two charges of felony murder. A jury then sentenced Flamer to death because of several aggravating sentencing factors, such as Flamer's prior criminal record, the age of his two victims, the frailty of his aunt Mrs. Smith, and his exploitation of his aunt and uncle's trust in order to gain entrance to their home.

Flamer had the opportunity to challenge both his conviction and his sentence on direct appeal. The Delaware Supreme Court rejected his appeal and the U.S. Supreme Court denied certiorari in his case twice. Flamer filed for post-conviction relief in State court, but his petitions were denied. Nevertheless, Flamer filed a habeas petition in Federal district court alleging a number of trial errors. Judge Joseph Farman of the U.S. District Court for the District of Delaware, who was appointed by President Reagan in 1985, dismissed the petition. Flamer appealed to the Third Circuit Court of Appeals.

The third circuit consolidated Flamer's appeal with that of Billie Bailey, another multiple murderer convicted by the Delaware state courts.

Bailey had been assigned to a work release facility in Wilmington, but he

escaped and then proceeded to rob a package store at gunpoint. He received a ride to Lambertson's Corner, 1½ miles away from the store. Bailey then entered the farmhouse of Gilbert Lambertson, who was 80 years old, and of his wife, Clara Lambertson, who was 73. Bailey shot Mr. Lambertson twice in the chest with his pistol and once in the head with the Lambertsons' shotgun. He shot Mrs. Lambertson in the shoulder with the pistol and in the abdomen and neck with the shotgun. Both Lambertsons died. Bailey fled from the scene but was spotted by a police helicopter. He shot at the helicopter, but was apprehended.

Bailey was convicted of murder and was sentenced by a jury to death. The jury found that two factors—that the defendant's conduct had resulted in the deaths of two persons where the deaths were a probable consequence of the defendant's conduct; and that the murders were outrageous or wantonly vile, horrible, or inhuman—and they in turn supported the imposition of death. Bailey appealed, but the Delaware Supreme Court affirmed the conviction and the sentence, and the U.S. Supreme Court denied certiorari.

Like Flamer, Bailey filed a writ of habeas corpus in Federal district court, claiming that the jury had considered improper factors when imposing the death sentence. Judge Roderick McKelvie, a Bush appointee, denied the writ.

On appeal before the entire third circuit sitting en banc, Flamer and Bailey argued that the imposition of the death penalty was unconstitutional because the juries had considered an invalid factor: whether the murders were wantonly vile, horrible, or inhuman. It is true that the Supreme Court had held that such a factor is so vague as to be unconstitutional. But in the case of *Zant* v. *Stephens* in 1983, 462 U.S. 862 (1983), the Supreme Court also held that so long as the jury's capital sentence was also based on other, legitimate considerations, then the death penalty is not unconstitutional.

This, of course, was precisely the case with both Flamer and Bailey. In both situations, the juries had found that other factors, such as Flamer's commission of the murder in the course of a robbery, also justified the death penalty. As a result, a majority of the third circuit affirmed the convictions.

Let me add that no one challenged the finding that either Flamer or Bailey committed the horrendous murders. No one showed that either jury was biased or had reached the wrong result. Instead, the defendants were using the writ to raise technical objections in the hopes of delaying the rightful execution of the death penalty. It is abuses of the writ such as these that lead the American people to believe that something is wrong with our courts. It is abuses like these that lead the American people to demand habeas corpus reform.

The American people's belief would only be confirmed if they read the Flamer and Bailey case, because Judge Sarokin was in dissent. Judge Sarokin believed that the defendants had received an unfair trial, even though they had both had the opportunity to fully appeal all the way to the U.S. Supreme Court. He argued that the judge's instructions and interrogatories asking the jury what factors they relied upon in reaching their decision had ''shifted the neutral balance contemplated under the statute and with it, the scales of justice as well.''

According to Judge Sarokin, State judges cannot ask juries why they imposed the death penalty, even though judges do this to ensure that the juries were unbiased. In Judge Sarokin's mind, for judges to ask jurors this commonsense question renders the whole process unconstitutional.

The eighth amendment says only that ''Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.''

Further, Judge Sarokin argued that allowing juries to consider the invalid vile, horrible, and inhuman factor—and who can doubt that these murders were utterly heinous—so infected the juries' considerations as to render them unconstitutional. He reached this conclusion despite the Supreme Court's clear holding in Zant that consideration of one invalid factor does not make the whole decision unconstitutional.

By a 10 to 4 vote, the majority on the court reached the right result, because the Constitution guarantees a fair trial, not a perfect one. Allowing defendants to win reversals on technicalities even when no one disputes that the defendant is guilty and deserves the death penalty would truly undermine the public's faith in our criminal justice system. As the Supreme Court has said many times, and as the majority recognized in Flamer, a harmless error does not render a trial unconstitutional, and there was no showing in this case that any error had influenced the jury's verdict or caused the defendant's any prejudice.

If one needed any more confirmation that Judge Sarokin was wrong, one need only look to the epilogue of the Flamer and Bailey story. Both defendants appealed directly to the U.S. Supreme Court again. The Court refused to grant certiorari in either the Bailey or the Flamer cases, and the Court refused to stay their executions. Both men were executed in late January 1996. Certainly the U.S. Supreme Court thought little of Judge Sarokin's dissent. Unlike Judge Sarokin, the Justices of the Supreme Court thought enough was enough and that it was time to allow the State of Delaware to operate its own criminal justice system.

But Judge Sarokin was willing to overturn the considered judgments of the juries, of the Delaware Supreme Court, of the U.S. Supreme Court, of two Federal district court judges, and of the majority of his colleagues, because the jury did not think about the death penalty the way he wanted them to, and because the judge asked the jury a question. Judge Sarokin believes that Federal judges have a roving mandate to interfere in the operation of the State criminal justice system, just because he found a technicality that no one showed had any influence on the outcome of the trial.

Judge Sarokin suffers from the same problem that Judges Beaty and Baer do—an inability to understand their role as judges. They have not been appointed as Federal judges to legislate from their benches or to act as philosopher-kings. If Judge Sarokin does not like the way that Delaware has chosen to operate its criminal justice system, then he should be running for Governor of the State—but the last place he should be imposing his policy views is from the Federal bench.

Of course, as I said earlier, judicial activism of this sort is not restricted solely to judges appointed by Democratic Presidents. In the Flamer case, Judge Timothy Lewis, who was appointed in the waning days of the Bush administration, also argued that the capital sentences should be overturned. Judge Lewis agreed with Judge Sarokin that the consideration of the invalid factor had an injurious effect on the defendant, even though no such influence on the verdict was shown, and that the judge's interrogatories prejudiced the jury. Judge Lewis also questioned why, quoting Justice Blackmun, ''We should no longer tinker with the machinery of death.'' He called the Nation's system of capital punishment cluttered and confusing and ultimately questioned whether it comported with fundamental principles of liberty and due process.

While one Reagan judge, Judge Carol Mansmann, also joined Judge Lewis, it should be noted that the rest of the Reagan-Bush appointees, joined by one Carter judge, correctly upheld the imposition of the death penalty. The two judges appointed by President Clinton—Judges Sarokin and McKee—did not. I believe that Judges Lewis and Mansmann were wrong, just as Judge Sarokin was wrong. But I believe that their mistake is not representative of a pattern and practice of activism, as it is on the part of Judge Sarokin.

If there can be any more doubt about the activist character of Judge Sarokin, one can find proof in his other opinions. Although I do not have the time to discuss other decisions in detail, I would just note the case of *United States* v. *Baird* [63 F.3d 1213 (CA3 1995)].

In Baird, Judge Sarokin, dissenting, argued that administrative forfeiture of drug proceeds preclude criminals from being prosecuted under the double jeopardy clause. That case involved the seizure of a criminal's drug factory, drug stockpiles, and ill-gotten drug proceeds, in the amount of $2,582. The

Drug Enforcement Administration carried out an administrative forfeiture of the drug proceeds.

Following the DEA's administrative forfeiture, Baird was then indicted for a variety of Federal drug and drug-related crimes. For Judge Sarokin, the administrative forfeiture was enough to opine that if Baird, the drug-producer, had owned the money, then the first proceeding was enough to bar the Government from prosecuting him for the drug crimes.

Judge Sarokin relied on a Supreme Court case, Austin versus United States, that did not even apply to the double jeopardy context. Judge Sarokin showed a willingness to stretch Supreme Court precedent beyond its proper bounds and to read the double jeopardy clause expansively at the expense of law enforcement, and to the benefit of illegal drugmakers and dealers. Incidentally, Baird never even claimed ownership of the money, making Judge Sarokin's result all the more strange.

In Judge Sarokin's strange universe, if the Government convicts a criminal of drug selling, it cannot require the criminal to forfeit the money made through his illegal activity; but if the Government first tries to forfeit the proceeds, then it cannot prosecute the drug seller. Again, Judge Sarokin has shown a willingness to interpret the Constitution expansively to defeat society's legitimate interest in combating crime and maintaining public health and safety.

Judge Sarokin, who I understand will soon be taking senior status, is perhaps second only to Judge Barkett in his continuation of an activist, soft-on-crime approach upon reaching the Federal bench. In 1994, by a vote of 61 to 37, the Senate confirmed Judge Barkett—a nominee that no Republican would have appointed to the Federal bench. I opposed her nomination because, time and again, Judge Barkett as a member of the Florida Supreme Court erroneously had favored lawbreakers and criminals over the interests of the police and of the community to enforce the law. The full record of my concerns is set forth in the March 22, 1994, CONGRESSIONAL RECORD. As I declared there, there were just too many cases, across too wide a range of subjects, where Judge Barkett had stepped beyond the line of responsible judging.

In particular, I warned that Judge Barkett should not be confirmed because of her unduly restrictive view of the fourth amendment that would hamstring the police, especially with regard to controlling drugs. I highlighted the case of Bostick versus State, a case involving cocaine trafficking, in which Judge Barkett adopted an across-the-board per se ban on bus passenger searches, even though Supreme Court precedent clearly called for an analysis of the search based on the particular circumstances present. The Supreme Court of the United States had to grant certiorari and reverse Judge Barkett's soft on crime decision.

I am sorry to say that Judge Barkett's misunderstanding of search and seizure law has only continued. Only now, thanks to President Clinton, her opinions apply to all prosecutions brought in Georgia and in Alabama as well as in Florida. Her ongoing willingness to raise groundless fourth amendment arguments to prevent our Nation from combating the damage that drugs are causing our society is evident in two recent opinions, Merrett versus Moore [Feb. 26, 1996], in which Judge Barkett dissented from denial of en banc review, and in Chandler versus Miller, [73 F.3d 1543 (CA11 1996)], in which Judge Barkett again dissented.

In Merrett, Florida law enforcement officials and the Florida Highway Patrol set up roadblocks on four Florida highways for the chief purpose of locating illegal drugs. On two successive days from 4 p.m. to 10 p.m., Florida police briefly stopped vehicles, checked for obvious safety defects, and examined drivers' licenses and vehicle registrations. While this examination was undertaken, the police used dogs to sniff the outside of each car for illegal drugs. If a dog alerted to the presence of drugs, the car was pulled out of line. As Judge Edmonson, a Reagan appointee, noted for the majority, these searches were minimal and the entire encounter between police and the motorist lasted only a few minutes. Police also moved traffic through without stopping cars when long backups developed.

Of the 2,100 vehicles that passed through the checkpoints and of the 1,300 vehicles stopped, there were few long delays, one car overheated, one minor accident occurred, the dogs scratched a few cars, and one person was bitten by a dog. Judge Edmonson, joined by Judge Birch, a Bush appointee, and Judge Hill, a senior judge appointed by President Ford, properly held that the roadblocks were reasonable under the fourth amendment's search and seizure clause. The intrusion of the search was minimal and was far outweighed by the State's interest in enforcing its traffic laws and in preventing the flow of drugs into our Nation. Indeed, recognizing these facts, the Supreme Court has approved reasonable roadblock searches before for the purpose of checking sobriety, [see *Michigan Department of State Police* v. *Sitz* [496 U.S. 444 (1990)], and for border patrols [see *United States* v. *Martinez-Fuerte*, 428 U.S. 543 (1976)].

But the persuasive reasoning of Judge Edmonson and his colleagues, the decisions of the Supreme Court, and the need to stem the flow of destructive drugs into our society were not enough for Judge Barkett. Judge Barkett voted to grant review of the decision before the entire eleventh circuit, and she wrote a dissent joined by Judges Kravitch and Hatchett, both Carter appointees, when she lost. Fortunately, the six Reagan-Bush appointees, the one Ford appointee, and one Carter appointee voted to keep Judge Edmonson's ruling in place.

Continuing her unduly restrictive view of the fourth amendment's application to drug searches, Judge Barkett declared:

> In my view, permitting law enforcement to stop every vehicle at a roadblock based on the mere possibility that one or more of the vehicles passing through will contain illegal drugs—evidence of a crime completely unrelated to highway safety—is * * * intolerable and unreasonable.

I would have thought that drug use would be a great threat to highway safety, and as I have noted, the Supreme Court has already held that sobriety checkpoints—alcohol is, after all, a drug—are constitutional.

Judge Barkett and her dissenting colleagues also should examine the text of the fourth amendment, which she never even quoted in her opinion. The fourth amendment states that ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.'' Unlike the judges in the majority, Judge Barkett never asked whether the roadblock searches were reasonable. Instead, she sought vainly to say that using roadblocks to search for drugs was patently illegal. But most judges of the courts of appeals, most Justices of the Supreme Court, and, I think, most of the American people, would agree that the minimal search involved here—a stop for a few minutes combined with a sniff by a dog—is certainly reasonable, especially when balanced against the need to combat the influx of destructive drugs in our society.

Judge Barkett also continues to remain suspicious of the efforts of police to defend our communities against crime and against drugs. In Merrett, she declared that she believed that Florida's claim that the roadblock was also used to check for traffic violations was only a pretext for an illegal search for drugs. In Judge Barkett's mind, this raised the fundamental concern that officers will attempt to evade the requirements of the fourth amendment by using a traffic stop to detain someone for a purpose that would not lawfully support a detention.

I believe that our police officers are good people who are laying their lives on the line to protect our lives, our families, and our communities. Like Judge Baer, Judge Barkett sees our law enforcement officers as using any pretext they can to conduct illegal searches. I see them asking for a minimal amount of time to ensure that drugs are not being transported for distribution to our children and to our poor. Judges like Judge Barkett and Judge Baer are all too willing to place legal technicalities as obstacles before our law enforcement officers, who are only trying to take criminals off of the street.

Furthermore, as the majority in the original case noted, and as the Supreme Court has made clear before, roadblocks are often more respective of

fourth amendment values because they are random. They do not rely upon the discretion of the police officer to choose whom to stop and search—all are treated the same. Roadblocks, in the Supreme Court's words, avoid the standardless and unconstrained discretion present in individual stops. [*Delaware* v. *Prouse*, 440 U.S. 648, 661 (1979).]

I presume that Judge Barkett also would find fault with the metal detectors at airports and government buildings, or stops at the border, or customs searches, because even though they are all minimal intrusions into an individual's privacy, they subject everyone to a search without a warrant. Fortunately, Judge Barkett's feelings on this point conflict with Supreme Court precedent, and even though Judge Barkett seems to have always had trouble following the precedent of the Supreme Court, most other Federal judges do not, including the Republican-appointed judges on the eleventh circuit.

Merrett is not the only case in which Judge Barkett has been willing to place obstacles before our Nation's war on drugs, a war in which the administration has been AWOL—absent without leadership. In Chandler versus Miller, a January 1996 case, Judge Barkett again dissented in a case involving drugs and search and seizure. Georgia passed a statute requiring drug testing of political candidates and nominees for State offices. In cases such as *National Treasury Employees* v. *Von Raab* [489 U.S. 656 (1989)], *Skinner* v. *Railway Labor Executives' Association* [489 U.S. 602 (1989)], and last Term's *Vernonia School District* v. *Acton* [115 S.Ct. 2386 (1995)], the Supreme Court has declared that courts must balance the individual's privacy expectations against the Government's special interests in preventing drug use in that area.

In these cases, the Supreme Court has upheld drug testing of drug agents, of railway workers, and of high school athletes. For Judge Barkett, however, these were all narrow exceptions to a general rule in her own mind that no one should be subject to drug testing, including candidates for high public office. In her mind, controlling drug use among the highest public officials involves no immediate or direct threat to public safety, and that there is no showing that waiting to obtain a warrant based on individualized suspicion would cause any dire consequences. In Judge Barkett's words, ''[t]here is nothing so special or immediate about the generalized governmental interests involved here to as to warrant suspension'' of the warrant requirement.

But as the majority correctly held, the Government's interest in preventing drug use among its highest public officials is a powerful one. In the majority's words, the people of a State place their most valuable possessions, their liberty, their safety, the economic well-being, ultimate responsibility for law enforcement, in the hands of their elected and appointed officials, and the nature of high public office demands the highest levels of honesty, clear-sightedness, and clear-thinking. We permit drug testing of drug agents; we permit drug testing of railroad engineers; we even permit drug testing of high school athletes. Judge Barkett would have us believe that the damage that would be caused by drug use in these situations is far greater than that caused by drug use by legislators, by executive branch officials, and by judges. Judge Barkett's reasoning strikes me as unreasonable, and her efforts again appear designed to restrict the tools that our society can use to combat drug use, even in the face of contrary Supreme Court precedent.

Perhaps Judge Barkett's position on the fourth amendment in Chandler was a reasonable one. But no one can claim that her further statements in that case had any grounding in Federal constitutional or statutory law. Not only did Judge Barkett argue that the Georgia statute was an illegal search, she also argued that it was a violation of the candidates' first amendment rights.

I am not making this up.

If you don't believe me, Mr. President, listen to her own words. ''This statute is neither neutral nor procedural, but, * * * attempts to ensure that only candidates with a certain point of view qualify for public office.'' Judge Barkett interprets the drug testing requirement as an attempt to ''ban[] from positions of political power not only those candidates who might disagree with the current policy criminalizing drug use, but also those who challenge the intrusive governmental means to detect such use among its citizenry.''

Such reasoning reeks of the very worst of the moral relativism that characterizes liberal judicial activism. Judge Barkett appears to believe that if one is in favor of drug legalization or against drug testing, why, one must be a drug user. In fact, Judge Barkett appears to believe that drug use is an ideology and that drug testing is, in her words, ''a content-based restriction on free expression.'' If that is so, then does Judge Barkett believe that any effort to prevent drug use is an attempt to suppress the first amendment rights of drug users, and that drug use itself is a form of expression?

Mr. President, this is the 1990's, not the 1960's; America has not been transformed into a Woodstock from sea to shining sea. The first amendment does not protect illegal, harmful conduct, and it does not permit people to plan and encourage illegal conduct. Although this administration has been absent without leadership in the drug area, the American people and the Congress are not. We are determined to prevent drugs from ruining the lives of our young people, and the tolerant attitude of some of the Clinton administration's nominees, who equate drug use with protected first amendment expression, will not stand in our way.

Why is this so important? As a practical matter, the Senate gives each president deference in confirming judicial candidates. A Republican President would not nominate the same judges that a Democrat would, and vice versa. The President has been elected by the whole country and, while this President has been unable to put all of his choices on the bench, there are hundreds of judgeships to fill in order to keep the justice system functioning.

Indicia of judicial activism or a soft-on-crime outlook are not always present in a nominee's record. But, in the cases of Judge Sarokin and Barkett, there were crystal clear signs of their activist mindsets. Yet the President appointed these two judges and pushed hard successfully to get them through the Judiciary Committee and the Senate, despite opposition, largely on this side of the aisle.

We can now view the products of the President's choices. We do not just have two trial judges, Judges Baer and Beaty, who have trouble understanding the role of the Federal courts in law enforcement and in the war on crime. We now can see that President Clinton has sent liberal activists to the Federal appellate courts, where their decisions bind millions of Americans.

Judge Sarokin's opinions, if they garner a majority, are the law in Pennsylvania, New Jersey, and Delaware. Judge Barkett's opinions, if they garner a majority, are the law in Florida, Georgia, and Alabama. Criminals whom they would set free on technicalities can strike again, anywhere, anytime. This makes all Americans potential victims of these judges and their soft-on-crime outlook.

The general judicial philosophy of nominees to the Federal bench reflects the judicial philosophy of the person occupying the Oval Office. We, in Congress, have sought to restore and strengthen our Nation's war on crime and on drugs and to guarantee the safety of Americans in their streets, homes, and workplaces. For all of the President's tough-on-crime talk, his judicial nominations too often elevate the rights of the criminal above the rights of the law-abiding citizen, and undermine safety in our streets, in our homes, and in our workplaces.

The PRESIDING OFFICER. Under the previous order the Chair now recognizes the Senator from North Carolina to speak for up to 10 minutes as in morning business.

Mr. FAIRCLOTH. Mr. President, I thank the Chair.

(The remarks of Mr. FAIRCLOTH pertaining to the submission of Senate Resolution 237 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

PRIVILEGE OF THE FLOOR

Mr. GLENN. Mr. President, I ask unanimous consent that Allegra Cangelosi and Patricia Cicero be permitted privileges of the floor while I introduce this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GLENN and Mr. LEAHY pertaining to the introduction of S. 1660 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to speak for up to 15 minutes.

THE FOREIGN RELATIONS REVITALIZATION ACT RELATING TO TAIWAN

Mr. MURKOWSKI. Mr. President, last night we had several hours of debate and that debate was around the issue of the Foreign Relations Revitalization Act relating to Taiwan. As we addressed the disposition of the conference report, this particular portion received a good deal of scrutiny. There were a lot of words spoken, a lot of technical interpretations. What I am going to do today is simplify that debate by referring to the Taiwan Relations Act as the law of the land. I will also give a brief explanation of the section that was the subject of the debate, but I will use the actual factual language, as well as definitions, not just personal interpretations.

I was surprised by the debate surrounding one provision in particular, and that was section 1601, which states that sections 3(a) and 3(b) of the Taiwan Relations Act supersede any provision of the 1982 joint communique between the United States and China.

I was surprised by the debate because, obviously, a number of people seem to be cloudy on just what ''supersede'' means. Allow me to clear up any misconceptions of that term. The Oxford dictionary refers to the term ''supersede'' specifically as ''overrides, takes precedence over.'' That definition seems pretty clear to me, Mr. President.

The administration indicated it is going to veto the entire conference report, in part because of opposition to section 1601, even though that section only restates reality.

In order to enlighten some of my colleagues on this issue, I have a chart here. I would like to refer to the chart. This is April 10, 1979, section 3(a):

> . . . [T]he United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

Section 3(b):

> The President and the Congress shall determine the nature and quantity of such defense articles and defense services based solely upon their judgments of the needs of Taiwan. . . .

It could not be any clearer, ''solely on their judgments of the needs of Taiwan.'' That is to say, the President and the Congress shall determine the nature, quantity of such defense articles, et cetera. It is crystal clear. The issue is the interpretation of the United States-China joint communique. The previous reference was the law of the land. This is a communique. In the communique, August 17, 1982, the administration pledged, ''to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution.'' Paragraph 6.

This pledge to reduce arms sales over time, for those of us who have labored in this vineyard and those in the defense community, we recognize this as the ''bucket,'' so to speak; that is, after the executive branch implemented the pledge by decreasing the amount of defensive goods and services that would be sold to Taiwan. That is readily understood. That was the specific intent.

This is the communique, the other is the law of the land. But you can see the difference. Congress, and the President, clearly have the authority under the law of the land to designate and determine the nature and quantity of defensive arms provided to Taiwan.

Yesterday in the debate, several of my colleagues claimed that section 1601 nullified the entire basis of United States-China policy.

This simply is not true, Mr. President. I should know, this was my legislation. I know what the legislative intent was. As the original author of this legislation, I know the intent of the legislation is simply to reassert the legal primacy of the Taiwan Relations Act as public law over a statement of policy, such as the joint communique.

It is this intent that so many of my colleagues on the other side, and evidently the State Department, are missing. It reasserts the legal primacy of the Taiwan Relations Act as public law over a statement of policy, such as the joint communique, if the two are in conflict. That puts the burden on the President and the Congress where it belongs.

For example, if the threat to Taiwan is increasing, defensive arms sales may need to go up, and this should not be arbitrarily limited by the bucket. It has not been in the past. The bucket is whether it is inside or outside, and we have seen sales outside. Prior administrations have followed the principle and practice, such as President Bush's decision to sell the F–16's to Taiwan, even though they were outside the dollar limits and, therefore, outside that bucket. It is referred to, basically, as decreasing in the amount of collective arms sales to Taiwan.

The point I want to make today is, more important, that Secretary Christopher, in a letter dated April 22, 1994, to me assured me that this administration's position is as previous administrations; the Taiwan Relations Act as public law takes legal precedent over the 1982 Joint United States-China Communique. That is the issue, does it take legal precedent or does it not? The Secretary of State said it did.

Let me make one more distinction, Mr. President. That communique I referred to, has never been ratified by Congress. The Taiwan Relations Act is the law of the land.

In referring to this letter of April 26, 1994, the Secretary provided that letter and asked me not to release it for the RECORD. I am going to honor that commitment.

But now the administration seems to say it is ready to veto the entire conference report, and one of the reasons, in part, is because of a provision that simply acknowledges their prior position. If they are going to veto it, that is their own business, but let us be up front about the veto, if other rationale is the driving force.

Why is this being selected? I do not know. Has the administration been pressured to change some of its positions? I am sending a letter to Secretary Christopher today asking him to clarify his position: Does the administration stand by the April 22, 1994, letter or not? If not, then why not? It is my hope to share that answer with my colleagues.

This is important, because many on the other side are very uncomfortable now as they recognize what the law of the land says and the fact the law of the land supersedes the communique if the two are in conflict. Very few people seem to have picked up on that difference and it's significance.

Some of my colleagues have asked why this provision was necessary and if it was. My response is simply this: it sets legal precedent. This is a reason I think my colleagues on both sides of the aisle will appreciate. Sometimes it is necessary to remind the executive branch that the Executive policies cannot ignore the law of the land, and that is where we are today. The Taiwan Relations Act is the law of the land.

So, Mr. President, this administration cannot ignore Taiwan's defensive needs nor the role of Congress in determining these needs, even if some in China demand it. That is what this legislation is really all about.

Some of my friends in this body may imply that this language somehow suggests that former President Reagan was wrong when he signed the communique. That is certainly not my interpretation, nor my my intention. But the reality is, this is 1996, not 1982, and this language dictates that if the threat to Taiwan is greater now than in 1982, arms sales may go up accordingly.

So that is where we are, Mr. President. I hope that sheds some light on the debate over this language. I simply stated what was actually written, and hope my colleagues on the other side of the aisle will recognize this.

(Mr. CRAIG assumed the chair.)

THE BUDGET

Mr. MURKOWSKI. Mr. President, I would like to make reference, in my remaining time, to some facts on the budget.

It is rather curious, but in the last 13 months, President Clinton has sent up

to the Congress nine separate budget bills. We have one now, like the others, containing, in my opinion, some fairytale numbers, some rosy scenarios. They propose economics and delays into the next century when the spending cuts are actually going to take place, when it will be reduced.

Mr. President, 60 percent of the President's spending cuts are in the years 2001 and 2002 when we know, regardless of what happens this year, President Clinton will not be in office.

Spending will increase 25 percent from $1.5 trillion this year to $1.9 trillion in the year 2002. Spending will increase 25 percent, and the national debt will rise by more than one-third, from $4.9 to $6.5 trillion.

Think about that, Mr. President. From $4.9 trillion to $6.5 trillion we are increasing the debt. That is like increasing the balance on your credit card or increasing the overdraft, if your bank holds such an overdraft.

Although the deficit drops to $158 billion this year under the President's proposed reelection budget, the deficit goes up to $164 billion next year. This is our annual deficit. This means every year we are spending more than we are generating in revenue. We will spend $164 billion more than we generate in revenue, yet we mandate the American public balance their checking accounts. The Federal Government goes through a budget process. Everything it needs, beyond what it generates in revenues, it gets by adding to the deficit to the tune now of increasing it from $4.9 trillion—that is the total accumulated debt that has arisen as a consequence of the debts each year—we are going to increase that up to $6.5 trillion.

I spent a little bit of time in the banking business before I got in the business of being a Senator from the State of Alaska. Interest costs are, I think, one of the most interesting and underrated considerations in this process, certainly among the more deceptive elements of the President's budget.

This year we are going to spend 14 cents of every $1 of Federal spending on our $235 billion interest bill—14 cents out of every $1 of Federal spending. That costs us $235 billion. Next year the interest costs are going to rise to $238 billion. That is about 14.5 percent of the budget.

Interest is like having a horse that eats while you sleep. It continues throughout the night eventually eating faster than you can feed it. Interest does not employ anybody, does not provide any new jobs, and does not pay any taxes in that sense. It has to be addressed if you have debt. The United States has debt.

There is a rather curious process going on here. I will try and wind this up because I see my friend from Tennessee is on the floor as well. But the administration says that by the year 2002, interest costs are only going to be 12 percent of the budget and interest spending will be down to $223 billion. How is it possible for debt service costs to go down while the debt goes up from $4.9 trillion to $6.5 trillion? Is it lower interest costs? The President assumes flat interest rates at 5 to 10 percent on 10-year notes. So that is not it.

As I said, I used to be a banker. It does not take a rocket scientist to figure out that if the size of your debt rises by a third and interest rates are flat, the amount of interest you are going to pay has to go up.

Why does that not happen under President Clinton? I wonder if we have rejected some of the principles of mathematics. The answer, Mr. President, is hidden in the back of the President's budget. I think this deserves the light of day. During the next several years, trust fund surpluses, especially the surpluses in the Social Security trust fund, rise by nearly $1 trillion. For every $1 of surplus, the Federal Government issues a special debt note—a debt note—to the trust fund that is not counted as interest under our budget rules. I would ask the Chair why. I am sure the Chair would have the same difficulty in explaining it.

But for every $1 of that Social Security trust fund, which is going to be somewhere in the area of $1 trillion, for every $1 of surplus, the Federal Government issues a special debt note to the trust fund that is not counted as interest under our budget rules. That is $1 trillion of debt service not counted in the President's budget.

If you counted the interest we will pay the trust fund on the $1 trillion in new debt we owe the trust fund, as a consequence of that, going into the interest formula, the real interest figure would look more like $350 billion as interest on the debt in the year 2002 instead of $225 billion, which is what the administration would have us basically accept or believe in this proposal.

My point is, Mr. President, the administration projects the interest at 14.5 percent, or 14.5 cents on the dollar, when in reality it is 18 percent as a consequence of borrowing from the trust fund.

Mr. President, I will attempt to pursue this after the recess with some charts that I think will more visually show just what is going on here. The American public better be concerned because, as we look at greater portions of our total budget going for interest on the debt, we recognize we are going to have less for social needs and other priorities in our country.

This must come to a halt. It could only come to a halt by adopting a balanced budget. We still have not been able to convince the White House of the realism of a real balanced budget that will actually cut spending.

I thank the Chair and wish the Chair a good day.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

ORGAN DONOR AWARENESS

Mr. FRIST. Mr. President, I rise today to bring attention to an issue that is literally an issue of life and death. Mr. President, any one of the Senators here today or any member of our families, whether through accident or misfortune, could find ourselves needing a life-saving organ transplant operation tomorrow. If that should happen, we would be placed on a waiting list to join about 43,000 other Americans who right now, this very second, are waiting their turn—or their death if they never get that turn.

Since 1990, the number of people diagnosed as needing an organ transplant has doubled. Today, every 18 minutes a new name is added to this list of people waiting. By the end of this year, the list of people waiting for a transplant will be over 50,000 people long. But those are just the people that we know about, people who are lucky enough to have made it into the medical system, who have jumped through the financial hurdles of diagnosis and have been recommended to a transplant center.

The real numbers are even more staggering: Approximately 100,000 people—100,000 people—need an organ transplant this very year. Yet, only a small fraction of that 100,000 people will receive a transplant to live or to have a better quality of life.

In fact, every day eight people die because a donor, an organ donor, does not become available. We have 100,000 people that could benefit from transplantation, yet only one in five, about 20,000, will actually receive a transplant.

Why? Is it because donors must be a certain age or race or blood type or physical condition? Is it because of outdated State laws or Federal regulations? Or is it because it is difficult to qualify or to designate one's organs for donation? The answer to all three of those questions is no.

The reason can be summed up in four simple words: lack of public awareness. There are no limits for organ donation for any of the reasons I just mentioned. Every person is potentially a donor. Even those under the age of 18 can sign up with a parent's permission. Yet, tragically, there are only about 5,000 actual donors every year. Experts estimate that organ donation could be increased by 80 percent simply through better public education and awareness.

I began my training to become a heart and lung transplant surgeon 22 years ago. At that time, I could only dream of the science and the technology and the medical know-how that today is routinely used to save people's lives through transplantation or to give people a better quality of life. It is no longer an experimental procedure, but a life-saving, life-improving medical operation that is performed routinely in centers all over this country. Yet, today, for people who need a heart transplant, about one out of four die needlessly, senselessly because an organ donor is not available.

Now I am a U.S. Senator, now in a position to change and help people save lives through public awareness; and that is my goal, to bring public awareness in line with the advances in medical science and technology that we have today.

Together with my colleagues, Senator SIMON, Senator DEWINE, and Senator LEVIN, we have just launched a drive to focus congressional attention on organ transplantation and to encourage every Member of Congress to consider signing up as an organ donor. We ask them to do three things: First, learn the benefits of transplantation; second, consider signing an organ donor card; and third, and probably most importantly, discuss their decision with their next of kin and loved ones.

So far, more than a third of my colleagues in the U.S. Senate have done so, and more are adding their names to this list every day. On the House side, Congressman JOE MOAKLEY of Massachusetts is urging his colleagues to do the same. We must continue to do this because just as our list is growing, so too is that list of children and men and women who are waiting for that transplant procedure.

I want to urge today every one of my Senate colleagues and every Member of the House to perform that heroic, lifesaving act, which is selfless, unselfish, and sign an organ donor card to give others a new chance at life. Our goal is 100 percent congressional participation.

The week of April 21 through the 27th is National Organ and Tissue Donor Awareness Week.

That is one month from now. On Tuesday of that week we will be having hearings in the Senate Committee on Labor and Human Resources, dedicated to this issue of public awareness surrounding organ donation, tissue donation, and transplant patients. We can start right here by recognizing that public policy—and we, as legislators—can only do so much. The problem is the shortage of organs. The solution is public awareness. Doing our part, here today, and over the coming months to raise public awareness will go a long way in helping us achieve our policy goals, as well.

The 104th Congress has been unparalleled in the amount of attention that we have been able to focus on the important issues now before our Nation. This is one of them. We have the opportunity to give the most important service you will ever give to fellow Americans. Be a hero. Join the fight, and save a life.

Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ENVIRONMENTAL POLICY

Mrs. HUTCHISON. Mr. President, over the last 30 years, we have greatly improved the environment in the United States. Our air and water in this country is the cleanest it has been in 40 years. Now we are at a crossroads in environmental policy. We can preserve all of the environmental gains of the past three decades and move forward to assure our children a safer, cleaner, and healthier environment. But we will not be able to do it under the old top-down, command and control solutions from Washington, DC.

This approach is outdated and counterproductive. Rather than advancing our important environmental goals, the Washington bureaucracy and its extremist allies are actually harming the environment. Timber growers have been known to cut trees on the basis of even a rumor that their property might have an endangered species to be listed. Why? In order to avoid having Washington bureaucrats tell them they cannot cut down a tree that they have spent their lifetime harvesting.

In central Texas, the Fish and Wildlife Service originally suggested setting aside an area the size of the State of Rhode Island to protect the golden-cheeked warbler. In order to do that, they told the property owners they could not cut cedar trees. Now, cedar trees have another harmful impact on the people who must have water for our cultivation of lands and to drink, because cedar trees absorb water to a greater extent than most other trees. If you do not cut cedar trees, which our farmers and ranchers are trying to do as much as they can, the water supply dries up, and it affects the water supply of the city of San Antonio and affects the ability of farmers and ranchers to use their land. The size of the area is a ridiculous amount—the size of the State of Rhode Island for one bird, when we could have set aside a reasonable number of acres for its preservation.

In the Texas Panhandle, protecting a bait fish called the Arkansas river shiner may keep both the agricultural producers and municipal utilities from being able to have access to an adequate supply of water, even though there is a thriving population of the Arkansas river shiner in the State of New Mexico. Now, many of my constituents are a little fed up with a Government that gives snakes and salamanders priority over human beings and constitutional rights.

The Endangered Species Act has worked well as a means of focusing attention on the need to preserve plants and animals from extinction. There have been many successes for high-profile species, but the heavyhanded means that are being employed to preserve hundreds of subspecies are increasingly counterproductive. If we cannot rely on the support and cooperation of the people who live with the animals that we want to save, I think those animals chances of survival are not very good. That is why I am making a priority of reforming the Endangered Species Act. We need to forge a new consensus about saving endangered species and making private property owners stakeholders, not adversaries in the process.

The Superfund was created to identify and clean up hundreds of hazardous waste sites around the country, but the regulations written in Washington to govern cleanup are so complicated and cumbersome that almost no cleanup is getting done. Only 291, or about 25 percent, of the 1,238 worst hazardous waste sites have actually been cleaned up.

Where is the money going? Billions of dollars have gone into this. The money has gone to lawyers, consultants, and bureaucrats in Washington. That is where the money has gone that should have been going to clean up these hazardous waste sites. Companies contributing to the cleanup have spent 39 percent of their money on lawyers, 20 percent on negotiations, 9 percent on studies, and 15 percent on cleanup.

It is not just business that is being sued. The Catholic Archdiocese of Newark has been sued for a landfill in New Jersey. The archdiocese purchased land to expand its Holy Name Cemetery and inadvertently became potentially responsible for its cleanup. One landfill site in New York has 600 defendants, including an Elks Club, an exercise gym, two nursing homes and a kennel, which has a septic tank that needs to be cleaned.

Something must be done. We must put the money where it will benefit the public and the environment. This waste will go on and on unless we reopen the Superfund law and put some common sense back into it. Hazardous waste sites are local problems. We want to have a voice at the local level to be sure that the waste site in a town is cleaned up and made safe.

Unlike other major environmental laws, it is all handled by Federal bureaucrats, not the State and local representatives. While the lawsuits have gone on for years and years and the consultants and the bureaucrats argue endlessly about how many parts per million is acceptable, our children are at risk.

The Clean Air Act requires States and localities to meet a series of ambitious new pollution reduction targets in the years ahead. Achieving these goals will make the air we breathe cleaner and healthier. But the Washington bureaucrats have not been content just to set the standards. They are also trying to dictate how to achieve the goals, down to the smallest detail. In order to reduce auto pollution, emission testing requirements are part of the Clean Air Act. Rather than allowing States to decide, Federal regulators have been using threats to force States to set up entirely new automobile inspection networks, completely separate from the existing State auto inspection systems, and it is costing our consumers millions of dollars.

What we need to do, Mr. President, is achieve better protection of human health and the environment by regulating smarter. The fact is, businesses—

big and small—private property owners, and commuters, are spending too much time, too much money, trying to comply with too much paperwork and too many regulations from too many Washington bureaucrats.

If we are going to move forward for a safer, cleaner, healthier future, we must change the way Washington regulates. States and communities should be allowed and encouraged to take a greater role in environmental regulations and oversight. But the improvements we need in Washington go far beyond State and local involvement. We need to plan for the future, not just for today.

Science and technology are constantly changing and improving, but the Federal Government is not keeping up with these changes, and the old regulations are outdated. Extremists in the environmental lobby are trying to keep the status quo. What we want are some immediate changes that will give us better regulations for the environment, to preserve it, and allow people the freedom to use their private properties and cultivate the land at the same time.

Mr. President, I know my time has expired.

Mr. COHEN. Mr. President, I ask unanimous consent that the period of morning business be extended until the hour of 1:30, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I will have 3 or 4 more minutes.

Mr. President, here are the things that I would like to see done to change the regulatory harassment from Washington, DC. Let us put some common sense into the regulation. Let us do a thorough review of the environmental regulations that are now in place to determine what we need, what we do not, and make sure we do not add any new unnecessary, unproductive regulations.

Washington should be required to disclose the expected costs of current and new environmental regulations. I think the public has a right to know how much they are going to cost, and whether they are going to get their money's worth.

Three, in trying to make regulatory decisions involving the environment, the Federal Government should use best-estimate and realistic assumptions, rather than worst-case scenarios advanced by environmental extremists.

Fourth, new regulations should be based on the most advanced and credible knowledge available—in other words, good science. We have a situation where we have seen the devastation of the timber industry in the Northwest. It has cost thousands of people their jobs. Their families and their livelihoods have depended on the timber industry. It has cost every person in America that has built a new home more because timber prices have increased. Why? To protect a spotted owl.

Mr. President, what has happened is that reports have come back that, in fact, the spotted owl is not going into extinction, that it has been spotted in places nearby. So we have had a devastation of an industry, a devastation of people's lives and their livelihoods, their jobs, and whole communities have been ruined, when we did not even have good, sound science.

In Texas, in the city of Big Springs, 15,000 people had to move a reservoir to protect a conclo snake that was later determined to be prolific in a county nearby. They spent $6 million in taxpayer money—the money of hard-working people—to move a whole reservoir in order to accommodate a snake that was not really endangered.

So, Mr. President, it is time to restore common sense to environmental law. This is how we would move forward for a cleaner, safer future for our country, and to protect private property rights and jobs as we do it. We can work together to keep endangered species, to clean air and water, and clean hazardous waste sites. We can do all of these things and still have a thriving economy.

Mr. President, that should be our goal, and that is why we are trying to reform Superfund, reform the Endangered Species Act, and make the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act good for people as well as animals and the environment. We need to work together so we can live together in safety.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized to speak for up to 15 minutes.

APPOINTING MEMBERS TO CERTAIN SENATE COMMITTEES

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 236, submitted earlier today by Senator DOLE and Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 236) appointing Members to certain Senate committees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COHEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 236) was agreed to, as follows:

S. RES. 236

Resolved, That, notwithstanding the provisions of the Standing Rules of the Senate, the following Members are hereby appointed to the following Senate committees:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Bennett and Mr. Wyden.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Abraham and Mr. Wyden.

COMMITTEE ON THE BUDGET: Mr. Grams and Mr. Wyden.

SPECIAL COMMITTEE ON AGING: Mr. Warner and Mr. Wyden.

THE PASSING OF DAVID PACKARD—INDUSTRIAL GIANT

Mr. COHEN. Mr. President, last Tuesday, an industrial giant died, David Packard, a former Deputy Secretary of Defense during the Nixon administration. I have a letter sent to me as chairman of the Seapower Subcommittee by the Secretary of the Navy.

I ask unanimous consent that this letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, March 27, 1996.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Seapower, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, David Packard passed away Tuesday, March 26, 1996. I would like to submit the following statement for the Congressional Record.

We are deeply saddened by the passing of a great American and a true friend of the Department of the Navy, David Packard.

David Packard, together with his friend and Stanford University classmate, Bill Hewlett, sparked the development of the high technology industry from a one car garage back in 1938, to a giant in the electronics industry as the Hewlett-Packard Company. He set a new standard in management style that became known as ''the HP Way'', which emphasized ''management by objective, rather than by directive'' and encouraged employees to work toward common goals by giving them a wide range of freedom in which to operate. He created more than just a company, he created an industry and a management philosophy.

Mr. Packard served as Deputy Secretary of Defense under Secretary Melvin Laird where he developed a reputation for candor and independent thinking and a tendency to challenge political influence on defense decisions. He was part of a team that is considered by many to be one of the strongest teams ever to run the Defense Department.

A decade ago he made another huge and enduring contribution to good government. He chaired the Packard Commission, which recommended a revolution in defense procurement procedures through the application of standard business practices. His recommendations are still being implemented today. They enable the military to modernize more quickly and at a lower cost.

Although he was one of the richest men in America, he lived modestly. He donated the bulk of his wealth to a foundation that has given hundreds of millions of dollars to Stanford University, the Monterey Bay Aquarium, and other charitable causes.

David Packard was a giant in industry, in public service and philanthropy. We will miss him greatly.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

THE PASSING OF EDMUND S. MUSKIE

Mr. COHEN. Mr. President, last Tuesday, the State of Maine and the entire Nation mourned the loss of a political giant, Edmund S. Muskie.

From Maine to California, the newspapers are filled with long stories detailing and encapsulating the life and times of Ed Muskie and his accomplishments. There were columns that appeared in the New York Times, the Washington Post, the Boston Globe, the Bangor Daily News, the Portland Press Herald—all across the country.

While each of the articles was written from the unique perspective of the authors, there were common elements in each one of them. The articles spoke of Senator Muskie's intellect, which indeed was muscular. They spoke of his integrity, which was unquestioned. They spoke of his candor, which was unmatched. They spoke of his courage, which I think was incomparable.

He took on some of the most powerful interests in this country and, never once, did he ever flinch, he never sought favor, and never acted out of fear. He was indeed a brave heart.

He was careful, and some say he was cautious.

I read a tribute recently, which I will quote:

> Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed; refraining when he saw doubt, but when once decided, going through with his purpose whatever obstacles opposed. His integrity was the most pure, his justice the most inflexible I have ever known, no motives or interest or consanguinity, or friendship or hatred being able to bias his decision. He was indeed, in every sense of the words, a wise, a good, and a great man.

These words were not about Ed Muskie. These are the words of Thomas Jefferson assessing the character of George Washington. But they might just as well have been said about Ed Muskie.

In Ecclesiastes, the question is asked, ''What is best for men to do during their few days of life under the sun?''

Well, it was clear from the very beginning what the answer was for Ed Muskie. He was not born to be a spectator or a bystander. He did not come into this world to sit in a darkened theater and express his approval or rejection of those on stage.

He knew, as Justice Holmes before him knew, that ''Life is action and passion, and we must share in that action and passion at the risk of being judged not to have lived.''

Ed Muskie was at the very center of the action of his days—whether it was on the civil rights legislation, or protecting the environment, or waging the fight to control the budget, as chairman of the Budget Committee, or promoting America's role in a dangerous world, as the Secretary of State.

When he was on the Senate floor in full-throated debate, and when he blended that magnificent mind of his with the rhetorical power and grace of the orator, then he became one with the poet Hopkins, who said, ''What I do is for me; for this I care.''

Dr. Robert Sheehan once wrote, ''The world belongs to those who laugh and cry. Laughter is the beginning of wisdom, the first evidence of the divine sense of humor. Those who know laughter have learned the secret of living.''

Well, Ed laughed a lot. He had a wry, down-east Yankee wit. He loved a good cigar, a good story, and he loved a good joke.

While passion was his virtue, it was also said to be his vice. He had a cool, cerebral intellect, but he also had a quick and, some would say, also Vesuvian temper, particularly when he witnessed an injustice being done, an act of hypocrisy or unfairness being inflicted. He had little tolerance for character assassination.

We are all familiar with that fateful moment in New Hampshire when he was standing on a flatbed during a snowfall. Ed Muskie decided that he had enough of the dirty tricks that were being practiced upon him at that time, enough of the daily diatribes that appeared in one of New Hampshire's newspapers. But, of course, he was not the only object of attack that week. He rose on that day to denounce the attacks against his wife, Jane, as being mean and cowardly. There was one prominent journalist, David Broder, who wrote that Senator Muskie appeared to be crying during that time—although, to this day, there is some question as to whether they were actually snowflakes falling or streaming down his cheeks, as opposed to tears.

But it was a moment in history—a turning point in his campaign for the Presidency because many, after that moment, judged him to be too passionate to be President.

There is some irony in the retelling of this story and this event because, some 16 years later, another Democratic candidate for the Presidency was thought to be too cool, too bland, and bloodless in his response to a question about what he would do if his wife had been raped.

So we have come to learn that politics is not a sport where the rules are always well defined, or indeed consistent.

Some people who have run unsuccessfully for the Presidency are broken by the experience. Defeat never shattered Ed Muskie's love of politics and his love for this institution. He possessed an inner self-confidence and self-awareness of his place in the uncompleted puzzle of existence. It was a serenity which permitted him to continue to serve nobly in the Senate and then later as Secretary of State.

Mr. President, back in 1976, I had given consideration to running against Senator Muskie. I was then a young Congressman from the Second Congressional District of Maine. I was being urged, indeed, to run against Senator Muskie. I was pondering. I thought about it for a long time. I retreated to Sugarloaf Mountain in Maine to contemplate whether or not I would take this great step. I had with me at that time a book called ''Zen and the Art of Motorcycle Maintenance'' written by Robert Pirsig. It was one of the most intellectually challenging books I think I had read at that time.

As I was reading through the book, the decision really clicked into my mind. I came across the words of Pirsig when he said:

> When you try to climb a mountain to prove how big you are, you almost never make it. And even if you do, it's a hollow victory. In order to sustain the victory you have to prove yourself again and again in some other way, and again and again and again, driven forever to fill a false image, haunted by the fear that the image is not true and someone will find out. That's never the way. . . .

I knew, upon reading these words, that I was in danger of letting my own ambition race beyond my abilities and that even if I could defeat Ed Muskie—and the polls showed me doing that—I knew in my heart that I would need a fistful of four-leaf clovers and a whole lot of money. Even then in my heart of hearts I knew that it would be a tough race for me to run, and that, even if I were to win—which was always in doubt—the State of Maine and this country would not have been well served. He was by far a superior man, and history has proven that to be the case.

So I declined to enter the race. I called Ed Muskie and told him of my decision—never revealing at that time that I had been reading ''Zen and the Art of Motorcycle Maintenance'' which helped me reach that conclusion.

John Kennedy once remarked that when the high court of history sits in judgment on each of us, recording in our brief span of service whether we fulfilled our responsibilities, our success will be measured by the answers to four questions:

First, were we truly men of courage?

Second, were we truly men of judgment?

Third, were we truly men of integrity?

Fourth, were we truly men of dedication?

As history judges Ed Muskie, the answer to each of these questions is an unqualified ''yes.'' These are the very qualities that characterized his service in Government. He will be remembered as one of the finest public servants to ever have graced the Governor's Mansion in Maine, the U.S. Senate, and the Office of Secretary of State.

Tomorrow when he is laid to rest in Arlington National Cemetery, Ed Muskie will be in the hearts and in the minds of the people of Maine and this country and shall remain there for generations to come.

Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

WELFARE REFORM

Mr. ROTH. Mr. President, it has been 37 months since President Clinton outlined his welfare reform goals. On February 2, 1993, he told the Nation's Governors he would announce the formation of a welfare reform group within 10 days to work with the Governors to develop a welfare reform plan. But welfare reform was not enacted that year nor the following year.

Fourteen months ago, President Clinton declared at a joint session of Congress that, ''Nothing has done more to undermine our sense of common responsibility than our failed welfare system. It rewards welfare over work. It undermines family values.''

In response, the new Congress passed welfare reform twice in 1995. H.R. 4, the Personal Responsibility and Work Opportunity Act of 1995, received bipartisan support in both the House and Senate as it was being drafted. Yet, 10 weeks ago, President Clinton vetoed welfare reform for a second time. With a stroke of his pen, President Clinton wiped out the welfare reform American families need and expect. By vetoing welfare reform, President Clinton has accepted the status quo in which millions of children are trapped in a vicious cycle of dependency.

Two weeks after he vetoed H.R. 4 President Clinton once again pledged his support for welfare reform in his 1996 State of the Union Address.

The President also declared that, ''the era of big government is over.'' But his actions contradict his words.

On February 6, the Nation's Governors issued their own bold challenge to reform the welfare state. The Governors' unanimously adopted a bipartisan—I emphasize ''a bipartisan''—blueprint for returning the power and authority over the welfare system, including Medicaid, to the States. Since then, the Finance Committee has held three hearings on the welfare and Medicaid proposals forwarded by the National Governors' Association. The Governors specifically built upon the welfare reform conference report rejected by the President.

On February 28, Secretary Shalala testified for the administration on the Governors' proposals. Once again, we found that the administration has an incredible capacity to blow hot and cold air at the same time. While lauding the Governors for their effort, Secretary Shalala opposed every major provision of the bipartisan proposals.

The Nation's Governors assembled again this week, this time in Palisades, NY, for a National Education Summit. The purpose of this meeting was for the States to share their ideas and strategies for introducing new technologies, standards, and assessments to improve the education of our children.

The Governors invited the business leaders who will help develop the new learning systems which will combine education and technology. The Governors also invited President Clinton to address the summit and, who no doubt, pledged his support and commitment to our children's future.

But among all of the dignitaries, there was an uninvited and unwelcome guest at the banquet. Medicaid, the uninvited guest, will consume much of the necessary resources intended for education and will leave only scraps for the education of our children.

The insatiable appetite of Medicaid spending is limiting the ability of the Governors to fully fund education as they wish as Medicaid's share of State spending has nearly doubled in just 7 years. Its share has grown from 10 percent of State spending in 1987 to 19.4 in 1994.

During this same time, the share of State spending for elementary and secondary education dropped from 22.8 to 20.3 percent. Higher education's share dropped from 12.3 to 10.5 percent.

In 1990, Medicaid spending replaced higher education as the second largest State spending category, exceeded only by elementary and secondary education.

If present trends continue, Medicaid will soon pass elementary and secondary education as well. As shares of total State spending, both elementary and secondary education and higher education are at their lowest point in memory.

Between fiscal years 1993 and 1994, elementary and secondary education grew by just 2 percent. In comparison, Medicaid grew by more than 12 percent.

These alarming trends have consequences in other vital services as well. Transportation's share has dropped from 10.6 percent of State spending to 8.9 percent. The broad category of all other which includes public safety, investment in infrastructure, and many other services has declined 3 percentage points.

Another hidden threat of Medicaid is how State government is funded. Medicaid forces States to borrow more to finance the cost of education.

States cannot sell bonds to finance Medicaid, so the cost and burden of borrowing is passed on to other budget categories.

In 1987, 6.4 percent of bonds issued were to finance higher education. In 1984, 19.2 percent of bonds were used to fund higher education. This debt, of course, is ultimately passed on to our children. Even worse, as Medicaid spending consumes even greater shares of spending, leaving less for education, the cost of education may well rise beyond the ability of many families to spend their children to college to all.

The consequences of the failed welfare system are realized in many ways. It spreads its ill effects throughout society.

Now we find that unlimited entitlement spending threatens our democratic institutions as well. Mandatory Medicaid spending is draining State and Federal budgets. Governors and State legislatures are no longer in control of their State governments—they are being held hostage by the demands of Federal bureaucrats.

Mr. President, if we truly care about the education and future of our children, we must enact authentic welfare reform. Medicaid is the largest welfare program and the threat of its uncontrolled growth is spreading. Without welfare and Medicaid reform, whatever President Clinton promised for education last Wednesday in New York, is certain to be consumed by Medicaid tomorrow.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent for roughly 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PACIFIC NORTHWEST SALMON RESTORATION

Mr. GORTON. Mr. President, the Columbia River is the crown jewel of our Pacific Northwest. Its waters passing through our dams light our cities and towns. Its waters held back at times by those dams have saved thousands of lives from destructive floods. Its waters spread on our dry land have made the desert bloom and provide food for millions of people around the world. At the same time, that magnificent Columbia River has been the home to the most munificent runs of salmon anywhere in the lower 48 States of the United States of America.

Now that very civilization that has built those dams and used these waters so constructively threatens the future of these wonderful salmon runs. What should we do? How should we see to it that we both have the benefits of power and of irrigation and flood control and at the same time preserve and strengthen and restore these wonderful runs of salmon?

I think it is becoming more and more evident what we should not do. In the last 5 years, Federal bureaucrats here in Washington, DC, have billed us in the Pacific Northwest $1.5 billion for salmon restoration, half a billion dollars last year alone, and we have not seen any positive results at all. In spite of this investment, an investment the people of the Pacific Northwest have not begrudged, the results are nothing. The results are a continued decline in our salmon runs. These costs are welcomed by the people of the Pacific Northwest, but the results are not.

I am convinced that this failure of Washington, DC, bureaucrats means that we cannot succeed if we continue to do business in the same way that we are doing it at the present time. I believe, and I believe firmly, that we can do a far better job in the Pacific Northwest if we are allowed to make the decisions that affect our lives and affect our resources.

Personally, I am totally committed to restoring an abundant salmon fishery in the Columbia and the Snake Rivers. Healthy and strong salmon

runs are vitally important to our economy, to thousands of people whose livelihoods rest on them. But there is something more important even than those who are professionals in these fields. Salmon are a distinct part of our society and of our culture. Everyone who grows up in the Pacific Northwest has his favorite stories—his or her own big catch, the thrill of the child catching that first salmon, or just of a summer cookout with the family with salmon on the grill. I would find it unacceptable that my grandchildren would not have in their lifetime the same opportunities that I have had.

I have also to confess that my thinking, along with that of many in the Pacific Northwest, has grown and expanded over the years to emphasize the vital importance of native salmon runs. We have spent much of our time building hatcheries and creating artificial runs where native runs once existed. Those hatcheries are important. They are an important supplement. But we now recognize that it is vital that we strengthen the native runs and help restore them at the same time.

I am convinced that the people of the Pacific Northwest are willing to pay money, money literally in the hundreds of millions and billions of dollars that has already been wasted, in order to restore these salmon runs, but at the same time the people of the Pacific Northwest want that money to be spent effectively. They also want the amount of money they are going to spend to be predictable, and they want it to be spent in a scientifically credible fashion.

Last November, the National Academy of Sciences, the most prestigious institute of science in the free world, came up with a set of reports indicating what we know and what we do not know and suggesting some courses of action. That report has been almost totally ignored by the Federal bureaucrats who are in charge of spending our money and telling us what to do.

So I believe we need a change. I think we need to change a system that has failed and come up with a system that will work. I believe that that system is most likely to be developed by the people who are going to pay the bills and benefit from any success and pay the penalty for any failure.

Mr. President, do you not agree that the people of our region are better capable of answering these questions than the bureaucrats here in Washington, DC? Should not authority over how we deal with these runs be turned over to us, collectively—our sportsmen, our commercial fishermen, our citizens in cities and towns, our irrigators and farmers, our Indian tribes? Are they not going to be able to come up with a better answer to this question than we have gotten so far from Washington, DC?

Mr. President, I am convinced that is the case. I am convinced that this Congress should require a significant amount of money to be spent on the restoration of our salmon runs, should allow our people to spend more, if they wish to do so, should allow us to come up with a predictable number of dollars for this effort, and then, most vitally, should allow us, using the best science we can possibly find through these wonderful national and international scientists, to decide how best to spend that money so that we, you and I and all of us from the Pacific Northwest, may be able to pass on to our children and grandchildren the wonderful heritage of an abundant fishery at the same time that we preserve power for our cities and towns, water for our farms, rivers for our recreation, and safety for our citizens.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to proceed as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIG GOVERNMENT OVER? NO, BIGGEST GOVERNMENT EVER

Mr. GRAMM. Mr. President, we have received last week the President's official budget for 1997 and for the next 6 years thereafter. I would like to take some time this afternoon not to do the standard presentation that we all make, where we take the President's budget and say what in it is phony, what is smoke and mirrors, and what in it has no hope of coming true?

If people took the President's budget this year and did that, I think they could make a magnificent presentation because the President's budget is based on optimistic assumptions that things are going to get better without any change in policy to make them better.

But that is not what I want to do this afternoon. What I want to do this afternoon is to talk about the President's budget proposal from a point of view that we don't use enough, and that is, if we assume that everything in the President's budget is valid, if every word in here is backed up by sound policy, if everything the President assumes will happen will happen, if we grant the President every benefit of the doubt, then let us look historically at the kind of America that this budget will produce. That is what I would like to do for a few moments here this morning.

I would like to set it in historical perspective by using a series of charts. On this first chart I compare expenditures on national defense starting the day that World War II ended. So I look at the decade of the 1940's after World War II, the decade of the 1950's, 1960's, 1970's, 1980's, and then I look at the Clinton budget as projected for the next decade, in his own numbers.

To simplify the comparison and avoid the impact of inflation or overall growth in the economy, I have decided to look at budget expenditures as a percentage of the total production of the American economy. So when I am going through these numbers, think of it as the Nation's overall income, the value of everything we produce and sell, and how much of that is going for these particular purposes.

Looked at in this way, this chart shows that in the second half of the 1940's, from 1945 to 1950, 7.9 cents out of every dollar earned by every American was spent on national defense. As the cold war accelerated, that grew to 10.6 cents out of every dollar. It fell off some in the 1960's to 8.9 cents out of every dollar. In the 1970's and 1980's, it was 6 cents out of every dollar.

If President Clinton's budget is adopted exactly as it is written, if every word in it turns out to be backed up by sound policy, and if everything it assumes will happen happens, under his policy we will, in the decade of the Clinton budget, be spending 3.4 percent of the Federal budget on national defense.

There are several important points here. First of all, that is the lowest expenditure on national defense—3.4 cents out of every dollar earned by every American going to national defense—since the 1930's.

Second, that is 43 percent less than we spent in the decade of the 1980's, and if every penny that has been cut out of defense had gone to deficit reduction, we would have a balanced Federal budget today.

Let me state it in another way. The whole peace dividend for winning the cold war, which allowed us in real terms to spend about $150 billion less on defense every single year, every penny of the peace dividend has been seized and spent by Government. This is the first major victory in the history of America where the fruits of that victory—whether it was the Civil War, World War I or World War II—this will be the first time in American history that when the conflict ended we did not give the money back to the people we took it from to fight the conflict. Every penny of the peace dividend will have gone to Government and will have been spent on nondefense programs.

The second point I want to make is about social spending. Again, beginning the day World War II ended and for each of the decades, I have the percentage of all of the income in America that was spent by Government on nondefense programs, basically social programs with the overwhelming preponderance entitlement programs. Again, the level was 7.4 percent in the 1950's, it rose to 10.2 percent in the 1960's, rose to 14.6 cents out of every dollar earned by every American spent by Government on social programs in the 1970's. That rose to 17.1 percent in the 1980's and, under President Clinton's budget, if we met every savings proposal that he has, if all of his assumptions came true about saving money—and it would be the first budget in history where that ever happened—even under the best scenario,

President Clinton has promised the largest expenditure on social programs in the history of the United States of America. By his own numbers he will spend 17.3 cents out of every dollar earned by every American in Washington DC, through the Federal Government, on social programs.

So, when our President says the era of big Government is over, and when we are trying to assess what that really means, I do not know what he means when he says it but his budget spends 69 percent more on social programs, as a percentage of the income of all Americans, than we spent during the decade the great society programs began under Lyndon Johnson.

Taxes: Beginning the day that World War II ended, the American people have borne the following tax burdens. From 1945 to 1950, on average, Americans paid 16.5 cents out of every dollar they earned in taxes to the Federal Government. That has steadily risen, and under President Clinton's budget, if fully implemented, we would have the highest Federal tax burden in the history of the United States of America.

Under President Clinton's budget, if implemented, Americans would send 19.3 cents out of every dollar earned by every American, on average, to Washington to be spent by the Federal Government.

Let me sum this up on these three charts. President Clinton's budget calls for the lowest level of expenditure on defense since World War II—since the 1930's, the highest level of expenditures on social programs in the history of the United States of America, almost 70 percent higher as a percentage of our national income than we had in the mid-1960's at the peak of the Great Society, and Clinton's own budget calls for the largest tax burden in American history.

This is what the tax burden looks like if you plot it out, adding up State and local government. What you see by this chart is that, if implemented, President Clinton's budget would give us the largest tax burden ever borne by Americans at any time in the history of our country.

The President talks about a tax cut in his budget, but what really happens in his budget is that the tax cut is sunsetted and ends while the tax increases continue. By the time you get to the year 2001, we have actually a tax increase in the Clinton budget.

But now, to get down to why all this is relevant. What difference does it make that the Clinton budget has the highest social spending in American history? What difference does it make, other than to the taxpayer, that it has the highest tax burden in American history?

What I have plotted here is economic growth. This represents the rate of growth in the production of income and opportunity and jobs in America. These numbers are very revealing.

In the 1950's, the American economy grew at 4 percent a year on average. What that means is that in the aggregate, the average family in America was seeing its income grow by roughly 4 percent a year.

In the decade of the 1960's, that grew to 4.4 percent, most of that growth in the first half of the 1960's.

By the 1970's, it was down to 3.2 percent.

In the 1980's, it was down to 2.8 percent, and in President Clinton's own optimistic assumptions, with his Government spending burden and his tax burden, his own budget concludes that, on average, for the next 10 years, we would have 2.3 percent economic growth, meaning that, whereas in the 1960's the average family could look forward to its income growing at 4.4 percent a year, under the President's program of taxing and spending, the average American family will be able to look forward to economic growth at roughly half the rate that we experienced in the 1960's.

Why is that relevant? Let me give you a figure. If the American economy for the next 20 years grew at 4 percent a year, which is about the rate it grew in the fifties and sixties, rather than at the rate that it will grow under the Clinton budget by his own assumptions, that would mean that the average family of four in America 20 years from now, would have $40,157 more of income than they will have at President Clinton's growth rate.

Why is this budget proposed by the President so destructive? It is so destructive because it is giving America a future that is shortchanging the people who do the work and pay the taxes and pull the wagon in America. It is giving American families an economy that is growing at roughly half the rate it grew in the 1950's and the 1960's.

What that means is that when families sit down around their kitchen table every night and they dream the American dream and they make hard choices to make it come true, only roughly half as many families are going to achieve the American dream under the Clinton budget as would have achieved the American dream if we could go back to the kind of economic growth that we had for the first 20 years after 1945.

What really happened in the 1960's, and it happened roughly in 1965 when you look at the figures, is that America made a decision—a decision that was never debated and that there never was one single vote on it—but we made a decision that has profoundly affected our country. Prior to that point, for all of the 20th century, the American economy had grown at over 3 percent a year. From 1950 to 1965, the American economy had grown at over 4 percent a year. But beginning in the mid-1960's, we traded in an economy growing at 4 percent a year for a Government that has grown at 9 percent a year ever since.

Since the mid-1960's, the American Government has grown twice as fast as the income of the average American family and, in recent years, three times as fast.

The net result is we have had a decline in jobs, in growth, and opportunity. When you ask Americans, ''Are you confident your children are going to have a brighter future than you had?'' and when over 60 percent say no, they clearly perceive what is happening in America.

I am opposed to the President's budget. I intend to work to defeat it. I intend to adopt an alternative, because I do not want the highest growth rates in American history for social programs. I do not want the highest tax burden in American history, and I do not want the lowest level of opportunity for working people in this country that we have ever had in the history of the United States of America. That is what this budget promises.

Budgets represent a vision for the future. They define a relationship between the Government and the people. The relationship that is defined in the Clinton budget is a relationship of Government getting bigger, of Government spending getting larger, of taxes getting higher and of opportunity getting smaller. That is not the future that I want.

Let me conclude by reminding my colleagues and anyone who might be listening that the President earlier this year vetoed a budget that balanced the Federal budget. The President vetoed a budget that, because it balanced the Federal budget, would have brought interest rates down by 2 percent, that would have saved the average family in my State in Texas $2,754 a year on their mortgage payments because of lower mortgage rates, and would have given an average family of four a tax cut of $1,000 a year which they could have invested in their own family, in their own future. If we had adopted that budget, we would not be looking at the lowest economic growth rate in American history.

I think it is vitally important, Mr. President, that we reject the Clinton budget, not because it is phony, not because most of its figures are made up, not because the numbers do not add up—all that is true—but the reason we should reject that budget is because it does not paint a future that America wants. Americans do not want higher Government spending, higher taxes and less growth. They want less Government. They want more freedom.

Our job is to see they get it. That is why I am opposed to the Clinton budget. That is why I am in favor of balancing the Federal budget by cutting spending. I thought it was important to come over today and talk about these numbers and give this speech because later this afternoon we are going to be voting on a spending bill that spends $4 billion more than we set out in our appropriations earlier this year. The President is saying that he is going to veto this bill because it does not spend $8 billion more than we set out in our appropriations earlier in the year.

Somehow there is a disconnect between what we are saying in Washington and what we are doing. If we want the return of jobs, growth and opportunity—if we want to restore the kind of opportunity that was routinely available to America when the Presiding Officer of the Senate was growing up and when I was growing up—we are going to have to change the way we do business.

We are going to have to spend less of the taxpayers' money in Washington, so that the taxpayer can keep it, so the taxpayer and the taxpayer's family can spend it, so that they can invest it in their future and, therefore, America's future. That is the difference between the Clinton vision and the vision of Republican Members of the House and the Senate.

I yield the floor, and I thank my colleague. I want to apologize to him. During the speech of our colleague, Senator GORTON, I had walked into the anteroom, and he did not see me here on the floor. I am sorry for the inconvenience.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Texas for those comments. We try on the floor to respect those who have arrived earlier. I had not known that the distinguished Senator from Texas had been awaiting recognition. I walked in; he was not on the floor. But I learned a little by listening to Senator GRAMM, which I do when I listen to Senator GRAMM. I have had occasion to listen to Senator GRAMM a great deal over the past year and have learned from the Senator over the course of the last year in other activities I have undertaken.

THE OMNIBUS APPROPRIATIONS BILL

Mr. SPECTER. I have sought recognition, Mr. President, to express my chagrin and disappointment that we are apparently not going to have an omnibus appropriations bill, but later today are going to proceed with another continuing resolution. Perhaps it is appropriate on April 1, on April Fool's Day, that Washington, DC, again looks like a collective group of April fools unable to pass a budget, and on April Fool's Day unable to finish the business of the preceding year, 1995.

Within the past hour I have come from the conference of the House and Senate where very strenuous efforts have been made for the past several days to find a compromise on appropriations.

I have the honor to chair the Senate Subcommittee on Labor, Health and Human Services. Perhaps I use the wrong word when I say it is an ''honor.'' It has been really an embarrassment that we have not been able to bring a bill, the legislation, to fruition for funding which should have been in place by last October 1. But that bill has been tied up for a variety of reasons, with equal blame apportioned on both sides of the aisle, while we have been in gridlock on a number of matters.

For many, many weeks I have been pressing very hard to try to get the matter resolved, have been working with Chief of Staff Leon Panetta to find offsets, have scheduled a series of hearings with the Secretaries of the three Departments—Labor, Health and Human Services, and Education—and we finally brought the bill to the Senate floor and finally got it passed by a very substantial number, 79 to 21.

The key part of that bill was a bipartisan amendment worked out by the distinguished Senator from Iowa, Senator HARKIN, and myself, Senator HARKIN being the ranking member of the committee. We passed that amendment 84 to 16. During about 20 hours of conferencing, Mr. President, I think we had been able to finally thread the needle to find a bill which would probably have been signed by the President and which was acceptable to the House of Representatives.

That is pretty hard to do in Washington, DC, today. There is considerably more flexibility in the U.S. Senate in trying to arrive at accommodation. We passed the bill which had the amendment which Senator HARKIN and I had constructed and fashioned, which added $2.7 billion to some very important functions, to education, worker safety, and to health and human services.

Notwithstanding that addition, the President had sent word that he wanted some $484 million more. Well, we were at the break point with the bill which we conferenced with the House of Representatives when we had called for $2.7 billion more in spending.

Let me point out that that $2.7 billion was endorsed by both leaders, Senator DOLE and Senator DASCHLE, 37 out of the 53 Republicans voted for the amendment, 37 Republicans voted for it and 16 voted against it, more than two-thirds of our Republican body voted for it, which is a very, very strong showing, given the constituency of our Senate caucus, and the amendment received all of the 47 Democratic votes. So, when we went to conference with this bill I thought, Senator HARKIN thought, Senator HATFIELD thought, that we were within range to have it signed by the President. We were not sure, but we thought we were within that range.

We also constructed the bill so that it would be agreed to by our House colleagues. We were not sure about that either. It was very, very tough on negotiations. Finally, the House Labor, Health and Human Services conferees approved the bill by a vote of 6 to 5. You cannot get any closer than 6 to 5. But what we were veritably doing is running between the raindrops in a hurricane to find something which would satisfy our House colleagues and something which might be signed by the President.

Regrettably, that is all for naught or mostly all for naught—mostly for naught or probably for naught—because when we do not get the bill and have a 3-week hiatus, it all unravels.

Senator Baker was the majority leader when I first came to this body. I learned a great deal from Senator Baker. One of his famous statements—we were here at 11:30 one night. We were on the finance bill. There were 63 amendments pending. Senator Baker said, ''We're going to proceed and finish this bill because amendments, like mushrooms, grow overnight.'' We stayed through until 6:30 in the morning. We had some accepted. We had half a dozen votes. Many dropped by the wayside. We finished the bill.

The dynamism in the U.S. Senate and the House is, if you do not push to get it through, it all unravels. We were on the verge of getting it through. I compliment our distinguished colleague, Senator HATFIELD, for his prodigious work in shepherding this matter through and would note his consternation and amazement when he heard last night that we were going to have a continuing resolution. That was not known by the chairman of the Senate Appropriations Committee, who was chairing the conference.

I think it is very regrettable because, if we were going to have the time to present this bill on the floor today, or perhaps tomorrow—it would not be unheard of or out of line for us to work on a Saturday, even if it would mean a day less of the recess. That has happened before.

These matters just do not coalesce until the very last minute. If there is more time for argument, more time for discussion, and more time for disagreement, when we finally work it out, it is an accommodation and a compromise. Nobody is really happy, and if you have more time to argue it some more, you expected to be in session last night until past midnight and then again today.

With that pressure on, we were on the verge of having an omnibus appropriations bill, which I think would have concluded the matter. It is with considerable chagrin and considerable disappointment, speaking for myself, that we are not finishing. I think it is with considerable chagrin and considerable disappointment that the American people are watching the process and seeing April 1 come and seeing a bunch of ''April fools'' in Washington, DC, at both ends of Pennsylvania Avenue, unable to get the matter done. There is a responsibility in both Houses, a bicameral responsibility, and a responsibility on both sides of the aisle—Republicans and Democrats are equally at fault—and responsibility at both ends of Pennsylvania Avenue, because there is no easy compromise and no meeting of the minds without an elaborate, inordinate thrashing process where the White House always wants more and some here always want less. We are on the verge of getting it done.

I think it is very regrettable we did not conclude it.

Mr. President, when we added the $2.7 billion included in the Specter-Harkin amendment, we were able to add to some very, very important programs on education—that is a priority, second to none—and important matters on worker safety, important matters on Health and Human Services.

I know my distinguished colleague from Rhode Island is on the floor waiting to speak, and I will not go through the detail which I would have. Sometimes on Friday afternoon at 1:30 there is nobody seeking recognition on the floor. Instead, I will have printed in the RECORD this chart which shows a comparison, a transition, as to where the appropriations process had been, how we made the additions, how we came to the accommodations and compromises, and finish within $20 million, which is a small fraction of the $2.7 billion, we came in $20 million under the $2.7 billion, and actually only $14 million, because a $6 million addition was added by Congresswoman PELOSI on an education program, which I thought was fine.

So we did the job. Regrettably, it is not altogether finished. Hopefully, a good part of this work will last, and we will be able to build on this when we come back, to finish this omnibus appropriations bill.

There are a few outstanding matters on language and a few other outstanding issues, but I think they would have been resolved fairly quickly had the pressure been maintained to finish this, without the talk of a continuing resolution.

I ask unanimous consent that this chart be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Fiscal year 1995	House	Specter/Harkin floor amend.	Senate	Conference, proposal, 3/27/96	Conference 3/27/96 vs. Senate	Conference, proposal, 3/28/96	Conference 3/28/96 vs. Senate
Labor:								
School to Work	$122,500	$95,000	$91,000	$186,000	170,000	(16,000)	170,000	(16,000)
Dislocated Workers	1,228,550	867,000	333,000	1,200,000	1,100,000	(100,000)	1,100,000	(100,000)
One-Stop Career Ctrs.	100,000	125,000	18,000	110,000				
Summer Youth Jobs	867,000	0	635,000	635,000	635,000	0	625,000	(10,000)
Adult Training	996,813	830,000	154,300	900,000	850,000	(50,000)	850,000	(50,000)
OSHA	311,660			289,000	289,000	0	289,000	0
Total, Labor	3,626,523	1,917,000	1,231,300	3,320,300	3,044,000	(166,000)	3,034,000	(176,000)
HHS:								
HRSA:								
Consolidated Health Centers	756,518	756,518		759,623	759,623		759,623	0
Natl Health Service Corps	120,185	120,185		115,000	115,000	0	115,000	0
Health Professions	278,977	278,977		235,669	260,162	24,493	260,162	24,493
Pediatric Emergency	10,000	11,000		10,500	11,000	500	11,000	500
Ryan White, Title II	198,147	250,147		198,147	250,147	52,000	250,147	52,000
Health Care Facilities	10,000	10,000		10,000	20,000	10,000	20,000	10,000
SAMHSA	2,180,668	1,883,715		1,800,469	1,859,146	58,677	1,859,146	58,677
AHCPR	135,290	94,186		65,390	94,186	28,796	94,186	28,796
HCFA Medicare Contractors	1,604,171	1,604,171		1,584,767	1,604,171	19,404	1,604,171	19,404
ACF:								
Head Start	3,534,129	3,397,429	136,700	3,534,129	3,570,129	36,000	3,570,129	36,000
Social Services BG	2,800,000	2,520,000		2,310,000	2,420,000	110,000	2,311,000	1,000
Child Welfare Services	291,989	277,389		268,629	277,389	8,760	277,389	8,760
Admin. on Aging:								
AOA Research	25,630	0		4,991	2,850	(2,141)	2,850	(2,141)
HHS Office of the Secretary:								
HHS Gen'l Dept. Mgt.	88,150	96,439		96,439	98,439	2,000	98,439	2,000
Office of Minority Health	0	27,000		20,000	27,000	7,000	27,000	7,000
Inspector General	89,456	73,956		79,162	79,162	0	79,162	0
Total, HHS	12,123,310	11,401,112	136,700	11,092,915	11,448,404	355,489	11,339,404	246,489
Education:								
Goals 2000	371,870	362,000	60,000	350,000	350,000	0	350,000	0
Title I (Total)	7,228,116	7,010,113	814,489	7,328,000	7,228,116	(99,884)	7,228,116	99,884
Basic Grants	(5,968,235)	(5,405,895)	(700,228)	(5,960,089)	(5,792,897)		(5,968,235)	
Concentration Grants	(663,137)	(1,044,945)	(114,261)	(805,459)	(905,459)		(663,137)	
BIA Set-Aside	(66,984)	(65,160)		(68,339)			(66,984)	
Drug Free Schools	465,981	200,000	200,000	400,000	366,000	(34,000)	400,000	0
School to Work	122,500	95,000	91,000	186,000	170,000	(16,000)	180,000	(6,000)
Charter Schools	6,000	8,000	8,000	16,000	16,000	0	18,000	2,000
Ed. Technology	22,500	25,000	10,000	35,000	48,000	13,000	48,000	13,000
Voc. Ed Basic Grants	972,750	890,000	82,750	972,750	953,105	(19,645)	972,750	0
Perkins Loans	158,000	0	58,000	158,000	75,000	(83,000)	93,297	(64,703)
SSIG	63,375	31,375	32,000	63,375	31,375	(32,000)	31,375	(32,000)
Impact Aid	728,000	693,000		691,159	693,000	1,841	693,000	1,841
Bilingual Education	206,700			150,000	167,000	17,000	175,000	25,000
Prison Literacy	5,100	4,346		5,100	4,723	(377)	4,723	(377)
Pell Grants	6,178,680	5,423,331		4,814,000			4,967,446	153,446
Max Grant		(2,440)		(2,500)			(2,470)	
Howard University	204,663	174,671		174,671	182,348	7,677	182,348	7,677
Ellender	3,000	0		2,760	1,500	(1,260)	1,500	(1,260)
Libraries	144,161	131,505		131,505	132,505	1,000	132,505	1,000
Total, Education	16,734,235	14,916,836	1,356,239	15,344,055	10,284,667	(245,388)	15,344,055	0
Related Agencies:								
Corp Natl Comm Service	214,624	196,270		201,294	198,393	(2,901)	198,393	(2,901)
Fed Med Conciliation Service	31,344	32,896		32,396	32,896	500	32,896	500
Social Security Admin	3,125,356	2,946,197		2,785,875	2,760,875	(25,000)	2,736,375	(49,500)
Railroad Retirement Board	90,816	90,816		89,094	89,955	861	89,955	861
Total, Related Agencies	3,462,140	3,266,179		3,108,659	3,082,119	(26,540)	3,057,619	(51,040)
Scorekeeping Adjust:								
1% Cap Perf. Awards	(30,500)			(30,500)	0	30,500	(30,500)	0
Direct Loans Admin				460,000			420,000	(40,000)
Totals	35,915,708	31,501,127	2,724,239	33,295,129	27,859,190	(51,939)	33,164,578	(20,551)

Mr. SPECTER. I yield the floor.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF DAVID PACKARD

Mr. CHAFEE. Mr. President, 3 days ago in Palo Alto, CA, a very remarkable and truly great American died, David Packard. David Packard deserves ranking with the most innovative and outstanding builders and manufacturers in our Nation's history.

He and his partner, Bill Hewlett, were the fathers of the electronic industry in Silicon Valley. Starting just 60 years ago, literally, in a garage, David Packard and Bill Hewlett began building an innovative audio oscillator

under the name of the Hewlett-Packard Co. How did they choose the name Hewlett-Packard? To decide whose name came first, they flipped a coin, and Dave lost. His name came second. From that humble beginning, just 60 years ago, grew a company that today has more than 100,000 employees and sales last year of $31.5 billion. It is a worldwide leader in the electronics industry.

What a success story. A great part of the success, Mr. President, of Hewlett-Packard has come about because of the management style which could be called managing by objective, namely, setting goals and giving employees wide latitude in achieving those goals. This was the style that Dave Packard believed in deeply. Obviously, it works.

But David Packard's achievements went beyond his success with Hewlett-Packard. He was a philanthropist who did much more than write out a check. He became deeply involved with the projects to which he contributed.

A case in point: The Lucile Salter Packard Children's Hospital in Palo Alto, which the Packard family gave to Stanford University Medical School and which I have had the privilege of visiting. This is a children-friendly hospital, built for children, and one in which children can feel safe at home. Dave and Lucile Packard made sure that was the way it was built. Let me give an illustration: The registration desk in this hospital when you come in—usually, a very forbidding structure—has peepholes in it at a child's level, so when a child comes in with his or her parent, the child can look through the peephole and see what is going on behind this forbidding desk.

The Packards founded and funded the Monterey Bay Aquarium, first opened 11 years ago, in 1985. Dave Packard was deeply involved with the innovations at that aquarium. He designed and built, in his own workshop, some of the wave-generating equipment that is in that marvelous aquarium. The Monterey Bay Aquarium, with an annual attendance of over 1.5 million people every year, is the second-most popular aquarium in the United States of America.

In his book called ''The HP Way,'' Dave wrote the following: ''The word 'philanthropy' is derived from a Greek word that means 'lover of mankind.' '' I think this is the phrase that best describes David Packard. It was his enduring belief that his efforts, both individual and corporate, could make this world a better place for all to live in.

In 1969, David Packard became Deputy Secretary of Defense, and that is when I came to know him, because I was, at the time, appointed Secretary of the Navy. My distinguished colleague from Virginia also came to know Dave Packard at the same time, when the distinguished Senator from Virginia was appointed Under Secretary of the Navy. For 3 years I had the privilege of working with Dave Packard and came to admire him greatly. He had the ability to cut right to the heart of a problem. He was laconic. He was not a great talker or backslapper. Indeed, he had a semi-gruff-appearing visage, but he was extremely fair, and he was helpful if one ran into a problem. Most of all, he wanted to see the job done and done well.

He made extremely valuable contributions to our Nation as Deputy Secretary of Defense, especially in the procurement area. During the years we were together in the Defense Department, my wife Ginny and I came to become friends with David and Lucile Packard. It was a friendship we greatly valued. They were truly a team—and a wonderful one. Lucile was a lovely lady in every way.

Dave was always a bit bemused by the abundance of aides and assistants one had in the Pentagon. I remember him commenting that he and Bill Hewlett ran Hewlett-Packard Co. sharing one secretary and one office.

Always a good athlete and an outdoor sportsman, Dave played basketball and football at Stanford, and later, while working for General Electric in Schnectady, NY, in the depths of the Depression, in 1935, he made a few extra dollars a week playing professional basketball. A hunter and fisherman since boyhood, he maintained those interests throughout his life, and was a major contributor to conservation organizations.

Dave Packard was an extremely thoughtful person and would go out of his way to help an individual. I was the beneficiary of his kindness in many areas, many times, including a special tour for Ginny and me of the aquarium, by he and Lucile, contributions of his, and his personal appearances at various political fundraisers for me in San Francisco and hospitality at his Palo Alto home.

In his death, I feel like a great oak tree has fallen in the forest. I have lost a real friend, and our Nation has lost a unique and extraordinarily constructive and thoughtful patriot.

Mr. WARNER. Mr. President, I add my comments to those of my distinguished colleague and my former boss in the Department of the Navy, Secretary JOHN CHAFEE of Rhode Island. Those are days that neither of us will ever forget.

It is interesting to go back in history. When President Nixon was searching for a Secretary of Defense—and I will test the recollection of my colleague—there was much thought about one of the most famous Members, contemporary Members of the Senate, Scoop Jackson, taking the post. Senator Jackson did consult with the President, but there came a time when Jackson felt he could fulfill his goals with the Senate. They were extraordinary goals, which, indeed, he did fulfill, and that is by continuing in the Senate. But Jackson pointed this out to Secretary Laird, then-Congressman Laird from Wisconsin, ranking member of the Defense Subcommittee on Appropriations. I remember Laird saying that it was difficult for him to give up a life in the House of Representatives and in the Congress and representing his State, which he loved so dearly. But he did it.

But, as a condition, he said, ''Mr. President, I want to pick my team in the Department of Defense,'' thereby deviating—and at that time I was in the transition office of President Nixon—from the White House sort of selecting the principal deputies. It was Melvin Laird who selected David Packard, and it became known as the Laird-Packard team. We must also remember that, at that time, our Nation was engaged in the peak of the war in Vietnam, and the responsibilities on the leadership in the Department of Defense were enormous, particularly that of Secretary Laird, who had to be before the Congress with great frequency, and all across the Nation, to answer the question, ''Why must we continue in this war?''

I spoke briefly today with Secretary Laird. He remembers that Dave Packard and Melvin Laird were the architects of Vietnamization under the guidance of President Nixon. That was the first time this Nation began to focus on how, with honor and dignity, we could begin to allow the Vietnamese people—South Vietnam—to assume the burden of the war and to begin the withdrawal of the American forces.

I remember so well Secretary Laird telling me, when he arrived at the Pentagon, that there was not a single plan as to how, eventually, the United States could turn over the burden of that war to others. They worked together. The responsibilities on Dave Packard were greater than on any Deputy Secretary of Defense, because of the war. It was a team. As was mentioned, Packard was awesome. He was awesome in size—over six-foot-four, in perfect physical condition, proportionately. He was awesome not only in physical stature but in intellectual ability. His hallmark was humility. Would the Senator not share that opinion?

Mr. CHAFEE. Yes. He certainly was awesome. He was a big six-foot-four. He took charge. He had what you might call ''command presence.''

Mr. WARNER. That is correct.

Mr. CHAFEE. I remember, when I first got in the Pentagon, the phone rang from Mr. Packard, and I stood up before I answered it.

I would like to say one other thing. I remember Secretary Laird saying this when he was seeking a deputy. He asked all through the business world, and he knew what he wanted. He wanted somebody who could handle the procurement side of the Pentagon. Mel Laird and David Packard worked out what you might call a ''Mr. Inside and Mr. Outside'' team, in which Mel Laird would deal with the Congress. He knew George Mahon, head of the Appropriations Committee, intimately. He knew

Senator ''Scoop'' Jackson, and so forth—

Mr. WARNER. And Senator Stennis, of course.

Mr. CHAFEE. Senator Stennis, of course. Mel Laird would handle the legislative side of matters, the appropriations, the relationships with the White House and with the Congress. That is no easy job. Dave Packard was assigned what you might call the inside of the Pentagon. He was the man that we would consult with on procurement problems. We were deep into procurement problems—the F–15, the F–14, the 963 destroyers, the 688 class submarines, and on and on it went. Those are the matters we would report to David Packard on. He would watch over how we were doing and whether we were coming in on cost, whether we were meeting our milestones in the construction, and the whole process.

Mr. WARNER. On that, we also want to mention Senators THURMOND, Tower, and Goldwater.

Mr. CHAFEE. Yes, and Margaret Chase SMITH.

Mr. WARNER. Who all had great reverence for him. I remember one contract very clearly. It was a contract for the new antisubmarine aircraft, the S–3. At that time, the contractor was having severe financial difficulties. Packard called me in and he said, ''Look, we are not going to award this contract until you determine that there is a financial program by which this contractor can go through and assume the enormous responsibilities of the carrying costs of this contract.'' I worked under the tutelage of Dave Packard for some several weeks, and, finally, we made the decision to give that contractor the opportunity to build it. They did build that plane, and it became a workhorse of the U.S. Navy. That contractor today, although merged, is still one of the major contractors in national defense. But he wanted to give the opportunity to the industrial base to prove itself. He held them accountable, I say to my friend from Rhode Island, in those days.

I ask unanimous consent to have printed at the conclusion of our colloquy today a statement by the former Secretary of Defense, a former Member of the U.S. Congress, Melvin Laird, who contributed quite a documentary on Dave Packard upon learning of his death.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. Laird told me today, in a saddened voice, that he had just talked to Dave not more than a week ago, as they did almost every week of their lives after leaving the Pentagon. They were like brothers. That is one of the rich heritages of those privileged to have served in Federal service—bringing, from all across America, people to work in the departments and agencies of the Federal Government, and the forming of lifetime friendships as a basis for that public service.

So I say to my friend, I am privileged to join with him. I think the Senator covered his contributions in the field of health and, indeed, the military services. They have their own educational facility now for the purpose of preparing young men and women for doctors and medical assistants.

Mr. CHAFEE. Actually, I did not touch on that.

Mr. WARNER. That is an important contribution.

Mr. CHAFEE. I failed to mention that. The Uniformed Services Medical College.

Mr. WARNER. That was his dream.

Mr. CHAFEE. It came from Dave Packard. He was the principal proponent of it. He felt we were having trouble getting physicians in the military service forces, and that we had these major research hospitals and outstanding hospitals, Walter Reed and Bethesda, and we needed our own medical school, which we did get.

Mr. WARNER. You touched on the procurement reform. Each time Congress goes back in an effort to try to strengthen procurement reform, they go back time and time again to that report.

I want to conclude with a personal note. Back to the word ''awesome.'' There was a certain amount of trepidation each time we had to encounter David Packard. One of the principal avenues to soften him was his lovely wife, who was called Lou. She was a statuesque, beautiful woman, and very quiet and dignified. She, and she alone, could handle Dave Packard. That is my recollection.

Mr. CHAFEE. Well, the Senator is absolutely right. There was a certain trepidation when you got a call that ''Mr. Packard wants to see you in his office.'' I would hustle around to see if I missed out somewhere, or if I left something undone that I ought to have done. It was sort of like when you were in school and being called to the principal's office. I tell. It kept you on your toes.

Mr. WARNER. Indeed it did.

We should also mention that the concept of the All-Volunteer Force originated under Secretaries Laird and Packard. We accept it today, and it has worked far beyond the expectations of any of us. But there was a lot of concern when we initiated that. Would we see a precipitous dropoff in the ability of the United States to attract quality young men and women to the uniformed services? They were the men that had the vision to give us the opportunity to prove it, and it has worked. And it has worked well.

So the achievements of the Laird-Packard team were monumental and—with the exception of the present company of the Senator and myself—they were able to draw from all quarters of the United States the finest to come and serve in the Department of Defense in the three military departments. The introduction of greater responsibility for women in the military services indeed was during that period of time. They laid the foundation for the service academies being opened to women.

As I remember, as I succeeded Senator CHAFEE, one of the last things on my watch was opening up Annapolis to women. And that has worked exceptionally well.

So, Mr. President, it is a privilege for me to join with my former boss and dear friend to say these brief remarks on behalf of our lost company.

I thank the Chair. I thank the Senator.

EXHIBIT 1

REMARKS OF FORMER SECRETARY OF DEFENSE MELVIN LAIRD

A giant of a man in every way, David Packard helped me in the '50s as a young congressman when I was ranking member of health, education, and welfare and labor developing the university programs for NIH, Health and Education research. He also helped me as my deputy while I was serving as Secretary of Defense. His contribution in both cases was monumental.

We established the draft lottery system and created the All Volunteer Service, ending the draft, managed the orderly withdrawal from Vietnam, an organized the Defense Department procurement policies.

His contribution to our nation and the world will be an everlasting memorial to him.

He was a true friend, a great contributor to the best things our nation stands for. We all will be forever in his debt, a true friend for whom I will always have the deepest love.

Mrs. FEINSTEIN. Mr. President, David Packard is a legend in California, and will forever remain a treasured part of California's proud history.

A man of humble beginnings, through sheer ingenuity and determination, David Packard became one of the most influential entrepreneurs in American business.

One of the original cofounders of computer giant Hewlett-Packard, he was considered the patriarch of hi-tech's famed Silicon Valley. His innovation sparked the technology revolution that put California on the map as the information leader of the world.

But it was his leadership that inspired generations of hi-tech wizards to break new ground and reach new heights. He truly believed that nothing was impossible if the spirit to succeed was there. And David Packard believed in the American spirit.

David Packard set a standard of excellence for business schools all over the world with his ideas of ''management by objective'' and ''management by walking around.''

And he put a human face on success by never climbing out of the reach of the people who worked for him. ''The HP Way'' broke barriers between management and employees, fostering teamwork and a pride of ownership that reached every level of his company.

David Packard also served his country as Deputy Secretary of Defense under President Nixon, and, with his wife Lucile, was unmatched as our Nation's most dedicated and generous philanthropist. The David and Lucile

Packard Foundation last year distributed more than $116 million to more than 700 recipients.

His contributions to Stanford University, my alma mater, leave a legacy that will touch many future generations, who will stand on his shoulders and continue to lead this Nation to new heights of excellence, compassion, and greatness.

David Packard will be sorely missed.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITEWATER

Mr. BOND. Mr. President, as we are working on many important matters, including wrapping up of the appropriations conference, on which we, unfortunately, are not able to close all sections today, we also are, I hope, going to resolve the issue of whether the Whitewater Committee is extended.

There have been a lot of questions asked. What has Whitewater found? Why are we here?

I have a very lengthy analysis which I will make available, because many people who have not had the pleasure and the privilege—as the occupant of the Chair and I have had—of sitting through the lengthy hearings may not appreciate what we have learned and how many more questions there are.

Mr. President, the investigation of the matters involving financial land transactions of the President, the First Lady and top officials in Arkansas, and subsequent actions by these officials, or their subordinates to interfere with, obtain information about, or delay investigations into those matters has come to be known generally as Whitewater.

From the beginning of this episode, we saw efforts to mislead Congress or to deny information. My first encounter with this matter came over 2 years ago when, before the Banking Committee, the Deputy Secretary of the Treasury misled us in answering my question as to when the White House was first advised of the significant nonpublic information that a criminal referral was pending in the investigation of the financial irregularities in Arkansas. He said they were not. They were.

The most recent example was the unexplained, mysterious reappearance of the critically important billing records of Mrs. Clinton's law firm, which, although subpoenaed more than 2 years ago by the independent counsel and the Resolution Trust Corporation and this past fall by the Whitewater Committee, only found their way to all of us in January 1996.

Investigation of records further demonstrated that Mrs. Clinton—and other representatives of the White House—had not spoken truthfully about her involvement with the failed savings and loan in Arkansas and, in specific, her transactions involving one of the most egregious and costly land transactions utilized to loot the savings and loan known as Madison Guaranty in Little Rock, AR.

Throughout this process, many of us have had questions about why the administration has been so deeply involved in what appears to be improper efforts to cover up and interfere with the Arkansas activities investigation. Had the role of the President and the First Lady been limited solely to an investment in a failed land development—as the White House initially contended, and was contended in the campaign of 1992—it would not have made any sense for so many officials to risk charges of perjury or obstruction of justice. The cost to many of these individuals for activities involved in this coverup have been significant, as colleagues on the other side of the aisle have noted. The cost of legal counsel has been burdensome for many.

More important, however, is the fact that the broad Washington misconduct has led to resignations of the White House counsel, a Deputy Secretary of the Treasury, a general counsel of the Treasury, as well as a rapid turnover in the post of White House counsel ever since.

Indeed, the nature and extent of the activities directed by the White House toward the investigations in Arkansas made it incumbent upon us to determine what happened in Arkansas that was potentially so dangerous that they warranted these extensive coverups.

Although the committee is still reviewing the delayed production documents and has not been able to interview central figures in Arkansas, it appears that the Whitewater matter involves substantial abuse and misuse of gubernatorial power in Arkansas, the use of official positions for private gain, possible violations of Federal tax laws in the reporting of deductions, and active legal representation by the First Lady of individuals and institutions involved in fraudulent activity resulting in the significant losses to the savings and loan insurance fund and the rest of the taxpayers.

So far in Arkansas, there have been nine guilty pleas. These include guilty pleas by the real estate appraiser who appraised a fraudulent land value on land in one of the scam transactions; a judge who defrauded a Federal agency; two bankers who attempted to bribe a Federal loan agent; three Madison employees who made false statements to defraud a Federal agency; and a friend of the Clinton's who had concealed cash payments to the 1990 Clinton campaign.

In addition, as most of us know, there is, right now, a criminal trial underway against the Clintons' major fundraiser, who was also a former business partner and the President's key political ally, who is now the Governor of Arkansas. Indictments are pending against the Clintons' friend and former business partner and criminal indictments against two Clinton supporters for concealing cash payments to his 1990 campaigns.

Mr. President, we have learned this. We have learned this in the course of hearings. I set this out today not because the investigation or the hearings have concluded. We have not answered all of the questions that need to be answered. But some of my colleagues on the other side of the aisle in this body—and on the Whitewater Committee—have said we have not learned anything, that there is not anything there.

Well, Mr. President, there has been a tremendous amount of smoke with the recent revelations of the documents that just mysteriously have started appearing in the last several months. We have found out why they all hang together. The documents—the billing records of Mrs. Clinton at the Rose Law Firm—would have told us, would have enabled us to phrase our questions and come to an earlier resolution. These were taken out of the White House. Webster Hubbell had them and apparently gave them to Vince Foster, and then somehow, mysteriously, they just appeared in the book room, in the reading room of the White House in January. They were under subpoena. They were under subpoena. And, lo and behold, they just turned up.

The assistant in the White House who picked them up initially realized in January that these were records that had been subpoenaed, and she brought them forward. Notes of a never disclosed, heretofore secret meeting in the White House between White House lawyers and Government officials and the defense attorneys representing the Clinton's personally—notes from this meeting which told about so many interesting activities—all of a sudden started appearing from everybody's files 2 weeks before the hearings were to conclude.

Those memos, those notes, suggest possibly that the meeting engaged in efforts to obstruct justice by tampering with witnesses. The billing records themselves show that Mrs. Clinton and others did not speak truthfully about her role in Madison Guaranty representation and in her work on Castle Grande. We have been unable in the Whitewater Committee to interview central witnesses to these transactions because they have been subpoenaed to testify in the trial being conducted by the special prosecutor in Little Rock. I hope that we are near to an agreement to extend the life of this committee so that we can complete the analysis of all the documents that have just turned up, so that we can determine whether the author, Mr. James Stewart, of ''Blood Sport,'' may have had access to relevant documents that we have been denied, so that we will be able to question people who may be able to give us direct testimony on many of the things that we have now seen by strong circumstantial evidence, though it is only circumstantial

evidence. I believe there is clear evidence of wrongdoing. There is clear evidence that we have not been told the truth in political campaigns, in press statements by the White House, and in sworn testimony to us, to the committee, and to others.

Mr. President, I had a draft report prepared that represents my views of what we have learned as of the current time on the Whitewater Committee, and also listing the questions that must be answered by the committee before we can close this; questions like: Who placed Mrs. Clinton's subpoenaed records in the White House book room? Where were they for the years that they were under subpoena but not brought forward? Was there obstruction of justice by the White House officials who met and as a result of that meeting people visited a key witness in Arkansas? Did the White House improperly receive confidential information about the SBA investigation into certain wrongdoings in Little Rock? Was there witness tampering by the White House response team? Did some of the people who have in the past testified that they lied to their diary come up with other falsehoods that are totally inconsistent with written records?

These are questions that must be answered.

Mr. President, I send this report forward, and I ask if anyone would like to receive a copy of this report, please contact my office.

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. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS—HOUSE JOINT RESOLUTION 170

UNANIMOUS CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the debate on House Joint Resolution 170, further that debate on the joint resolution be limited to the following, Senator HARKIN 15 minutes; Senator BYRD 15 minutes; Senator HATFIELD 15 minutes. I further ask unanimous consent that no amendments be in order, and that immediately following the expiration or yielding back of time, the joint resolution be read a third time, and that the Senate proceed to vote on passage of the joint resolution, with no intervening action, provided the following Senators be recognized to speak following the vote: Senator GRAHAM of Florida, this Senator, and Senator KENNEDY of Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Further, Mr. President, I ask unanimous consent that that agreement be in effect notwithstanding the receipt of the papers from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Let me indicate, I hope this can all be done by voice vote. I know there is one request on the other side for a rollcall vote. I think it is a simple extension. The appropriators worked all through the night. It is no one's fault they did not finish everything, because they have been working with the White House. I hope that we do not punish our colleagues who had to leave earlier in the day. So perhaps after the debate we could have a voice vote. But if necessary, I guess we will have a rollcall vote.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, this joint resolution provides continuing appropriations until April 24, 1996, for the departments and agencies of the Federal Government normally provided for under the five appropriations bills that have not yet been signed into law.

Special provision has been made for a labor-management matter at the Federal Aviation Administration, for the Federal payments to the District of Columbia, for a matter relative to the Auburn Indian Restoration Act, and for economic assistance to Bosnia.

Adoption of this joint resolution will extend funding authority for the departments and agencies concerned for another 3½ weeks, enabling the appropriations committees, the joint leadership, and the White House to continue discussions on the omnibus appropriations bill now in conference, and reach agreement thereon. We have already made a great deal of progress on the omnibus bill.

Mr. President, most of our issues have been resolved and major portions of the bill have been closed. But there are still some significant matters requiring leadership attention that will need to be discussed during the recess and resolved when we resume the conference on April 15. I have indicated that I will convene that conference on that date, April 15, at some hour during that afternoon.

I am confident that our discussions will be fruitful and we will produce a bill that the President will endorse. That is our goal. I yield back the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished chairman of the appropriations committee has made a most appropriate and eloquent and all-embracing statement concerning the conference report, concerning the continuing resolution.

Mr. President, this resolution will continue the operations through April 24, 1996, of those departments and agencies for which full-year appropriations for fiscal year 1996 have not yet been enacted. As Senators are aware, five of the regular thirteen appropriation bills have not been enacted: Commerce/Justice/State, the District of Columbia, Interior, Labor/HHS, and VA/HUD.

As Senators also know, an appropriations conference has been ongoing over the past several days on H.R. 3019, an omnibus appropriations act, which would provide full-year funding for all of these departments and agencies. That measure contains approximately 1,500 pages of bill language, and while I greatly credit Chairman HATFIELD, Chairman LIVINGSTON, and the other House and Senate conferees on the intensive effort that has been underway to complete action on this measure, several issues still remain in a number of the chapters which have caused us to reach the point of bringing this short-term continuing resolution to the Senate for its consideration.

In addition to the extension of the date of the present continuing resolution through April 24th, House Joint Resolution 170 would also provide the District of Columbia with its full payment for the entire fiscal year and, importantly, would provide the $198 million requested by the President in funds for assistance for Eastern Europe and the Baltic States. The need for these funds is immediate, and I support their inclusion in this short-term continuing resolution.

Mr. DASCHLE. Mr. President, the Senate should not be considering the 12th continuing resolution of this fiscal year. Congress should have completed work on the fiscal year 1996 budget last October, when it was supposed to have been completed. It is indeed unprecedented and outrageous that Congress has so utterly failed to address this year's budget in a timely fashion.

It is unprecedented in the history of this Nation to find ourselves 6 months into the fiscal year with four appropriations bills unfinished. This Senator finds it all the more outrageous that the Senate is considering another short-term continuing resolution when it could have easily completed its work this week.

Leaders were in the process of negotiating a number of difficult issues that would have led to a reasonable omnibus appropriations bill that the President could sign. Negotiations were progressing on this bill, and if they were permitted to continue for only a few more days, Congress might be able to complete all of the unfinished business in this year's appropriations process. Because much more work is needed, Congress should have stayed in this weekend or into next week to finish the fiscal year 1996 budget.

But the majority insists on leaving for a 2-week break.

The omnibus bill passed the Senate over a week ago. But the majority did

not schedule its first meeting of the conferees until this Wednesday, more than a week after the Senate passed the bill. As a result, conferees found themselves working late into the night yesterday, actually until 1 a.m. this morning. Still, today they could not complete the people's business, so Congress is off for a 2-week recess.

Instead of working through the difficult issues remaining to be resolved in the fiscal year 1996 budget, the Republican leadership decided to delay with yet another stopgap measure. And the American people will pay the price.

Continued government by continuing resolution spells slow death on the installment plan for a number of critical Government programs. The funding levels are simply too low to adequately fund a number of basic functions of Government. In addition, the uncertainty facing Government agencies and the people they serve has undermined the effectiveness of programs designed to improve our children's education, clean up the environment, and put police on the streets.

Under the 12 continung resolutions this year, education is suffering drastic funding cutbacks. Schools can't plan. Children, teachers, and families are being shortchanged.

Environmental cleanup efforts have been slowed, and superfund sites left unattended.

Because of reductions in the COPS Program, fewer police are on our streets.

Having said that, it is important to note that this continuing resolution does accomplish several important goals that I fully support.

First, the District of Columbia is finally provided in this legislation the balance of its Federal payment for the rest of this fiscal year.

Another provision clarifies that Federal Aviation Administration labor representatives retain their statutory role.

Perhaps most important is the $200 million in reconstruction aid for Bosnia contained in this bill. This money is critically important if the Dayton Accord's peace plan is to be implemented successfully. Bosnia's infrastructure has sustained great damage in its years of war, and this aid is critically needed to help with the restoration effort. I am pleased it was included.

Nevertheless, on balance, this legislation does not deserve the support of this body. I will vote no on this continuing resolution, not because of what it includes, but because of what it does not include—the essential education, environment, and law enforcement services it fails to provide—and because of the mismanagement it represents. Congress should remain in session and finish the real work that should have been completed 6 months ago.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator HARKIN be recognized for his time following Senator KENNEDY in the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time has been yielded back. Without objection, the joint resolution is considered as having been read for the third time.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. INHOFE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Florida [Mr. MACK], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Vermont [Mr. LEAHY], the Senator from Arkansas [Mr. BUMPERS], and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

The result was announced—yeas 64, nays 24, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—64

Abraham	Feinstein	McCain
Ashcroft	Ford	Mikulski
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Graham	Nunn
Bradley	Gramm	Pell
Breaux	Grams	Pressler
Brown	Grassley	Robb
Burns	Gregg	Roth
Byrd	Hatch	Santorum
Campbell	Hatfield	Sarbanes
Chafee	Heflin	Shelby
Coats	Hutchison	Simon
Cochran	Inouye	Smith
Cohen	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kempthorne	Thomas
DeWine	Kohl	Thompson
Dole	Kyl	Thurmond
Domenici	Lieberman	Warner
Exon	Lott	
Feingold	Lugar	

NAYS—24

Akaka	Dorgan	Lautenberg
Biden	Faircloth	Levin
Bingaman	Glenn	Moseley-Braun
Boxer	Harkin	Murray
Bryan	Hollings	Pryor
Conrad	Kennedy	Reid
Daschle	Kerrey	Wellstone
Dodd	Kerry	Wyden

NOT VOTING—12

Bumpers	Kassebaum	Moynihan
D'Amato	Leahy	Rockefeller
Helms	Mack	Simpson
Inhofe	McConnell	Stevens

The PRESIDING OFFICER. With respect to the prospective passage of House Joint Resolution 170, the yeas are 64, and the nays are 24. And the joint resolution is deemed passed.

So the joint resolution (H.J. Res. 170) was deemed passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was deemed passed.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take only a few moments. I know the chairman of the Appropriations Committee has pending business.

Mr. President, I wanted to comment a little bit on the continuing resolution that we just passed—and to express my dismay and perhaps a little bit of frustration at what has happened here in the last week or so, and with this continuing resolution.

I took the floor a couple of weeks ago. I said March madness is in full swing around the country with all of the basketball games going on with the men's final four and the women's NCAA. But beyond that, Mr. President, in school after school in Iowa and across this country school administrators and school boards are wrestling with the decision about which teachers will lose their jobs and which students will not get title I reading assistance.

They are contemplating what vocational educational activities will go by the wayside; how to deal with the cuts in the Safe and Drug-Free School Program. The list goes on.

In my State of Iowa, school districts must send the layoff notices by April 30, a mere 6 days after this resolution expires.

That means school districts will have less than a week to make important decisions about how many teachers they will be able to keep on the payroll, how many kids will be denied the opportunity to improve their reading and math skills. In the next 4 weeks, the uncertainty about the level of funding for our schools will cause problems for many families. Teachers and their families are worried about their jobs and parents are worried about their kids and about being denied the most basic help they can get.

Mr. President, I am not going to read the whole letter, but I have here a letter from a parent of a child who is in the title I program. The letter is dated March 7. These parents are saying that their son has had tremendous help and tremendous improvement because of title I, and she said:

> I wish you could personally follow our son's progress. This program has truly been a godsend for him and for us. We feel confident he can attend future grades with an excellent attitude toward school because of what title I has gained for him—most importantly, his self-esteem and attitude. Yes, he is still going to struggle some but not as severely as it would be without the aid of chapter 1.

For these parents and for our children and school boards and school districts across the country what we are doing today really is not much help.

I have here two articles that were in the newspaper in Cedar Rapids, IA, the

Cedar Rapids Gazette. The first one is dated February 27, and it says ''6 Schools To Lose Remedial Reading.''

''Cedar Rapids district cites expected $350,000 cut in Federal funds,'' in the title I program. That is February 27.

Shortly after that, the Senate adopted the Specter-Harkin amendment, which was supported, I might add, on this floor with a strong bipartisan vote, 84 votes in favor of the Specter-Harkin amendment, to put the money back in for title I and other education programs. So now here is the followup article on March 14 in the Cedar Rapids Gazette. ''Senate Restores Reading Funds.'' And it talks about the Specter-Harkin amendment, that it was approved 84 to 16.

Well, I guess tomorrow there will be another story in the Cedar Rapids Gazette; they will go right back to this: ''Cedar Rapids To Lose Remedial Reading.''

What kind of a yo-yo is this to these people? These are parents like the one who just wrote me this letter about their son who has been in title I, still in title I. What are they to think? What are the teachers to think? How about the school boards? Pink slips are going to be going out pretty soon.

I had the Farm Bureau in here this week. I talked at a breakfast to my Farm Bureau members. After it was over, I had a couple of the people who were there at the Farm Bureau meeting come up to me. They did not want to talk about farm programs. They wanted to talk about what we are going to do about title I, because they serve on the local school boards and they saw what was happening to their funding cuts and how much they needed this program. Their basic question was, ''What should we do?''

I had to answer, ''Well, I thought we were going to get the appropriations bill through that would have the funding for you.'' I was confident we would do that. Well, today, with this short-term CR, we do not have it. We go back down to the lower levels on title I funding.

Mr. President, that is why I voted no on this—not that I wish to shut the Government down, but we were very close to having an agreement. This is the 12th CR of this year—the 12th one. It is a prescription for disaster for our kids. If the cuts in this bill are allowed to continue, the Iowa Department of Education estimates that across the State, 7,300 fewer students will get title I assistance; 200 teachers will be laid off. This scenario will be repeated in every single State and school district across the country: 40,000 teachers will be laid off nationwide as a result of this $1.1 billion cut in title I.

Mr. President, the sixth national education goal calls upon us to ensure that by the turn of the century every adult American will be literate and will possess the knowledge and skills necessary to compete in the global economy, but the deep cut in job training programs in this bill is a retreat from that goal. These cuts could not come at a worse time. You can hardly pick up a newspaper or turn on the evening news without seeing yet another story about downsizing some company, workers are put out of work, dislocations caused by downsizing.

Last year, JTPA assisted 105 workers who lost their jobs in the small town of LeMars, IA; 85 individuals employed in the small town of Sergeant Bluff, IA. The cuts in retraining for dislocated workers means that next year 300 fewer Iowans will benefit from such assistance.

In the Senate, we acted in a bipartisan manner to correct these problems. As I said, Senator SPECTER and I worked together with the assistance of Senator HATFIELD. We crafted a bipartisan compromise to restore most of the cuts to these education and training programs. Again, as I said, the Senate passed the amendment 84 to 16. It was a powerful signal from this body on a bipartisan basis that we wanted to move ahead and fund these programs, get the money out, and send a clear signal to our schools, our teachers, and our parents across the country that we were going to fund these programs.

Well, we were meeting, and I must say that Senator SPECTER sat there day after day in meetings with our House counterparts. I would join him. We had already worked out our differences. We did not have any disagreements. But we could not quite seem to get over a lot of these hurdles.

Finally, we worked out our differences. We had our agreements made. But there were some riders that were attached, riders that more appropriately belong in the authorizing committees, not the Appropriations Committee, that held this up. Therefore, we could not reach an agreement. But we were very close.

Again, I wish to pay my respects and my thanks to the chairman of our Appropriations Committee. I was there last night. We were all dogged tired at about 1 a.m. in the morning, and he wanted to continue. He wanted to finish it, because I know the Senator from Oregon realizes how important these programs are. And he was reflecting the will of this body, the 84 votes that we had, to make sure that we reached an agreement and moved ahead.

I daresay, I do not know how many hours and how many days the Senator from Oregon put in in the last 2 or 3 weeks trying to get this thing put together, working, as I said, to the midnight hour and beyond last night, to make sure we did not have these draconian cuts. All of that work we have done, all the work that we did in a bipartisan fashion in the Senate, all of the work that Senator HATFIELD has done has now been thrown overboard. All of us lost in this bill which continues the draconian cuts of the previous 11 continuing resolutions.

We were close. I am deeply disappointed. I heard last night—we had a break in our conference last night, and I heard some rumblings from people that there was going to be a short-term CR. So I expressed my opinion in the conference last night. I said: Here we are; we are working trying to reach these agreements, coming very close, but if the rug is going to be pulled out from underneath us by a short-term CR, then why are we here?

I feel that if we are going to continue like this, then what use is it of the Appropriations Committee to try to hammer out these agreements. These are tough negotiations. And yet we reached all the numbers. We had no problems with our numbers. We had agreed on all of the numbers. We had agreed on the offsets. We had a few items, as I said, some disagreements on riders which more appropriately belong with the authorizing committee, not the Appropriations Committee, and as the chairman of the Appropriations Committee knows, if the authorizing committees would do their work and get the authorizing down, we would not have the riders on our bill holding us up.

So I thank Chairman HATFIELD for his doggedness and his determination, and I am just sorry that the rug got pulled out from underneath us. Those are not his words; those are mine. But that is exactly how I feel. I hoped before that that would be the last CR. I hope this is the last CR. If it is not, we are really going to be in tough shape, and I think a lot of our school districts around the country now are just going to throw up their hands in despair; they thought they were going to have the cuts. Then they thought they were going to be restored. I know from talking to people in Iowa that they thought they could now go ahead and plan for their schools next year because of that overwhelming vote we had in the Senate. Well, now they do not know what to do.

Mr. President, this is no way to run the Government. This is no way to govern. It is totally and absolutely irresponsible. And all I can say is, I sure hope this is the last short-term CR. I hope the good work we have done on appropriations we can hold onto, that when we come back from the Easter break, rather than starting all over again, we can pick up where we were and hopefully have this resolution done expeditiously so that we can get our funding out for education, worker training, dislocated workers, Head Start, and all the other programs so vital to the future of our country.

Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to express my thanks to the Senator from Iowa for his analysis of the situation we find ourselves in as the Appropriations Committee. I would also like to again reiterate that we have 13 appropriations subcommittees. In other words, we have 13 subcommittees with chairs for each of those subcommittees, ranking members for each

one of those subcommittees. I think our committee is unique in that sense, because we do not bring a bill to the floor unless it has been a bill developed on a bipartisan basis within each of those subcommittees.

Mr. HARKIN, our colleague from Iowa, was formerly chairman of the Labor-HHS Subcommittee of the Appropriations Committee, which now is chaired by Senator SPECTER, of Pennsylvania. So he brought into that partnership that kind of background and understanding, as we have on most every one of our subcommittees. The chair is now being occupied by the Senator from Washington State, who chairs the Interior Subcommittee. His ranking member is former chairman, Senator BYRD.

So, in effect, we have been jointly producing these bills; it is bipartisan, and giving the Senate a very strong position. Then, when we went to conference, we had 40 Democrats and 39 Republicans voting for the Senate product, including both the leaders, the Republican leader and the Democratic leader.

Sure, we knew we were going to be in tough negotiations, but, nevertheless, we had a great number of accomplishments. We had, as the Senator knows, 12 of our 13 subcommittees involved, most of them with language, but with 5 unresolved appropriation bills. We were able to reduce the five to two. In other words, we closed the chapters on three of them. We closed the chapter on a couple of the others that were in the language area. So that, in effect, when we come back on April 15 and we take up the unfinished business of the Labor-HHS, for which the Senator from Iowa is the ranking member, we will have the figures, the dollars, pretty well resolved, as the Senator has said. We are now talking about language, riders.

I wish we did not have them. I wish we would have those issues taken up by the authorizers where they belong. But there is a trend line upward, by the fact that the authorizing actions have become very, very slow. As an example, the Endangered Species Act; 4 years ago it expired. We, in the Appropriations Committee, have been keeping it funded and keeping it going.

I could say that when there was an effort made by a few of my colleagues to convince me, as chairman of the Appropriations Committee, that we should not fund expired authorization programs, I did not have any idea what the scope of that might be, so I went to CBO. I asked CBO to give us a quick analysis of the expired authorizations that we were continuing to fund. Mr. President, $95 billion is what they came up with for their estimate on expired authorizations; a goodly percentage of them in the Justice Department, and particularly those relating to fighting crime—expired authorizations.

So we, in effect, have almost taken on double our responsibility, of not only funding but, assuming that in that funding we authorize for that year, we extend the authorization that has expired. It is not a task that we have desired or we have asked for.

I like to always remind our colleagues, no other committee but the Appropriations Committee has to pass legislation. Every other committee can consider authorization, but there is no basic command to perform. Only the Appropriations Committee must keep the Government running. We have to pass a bill—in fact, 13 of them. So, lots of times, knowing that, we get piggybacked. Others who are finding an inability to either extend authorization or renew authorization or deal with authorizing items come and piggyback on the appropriations bill. We are taking on those duties, but I am saying to the Senator, there are a lot of reasons why this situation becomes increasingly difficult.

I thank the colleagues on the committee. I have never seen a more dedicated group working together on a bipartisan basis to do their duty as I have with the subcommittees of our Appropriations Committee and the staff. I just cannot pay too high a tribute to the staffs on both sides that assist the members. It is a collegial experience.

Mr. President, I ask unanimous consent to proceed as in morning business in order to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of S. 1662 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield the floor?

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

SENATOR HATFIELD'S PATIENCE, DILIGENCE, AND SKILL

Mr. LAUTENBERG. Mr. President, I would just take 1 minute from my other remarks to say, though this may have been the last major appropriations conference the distinguished Senator from Oregon manages, with his fairly delicate but forceful touch, as I watched him as a member of the committee deal with a number of issues, a number of temperaments, always with his excellent eye on the mission, I marvel at Senator HATFIELD's patience and diligence and skill.

This is no time for eulogies or goodbyes, but he will be missed. That aisle does not separate our friendship in any way at all. As a matter of fact, few issues separate our friendship. But my respect for his ability, for his service to country will be a permanent thing. I hope that it is also recognized in this body of ours that too few times do we have an opportunity to work with someone who has the kind of compassion and concern that is essential if one is to render the best service possible to this country of ours.

I thank the Senator for his sacrifices, for his willingness to bend to the task, and his skill for getting the job done for so many years.

TRIBUTE TO KATHLEEN STANFIELD WEINSTEIN

Mr. LAUTENBERG. Mr. President, I rise today to honor the life of a constituent of mine whose name was Kathleen Stanfield Weinstein.

Unfortunately, she has been in the papers a lot in this last week. Her life was at once ordinary and extraordinary. She was a resident of a town called Tinton Falls in New Jersey. She was a wife to her husband, Paul, and the mother to their 6-year-old son, Daniel. Mrs. Weinstein taught special education classes at Thorne Middle School in Middletown Township in New Jersey.

She was a teacher, the kind of a teacher that we all wish our children had at some point in their education. She had begun a program in which children were given special recognition for committing ''random acts of kindness,'' toward their fellow students and the community—random acts of kindness. Everyone knows that plays on other words. The other words will become clearer in focus as I discuss Mrs. Weinstein's end of life.

Today, Mr. President, the billboard in front of Thorne Middle School reads ''Mrs. Weinstein, Thank You for Your Random Acts of Kindness. We Will Miss You.''

She did not retire, Mr. President. Some days ago while on her way to take a test for a graduate school course, Kathleen Weinstein did what so many of us do ordinarily. She stopped at a local delicatessen in a shopping mall for a sandwich. When she returned to her car, a young man jumped in the car with her, threatened her, saying he had a gun, and abducted her with the car. Some time later, a day or so, her body was found in a wooded area where she had been smothered with her own coat.

Unfortunately, in these times, Mr. President, this kind of event does not seem extraordinary. Indeed, Kathleen Weinstein was an extraordinary woman. At some time during her ordeal she had the presence of mind to reach into her coat pocket and turn on a small tape recorder. She recorded the conversation that she had with her soon-to-be killer, capturing her final conversation.

Kathleen Weinstein pleaded for her life, but not until she had engaged her young—turned out to be 17-year-old—attacker, just turned 17, in what has been described as ''a meaningful conversation about a great many things.''

They talked about the consequences for his young life, and there was still time, she cautioned him, to turn things around. They talked about ''what happens by the decisions * * * that you make.''

The young man did not take her advice. You see, he was about to become 17 years old, and in New Jersey that is the age for a driving license. He wanted a car just like hers. So he took it. In the process, he took her life—a despicable, horrible, outrageous act.

Mr. President, Kathleen Stanfield Weinstein's exceptional character and tragic death have touched the heart of Americans from around the country. It is ironic that a woman dedicated to teaching random acts of kindness to our children should be taken by a single random act of violence. She was ordinary, yet extraordinary. The legacy of her life will continue to touch New Jerseyans for a long, long time to come.

I have an excerpt from a newspaper, the Cincinnati Post, that includes some of the conversation that she had with this young man. I will take the liberty of reading some parts of it.

In a secretly recorded tape she hid in her coat pocket, the teacher is heard doing everything she can to reason with a teen-age carjacker, authorities said. Eventually she breaks down and begs in vain for her life.

She says to him, ''You haven't done anything yet. All you have to do is let me go and take my car.''

The woman's miniature tape recorder clicked to a stop before she was smothered with her own coat and other pieces of clothing, officials said.

She ''valiantly and persistently used every skill and power she had to convince her attacker to simply take her car and not her life,'' [the prosecutor] said.

This 24-minute recording provides the key piece of evidence against the 17-year-old suspect.

Through this article are accurate, precise statements that she made. The attack was described this way:

After her attacker grabbed her from behind and forced his way into her car at gunpoint, she managed to turn on the voice-activated miniature cassette player hidden in a bag.

She said to him, before he killed her,

Don't you understand, though, what kind of trouble you are going to get in? Don't you think they are going to find you? You haven't done anything yet. All you have to do is let me go and take my car. For my life, don't you think I should be concerned and let you take my car? For my life! Do you really want that on your head?

Mr. President I ask unanimous consent that the full article as it appeared in the Cincinnati Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Post, Mar. 20, 1996]

TEACHER'S FINAL MINUTES TAPED SECRET RECORDING: SHE BEGS CARJACKER FOR LIFE

When investigators found the body of Kathleen Weinstein, she was still able to tell them about her last moments alive.

In a secretly recorded tape she hid in her coat pocket, the teacher is heard doing everything she can to reason with a teen-age carjacker, authorities said. Eventually she breaks downs and begs in vain for her life.

''You haven't done anything yet. All you have to do is to let me go and take my car,'' Ms. Weinstein tells the boy.

The woman's miniature tape recorder clicked to a stop before she was smothered with her own coat and other pieces of clothing, officials said.

''I have no doubt Kathleen Weinstein spoke to us through that tape,'' prosecutor Daniel Carluccio said as he released transcripts of the tape Tuesday.

She ''valiantly and persistently used every skill and power she had to convince her attacker to simply take her car and not her life,'' he said.

The 24-minute recording provides the key piece of evidence against the 17-year-old suspect-identified only as M.L.—who was caught Sunday driving the women's car. His first name, age and details about his past were on the tape.

The prosecutor read some of Ms. Weinstein's comments but did not disclose any of the youth's taped comments.

He was jailed on murder and carjacking charges. Carluccio said he would seek to have him tried as an adult.

Ms. Weinstein, 45, of Tinton Falls, disappeared Thursday after staying home from her job as a special education teacher to study for a graduate school exam. She was en route to take the test when she stopped to buy a sandwich.

After her attacker grabbed her from behind and forced his way into her car at gunpoint, she managed to turn on the voice-activated miniature cassette player hidden in a bag, Carluccio said. She later removed the tape and slipped it in her coat.

her body was found Sunday in woods near a highway in Berkley Township. She leaves a husband and 6-year-old son.

Text of fax box follows:

A victim's final words

Here are excerpts from the 24-minute recording made by Kathleen Weinstein, the teacher who secretly recorded her pleas to a teen-ager who police said stole her car and then killed her. Authorities provided only selected quotes:

''Don't you understand, though, what kind of trouble you are going to get in? Don't you think they are going to find you?''

''You haven't done anything yet. All you have to do is to let me go and take my car.''

''For my life, don't you think I should be concerned and let you take my car? For my life!''

''Do you really want to have that on your head?''

''Why don't you just tell me? Of course it's important, it's determining your whole life and the direction you're taking. It's important. We're here for a purpose. That's what happens by the decisions and things that you make.''

''Whatever trouble you're in, you didn't add to it yet, right?''

''I'll make you a promise that I won't tell anybody. Because you won't be taking my car and you won't be hurting me. And maybe you can get away another way.''

''You can't have a life of crime like this. You'll wind up spending your life in prison if you don't get killed.''

On her plans to take in a foster child or adopt a child: ''I want to give something to somebody, to give . . . to give something back.''

Mr. LAUTENBERG. I make particular point of this horrible murder because it strikes a chord in all of us of our disappointment in the violence that threads our society, whether it is a young kid like this out to take a car or another youngster out to take a jacket—a senseless killing. Or like the killing recently here in Washington, DC, a 15-year-old boy, apparently a nice young man, good student, in trying to defend an argument between his younger sibling and another child—stabbed to death.

Mr. President, I ask a question that must go on in every home in everyone's mind in America: When will we stop this violence? How do we stop it? We sure do not stop it by a vote in the House of Representatives that says, ''Take away the ban on assault weapons. Let them have their assault weapons. That is part of freedom in America.'' That is nonsense.

If I was not on public record I would use other words, perhaps, to describe it—to make sure that people could get their hands on weapons that are designed to kill people. That is what the vote was over there—some 230 votes for, and against, 170.

I fought in World War II, Mr. President. I was no war hero, but I carried a weapon that could fire less shots than these assault weapons. I was supposed to kill the guys on the other side of the line. I was not called on to do it and they did not do it to me, either. The fact of the matter is the weapons issued to me as a soldier in the European theater were far less menacing than the kind of weapons we want to make sure everybody in America has, because the National Rifle Association says that is what we ought to do—make sure we free people up so they can bear their arms against their fellow citizens. That is hardly a way for a civilized society to conduct itself. When will we be so sick of violence that we will say no, no, no, you just cannot get a gun because you want one, and you are going to have to wait and pass a test just like you do when you want to drive a car?

In my State, and in every State in this country, in the State of the distinguished occupant of the chair, there is a confrontation that could very well result in death and disaster. Lots of weapons are involved. In my State, a man walked into the post office in Montclair, my hometown, and shot four people. He is an ex-employee of the post office. At the Long Island Railroad out of New York City, a man shot and killed a number of people, one of them a young woman from New Jersey, whose parents I know. He did not know them, did not ever see them before.

We hear about children picking up guns and killing other children. We hear about despondent daughters or sons taking their father's legitimately owned gun and blowing their heads off. We had four kids commit suicide in New Jersey a couple of years ago. They got hold of weapons and killed one another. There are disgruntled employees, disappointed partners, and family members who kill everybody in the family.

We hear this trite old expression that makes me ill: ''Guns do not kill people, people kill people.'' Well, how do people get the ability to kill other people? I never heard of a drive-by knifing.

Mr. President, one of these days, we are going to have to come to our senses about gun ownership, the proliferation of guns. I have legislation that I introduced the other day to reduce, on a Federal level, purchases of guns more than once a month. One gun a month, 12 guns a year. That does not sound like much of a restriction. But we have a fight on our hands. Maryland just passed it in one of the bodies of legislature there, in their Senate. It is predicted that it will go through with dispatch. Virginia has a one-gun-a-month program. Because Virginia has a limit of 1 gun a month—can you imagine, 12 guns a year are able to be purchased? They have reduced the gun presence in the Northeast of guns coming from the State of Virginia by 60-some percent by restricting gun purchases to one gun a month. The madness of it all. In order to protect those who demand an arsenal, they can buy 12 guns a year. It does not seem like that is a necessary thing to me.

But I am willing to take whatever steps I can to reduce the proliferation of guns in our society. I have become friends with Sarah and Jim Brady. I would not have before Jim was shot because we were in different parties and of different political or philosophical persuasions, because I never belonged to a gun organization. But Jim Brady was a good friend of the National Rifle Association, until someone attempted to kill President Reagan and shot Jim Brady in the attack. Jim Brady, who has been physically disabled, wheelchair bound since that time, has turned the opposite way, and so did his wife, when they saw what a terrible thing a gun could do. There are others I have met who used to support the National Rifle Association agenda, and when they suddenly see violence in their homes, they are opposed to gun ownership as randomly as it exists in this country.

I have also introduced legislation that says that anyone convicted of even a misdemeanor on domestic violence charges should not be able to own a gun. Right now, someone who has indicated that their rage is so impossible to control that they can come home and beat up their wife or kids and get convicted and stand in front of a judge in Baltimore County, and he says, ''I cannot assign criminal penalties to someone who is not a criminal,'' after the man killed his wife. He gave him community service and, I think, 5 months in jail after he killed his wife. He does not call it a criminal act.

Now, Mr. President, we cannot do the job by simply building more jails. There was an editorial piece, an op-ed piece, in the New York Times the other day—and that is not gospel, but it was reporting facts—written by Anthony Lewis. He said that the biggest program for building in California was the building of jails. While the number of students per teacher increases, meaning less attention to the students' needs, jails are being built. I think criminals ought to be punished and punished hard. But I think we also ought to look at what it is that drives all these people to criminality with all of the penalties that we impose, each of them getting longer and larger and tougher. That has not curbed the violence problem. Maybe we ought to say, hey, perhaps there is a different way to do this and examine the alternative. I hope that we will, Mr. President.

If I sound agitated, I am. I think about this young woman, a devoted parent and teacher, a teacher of the type that we all respect and want in our schools. She was murdered by some young punk who decides he wants her car. He was encouraged by what he sees on television and what he sees in gun ownership. She is threatened by a gun and did not even know that it existed, but she knows when someone says they have a gun, very often that is the case.

I hope we will learn from this courageous woman's death, and many other murders around the country, that we ought to do something differently. I hope that police departments across the country will start to prepare some advisory so that women can protect themselves. I have heard—and I do not know whether this is true; I state it secondhand—that a woman is better off to resist in a public place than to permit herself to be taken out of the public limelight. I do not know whether it is true, but I hope police departments—I would like to see police departments across the country prescribe actions in response to an attack of that type, to do something to protect themselves, to thwart the intentions of somebody who wants to take their lives, or take their property first and, typically, then their lives, and often whether or not the property is gained.

Mr. President, I hope we do not have to keep on discussing these kinds of things in the U.S. Senate, or in the Congress, or in our Government, and that we can look forward to a more peaceful time within our society. We are all shocked and horrified by the prospect of military engagement in Bosnia and in other parts of the world, and we look with horror upon the period in Vietnam when so many of our young people fought bravely and gallantly against a bad policy decision. We lost 50,000 people in the period of years that the Vietnam war went on. Now we lose over 15,000 people a year in this country to gun murders. Unfortunately, it does not get a lot of attention.

Mr. President, I yield the floor.

CORRECTION OF THE RECORD

Mr. BYRD. Mr. President, I believe it was on March 21 that I spoke on this floor in reference to Senator SAM NUNN and the late Senator Richard B. Russell and their fine work on the Armed Services Committee of the Senate. I made a comparison in the course of those remarks of Mr. NUNN to Marshal Michael Ney, who was one of the top officers in Napoleon's army. I referred to Marshal Ney's having been separated from the army of Napoleon, but having fought his way back to join the army. He fought through thousands of cossacks and had come to the river Dnieper, D-n-i-e-p-e-r. He had lost all of his guns, but he crossed the river and rejoined the main forces of Napoleon's army.

I stated that Napoleon was overjoyed when he heard that Marshal Ney had escaped and rejoined the army. And he made the comment to other officers at that point—he said, ''I have more than 400 million francs in the cellars,'' c-e-l-l-a-r-s, ''of the Tuileries,'' T-u-i-l-e-r-i-e-s. ''I would gladly have given them all for the ransom of my old companion in arms.''

Well, I suppose I was talking like I had my mouth full of turnips, and the official reporter did not get the name of the river correctly spelled—D-n-i-e-p-e-r—Dnieper; the reporter substituted the name of the river Niemen, N-i-e-m-e-n. It was a river in White Russia. When I saw that name I thought, ''My, I never heard of the name of such a river.'' So I went to Webster's dictionary and I found there, indeed, the name of a river called the Niemen River. So it sounded very much like the Dnieper River.

I make these remarks today, Mr. President, just to call attention to the error which was inadvertent on the part of the reporter and was really my fault. I ask unanimous consent that the permanent RECORD be shown to state that it was the Dnieper River, D-n-i-e-p-e-r, not the Niemen River, to which I referred in my remarks. I yield back the balance of my time.

UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 170

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

THE CONTINUING RESOLUTION

Mr. GRAHAM. Mr. President, a little more than an hour ago, the Senate voted for the 12th time in this 6 months of the 1996 fiscal year for a short-term continuing resolution for many of our most important Federal agencies.

Mr. President, I voted for that continuing resolution as I have for its predecessors out of a sense of frustration and the absence of any other reasonable alternative. But, Mr. President, I am taking this occasion to announce that will be my last vote for such a continuing resolution because I believe that we are acting in a highly irresponsible and embarrassing—and adverse to the interests of the people of this Nation—manner by the way in which we are conducting the fiscal affairs of this great Nation.

When the Congress, or any other entity responsible for spending funds, sets out to enact a budget, one of those important goals of such enactment is to chart the future. The essence of budgeting is to carry out a plan with certain objectives and destinations. Budgets should be the means by which that plan is given life.

In a cruel irony, however, Mr. President, a perverse Washington twice has turned budgeting upside down. The current budget process frustrates—even prevents—effective planning and implementation. Instead of reducing uncertainty about the future, our current budget process—the one that we have followed for the last 6 months—enhances uncertainty.

How, we would ask, did this happen? We are in the 6th month of the Federal fiscal year, but we have still not approved a budget for nine of the most important departments of the Federal Government and numerous other Federal agencies. Instead of approving an annual budget for these nine Cabinet departments and Federal agencies, Congress has passed now 12 separate continuing resolutions to operate parts of the Government at 75 percent of funding levels for brief periods of time.

Mr. President, this is Band-Aid budgeting, and it is a Band-Aid that hurts. These Band-Aid budgets are hurting the very people our Government is trying to help. And just as important, our failure to pass a final—a real—budget for 1996 makes planning difficult, if not impossible, for those charged with carrying out the mission of assisting our people through or with the financial support of the Federal Government.

To that lament, some might say, ''So what?'' So what if Government is inconvenienced by an uncertain budget process. So what if bureaucrats have to survive with a certain amount of anxiety, uncertainty, and closely bitten nails. To those who say ''So what,'' I offer the simple truth that the way we are doing business with these Band-Aid budgets is bad business.

When managers cannot plan, when contracts cannot be honored, when commitments cannot be fulfilled, that, Mr. President, is bad business.

Today I want to highlight just a few examples of the impact of our Band-Aid budgeting. In my State of Florida, we are on the verge of shutting down substance abuse programs.

Let me repeat that. If we do not straighten out this budget mess within the State of Florida, there will be a termination of substance abuse programs.

It is ironic that possibly in the next few weeks we may be considering the question of whether the United States should punish through decertification certain countries that we consider to be inadequate in their commitment to the fight against the supply of drugs coming into the United States. The irony is that those same countries look north, and they say the reason that there is this supply of drugs is because the United States of America is such an overwhelming and inordinate user of drugs; it creates such an enormous demand for these illegal substances. If we were to send the message to these countries that we are now about to cut off our programs that are intended to deal with the prevention and treatment of substance abuse, they might be inclined to say they should decertify us because we were not using our full efforts in order to deal with this scourge.

What is it going to mean in Florida for 150 agencies which are providing substance abuse services—150 agencies and nonprofit groups which depend in whole or in part on Federal funds for their ability to provide these services?

The range of services which will be terminated include detoxification, drug rehabilitation for children, adolescents, and adults, in-jail services, and substance abuse prevention.

In Florida, 27,000 people a year are referred to detoxification centers. The typical per-day cost of these facilities is $123. If we shut down the detoxification centers, we would have some options—more expensive options. We could send these people to jail. We could send these people to a hospital. If we sent them to a hospital, the average per-day cost is $450 for detoxification services.

One way we deal with heroin addiction in this society is methadone treatment. Many people on methadone are able to live a reasonably normal life and hold down a self-sustaining job. What happens when you shut down the methadone programs? People go into withdrawal. The odds go up that these expensive, negative results will occur. There will be a relapse to heroin or other drugs. There will be the use of dirty needles that spread HIV. Jobs will end, and crime will begin.

Mr. President, those are some of the consequences in the area of substance abuse treatment, education, and prevention that is about to occur because of the Band-Aid budgeting in which we are engaged.

The problem does not, however, end with substance abuse. What about education? In Dade County, Miami, FL, our educators are so uncertain about the next year's school budget that they do not know whether they should retain some 1,000 teachers and aides who are currently providing educational services.

What is the reason for this uncertainty? The reason is that these teaching positions are funded by title I Federal grant dollars. These are funds which are used to provide educational services to the most at-risk and to the most at-need children.

Dade County received approximately $59 million in title I funding last year. How much will Dade County schools receive next year? Mr. President, your guess is as good as mine because we still do not have a budget.

In Fort Myers, I recently visited the Salvation Army. The Salvation Army in Fort Myers, as its counterparts across the country, performs a wide variety of valuable services. In southwest Florida, these services include feeding and housing the homeless, operating a minimum security prison, a small hospital, and offering drug and alcohol treatment programs.

To provide these services, the Salvation Army in Fort Myers relies on the Federal Government for up to 35 percent of its budget.

Let me give you one example of a problem Salvation Army officials are facing in Fort Myers, FL.

In an ordinary year, the Salvation Army will receive emergency food and shelter funds from the Federal Emergency Management Agency in October. As you are aware, Mr. President, this October was no ordinary October. This has been no ordinary year.

As a result of the budget impasse, the emergency funds for food and shelter to the Salvation Army did not arrive in Fort Myers in October. The funds did not arrive in November either. December came and passed; there were no funds—and January. It was not until February that the Salvation Army received the first allotment of its funds which were supposed to have arrived in October.

Now the Salvation Army is waiting once again to receive the remainder of its funds for a fiscal year that is now halfway over. Without this money, the services provided by the good people at the Salvation Army in Fort Myers will be severely hampered and the organization may experience a major deficit.

In many instances, organizations have not only had to reduce services, but they have had to suspend them altogether.

Let me give you another example. This situation was experienced by the Florida Division of Vocational Rehabilitation. The division of vocational rehabilitation awards contracts to nonprofit organizations to provide rehabilitative services to the disabled. For many individuals, these services offer the only chance to become skilled, productive, independent citizens. Due to the Government shutdown, two organizations in Florida which provide these rehabilitative services for disabled citizens, Goodwill and Easter Seals, had to close their doors to the disabled.

Let me repeat that, Mr. President. The shutdown caused Goodwill and Easter Seals to close their doors to people who are striving to better themselves so that they can find gainful employment. These are the practical effects to human beings in the communities, consequences of the Band-Aid budgeting in which we have been engaged.

Mr. President, I say enough is enough. Twelve times in six months is enough for us to limp along day to day, week to week. This process is having severe, embarrassing, and hurtful consequences on innocent people. Twelve times we have resorted to these short-term extensions. Enough, Mr. President, is enough.

Let us commit ourselves to the completion of the 1996 budget at the earliest possible date. Then let us recommit ourselves not to repeat anything like this in 1997 or ever again.

Mr. President, enough is enough.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator in New Mexico.

Mr. DOMENICI. I have been asked by the leader to make this unanimous-consent request. It has been cleared on the other side.

I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 157 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 157) providing for an adjournment or recess of the two Houses.

Mr. DOMENICI. I ask unanimous consent that the resolution be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 157) was agreed to.

Mr. DOMENICI. Mr. President, I will speak for just a few moments. I understand there is still another Senator who wishes to speak, but I will not take very long.

MEDICARE FINANCING CRISIS

Mr. DOMENICI. Mr. President, I wish to speak for a moment about the Medicare Program which our senior citizens are very concerned about and most Americans are very concerned about.

Last year, the Medicare trustees told the President and the Congress that the Medicare Program is in financial crisis. Specifically, they said, and I quote, ''The Federal hospital insurance trust fund which pays inpatient hospital expenses will be able to pay benefits for only about 7 years and is severely out of financial balance in the long run.''

The Medicare trustees were even more blunt. ''The Medicare Program is clearly unsustainable in its present form,'' they said. ''The hospital insurance trust fund continues to be severely out of financial balance and is projected to be exhausted in 7 years.''

That is what they said last year—7 years. In 1995, the trustees were telling us we have 7 years before the part A trust fund ran out of money. Last year's report projected that this fund would be insolvent in the year 2002. Based on the same data, I made a more precise prediction that bankruptcy would occur in early February 2002.

Very soon, we are going to receive from the Medicare trustees an annual update to this report. I have looked at the data that the trustees used to generate their report, and I can say now that last year's projections were too optimistic. This year's report will show that the hospital trust fund is going bankrupt in the year 2001—not 2002. The projections were too optimistic last year.

A year ago my colleagues and I were urging the Senate and the President to follow the trustees' recommendation and address the Medicare financing crisis. This is why the reforms in Medicare were proposed last year. This Congress had a choice in 1995, and the choice was to address the Medicare financing crisis, restructure Medicare for the next century by providing seniors with more choices and containing costs to providers, or to ignore the crisis and let the problem languish for another year.

This Congress chose to act to try to save Medicare from the pending bankruptcy. When we made the choice, we had a 7-year window available to us and to the American people—7 years before part A would be bankrupt, without sufficient money to pay its bills.

Mr. President and fellow Senators, that is now down to 5 years. We spent a year trying to reform Medicare, only to have the reform fail and to have the President veto the reform measures. And we will soon officially hear from the trustees that we lost another year.

Last year we were told that we had until 2002. Now we will learn that we have until 2001. The Medicare part A problem is now worse than it was a year ago. Based on the data the trustees will be using in their annual report, which we have now had an opportunity to review, I can predict for the Senate and for those who are interested, the seniors across America, that the Medicare part A trust fund will be without sufficient funds to pay its bills in late May of 2001. Essentially, it will be bankrupt in May of 2001 instead of 2002. This is 5 years and 2 months from now—5 years and 2 months, not 7 years.

It is important to remember that while attention has focused on the impending bankruptcy of part A, the hospital plan, the underlying problem is the uncontrolled spending and the growth of the entire program.

Last year, the Congressional Budget Office projections showed that Medicare part A spending was growing at 8 percent a year, and it showed that part B spending was growing at 14 percent a year. There is no question that if we can slow the growth by reform, if we can make both part A and part B more streamlined and in touch and in tune with the modern delivery of health care, we can slow the growth. Our present spending is just not sustainable. Simply put, the trust fund will be bankrupt in 5 years and 2 months. The remainder is growing at 14 percent a year.

When we pursue that goal of making it sustainable, of slowing Medicare spending, one result will be that we will save the part A trust fund, the hospital trust fund. The Balanced Budget Act passed this year by Congress—that is last year, in this year's cycle—and vetoed by the President, would have extended the life of part A past the year 2010. That same Medicare reform took the necessary steps toward addressing our long-term entitlement problem. Unfortunately, it, too, was vetoed when the Balanced Budget Act was vetoed.

I do not relish being the bearer of bad news. No one likes to hear that a program as valuable and as important as Medicare is in financial trouble. But we cannot simply bury our heads and hope that the problem will go away. It will not. We spent a year trying to address a problem here in the Congress, and now it appears that that effort may fall victim to a Presidential election. If we wait another year to address Medicare, we will be 4 years, if not shorter, from bankruptcy. I am concerned that 1 year from now I will be standing here on the floor of the Senate, reporting on the impending bankruptcy of the part A trust fund, and we will have spent a year doing nothing to address it.

I hope that is not the case. But I hope that more Senators and more leadership in this country will understand that if we do not change some things about the program there will be no program—not for the younger generation, but for seniors who are on the program right now. Because there are many senior citizens who are on the program right now who will still need hospitalization in the year 2001, 5 years from now. Unless we choose to do something now, it will not be available to them. We will have spent the money in the trust fund and the bills will be coming in faster than the revenue, and that equals bankruptcy.

So, I thought, today, after a careful study of the facts, that I would share this news, bring it to the floor and share it right now. I thought, as soon as I had it, I ought to share it with everyone. I believe what I am saying is correct. I believe I am slightly ahead of the trustees, but I know the information they have, and their experts, for that is shared information. There is no question in my mind the fund is going bankrupt faster than was estimated last year, and we are now 5 years and 2 months away from the fund not having money to pay the bills of senior citizens who are in hospitals.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Are we in morning business at this time?

The PRESIDING OFFICER. We are.

Mr. KENNEDY. I ask unanimous consent I might be able to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FDA REFORM MARKUP

Mr. KENNEDY. Mr. President, today when Americans get up in the morning and brush their teeth, they do not think about whether the toothpaste they are using is safe. When they eat their breakfast they do not think about the safety of the food they are eating. When they take a pill to treat an illness they do not worry about whether the drugs are safe. They do not worry about whether those drugs work. Americans have confidence in all of these products because the Food and Drug Administration is an independent agency with enormous credibility.

Yesterday, the Senate labor and human resource committee approved a FDA reform bill, S. 1477, that will destroy that confidence. S. 1477 will cripple the FDA, and turn many of its functions over to private industry.

The history of food and drug legislation is that we have learned from the tragedies of the past. The United States was fortunate to avoid the Thalidomide tragedy in the 1950's. But in the 1950's and 1960's, we did not avoid the tragedy of DES, Diethylstilbestrol, which causes cancer in the daughters of women who took it.

In the 1970's we did not avoid the tragedy of the Dalkon Shield, which caused thousands of cases of infertility in women who used it. In recent years we did not avoid the tragedy of the Shiley Heart Valve which broke and caused many deaths.

As a result of the Thalidomide tragedy, we strengthened our drug laws in 1962. As a result of the Dalkon Shield tragedy we strengthened our medical device laws in 1976 and we strengthened them again in 1990 after the Shiley valve tragedy.

Most recently, we reduced the delays in approving prescription drugs with user fees. As a result, we are now approving drugs faster than the United Kingdom. We have fixed the drug lag. In fact, the United States approves more important new drugs faster than any other country in the world.

But equally important, we have the best record in the world of blocking the approval of unsafe or ineffective drugs that have to be withdrawn after patients have been killed or injured.

The bill reported from the committee goes in the wrong direction. The lessons of the past have been turned on their heads, and those who have failed to learn from the history of Thalidomide, Dalkon Shield and DES, will condemn the American public to new device and drug tragedies. The basic theme of the legislation the committee approved is privatization. It says, ''let us return to the days when drug manufacturers decided what was safe and effective.'' It says, ''let device manufacturers pay private bodies to determine if their heart valves and pacemakers will help or harm patients, instead of relying on the scientists at the FDA, who have no interest except the public interest.'' If this bill is enacted into law, the Food and Drug Administration will no longer have the principle responsibility for making critical decisions about the safety of the food supply and the safety and effectiveness of drugs and medical devices. Instead, those decisions will be made by private companies.

In the cases of medical devices, those companies will be selected and paid by the medical device industry to decide the safety and effectiveness of the products. No company that is paid to do product reviews can be objective, if future business depends on whether it grants a favorable decision. And to make the conflict of interest even more blatant, it will be up to the regulated industry to determine how much compensation the regulator will receive for the review.

Do you get this? That the medical device company will make the judgment as to which individual will come and inspect their particular medical device, and they, the inspector and the company, will work out the terms of payments.

If you were one of those inspectors, how long do you think you will make adverse judgments against those companies if you ever expect to get paid or hired again? You have a basic, fundamental conflict of interest. Compare this with the current situation where an inspector has no financial interest in making the judgment and bases decisions only upon pure science. That is how we do it at the present time.

As I said, we do it very successfully with regard to drugs and biologicals. It is slower with regard to medical devices, and various animal vaccines. We grant the FDA has not done well enough. But over the 30 years that our committee has been reviewing how to speed up the FDA, we have only been successful with one major change and that is when we put on the user fees, with the support of the pharmaceutical industry, with the support of President Bush, and with the support of Congress. And we have seen a dramatic change in terms of performance, in the approvals; significant reductions in terms of the considerations of those items. It has been successful. Now we are about to tamper with that particular effort, which has been reviewed by GAO, and by the Tufts Medical School, which has been constantly critical of the FDA, but all of them say that this is a program that is working.

It is not working as well in the device areas, as I mentioned, but what we are doing, I believe, is putting seriously at risk the successful programs that have been enacted in recent times.

In Britain in the last few weeks, we have had a stark demonstration of what can happen when the regulatory body charged with protecting the public interest has a conflict of interest.

Britain is in a food safety crisis over the meat from cattle with mad-cow disease because the Government paid too much attention to commercial interests and not enough attention to the health of consumers. Now, because there is growing concern that mad-cow disease can be linked to a fatal disease in humans, British meat is being banned in every country in the world.

In Britain, the public is demanding to know why there is no independent body like America's Food and Drug Administration to protect the public. That is the question on the minds of British consumers.

How ironic that just a few days after the mad-cow disease disaster came to light, legislation was approved by our committee to dismantle the regulatory agency that is universally recognized abroad as the gold standard for the world. The FDA is our strongest defense against this kind of crisis in the United States. We have the safest food supply and the safest medical products in the world. We should not take any steps that jeopardize the confidence of American consumers in the safety of food and medical products. Yet this bill would seriously weaken current protections.

In addition to privatizing review of medical devices, this bill tells the public to trust drug manufacturers to make changes in the manufacturing process without FDA review to determine whether the changes affect safety or effectiveness. Companies under pressure to increase profits sometimes put profits first or simply sometimes make mistakes. In fact, most experts believe that mad-cow disease spread throughout Britain by a change in the manufacturing process of animal feed by some companies, the kind of change that S. 1477 leaves up to American companies to decide on their own.

Under this legislation, no change in the manufacturing process would require prior approval from the FDA. Yet, a change in the manufacturing process can determine whether a polio vaccine prevents polio or causes it. A change in the manufacturing process can determine whether a blood transfusion is life saving or whether it transmits AIDS or hepatitis to the patient. An independent FDA is needed to protect the public against these tragedies. Commercial interests should not prevail.

Further, the bill sets excessive time limits for review with no additional resources. The FDA will be unable to meet these requirements and do its job.

Even worse, the bill sets the wrong priorities so that every ''me-too'' drug of little additional therapeutic value receives the same priority as urgently needed new cures, and if FDA cannot meet the unrealistic time limits in the bill, the agency is required to contract its responsibility out, leading to further unacceptable privatization.

What did we do in the earlier legislation? We said on the priority drugs, we are going to make sure that these are going to be addressed within the first 6 months and then those that are of lesser significance and importance within 12 months. Therefore, the FDA is able to use some discretion in the areas of breakthrough drugs. The last drug on

AIDS was only about 2½ months under review because FDA had worked with the company further up the line to accelerate the consideration and the whole development time.

So FDA has been moving in the area of priority drugs. Now what does the legislation say? The legislation says you have to examine all of them, all of the drugs within the 6 months. The fact of the matter is, as anybody who understands what goes on out at the FDA knows, the vast majority of those other drugs are ''me-too'' drugs, not the breakthrough drugs.

So now instead of bringing focus and attention of the gifted and able scientists out at FDA on those drugs that could be breakthrough drugs in cancer, in AIDS, in hepatitis, in all kinds of diseases, we are going to divert their attention to looking after the ''me-too'' drugs that can make extra bucks for the pharmaceutical companies. Is the public interest served there? It is not.

This is a direct result of the pharmaceutical companies wanting to get some additional attention so that they can put on the market and promote and advertise and make additional profits from those ''me-too'' drugs. This is unwise, ill-conceived, and bad health policy. Mr. President, we all know that when the Congress previously acted in a bipartisan way with the Executive together with the pharmaceutical companies, all of them working together, setting the goals, setting the standards, setting the accountability on what the FDA should do—96 percent of the goals that were established were achieved, and now we are saying, ''Well, that isn't good enough. That isn't good enough even though the GAO says we are the best in the world. That isn't good enough, and we are going to change that system,'' alter that system in a way which I think diminishes the efficiency of the FDA and could very well diminish the opportunities of moving the breakthrough drugs to the consumer in a more orderly, effective, and rapid way.

Mr. President, I was talking about the changes in both time limits for the consideration of priority drugs and also about the changes in the manufacturing processes that do not have to have prior approval by the FDA.

FDA is the most respected regulatory agency in the world. With too few resources now, FDA still gives us the safest food supply in the world and the best medical products. The FDA seal of approval is accepted with confidence and trusted worldwide. American companies benefit immensely from that confidence. This bill will turn that seal of approval into a label that cannot pass the truth-in-advertising test. Whether the product is heart valves or blood derivatives or vaccines or food, the American people will be at risk.

There are ways that FDA should improve. Some products do need to get to market faster. FDA should collaborate as much as possible with companies and researchers to reduce the time of bringing safe and effective products to market. They are doing a good job now; they ought to do a better one. But we should not gut FDA's independence or the laws that give it that independence.

This legislation puts the commercial interests of companies ahead of the best interest of consumers. I am hopeful, Mr. President, that the provisions of S. 1477 that undermine health and safety can be revised before the bill comes to the floor. I know that Senator KASSEBAUM is committed to working with all interested Senators, and I pay tribute to Senator KASSEBAUM. She has spent an enormous amount of time herself on this issue. She has listened to different positions taken by those who are committed to the public health interests. She has listened to Members of the Senate.

I have the highest regard for her and the way that she has conducted the hearings and the leadership she has provided in this area, but I do find that I come out on a different side than she does with regard to the bill itself.

The present bill would destroy the safeguards protecting the American people that have been built up over the decades. It will cripple the world's best regulatory agency. It would be tragic if it became law. When the American people understand what is in it, I believe they will reject it.

Mr. President, I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

READ AND SUCCEED—MEETING THE CHALLENGE OF ILLITERACY IN AMERICA

Mr. INHOFE. Mr. President, I rise today to share some thoughts on a subject of growing concern to many Americans, particularly to parents who seek a better and brighter future for their children through education.

It is that we are failing to teach our children to read effectively. In 1940, the literacy rate in the United States was 97 percent. It has now plunged to 76 percent—a rate which is lower than that of over 100 other nations.

To me, this is intolerable. America's future depends on restoring the reading skills of its people.

If we value our responsibility for leadership; if we seek to stay competitive in the world economy, we must address the problem of illiteracy in America.

We cannot stand by and watch our children sentenced to a life of mediocrity and illiteracy.

This problem exists in spite of the good intentions of Government and the expenditure of billions of taxpayer dollars over many years.

Reading is the most basic skill every child needs to achieve individual success and happiness—both in work and in life. Yet in failing to impart this skill effectively, we are directly undermining the success our children seek and deserve.

The evidence of our failure is all around us. Teachers and administrators see it in our schools, where 60 percent of entering college freshmen find themselves in need of remedial courses in reading or math.

Employers and businesspeople see it in the workplace, where industry spends exorbitant amounts on employee remedial training in basic verbal skills. Researchers and scholars detect it in their studies.

Hardly a week goes by that we do not see stories in the media about declining test scores or startling accounts of the growing problem of lagging reading skills in America. For example:

According to the U.S. Department of Education report known as the National Assessment of Education Progress [NEAP], ''the average reading proficiency of 12th grade students declined significantly from 1992 to 1994.''

This important study is widely considered to be one of the best barometers of overall student achievement. It reported that ''70 percent of 4th graders, 30 percent of 8th graders, and 64 percent of 12th graders did not attain a proficient level of reading.'' In other words, these students did not reach a minimum skill level in reading which is considered necessary to do the work at that grade level.

According to a recent 5-year study, entitled ''Adult Literacy in America,'' conducted by the National Center for Education Statistics, similar startling results were found. It stated that: 42 million Americans, 22 percent of the population cannot read; 50 million, 27 percent, can recognize so few printed words they are limited to a fourth or fifth grade reading level; 55 to 60 million, 30 percent, are limited to sixth, seventh, or eighth grade reading levels; only 30 million, 16 percent, have ninth and tenth grade reading levels; only 6 to 7 million, 3.5 percent, demonstrated skills necessary to do college level work.

SAT scores have declined steadily for most of the last 35 years. Verbal achievement has declined by nearly 90 points since 1960.

A U.S. Department of Labor study found that 20 percent of U.S. high school graduates could not even read their diplomas.

Mr. President, this is serious. All of this has consequences—in our economy, in our standard of living, in our competitive position in the world, and in our national security. For example:

The lower the literacy rate: the less productive our economy becomes, the less hours are worked and the less money they make in the form of wages and income, the higher the incidence of crime and welfare and their costs to society, the less effectively we are able to compete in world markets, the less capability we will have in our Armed Forces which are increasingly dependent on advanced technology and highly trained personnel as opposed to just sheer numbers.

Clearly, our level of literacy is closely linked to our success in the world. If we fix this problem, the benefits will spread through our entire society. I firmly believe that if we know how to read, we will know how to succeed.

Secretary of Education Richard Riley recently confirmed the problem when he said:

> Our Nation's reading scores are flat and have been flat for far too long . . . Too many of our young people are groping through school without having mastered the most essential and basic skill.

Riley said that ''the most urgent task'' facing American schools is to improve reading instruction. So we know the problem exists. We can rejoice there is a solution.

Right now, we can take a giant step forward simply by doing what we can to demonstrate and celebrate what works when it comes to basic reading instruction.

Mr. President, we know what works in teaching children and adults to read. We can point to evidence backed by more than 60 years of educational research and experience.

What works is when our teachers and administrators return their emphasis to the use of phonics as the basis of reading skills instruction. Phonics refers to that body of knowledge which allows us to break down the letters of the alphabet into sounds so that words can be deciphered and sounded out according to simple rules.

With phonics-based programs, students learn not by memorizing huge numbers of whole words, but rather by mastering the very limited number of sounds and corresponding letter combinations which are the building blocks of all words. With this essential grounding, they are better equipped to move ahead to learn more advanced reading skills and techniques.

I do not argue that phonics is the only answer to the many problems faced by today's teachers in improving reading skills. The breakdown of the family, the impact of television, the force of popular culture—all of these and more pose challenges which were unheard of a generation ago. But clearly it is time for the pendulum in emphasis to swing back toward phonics—and not away as we have been moving more and more in recent years.

Phonics-based programs work. History and statistics have proven it. Now, similar grassroots evidence is sprouting up in more and more parts of the country.

For example, in one of the poorest districts in Houston, TX, there is a success story from which all of us can learn. There at the Wesley Elementary School, its principal, Dr. Thaddeus Lott, has encouraged teachers to use proven methods such as phonics in a concentrated effort to improve reading skills. The program is working.

Students are leaving this school reading at two or three levels above their grade. Many go on to private academies because their achievement levels are so far beyond the public schools they would otherwise attend.

Now, Dr. Lott has been appointed to a blue ribbon committee in the Houston Independent School District to expand his quality education techniques to other schools in this, the seventh largest school district in the Nation. It worked in Houston and it is working elsewhere.

Near one of Chicago's low-income housing projects, Mrs. Marva Collins of the Westside Preparatory School is making a real difference. Her phonics-based methods are helping all her students learn to read by the end of first grade. By the time her students reach third grade, they are memorizing poetry, discussing Shakespeare, and talking about early American history.

In Inglewood, CA, similar targeted programs have also proven highly successful.

Now, as the Washington Post reported last week, the State of California is urging all of its 7,700 school district ''to place more emphasis on phonics'' in order to reverse the dismal results they have been seeing on their statewide reading exams.

These are just a few recent examples—out of many—which show that the trend back to a renewed emphasis on phonics is growing. But much more needs to be done.

To help foster similar successful programs and to help focus public attention on what can and should be done, I propose to take the initiative in my home State of Oklahoma.

In the near future, I plan to help establish a limited in scope, privately funded, reading foundation in Oklahoma City.

Its purpose, broadly stated, will be to identify children, as well as adults, in need of enhanced reading instruction and to help them take advantage of a good phonics-based reading program that works.

If this limited demonstration project is successful, I would hope to expand it to Tulsa and perhaps to other cities throughout Oklahoma.

The goal is to show through private voluntary efforts that we as concerned citizens can address this one serious problem constructively, without resorting to Government mandates or vast infusions of Federal tax dollars which obviously have not worked.

Indeed, I want to make it very clear that I do not seek to establish a new Federal program, nor do I seek any new expenditure of taxpayer dollars. I propose no new legislation or Government mandate.

At the same time, I seek no direct intrusion into the day-to-day business of the public schools. I have long been opposed to Federal control of local education and I am not about to change my position now.

Rather, what I am talking about is fostering voluntary and cooperative efforts through the use of private funds, through persuasion, through example, and through a genuine concern for helping our young people and others achieve success in life.

This is a good cause. I intend to demonstrate that what works in Dr. Lott's school in Houston and Mrs. Collins' school in Chicago can and will work in Oklahoma City. When it does, we will offer it throughout the State.

Mr. President, there is absolutely no excuse for us in the United States of America to lag behind other industrialized nations in our reading skills—we are going to take the initiative and correct it.

AN ANNIVERSARY TO REMEMBER

Mr. INHOFE. Mr. President, this past Saturday, March 23, marked the 13th anniversary of President Ronald Reagan's address to the Nation in which he outlined a vision of the future based on the common sense wisdom of developing a national defense against missile attack.

To commemorate this occasion, I ask unanimous consent that a transcript of President Reagan's remarks on missile defense from this historic speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Mr. President, on that day in 1983, President Reagan announced his decision to begin the long march away from the suicidal defense doctrine known as mutual assured destruction. In one bold stroke, he single-handedly committed the Nation to an intense research and development program designed to harness our technology to the task of countering the threat posed by ballistic missiles, and to do it with measures that are defensive. Wouldn't it be better, he asked, ''to save lives rather than to avenge them?''

In retrospect, we can see that it was a speech that truly rocked the world. In the context of the closing strategy of the cold war, it posed the decisive final challenge to the Soviet Union. Three years later, at the Reykjavik Summit, extraordinary Soviet efforts to deter Reagan from his commitment to missile defense failed. As a result, the evil empire's days were numbered and Soviet leader Gorbachev knew it.

In the context of domestic politics, Reagan's 1983 speech ignited a passionate debate over defense policy which still continues today. Within just hours after the speech, one of our distinguished colleagues in this body coined the term star wars. Opponents claimed Reagan's idea was a fantasy, that he wanted a perfect astrodome defense which would cost trillions of dollars.

Despite such rhetoric, in the context of science and technology, the speech helped focus inquiries on numerous fronts which led to remarkable breakthroughs. Is it technically feasible, at an affordable cost, to ''intercept and destroy strategic ballistic missiles before they reach our own soil or that of

our allies?'' In 1983, many critics answered ''no.'' Today, such questions are themselves—as Reagan would say—largely ''impotent and obsolete.''

But still, 13 years later, America has not deployed, nor is it committed to deploy, any national missile defense system. Why? In a fundamental sense, the answer lies in the triumph of politics over science. The real technological barriers have been broken. We have the know-how. Even funding is no longer the real issue.

Rather, it is the many political barriers that remain, and they are formidable. The Soviet Union is gone, and with it, the perceived threat posed by its awesome missile arsenal. Proliferation of missiles to other countries continues, but we are told that any real concern about it is premature. Today's Democrat President, like the Democrat Congresses before him, argues strenuously that the 1972 Anti-Ballistic Missile Treaty should remain as the ''cornerstone'' of U.S. strategic defense policy. It prohibits the deployment of effective defenses on the theory that deterrence should rest solely on threat of instant retaliation—the same theory President Reagan sought to transcend.

So the struggle for national missile defense continues. ''It will take years, probably decades, of effort on many fronts,'' President Reagan said, and he was right.

Today, I stand proudly with those who remain committed to the moral vision articulated by President Reagan: ''That the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence.''

We will continue the efforts President Reagan began. And I hope, that in marking this anniversary, we can take increased devotion to the cause of world peace and freedom—that we can learn from the wisdom, the foresight, the courage and the example of President Reagan.

Like Ronald Reagan before us, we pursue this cause not because some public opinion poll told us it was the popular thing to do. We act because we know it is the right thing to do for our country and for future generations.

EXHIBIT 1

ADDRESS TO THE NATION ON NATIONAL SECURITY BY PRESIDENT RONALD REAGAN, MARCH 23, 1983

The calls for cutting back the defense budget come in nice, simple arithmetic. They're the same kind of talk that led the democracies to neglect their defenses in the 1930's and invited the tragedy of World War II. We must not let that grim chapter of history repeat itself through apathy or neglect.

This is why I'm speaking to you tonight—to urge you to tell your Senators and Congressmen that you know we must continue to restore our military strength. If we stop in midstream, we will send a signal of decline, of lessened will, to friends and adversaries alike. Free people must voluntarily, through open debate and democratic means, meet the challenge that totalitarians pose by compulsion. It's up to us, in our time, to choose and choose wisely between the hard but necessary task of preserving peace and freedom and the temptation to ignore our duty and blindly hope for the best while the enemies of freedom grow stronger day by day.

The solution is well within our grasp. But to reach it, there is simply no alternative but to continue this year, in this budget, to provide the resources we need to preserve the peace and guarantee our freedom.

Now, thus far tonight I've shared with you my thoughts on the problems of national security we must face together. My predecessors in the Oval Office have appeared before you on other occasions to describe the threat posed by Soviet power and have proposed steps to address that threat. But since the advent of nuclear weapons, those steps have been increasingly directed toward deterrence of aggression through the promise of retaliation.

This approach to stability through offensive threat has worked. We and our allies have succeeded in preventing nuclear war for more than three decades. in recent months, however, my advisers, including in particular the Joint Chiefs of Staff, have underscored the necessity to break out of a future that relies solely on offensive retaliation for our security.

Over the course of these discussions, I've become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. Feeling this way, I believe we must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides.

One of the most important contributions we can make is, of course, to lower the level of all arms, and particularly nuclear arms. We're engaged right now in several negotiations with the Soviet Union to bring about a mutual reduction of weapons. I will report to you a week from tomorrow my thoughts on that score. But let me just say, I'm totally committed to this course.

If the Soviet Union will join with us in our effort to achieve major arms reduction, we will have succeeded in stabilizing the nuclear balance. Nevertheless, it will still be necessary to rely on the specter of retaliation, on mutual threat. And that's a sad commentary on the human condition. Wouldn't it be better to save lives than to avenge them? Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability? I think we are. Indeed, we must.

After careful consultation with my advisers, including the Joint Chiefs of Staff, I believe there is a way. Let me share with you a vision of the future which offers hope. It is that we embark on a program to counter the awesome Soviet missile threat with measures that are defensive. Let us turn to the very strengths in technology that spawned our great industrial base and that have given us the quality of life we enjoy today.

What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?

I know this is a formidable, technical task, one that may not be accomplished before the end of this century. Yet, current technology has attained a level of sophistication where it's reasonable for us to begin this effort. It will take years, probably decades of effort on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs. And as we proceed, we must remain constant in preserving the nuclear deterrent and maintaining a solid capability for flexible response. But isn't it worth every investment necessary to free the world from the threat of nuclear war? We know it is.

In the meantime, we will continue to pursue real reductions in nuclear arms, negotiating from a position of strength that can be ensured only by modernizing our strategic forces. At the same time, we must take steps to reduce the risk of a conventional military conflict escalating to nuclear war by improving our nonnuclear capabilities.

America does possess—now—the technologies to attain very significant improvements in the effectiveness of our conventional, nonnuclear forces. Proceeding boldly with these new technologies, we can significantly reduce any incentive that the Soviet Union may have to threaten attack against the United States or its allies.

As we pursue our goal of defensive technologies, we recognize that our allies rely upon our strategic offensive power to deter attacks against them. Their vital interests and ours are inextricably linked. Their safety and ours are one. And no change in technology can or will alter that reality. We must and shall continue to honor our commitments.

I clearly recognize that defensive systems have limitations and raise certain problems and ambiguities. If paired with offensive systems, they can be viewed as fostering an aggressive policy, and no one wants that. But with these considerations firmly in mind, I call upon the scientific community in our country, those who gave us nuclear weapons, to turn their great talents now to the cause of mankind and world peace, to give us the means of rendering these nuclear weapons impotent and obsolete.

Tonight, consistent with our obligations of the ABM treaty and recognizing the need for closer consultation with our allies, I'm taking an important first step. I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles. This could pave the way for arms control measures to eliminate the weapons themselves. We seek neither military superiority nor political advantage. Our only purpose—one all people share—is to search for ways to reduce the danger of nuclear war.

My fellow Americans, tonight we're launching an effort which holds the promise of changing the course of human history. There will be risks, and results take time. But I believe we can do it. As we cross this threshold, I ask for your prayers and your support.

Thank you, good night, and God bless you.

Mr. INHOFE. 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. 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.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUARTERLY REPORTS—1996 APRIL

The mailing and filing date of the April quarterly report required by the Federal Election Campaign Act, as amended, is Monday, April 15, 1996. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on April 15, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1996 first quarter mass mailings is April 25, 1996. If a Senator's office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

COAST GUARD AUTHORIZATION ACT OF 1996

Mr. LOTT. Mr. President, I support the motion to go to conference on S. 1004, the Coast Guard Authorization Act of 1996. Both the House and the Senate have passed versions of this bill. The House called for a conference with the Senate to resolve differences in the bill and appointed conferees. The Senate must respond to this request. We need to do this before the recess so staff can meet and have issues ready for the conferees to vote on in early April.

My colleague from South Carolina opposes going to conference on this bill. I do not understand why he is so opposed to going forward with this basic process. Last time I checked, conference is the process to resolve differences between the House and the Senate. The House has its bill. We have the Senate bill. Conferees sit down together to iron out the differences. Why should he object?

I know there is a provision in the House-passed Coast Guard bill that my colleague opposes. Each year, hundreds of foreign crewmembers file suit in U.S. courts against foreign ship owners in U.S. courts. Since 1989, 724 of these cases have been filed in one Florida county alone. The House bill includes a provision that would address this flood of nonresident crew cases against ship owners being brought in the United States. The House passed this provision as part of the Coast Guard bill twice.

Mr. President, I happen to agree with the House provision. There is no public or private policy reason to litigate these cases in the U.S. legal system.

These cases: Contribute to the overcrowding of court dockets, frustrate the ability of U.S. citizens to obtain timely resolution of their claims, and require citizens to serve as jurors on cases which do not affect U.S. public or private interests.

In Dade County, FL, it costs about $3,000 a day to conduct a jury trial. The U.S. taxpayer and consumer should not bear the cost of litigating these cases in our courts.

Of course we know who opposes this provision—the trial lawyers. There is no reason for these foreign cases to be heard in U.S. courts at the expense of the U.S. taxpayer, but a small handful of trial attorneys enriched by these cases resist any change. The trial lawyers as a group resist this tiny change because they see it as the camel's nose under the tent.

We have seen this from the trial lawyers before:

We saw it with reform of the general aviation liability laws. The lawyers nearly wrecked a whole industry before Congress was able to enact a very modest reform.

We saw it with modest efforts to reform securities laws. The President vetoed this measure at the urging of the trial lawyers and sustained his first veto override.

We saw it as recently as last week with efforts to oppose reasonable product liability laws. The trial lawyers may prevail on the President to veto this as well.

To take a quote from a former candidate, the trial lawyers will oppose any legal reform until hell freezes over, and then they will fight on the ice. That is what is happening here.

The trial lawyers do not care what is good for the country, what makes sense for consumers and businesses, what the burden is to the taxpayer. They only care if it enhances their ability to rake in huge contingency fees. If a change affects that ability, they will oppose it no matter how reasonable or meritorious.

A recent Florida Supreme Court case highlighted the problem created in Florida by lawyers using its courts for the whole world's litigation. In Kinney System, Inc. versus The Continental Insurance Co., the Florida court noted that the growing trend of lawyers filing suit in the United States for injuries occurring outside the United States was growing to abusive levels. The court was concerned about the burden these cases impose on trial courts. The court concluded, ''(n)othing in our law establishes a policy that Florida must be a courthouse for the world, nor that the taxpayers of the State must pay to resolve disputes utterly unconnected with this State's interests.'' I agree.

Mr. President, the forum selection provision in the House Coast Guard bill is a reasonable legal reform that attempts to address part of the problem described in the Kinney case.

The provision will: Help assure the U.S. courts are available for U.S. citizens, provide an alternative to devoting scarce judicial resources to cases utterly unconnected to the Nation's interests, and assure that nonresident alien seamen receive fair treatment.

It does not affect the ability of U.S. citizens or permanent resident aliens to bring suit in U.S. courts.

It does not leave foreign crewmembers without a remedy. The provision would honor forum selection provisions in foreign employment contracts where there is an adequate remedy available to the seaman. And these remedies are available in other countries. Contrary to what the trial lawyers may want to believe, the United States is not the only civilized nation in the world. I have a whole stack of letters from different countries outlining the remedies available to seamen: Jamaica, Canada, Greece, Italy, Norway.

Mr. President, I could go on, but this issue should be resolved in conference. Its in the House bill—its not in the Senate bill. We need to resolve the differences between the House and the Senate on this important bill and go on and send it to the President. The only way we are going to do this is agree to the House request for a conference and appoint conferees. I urge my colleagues to do that and let the Senate get on about its business.

TRIBUTE TO SENATOR RUSSELL AND SENATOR NUNN

Mr. BYRD. Mr. President, I want to comment on two very distinguished Senators from Georgia, Senator Richard Brevard Russell and his successor, the very able Senator SAMUEL AUGUSTUS NUNN. On January 24, 1996, I had the great pleasure of taking part in the dedication of a statute of Senator Russell in the rotunda of the Russell Senate Office building. The unveiling of Senator Russell's statue last month occurred 25 years after Senator Russell's death in 1971. I was very pleased to be a part of this ceremony, because of my own high regard and esteem for Senator Russell. Twenty-four years ago, in 1972, I offered the resolution to rename the ''Old Senate Office Building,'' as it was then known, in honor of Senator Russell. The grandeur embodied in both the building and the statue are fitting monuments to the very great legacy of statesmanship bequeathed to us by Senator Richard Brevard Russell.

The statue of Senator Russell stands in front of the entry to the Senate Armed Services Committee, where Senator Russell served as chairman for fifteen years during his 38-year Senate career, and where Senator NUNN has served as chairman and ranking member for ten years. Senator SAM NUNN is a worthy successor to Senator Russell's great legacy on national defense.

He was first elected to the Senate on November 7, 1972, to complete the unexpired term of Senator Russell, and has since won reelection three times. Together, Senator Russell and Senator NUNN have provided 62 years of remarkable service to the Senate and the Nation, and 20 years of consummate leadership on national defense. If we add to that number the leadership on national defense offered by Senator NUNN's granduncle, Representative Carl Vinson, who for many years was chairman of the House Armed Services Committee, this record of leadership is even more remarkable. Senator NUNN's legacy on defense matters, and his service to the State of Georgia, is equally distinguished.

Like Senator Russell and Representative Vinson before him, Senator NUNN has devoted himself to sustaining and improving the military strength of the United States. He was instrumental in crafting the 1986 Defense Reorganization Act that has shaped the forces that the United States deploys today. He has dedicated himself to ensuring the quality of the all-volunteer force, and to seeing that these men and women are adequately compensated and cared for. He has also fought the Pentagon to preserve systems that DoD did not always want, but which ultimately proved their worth. One such system was the F–117 Stealth fighter, which was invaluable during Desert Storm. Since that fight, Senator NUNN has pushed to spread the benefits of stealth technology to the next generation of fighters, including the F–22. Finally, Senator NUNN has demonstrated his leadership in strengthening and preserving the NATO alliance, complementing U.S. military strength with the seamless and coordinated combined strength of our European allies.

He has become, in the process, a leader in U.S. foreign policy as well. Senator NUNN will be remembered for championing the Nunn-Lugar program to effectively reduce the Soviet nuclear threat to the United States, for his efforts to address and counter the proliferation of weapons of mass destruction, and for his role in shaping and defining the use of U.S. military force. He has been an integral part of every debate concerning the use of U.S. military forces, from Vietnam, to Lebanon, to the Persian Gulf War, to Somalia, Haiti, and Bosnia. I respect the cogent and well thought out arguments that Senator NUNN invariably brings to the discussion. He brings to these difficult debates a mature understanding of the subtleties of each situation and a clear vision of the strategic interests of the United States. To each debate, his talents for achieving a compromise are tested and proven anew. This ability surely will be missed after his departure from the Senate.

Mr. President, the State of Georgia has offered to the Congress and the nation statesmen and leaders of remarkable ability and durability during this century. The Congress and the nation have been the better and the stronger for the service of these sons of Georgia, from Carl Vinson, to Richard Brevard Russell, to SAMUEL AUGUSTUS NUNN. The legacy of these three men alone, and on national defense and security issues alone, is a remarkable testament. I am honored to have served with all three. As I have said before, Senator NUNN stepped into big shoes when he came to the Senate. With his retirement this fall, he will leave an equally large pair of shoes to fill.

Mr. President, I ask unanimous consent that a letter to me from Senator NUNN, along with the transcript of the ceremony, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, February 14, 1996.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: Please find enclosed a transcript of the Richard B. Russell Statute Dedication Ceremony of January 24, 1996. Your active participation in planning and chairing the dedication ceremony ensured its success.

I believe it would be a fitting tribute to Senator Russell for these proceedings to be a part of the historical record honoring his distinguished career. If you deem it appropriate, I would be honored for you, in your role as chairman of this special event, to insert the transcript into the Congressional Record.

I know your heartfelt remarks at the dedication ceremony meant a great deal to Senator Russell's family, friends, and former colleagues. Your personal remarks about my own service in the Senate at the ceremony and later, after my 10,000th vote, will always be among the most meaningful memories of my career in public service.

Sincerely,

SAM NUNN.

Enclosure.

SENATOR RICHARD RUSSELL STATUE DEDICATION, JANUARY 24, 1996, RUSSELL SENATE OFFICE BUILDING ROTUNDA

PROCEEDINGS

Senator NUNN. Our beloved Senate Chaplain, Dr. Lloyd John Ogilvie, will give the invocation.

Chaplain OGILVIE. Let us pray. Almighty God, sovereign of our beloved nation and Lord of our lives, we praise you that you call leaders to shape the course of history.

We have gathered here today to thank you for the impact on history of Senator Richard Russell. Here in this building that bears his name we place this statue of his likeness. May this statue call all of us to the excellence that distinguished his career, the nobility of his character that made an indelible mark on history, and his faith in you that gave him supernatural gifts of wisdom and discernment and vision.

Thank you for the lasting impact of the rare blend of humility and stature, patriotism and statesmanship, that made him a legend in his own time—Georgia's pride, a lodestar leader, a senator's senator for 38 years, and a truly great American. May we measure our commitment by his indefatigable faithfulness and set as a benchmark for our lives his belief that work in the government is one of the highest callings.

In this spirit of dedication to your best for America and in affirmation of this giant of history, we renew our commitment to serve you in the name of Jesus Christ our Lord. Amen.

Senator NUNN. Ladies and gentlemen, please be seated.

Charlie Campbell, the president of the Russell Foundation, will give more elaborate introductions, but let me begin by welcoming the members of the Russell family here today. I understand there are about 100 of you. We are very, very proud to have each and every one of you here.

The Russell trustees and supporters, we welcome you, and we thank you for all of your efforts in making this historic day possible; past and present members of the United States Senate who will be introduced later; and friends and admirers of Richard B. Russell.

This is indeed an important event in the life of the United States Senate. Every day since I have been serving in this unique legislative body, I have considered it a great honor to be the temporary holder of what I think of as the Russell seat in the Senate.

I am also proud that I had the opportunity to follow Senator Russell's footsteps as chairman of the Senate Armed Services Committee, which he chaired so ably for 15 years during the Cold War, the Korean War, the Cuban Missile Crisis, and the construction of the Berlin Wall.

I will never forget when I was a 23-year-old lawyer sitting in the back of the Senate Armed Services Chamber right down the hall as Congressman Carl Vinson of Georgia, the chairman of the House Armed Services Committee, presented the House position on a legislative matter to Senator Richard Russell at the other end of the table, also of Georgia and chairman of the Senate Armed Services Committee. Those were the days for Georgia and for our nation.

Twenty-seven years later, as chairman of the Senate Armed Services Committee, I watched with the rest of the world as the Berlin Wall was torn down, Eastern Europe regained its freedom, and the Soviet empire disintegrated. I have often thought that this occurred without a nuclear war and without worldwide destruction in considerable part because of the wise leadership of Richard Russell and Carl Vinson in building a strong United States and a strong NATO alliance.

[Applause.]

Senator NUNN: When this historic building was named in honor of Richard Brevard Russell in 1972, the powerful imprint of his record of service was still very fresh in the memory of the Senate and of our nation. Today, with the dedication of this magnificent statue, we have occasion to remember why Richard Russell made such an indelible imprint on the history of Georgia, the U.S. Senate, and our nation.

Although our nation is very different today than it was at the time of Senator Russell's election in 1932, or even at the time of his death 25 years ago, his service and his example are more instructive now than ever before.

In this context, no one is better suited to begin this ceremony of remembrance, recognition and dedication than our next speaker. Like Richard Russell, Vice President Al Gore was molded by his southern heritage and by a loving family that encouraged and supported his early and energetic and total commitment to public service.

Like Richard Russell, Al Gore is the son of a prominent political father. Indeed, Al Gore, Sr., served in the Senate with Richard Russell and with many in attendance here today. Richard Russell's own father was Chief Justice of the Georgia Supreme Court, and in that capacity, administered the oath of office when his son became Governor Russell of Georgia.

Just as our vice president was known as ''Young Al'' when he began his political career, Richard Russell was known as ''Young Dick.'' Like Richard Russell, Al Gore spent a lot of time on the family farm, and as young boy these youthful experiences gave both men a special understanding of people who work with their hands, work in manual labor, as well as an abiding appreciation of conservation and the environment.

Like Richard Russell, Al Gore served on the Senate Armed Services Committee and devoted a considerable portion of his time to building a stronger America and a safer world. Like Richard Russell, Al Gore was elected as a very young man to Congress, and he has dedicated his life to the people of his state and to the people of our nation.

Ladies and gentlemen, please help me welcome the Vice President of the United States.

[Applause.]

Vice President GORE: Thank you.

[Continuing applause.]

Vice President GORE: Thank you very much. Thank you. Thank you very much, ladies and gentlemen.

And, Senator Nunn, thank you for your very kind words of introduction. One of my greatest honors in the time I served in the United States Senate was serving under your chairmanship in the Armed Services Committee, and thank you so much for your kind words.

Senator Byrd and Senator Stevens, two close friends and great leaders of this institution, other members of the Senate who are present—forgive me for not even attempting to single out individual senators because there is such a great turnout and such a large presence here at this event—former members of the Senate who are here, as well.

Governor Zell Miller, thank you for honoring us and this occasion with your presence here, and thank you for your leadership in Georgia and in our country.

To Charles Campbell, Chairman of the Richard B. Russell Foundation; to Frederick Hart, the sculptor; and to Chaplain Ogilvie—thank you for your invocation; to members of the family of Senator Russell—Carolyn Nelson and Pat Peterson especially, sisters of Senator Russell; to all of the other family members who are here.

It is an honor to him that so many of you are present. This really is a very, very special day, and to hear Sam Nunn introduce me with even slight comparisons is beyond what I can—that sets off my hubris alarm, Sam, because Senator Russell is rightly regarded as a legend, and all who had the privilege of serving with him understand that.

Incidentally, not too many days ago some tourists remarked to an acquaintance of mine from Tennessee that they had seen the Al Gore statue on the White House lawn, and I said, ''What day was that?''

[Laughter.]

Vice President GORE: It's been so cold here recently people who don't know me thought I was frozen stiff. But in any event, ladies and gentleman, from this day forward, in the Rotunda of this majestic building named in his honor, a statue of Richard Brevard Russell will stand sentry. Georgia's senator, America's senator, a legendary figure in American politics will gaze over us—a fitting tribute to a towering presence.

I knew Senator Russell when I was a young man. I did not have the opportunity to serve in the Congress during his time of service, but my father's service in the Congress overlapped with his for 32 years. These two men had a great deal in common. Eighteen of those years my father served in the Senate with Senator Russell. Both were sons of the South and both provided shoulders on which a new generation of Democrats now stands.

Both believed that public service was an honorable calling that demanded common courtesy and rewarded basic decency. Both marched in the direction pointed by the compass of their conscience, no matter the prevailing winds or the calls to shift their course.

I remember often hearing my father say that whatever their occasional disagreements—and they did have some; on occasion they stood toe to toe, but when it came to certain core ideals; love of country, devotion to duty, respect for principles, they always saw eye to eye. But whatever the occasional disagreements, on one matter my father was resolute whenever he spoke about Senator Russell. Dick Russell had a heart of gold and was one of the most honorable individuals ever to serve in the United States Senate throughout its more than 200-year history.

To six United States presidents, Richard Russell was a mentor and an occasional menace. He stood up for Franklin Roosevelt at the 1932 Democratic Convention, nominating him for president when some people thought Roosevelt couldn't win. And then he stood up to Roosevelt a few years later, casting a deciding vote against his court-backing plan when some people thought Roosevelt couldn't lose.

He challenged Harry Truman for the presidential nomination in 1948, but he challenged the nation to honor Truman's authority as Commander-in-Chief when he presided over the Senate's Army MacArthur hearings three years later.

President Johnson knew him best among all the presidents served by Richard Russell, and the relationship between Richard Russell and Lyndon Johnson began as so many of his relationships had. Johnson was the student, and Russell was the teacher.

They became very, very close friends, even though they too had occasional disagreements and feuded from time to time. And Johnson owed much of his rise to the benevolence and wisdom of the Georgia Giant.

Senator Russell, we all remember, was an austere man, and, ironically, Johnson lavished him with gifts from time to time-fancy neckties, glass bowls, one time a watch just like the one that President Johnson wore. And, as the story goes, one Christmas Johnson gave Senator Russell a beautiful Christian Dior handkerchief. The Senator thanked him, and he said, ''Now, Lyndon, I'm going to have to buy a new suit to go with this.''

When Johnson was vice president, he hosted a dinner in Senator Russell's honor, which was a grand affair swarming with cabinet officers, elected officials and Washington's elite. And at that dinner, Johnson told the assembled gathering that if he were able to personally choose the president of the United States, he would select Richard Russell.

Richard Russell was indeed a president's senator and a senator's senator. And if things had gone a little bit differently, if the South had been a little bit different, if other things had been just a little bit different, he might have been a senator's president.

On some things Senator Russell was way ahead of his time, a little bit like that great Barbara Mandell song ''I Was Country Before Country Was Cool.'' For example. Richard Russell was reinventing government before reinventing government was cool.

We're still in that period before reinventing government is cool.

[Laughter.]

Vice President GORE: As governor, he reduced the number of state bureaus, commissions and agencies from 102 to 17. He cut the cost of government 20 percent, saved the state the then-astronomical sum of a million dollars. He knew that a government that didn't spend money as wisely and carefully as a family could never earn any family's respect.

On national security, of course, Senator Russell had no peer. He championed a robust national defense, and he helped build a Pentagon that was the envy of the world. He also influenced all of those who came after him. Many members of the United States Senate today owe something of their bearing and approach to the job to their learning experience in watching Senator Russell.

In fact, I have sometimes though—and I dare say I'm not the only one—in watching the level of excellence brought to the job of chairman of the Armed Services Committee and now ranking member by Sam Nunn—that his experience, along with others, in watching Senator Russell was an important factor in giving our nation the degree of commitment to public service that we find from so many who watched Senator Russell carefully.

But perhaps his most lasting influence was on matters that were less explosive and less immediately tied to life and death, less immediately newsworthy—bringing electricity to rural America, getting loans for Georgia's farmers, making sure that poor children could eat a decent lunch at school. And there was always that reverence to his life, his spartan apartment, his utter devotion to the Senate as an institution, his enduring selflessness that inspired even those with whom he disagreed.

I do understand that more than 100 members of the Russell family are here this afternoon, and we all thank you for sharing your outstanding brother, uncle, cousin with the United States of America.

I guess we all should have expected, however, that even at the dedication of his statue, Senator Russell would make certain he had the votes to come out on top in case any question was put.

[Laughter.]

There's no need to worry about that this afternoon. Today and forever, this leader, this patriot, this legend, remains where he belongs—in the Senate standing tall.

[Applause.]

Senator NUNN. Thank you very much, Mr. Vice President. Richard Russell was an astute judge of the character and the quality of his fellow senators. He made his judgment, not only on the basis of their words, but also on the basis of what he observed—their deeds. When Richard Russell determined that you were a man or woman of honor, he was your champion for life.

One young senator who met this Russell test was Robert Byrd. The last vote Senator Russell cast before he died was cast from his hospital bed in favor of Robert Byrd's bid to become the majority whip of the Senate in 1971.

Senator Russell was an advisor and confidant to six presidents. He served under seven, but only a brief time under one. He had the deepest respect for the office of President, so much so that he never called any sitting president, even his old friend and protege Lyndon Johnson, anything but Mr. President.

With a similar respect, Senator Byrd never called Senator Russell anything but Senator Russell. Senator Russell believed strongly in the independence and coequal role of the Congress of the United States, and he insisted on more than one occasion that he had not served under six presidents, Al, but, rather, he served with six presidents—a real difference.

Like Richard Russell, Robert Byrd reveres the Senate of the United States, not just because he serves in it, but because of his respect for its role in the history of our nation and the world. Like Richard Russell in his day, Robert Byrd by the power of his intellect, by the depth of his understanding of

history and the Senate rules, by the strength of his character and by his faith in God, is today the custodian of the Senate ideals that go back, not only to the founding fathers but, indeed, to ancient Rome.

Like Richard Russell, Robert Byrd embodies the traditions, the dignity, and, indeed, the honor of the United States Senate. It is my great privilege to introduce the honored friend of Richard B. Russell, Robert C. Byrd.

[Applause.]

Senator BYRD. Thank you.

Mr. Vice President, my colleagues, fellow Americans, ladies and gentlemen.

If I appear today to wear a pained expression, that's because I have some pain. If any of you have ever had the shingles, you know what I'm talking about. Although a great number of people think I wear that expression all the time.

[Laughter.]

And they're not far wrong.

I want to thank, first of all, the Senate Chaplain, Dr. Ogilvie, who performed the most important part in the program. I thank Mr. Campbell for inviting me to participate in this program. And I thank Sam Nunn. He stepped into some big shoes when he came to the Senate, and those shoes fit today.

[Applause.]

The Duke of Wellington once said that the presence of Napoleon on the field was worth 40,000 men in the balance. And so it is when Sam Nunn speaks on the subject of our national defense. He has no peer in the Senate, and everybody listens.

Let me say that I'm very grateful for the presence of so many of our colleagues here today. My eyes are growing dim, but I had the pleasure of personally greeting some of my colleagues before I came up here. So I want to thank John Warner and Danny Inouye and former Senator and former Judge Mr. Griffin; Thad Cochran and Jesse Helms, Mark Hatfield and Paul Sarbanes; and the only man in the Senate who has served longer in the Senate than I have. Strom Thurmond.

[Applause.]

Senator Byrd. That is in the Senate.

My tenure on the Hill is a little bit more than Strom's. Claiborne Pell. And our old friend Russell Long.

[Applause.]

Senator Byrd. Our great friend Mac Mathias, Paul Coverdell. I think I see Ted Moss and Wyche Fowler. There may be others. You'll forgive me if I can't see you from here, but thank you for coming.

When I first came to the Senate in January 1959, my office was in Room 342 of this building, then known as the Old Senate Office Building. That was still 13 years before the Senate would adopt the resolution that I offered renaming the building in honor of Senator Richard Brevard Russell.

Yet even though his name was not yet affixed to the wall of the building, it might well have been because he was the senator, the uncrowned king of the southern block, and he was as truly a Senate man as was Henry Clay or Daniel Webster or John C. Calhoun or Thomas Minton or any of the other giants who had preceded him.

Back in January 1959, I was the other relatively young senator of 41. Twenty years my senior, Senator Russell had already served over a quarter of a century in the United States Senate. He was a patrician in all aspects of the word, and of all the senators with whom I have served over these past 37 years, he was the only senator whom I never addressed by his first name when speaking to him personally. That was the measure of my respect and admiration for Senator Richard Russell.

On many occasions I sought his opinion and advice, and I always found him courteous and easy to talk with. He was urbane and scholarly, courtly and polite, a statesman by every definition.

His arrival in Washington in 1933 coincided with the start of Franklin Delano Roosevelt's New Deal Administration. Recognizing the severity of the Great Depression, Senator Russell gave loyal support to President Roosevelt whom he viewed as a great leader who sympathized with the problems of ordinary citizens. Russell's colleagues quickly recognized the talents and the abilities of this young senator. As a freshman, he won an almost unheard of appointment to the Senate Appropriations Committee.

Richard Russell never married. We used to say he was married to the Senate. Governor Miller, he studied its traditions and its customs, its rules, its history and its practices assiduously. Ted Stevens, Senator Russell avoided speaking often on the floor but preferred to do his work quietly in the committee rooms.

Senator Russell's philosophy of government was rooted in constitutionalism. His belief in the limits of federal power and the separation of powers among the three equal branches of government was the main force behind his opposition to what were popularly known then as civil rights acts. His attitude toward the role of government he summed up once by saying, ''I am a reactionary when times are good; in a Depression, I'm a liberal.''

He was always regarded as one of the most fair and conscientious members of this body. The truth of this was clearly demonstrated during the Senate inquiry of President Truman's dissmissal of General Douglas MacArthur from his command in Korea. Senator Russell presided over those hearings from May 3 to June 27, 1951. During that time, he was unfailingly courteous and was particularly solicitious of the General's views. In hindsight, it has been claimed that his judicious handling of this volatile event did much to diffuse an explosive situation.

Through it all he served his nation well. Richard Russell followed his own star. He did not pander. His confident was his conscience. He was always the good and faithful servant of the people. He was good for the Senate, and he loved it dearly. I can say without any hesitation that he was a remarkable senator, a remarkable American, a remarkable man who enjoyed the respect and the affection of all who served with him.

In the death of Senator Russell, I felt a great personal loss. From my first days in the Senate, I looked upon him as my mentor, and he was the man I most admired in Washington, a man of great intellect, the finest of public servants, and his patriotism of love, of country, will never be excelled.

''I saw the sun sink in hte golden west. No angry cloud obscured its latest view. Around the couch on which it sank to rest shone all the splendor of a summer day and long the lost of view its radiant light reflected from the skies delayed the night. Thus, when a good man's life comes to a close, no doubts arise to cloud his soul with gloom, but faith triumphant on each feature glows, and benedictions fill the sacred room. And long do men his virtues wide proclaim, while generations rise to bless his name.''

And so to his kinspeople, to his kinspeople and his host of friends, I say, I am honored indeed to have been invited to participate in this ceremony in which we dedicate this handiwork of the sculptor to the memory of Richard Brevard Russell, late a senator from the state of Georgia. How poor this world would be without the memories of its mighty dead. Only the voiceless speak forever, the memory of this noble man will ever be like a star which is not extinguished when it sets upon the distant horizon. It but goes to shine in other skies and then reappears in ours as fresh as when it first arose.

[Applause.]

Senator NUNN. The distinguished senator we will hear from next also served with Senator Russell, but from across the table. Like Richard Russell, Ted Stevens' record of supporting his state's concerns and his record on national and international issues have made him a formidable force in his own home state and throughout the nation. In his own state of Alaska, his record discourages most potential opposition and crushes those who are daring enough to run against him.

Like Richard Russell, Ted Stevens has chaired the Defense Appropriations Subcommittee and has been an effective proponent of a strong national defense. Like Senator Russell, Ted Stevens is a champion of both our veterans and our men and women in uniform, and he fights to see that our troops have the weapons and the equipment they need to prevail in combat.

Like Richard Russell, Ted Stevens believes that when our flag is committed, it is time to transcend partisan politics and to support our troops. Richard Russell once described the legislative process well when he said, quoting him, ''Only through a meeting of the minds and by concessions can we legislate.''

Like Richard Russell, Ted Stevens understands that the legislation requires cooperation and coalition building in both political parties, not only to pass but to last.

Ted, to you and to my good friend and colleague Paul Coverdell, one message to majority leader Bob Dole who wanted to be here today but had other pressing commitments. In Georgia, we have a small town that might remind Bob Dole of home in case he ever has any reason in the next few weeks or months to wander into our territory, and it's called Russell, Georgia. We'll be proud to have him there at any time.

I am proud to present to you the distinguished senator from the state of Alaska, a friend of Richard Russell, the Honorable Ted Stevens.

[Applause.]

Senator STEVENS. Thank you very much, Senator Nunn. You embarrassed me with that introduction. I am delighted to be able to pinch-hit for Senator Dole and to be here with this distinguished group.

After listening to my good friend—and he is my great friend—Senator Byrd, I am reminded of a friend of mine that told me when he was ready to make a speech he felt like Lady Astor's seventh husband. He knew what he had to do, but he didn't know how to make it interesting.

[Laughter.}

Senator STEVENS. After a speech such as Senator Byrd's and the vice president's, I'm humbled to be here. But I am delighted to be here, Sam, because as you said, Senator Russell was the Chairman of the Subcommittee that I've been chairman of twice now, and that's the Defense Subcommittee, and I really feel greatly the responsibility of that position.

Because he spent half of his lifetime in the Senate and enjoyed relationships with every president from Franklin Roosevelt to Richard Nixon, as you've heard, Senator Russell had a deep understanding of the nation and a deeper understanding of how our government works, more so than most Americans.

He was very generous in sharing his wisdom and insight with new senators regardless of their political affiliation. That legacy lives on today, and I am one of the beneficiaries as Senator Nunn mentioned. Senator Henry ''Scoop'' Jackson and Senator Mansfield, Senator Stennis are people who served with him. They served as mentors for me and others, regardless of politics.

When we came to the Senate, and I came to the Senate 28 years ago, we were the recipients of the attention of Senator Russell,

and we were guided by the senators that he had so well instilled with the love of this institution. As they took us under their wing, as Senator Russell had done to them, they counseled us in our first years in the Senate. Those were years when senators were seen and not heard for a few years, but I was an appointed senator so they sort of made an exception because they weren't sure I'd be back.

I think that there was no question that at that time we all recognized that we were serving with the foremost congressional authority on our nation's defense, and really the architect of our nation's security. He was chairman of the Armed Services Committee and chairman of the Defense Appropriations Subcommittee at the same time as I recall. I always remember that because I'm sorry that I can't enjoy that same circumstance. Senator Hatfield will understand that.

But it is something for all of us to remember that he worked primarily to assure that this nation remained strong. And he was very bipartisan in dealing with that, and I'm very serious about saying he took time with young senators to explain his understanding of defense and why it was so necessary to keep such a firm foundation.

I think he played a greater role than any other senator in shaping the defense establishment of our post-World War II period here in America. President Nixon said this of Senator Russell: When the security of the United States was at issue, six American presidents leaned upon this great patriot, Richard Russell. He never failed them.

By remaining bipartisan, Senator Russell kept our nation from retreating into isolationism during a period that was very essential to our history, the period right after World War II.

Long before Dwight Eisenhower became president, Senator Russell and Ike were great friends. Their friendship continued and grew after Eisenhower was in the White House.

In testimony to America's spirit of democracy throughout the world, Senator Russell showed our nation the importance of rebuilding, rebuilding not only our nation but our enemies'—Germany and Japan—after World War II.

Ensuring that the Marshall Plan became a reality was one of Dick Russell's real goals, and he was most successful. And while he was a tower of strength for our national defense, I am sure you know, Sam and the senators here from Georgia, he was a faithful representative of the people of Georgia. He saw better than others the future of the burgeoning discoveries in science and ensured that funds would be available for research in new technologies in medicine, agriculture and in conservation.

I feel truly honored to have been able to serve with Richard Russell, and I am deeply honored to my friend Robert Dole for being elsewhere so I could say it here today. Twenty-five years ago, just a few years after his death, I was a young senator, but I joined other senators in paying tribute to our departed friend.

Let me just repeat now what I said then. He never sought publicity nor attempted to impress his colleagues with flashy rhetoric, but that is not to say he was not a forceful advocate and a fierce adversary. I am confident that history will mark him as a consummate statesman who transcended regional boundaries to become a senator for all here in the United States. He was a paragon worth emulating by those who would pursue a life in public service.

Nothing has changed in the 25 years since I said those words. Russell is still a great influence, his legacy is alive today as it was then, his achievements and unique abilities will never be forgotten as Senator Byrd has so ably said, and I'm pleased to be here to be part of the dedication of this statue and pleased even more, as I said, to have been fortunate enough to have been able to serve with this great man, Richard Russell.

Thank you very much.

[Applause.]

Senator NUNN. Like Richard Russell, our next speaker has dedicated his life to public service, and has recognized that political leadership is an honorable calling. Like Richard Russell, Zell Miller comes from north of what we in Georgia call ''The Gnat Line,'' the geological fall-line that separates north Georgia from south Georgia, with 90 percent of the gnats on the southern side of the line where I live.

Many north Georgia politicians never get elected because they never master a vital skill; that is, to be able to blow away the gnats and talk at the same time.

[Laughter and applause.]

Senator NUNN. Like Richard Russell, Zell Miller clearly mastered this skill despite his geographic disadvantage.

Like Governor Richard Russell and Senator Richard Russell, Governor Zell Miller has been a champion of job creation and fiscal responsibility.

Like Richard Russell, Zell Miller has a powerful commitment to the education of all of our children. As governor of Georgia, Richard Russell recognized and reorganized higher education. He established the Board of Regents and paved the way for Georgia's top institutions to become leaders in our nation.

In Washington, Senator Russell was the father of the school lunch program, one of his proudest accomplishments.

As governor, Zell Miller established the HOPE Scholarship Program which enables every student in Georgia who achieves a B average in high school to receive free tuition in college for as long as they maintain a B average. Currently, over 105,000 Georgia students are being helped by this program.

[Applause.]

Senator NUNN. As governor, Zell Miller is the father also of Georgia's pre-kindergarten program, the most comprehensive program for four-year-olds in the entire nation, one of his proudest accomplishments.

Ladies and gentlemen, I am proud to introduce the Governor of Georgia, my good friend, the Honorable Zell Miller.

[Applause.]

Governor MILLER. Thank you.

Thank you very much, Senator Nunn, for that introduction, but, most importantly, thank you for all that you have done for our state of Georgia and for this nation.

[Applause.]

Governor MILLER. Mr. Vice President, Senator Byrd, Senator Stevens, Senator Coverdell, other members of the U.S. Senate present and past, members of the Georgia Congressional Delegation past and present, Russell Foundation Chairman Charles Campbell, former Georgia Governor Ernest Vandiver, and Mrs. Betty Russell Vandiver and all the members of the Russell family——

[Applause.]

Governor MILLER [continuing]. Distinguished guests and ladies and gentlemen.

It is certainly a great honor to be on this platform and to have this opportunity to speak on behalf of the state of Georgia at this ceremony. Although it has now been 25 years, a quarter of a century, since his passing, many of us knew and still vividly remember Richard Russell.

Some knew him as a senator's senator whose knowledge and reverence of the United States Senate as an institution was so deep that even his colleagues who opposed him on the issues or bad conflicting philosophies of government had a level of respect for him that bordered on reverence.

Others knew Richard Russell as a president's senator, personal advisor, as we have known, to six Presidents beginning with Franklin Roosevelt. It was often said that the only power that the president had that Dick Russell didn't have was the ability to push the button. And no president would have thought of pushing that button without first consulting with Senator Russell.

But back home in Georgia we knew him as our senator, and when we sent him to Washington in 1933, it was because we already knew what a remarkable leader this man was.

Dick Russell became the youngest member of the Georgia Legislature when he was elected state representative at the age of 23, and he became Speaker of the House of Representatives in Georgia while he was still in his 20s. He was elected the youngest governor in Georgia's history at the age of 33. During those early years in state government, he honed the leadership skills that served him so well in Washington.

He was open, he was honest in his dealings, he was always fair and civil to both sides in an argument, and once he had given his word he stood by it without equivocation.

He was a genuine representative of the people who shunned political labels and special interests, and he was scrupulous about doing his homework on the issues, so that when he spoke, it was from personal understanding.

The Dick Russell we Georgians knew regarded public service as his life and his work and devoted himself unstintingly to it. He worked 12-hour days, cooked his own meals, washed his own socks in an austere bachelor apartment. He cared deeply about his large family, and his only indulgence was frequent visits with his kinfolk at the Russell family home in the little town of Winder, Georgia.

Many of you, of course, remember him as Mr. Defense, the powerful chairman of the Senate Armed Services Committee. And in Georgia, we still feel the positive economic impact of the many federal facilities be brought to our state.

In Georgia, we also remember, however, that by his own measure, as Senator Nunn mentioned awhile ago, in his own mind the highest accomplishment of his career and the only piece of legislation for which he jealously guarded his authorship, was the school lunch program.

Here in Washington, his name lives on in this impressive Senate Office Building. In Georgia, the infrastructure is a little less imposing. The post office in Winder is named for him, as is an elementary school in Cobb County, an agriculture research center in Athens, the federal district courthouse in Atlanta, an Army Corps of Engineers reservoir, and a scenic stretch of north Georgia highway.

But we really remember him better through ideas and intellect, the Russell Chair in American History at the University of Georgia; the Russell All-State High School Debate Championship; the Russell Teaching Awards; the Russell Leadership Program for Outstanding College Students; the Russell Public Policy Symposium; and the Russell Library for Political Research and Studies.

These activities are supported by the Richard B. Russell Foundation, which also commissioned this statue to bring a remembrance of the man himself into this building that honors him.

But at the same time that we always remember Richard Russell as Georgia's senator, the unfailing champion in Washington of our interests and our state, at the same

time we remember that, as another great Georgia Senator by the name of Sam Nunn pointed out, Richard Russell was a statesman.

And these are Sam Nunn's words: He understood the simple and powerful truth that the best way to serve your state is to do the best job you can in serving your nation.

And that is what made him a senator's senator and a president's senator and a Georgia's senator, and a senator for the ages.

[Applause.]

Senator NUNN. Ladies and gentlemen, to conclude our program and acknowledge our special guests and, in particular, the Russell family, I would like to call on Mr. Charles Campbell.

Charlie served on the staff of Senator Russell during the last six years of his life and was his administrative assistant at the time of Senator Russell's death. Senator Byrd will recall that Charles was with Senator Russell when he cast his last vote that I mentioned earlier and that Senator Byrd mentioned—his vote by proxy from his hospital bed in 1971 for Senator Byrd to be majority whip.

It is my pleasure to introduce the Chairman of the Richard B. Russell Foundation and someone who must have been the youngest administrative assistant in the history of the United States Senate, Mr. Charlie Campbell.

[Applause.]

Mr. CAMPBELL. Thank you, Senator Nunn.

Vice President Gore, Senator Byrd, Senator Stevens, Senator Nunn, Governor Miller, other distinguished guests, friends and family of Senator Russell, ladies and gentlemen.

On behalf of the Russell Foundation, it is my pleasure to welcome you to the dedication and unveiling of the Russell statue and to thank you for your attendance.

There are so many distinguished guests present that we cannot hope to recognize all of them, but I know Senator Russell would be particularly pleased with the large number of currently serving and former members of Congress in the audience. And I would like to ask all of the currently serving and former members of Congress, both House and Senate in attendance, to please stand and let us recognize them.

[Applause.]

Mr. CAMPBELL. I want to recognize individually the senators who are here and who served with Senator Russell. You have already met Senator Byrd and Senator Stevens. The other senators who served with Senator Russell and who are present today and still serving in the Senate are:

Senator Mark Hatfield of Oregon.

Senator William Roth of Delaware.

Senator Strom Thurmond of South Carolina.

Senator Claiborne Pell of Rhode Island.

And Senator Daniel Inouye of Hawaii.

I'd like to ask them to please stand and be recognized.

[Applause.]

Mr. CAMPBELL. We are also delighted to have present certain former members of the Senate who served with Senator Russell, some for extended periods of time. I would now like to recognize these senators:

Senator Vance Hartke of Indiana.

Senator Birch Bayh of Indiana.

Senator Charles Mathias of Maryland.

Senator Robert Griffin of Michigan.

Senator Russell Long of Louisiana.

Senator Mike Mansfield of Montana.

Senator George McGovern of South Dakota.

Senator Frank Moss of Utah.

Senator William Proxmire of Wisconsin.

And Senator Harrison Williams of New Jersey.

I'd like to ask these senators to stand, please, and be recognized.

[Applause.]

Mr. CAMPBELL. As many of you know, Senator Russell was one of 13 brothers and sisters, and the Russell family is an exceedingly large family. It is well-represented here today. I would like to ask each member of the Russell family in attendance to please stand.

[Applause.]

Mr. CAMPBELL. We also have with us a number of the members of Senator Russell's staff or the staff of the committees which he chaired or on which he served, and I would like to ask the members of the Russell staff who are in attendance to please stand.

[Applause.]

Mr. CAMPBELL. The Russell Foundation, of which I am honored to serve as Chairman, is fortunate to have a dedicated Board of Trustees, the names of whom are published in your program. A number of the Russell trustees are in attendance today, and I would like for them to stand and be recognized.

[Applause.]

Mr. CAMPBELL. Each of the donors who contributed $5,000 or more to the Russell statue are listed in your program, and I would like to ask the individual contributors or representatives of corporate contributors who are in attendance today to please stand and be recognized.

[Applause.]

Mr. CAMPBELL. A project such as the Russell statue could not be accomplished without the assistance of a lot of people. I particularly want to thank Senator Sam Nunn and his staff for the many things they have done to bring this project to fruition, and I also can't let the occasion pass without saying, Senator, particularly in light of your retirement now, how much we appreciate your 24 years of Richard Russell-type service in the United States Senate.

[Applause.]

Mr. CAMPBELL. Senator Paul Coverdell and his staff have been of immeasurable assistance to us in putting on this program, and I want to ask Senator Coverdell to please stand and be recognized.

[Applause.]

Mr. CAMPBELL. Senator Russell's close friend, Senator Robert Byrd, has served as the official sponsor of the dedication of the Russell statue and the reception that will follow in the Caucus Room on the third floor of the Russell Building, to which you are each invited. I would like to thank Senator Byrd and his staff for all of the help they have given us with the Russell statue dedication.

[Applause.]

Mr. CAMPBELL. With respect to the Russell statue itself, we are indebted to the stone carver and the sculptor. As you will see when the statue is unveiled in a few minutes, the master stone-carver at the National Cathedral, Mr. Vincenzo Palumbo, who carved the Russell statue from a large block of white Italian marble using the model developed by the sculptor, did an outstanding job. I would like to ask Mr. Palumbo and his family to stand and be recognized.

[Applause.]

Mr. CAMPBELL. We were particularly blessed to have a talented sculptor who had a special interest in this project. The Russell Foundation selected Frederick Hart from a number of sculptors who were interviewed. We were particularly impressed by some of his public works, including the soldier figures at the Vietnam Memorial, and the Creation sculptures at the entrance to the National Cathedral here in Washington.

Frederick Hart is a native of Atlanta, Georgia, and he was already well-acquainted with Richard Russell's career before commencing his work on the Russell statue. In fact, his father was in the television business and was active in the 1952 campaign for the Democratic presidential nomination on behalf of the late Senator Estes Kefauver of Tennessee who was a candidate for president that year.

Senator Russell was himself a candidate for president in the 1952 Democratic Presidential Primaries.

Frederick Hart is not only an excellent sculptor, but was a pleasure to work with on the Russell statue. I would like to ask Rick and his wife and two sons who are in the audience to please stand and be recognized at this time.

[Applause.]

Mr. CAMPBELL. And before we unveil the Russell statue, I would like to make a request of three groups, if they would, to, after the dedication is over, come down front so we can have some photographs made of these groups with the statue.

The first ones are senators here who served with Senator Russell, both currently serving senators and former senators.

Secondly, the Russell trustees.

Third, the Russell staff.

If you would come down after the dedication is over to the front so we can have some photographs made with the statue.

Now, for the unveiling of the statue. I would like to ask the sculptor, Frederick Hart, and Senator Russell's two surviving sisters, Mrs. Pat Peterson and Mrs. Caroline Nelson, who are seated over here, to come forward to unveil the statue.

[The statue is unveiled.]

[Sustained applause.]

Mr. CAMPBELL. Rick, I think that Senator Russell, who was known to be quite a critic of portraits and likenesses, would say that it's a great job, and thank you so much.

That concludes our program. Everyone is invited to the reception up on the third floor in the Caucus Room, and thank you very much for attending.

[Applause.]

[Whereupon, the ceremony was concluded.]

DR. VERNE CHANEY

Mr. PELL. Mr. President, before entering the Senate I was closely associated with the International Rescue Committee [IRC], serving as a vice president in charge of IRC's Washington office. During my time with IRC, I had the privilege of knowing the legendary Dr. Tom Dooley, who helped to found Medical International Cooperation [MEDICO] as a division of the IRC with the goal of providing medical assistance to the underserved in Southeast Asia.

In 4 short years with MEDICO, Dr. Dooley established 17 medical programs in 14 countries and raised millions of dollars for their support. Dr. Tom Dooley truly became a legend in his own time.

Tragically, Dr. Dooley died of cancer in January 1961, one day after his 34th birthday. However, Mr. President, Dr. Dooley's magnificent work did not cease with his death. A dedicated colleague, Verne Chaney, M.D., gave up a lucrative private practice of thoracic surgery in Monterey, CA, to establish the Dooley Foundation. This year marks the 35th anniversary of the Dooley Foundation and Dr. Chaney has served as its president throughout the 35 year of its existence.

I want to take the occasion of this anniversary to recognize and pay personal tribute to the outstanding contribution which Verne Chaney has made in fighting disease, ignorance, and suffering in so many underserved areas of the world.

Dr. Chaney, a native of Kansas City, MO, and an honor graduate of the Virginia Military Institute, developed an interest in medical assistance work very early in his career. Even before graduating from the Johns Hopkins Medical School in 1948, he spent two summers in Newfoundland and Labrador as a volunteer assisting local doctors in small cottage hospitals. One day after the Korean war broke out on June 25, 1950, Dr. Chaney resigned his position as resident in surgery at the Johns Hopkins Hospital to volunteer with the Army Medical Corps.

He was assigned to a Mobile Army Surgical Hospital [MASH] in Korea. He then volunteered for assignment to a battalion aid station with the 23d Regiment of the 2d Infantry Division where he served for 13 months. Captain Chaney was highly decorated, receiving the Silver Star, Bronze Star (V), Purple Heart, and the French Croix de Guerre.

After an honorable discharge, he continued his residency in thoracic surgery at the Johns Hopkins Hospital and the University of North Carolina. Soon after completing his residency, Dr. Chaney volunteered to work at the Hospital Albert Schweitzer in Haiti as chief of surgery. After 15 months, Dr. Chaney returned from Haiti and entered into the private practice of thoracic surgery in Monterey, CA.

A defining moment in Dr. Chaney's life occurred in the summer of 1960, when he met Dr. Tom Dooley. Dr. Dooley was recruiting for MEDICO and asked Dr. Chaney to volunteer for 3 months in Cambodia and Vietnam to perform surgical procedures and to train host country health personnel. Dr. Chaney quickly agreed and was assigned to work in a hospital in Kratie, Cambodia, and at a tuberculosis hospital in Quang Ngai, South Vietnam. He was also asked to provide clinical services at the An-Lac Orphanage in Saigon.

After finishing his first assignment with MEDICO, Dr. Chaney returned to private practice in Monterey, CA. On the night of Tom Dooley's death he was asked by Tom's brother, Malcolm, to accept the position of medical director for MEDICO's projects in Asia. Taking a leave of absence from his practice, Verne Chaney spent the next year overseeing medical programs in Afghanistan, Cambodia, Hong Kong, Laos, Malaysia, and Vietnam.

In the fall of 1961, MEDICO had a severe financial problem; and was forced to cut back its overseas projects, later becoming a division of CARE. However, Dr. Chaney was determined to continue independently the overseas projects started by Tom Dooley and in September 1961, he established the Dooley Foundation in San Francisco, CA. Under the aegis of the Dooley Foundation, medical assistance projects were continued in Cambodia, Hong Kong, Laos, Vietnam, and with Tibetan refugees in northern India. In spite of his heavy responsibilities with the Dooley Foundation, Dr. Chaney, in 1965, volunteered to work for several months with Dr. Albert Schweitzer in Lambarene, Gabon, to provide medical and surgical services.

With the end of the Indochina war in December 1975, and the takeover by the Communists, the Dooley Foundation was forced to leave the region. However, the foundation found new opportunities for service.

Over the years, project activities have included the training of nurses and physical therapists in Nepal; assistance to refugees from Laos and Cambodia in Thailand; medical and educational assistance to Tibetan refugee children in India; medical assistance to a clinic for nomads in Niger; and medical assistance to refugees and internally displaced persons in El Salvador, Honduras—partially financed by a contract with USAID—Nicaragua and Afghan refugees in Pakistan. New medical assistance projects are pending in Laos, Cambodia, and Mongolia.

Mr. President, as Dr. Chaney looks back on his 35 years of service with the Dooley Foundation, he can indeed take great satisfaction in the accomplishments of the foundation. However, it is also appropriate to note that the need to serve the world's underprivileged continues. So long as there are children and villagers in the developing nations of the world who are without adequate nutrition, sanitation, and clean water; so long as immunizations against preventable diseases are lacking; so long as mothers are ignorant of proper hygiene and nutrition, there is need for the person-to-person humanitarian care which has been provided by the Dooley Foundation and for the inspiring leadership and service of physicians like Verne Chaney.

In closing Mr. President I want to quote Dr. Chaney directly: ''but the task is never done—though battles are won—the war against hunger, disease, and ignorance is unending and must be fought by men and women united by a consciousness of the brotherhood of man.'' As Edmund Burke said, ''The only thing necessary for the triumph of evil is for good men to do nothing.''

Mr. President, our country has always been very proud of the American tradition of selfless humanitarian service to the less fortunate of the world—which dedicated Americans like Tom Dooley and Verne Chaney so beautifully exemplify. Their devotion to serving others is an inspiration for all of us.

CONGRATULATING THE FORT HAYS STATE MEN'S BASKETBALL TEAM

Mr. DOLE. Mr. President, once again, the 1995–96 basketball season has shown the Nation that when it comes to basketball, the State of Kansas is head and shoulders above the rest. I would like to congratulate the University of Kansas men's and women's basketball teams for once again making it to the NCAA tournament, and I would like to congratulate Kansas State University on their season and entry into the NCAA tournament. While both of these schools had great seasons, the year belongs to Coach Gary Garner and the Fort Hays State Men's Basketball Team for their outstanding 1995–96 season, which they capped off by winning the NCAA II Men's National Basketball Championship. Their effort is certainly one that all Kansans can be proud of.

The Tigers of Fort Hays State completed a 34 to 0 season this year by defeating Northern Kentucky University 70 to 63 in the championship game. En route to their championship victory and outstanding season, the Tigers entered elite company, by becoming the third unbeaten team to win the tournament in NCAA II History. Fort Hays State finished the season ranked No. 1 and currently holds the Nation's longest winning streak. This has been an amazing season for Coach Garner and his team. I am proud to recognize their effort, and I look forward to next season, when the State of Kansas will once again make its presence known to the basketball world.

PROPOSED UNION PACIFIC-SOUTHERN PACIFIC MERGER

Mr. DOLE. Mr. President, I would like to comment on a situation that much of the country is following very closely. I am speaking of the proposed merger between the Union Pacific and Southern Pacific Railroads.

I have been contacted by various groups and organizations regarding this merger. I realize that there are concerns regarding the effects of the merger, and I have encouraged any person or group having concerns to participate in the open-comment period of the Surface Transportation Board, which ends today. The Surface Transportation Board, the Government agency now responsible for overseeing railroad mergers since the elimination of the Interstate Commerce Commission, will review all information and make the appropriate decisions regarding the merger.

I also want to acknowledge that there are a number of individuals involved in the merger who are active supporters of my Presidential campaign. In order to avoid any appearance of conflict of interest, this Senator wants to make clear his intention to not become involved in any discussion related to the proposed merger.

TRIBUTE TO DAVID PACKARD

Mr. NUNN. Mr. President, I rise today to pay tribute to David Packard, whose death on March 26 ended the distinguished career of one of America's

most innovative, visionary, and generous business leaders.

David Packard was an outstanding public servant as well. He was Deputy Secretary of Defense under Secretary Melvin Laird, 1969–71, in what many consider one of the strongest teams ever to head the Department of Defense. His understanding of both broad issues and nuts and bolts of management was the ideal complement to Laird's knowledge of the Pentagon and Washington.

More recently, Packard chaired the President's Blue Ribbon Commission on Defense Management under President Reagan—generally known as the Packard Commission. The Commission's study of the Department's procurement process led to the establishment of the position of Undersecretary for Acquisition and to the streamlining of military buying practices. He testified on a number of occasions before the Armed Services Committee and provided valuable advice on organization and buying procedures. He was always extremely helpful to the committee and to me whenever we called on him.

A few years after their graduation from Stanford during the Great Depression, David Packard and William Hewlett borrowed $538 from a former professor and launched Hewlett-Packard in the garage of Packard's rented house. It is one of the great American success stories.

''We weren't interested in the idea of making money. Our idea was if you couldn't find a job, you'd make one for yourself. Our first several years we made 25 cents an hour.'' Today his company is our Nation's second largest computer company and Silicon Valley's biggest employer, with 100,000 employees around the world and $31 billion in sales last year.

Packard became one of the richest men in America, but he lived modestly to the end, using his great wealth to follow, on a broader scale, the principles that guided him in managing the company—encouraging individual creativity, providing opportunity for development of knowledge and skills, fostering mutual respect and trust.

The key to his business success was the key to his character as well. The important thing was to make or do something useful. He had no patience with ostentation in corporate executives, nor with those who made short-term profits made by cutting long-term investment in research, new product development, customer services, or facilities and equipment.

David Packard's management philosophy and methods became models for other companies. He viewed his employees as colleagues with ideas, skills, loyalty, and understanding he valued. He practiced management by walking the factory floor and insisted on an open-door policy in executive offices. Workers called him Dave and he encouraged them to come to him with their gripes as well as their ideas for improving products and operations. In return, they gave him undying loyalty and the benefit of their best efforts and creative ideas.

He was semiretired through the 1980's, but he and William Hewlett returned to the company in 1991 when it experienced a financial slump. Packard was the driving force behind the reorganization that revitalized the company.

When Packard retired as chairman for a second time in 1993, someone asked him what was his proudest moment. Instead of pointing to one of his many accomplishments, David Packard said simply, ''Do something useful, then forget about it and go on to the next thing. Don't gloat about it.''

That accurately described his own approach throughout a long and imminently successful life. Whenever he finished doing something useful, he looked for something else useful to do.

A Phi Beta Kappa, football and basketball player at Stanford, he was a dedicated outdoorsman all his life, and a staunch Republican. He made major gifts over the years to Stanford, the Monterey Bay Aquarium, and the Wolf Trap Foundation.

One of his last acts, not long before he died, was to give a generous donation to the Paralympics that will be held in Atlanta this summer, the week after the Centennial Olympic games. It was typical of David Packard that, at 83, he was thinking about ways to encourage individual excellence, helping to provide talented athletes from disabled community the opportunity to participate in international competition.

Our Nation is a better place because of his innovations, his philosophy, his example, and his dedication to both making and doing something useful. David Packard's character matched his physique—he was a giant of a man.

His beloved wife, Lucille Laura Salter Packard, died in 1987. I know the Senate joins me in expressing our deepest sympathy to his children, who were at his side when he died: David Woodley Packard, Nancy Ann Packard Burnett, Susan Packard Orr, and Julie Elizabeth Packard.

TRIBUTE TO EDMUND S. MUSKIE

Mr. NUNN. Mr. President, I rise to join with my fellow Senators in mourning the death of former Senator Edmund S. Muskie of Maine, and in paying tribute to one of the most distinguished and influential Members of this body during a turbulent period in our history.

Ed Muskie worked his way through Bates College, where he was a Phi Beta Kappa, and earned a scholarship to Cornell's law school. After serving in the Navy on destroyer escorts during World War II, he was elected to the Maine House, where he served as minority leader. He won the Governorship of Maine during the Eisenhower years when no Democrat had held the office in 20 years, and was easily re-elected. He revitalized the State party and was elected and re-elected to the U.S. Senate until his resignation to become Secretary of State in 1980 during the last difficult months of the Iran hostage crisis. It was a time of great tension following the Soviet invasion of Afghanistan, during which the United States boycotted the Olympic games in Moscow.

Ed Muskie was Hubert Humphrey's Vice-Presidential running mate in 1968. Few people remember how close that election was, and one reason it was so close was the strength Ed Muskie brought to the ticket. He started out the frontrunner, but his own campaign for the Presidential nomination in 1972 was unsuccessful, damaged by the dirty tricks the Nation would only learn about only later. It is ironic, but a tribute to the man, that the most damaging thing his enemies could point to in his conduct was that he loved his wife enough to lose his usual control when they attempted to slander her.

Senator Muskie returned to the Senate and in 1974 became the first chairman of the Budget Committee. I had the privilege of serving with him on the committee during my formative early years in the Senate. He was a strong voice for budget stability. The processes he established for monitoring Federal spending, and his insistence on holding down spending across a broad range, including the areas of his own major concerns. This is the same process being used today in our attempt to achieve a balanced budget by 2007.

Senator Muskie deserves major credit for most of the important early environmental legislation. He held together fragile coalitions of liberals and conservatives in budget battles, challenged Presidential policies and his own wing of the Democratic party for its failure to change. Through it all, he earned the respect of both allies and foes.

After his stint as Secretary of State, he retired to private law practice. He returned briefly to public service in 1987 on the Special Review Board on the Iran-Contra Scandal, also known as the Tower Commission.

Ed Muskie was a big man, big enough to still the voices of hecklers by inviting them up on the platform with him, big enough early in his Senate career to stand up to majority leader Lyndon Johnson at the height of his power, and big enough to gain the respect of his fellow Senators, and of Johnson himself. He believe in what he called a politics of trust, not of fear.

Ed Muskie was often described as ''Lincolnesque.'' His middle name, Sixtus, was the name of five Popes during the 15th and 16th centuries. His last name had been shortened by immigration officials from what they considered the unpronounceable Polish name of his forefathers when his father arrived at Ellis Island. But whatever people called him, wherever his names came from, Ed Muskie was his own man.

What we remember is not the occasional flash of temper but his modesty, moderation, and self-deprecating humor, and his capacity for bridging differences. He was a man of great humanity who stood for reason and reconciliation in a time of division and disunity.

Ed Muskie graced this body with his healing and imposing presence, his self-deprecating humor, and his personal integrity for 21 years. He served his State and country courageously for more than three decades. I am honored to have served with him, and want to express my deepest sympathy, and that of this body, to Jane, his wonderful wife of 48 years, and to their children Stephen, Ellen, Melinda, Martha, and Edmund, Jr.

CHILD CARE PROVIDERS WEEK

Mr. PRESSLER. Mr. President, every morning, millions of parents kiss their children goodbye as they trade the hat of parent for the hat of teacher, police officer, waitress or doctor. When they leave home to work, they must leave their precious young ones in the care of someone else. Sometimes, parents find a relative. More often, they rely on strangers. As a parent myself, I know how difficult it can be to trust someone else with the well being of your child. Fortunately, most parents have reliable child care providers to depend on. We hear occasional horror stories of abuse and mistreatment by child care providers, but the majority of child care workers always have the best interests of the child at heart. April 21–28 will be the Week of the Young Child. During this important week, South Dakota will recognize Child Care Provider's Day on April 22. I would like to take this opportunity to recognize these hard working child care providers who support millions of American families each day.

My State has a claim to fame that most Americans would not guess. According to the most recent census data, 71 percent of mothers with children under the age of six are working moms. The national average is less than 60 percent. This means that reliable, quality child care is an issue not just for parents in urban areas. Families in rural States must search for adequate child care, too. For families who live in remote areas of South Dakota, this may mean driving to the next town to find day care services.

Child care providers do not have an easy task. A child's formative years are crucial. Caretakers must provide a stimulating environment for growth and learning. They do not merely babysit. Each child must be reached individually to develop language, reasoning and motor skills. Only a secure and nurturing environment can allow this to happen. In creating a home away from home, child care workers are providing American families with a very valuable service. For most families, success at work and stable home relationships hinge on professional child care.

Congress has been working hard over the last year to reform the Federal child care system. I wholeheartedly support efforts to end overlap of programs and needless bureaucracy. Child care should be affordable, accessible, and reliable. I will continue working in Washington to ensure quality child care for all American families.

Many thanks to the child care workers who daily provide for our children. They keep our families and workplaces on track. They should receive special recognition during the Week of the Young Child.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, March 28, 1996, the Federal debt stood at $5,071,791,748,467.89.

On a per capita basis, every man, woman, and child in America owes $19,173.26 as his or her share of that debt.

GATT

Mr. PRYOR. Mr. President, yesterday I spoke briefly about our failure to correct a loophole in the GATT legislation which gives a handful of companies unprecedented and unintended special treatment. Our distinguished colleague, Senator HATCH, raised a few points which my distinguished colleague, Senator CHAFEE and I feel deserve clarification.

For several months, we have sought an opportunity to remedy the mistake made by Congress and the administration when the GATT implementing legislation was enacted. The legislation's grandfather provisions were meant to apply to every person, product, company, and industry in the country. But the final GATT legislation accidentally excluded the prescription drug industry because it lacked a conforming amendment to the Food, Drug and Cosmetic Act. As a result, the prescription drug industry is the only industry in the country which received the patent extension but is unfairly exempted and shielded from competition. Because of this mistake, consumers and taxpayers are paying billions of dollars far too much for a handful of drugs, including Zantac, the world's best-selling drug.

Mr. CHAFEE. Mr. President, I agree entirely with my colleague, Senator PRYOR, and wish to raise one simple but important point. It should be noted clearly and conclusively that there is an extensive record of evidence from the U.S. Trade Representative, the Patent and Trademark Office, and the Food and Drug Administration that a mistake was made by both the Congress and the administration. There is absolutely no question as to this fact. To dispel any doubts, I would like to submit for the RECORD an excerpt from Ambassador Mickey Kantor's testimony to the Senate Judiciary Committee on February 27:

> The Congress and the Administration did not, however, take into account the technical interrelationship between the Patent Act and the regulation of pharmaceutical products by the Federal Food, Drug and Cosmetic Act. In fact, no one—including those in the private sector who watched these developments closely—took this interrelationship into account. This [Senate Judiciary] Committee and the House Judiciary Committee held a joint hearing on August 12, 1994, to review the intellectual property provisions of the URAA and not a single reference was made to this system. In all this time, not a single reference was made to the fact that pharmaceuticals may be treated differently than other forms of technology, not even by Gerald Mossinghoff of the Pharmaceutical Research and Manufacturers of America, who testified in support of this legislation without referring to this provision . . . We did not intend for this to happen and we support the correction of this oversight through the appropriate amendments to the Food, Drug and Cosmetic Act and the Patent Act.

Mr. PRYOR. Mr. President, I concur wholeheartedly with Senator CHAFEE. Let me add that for a number of months, we have sought an opportunity to vote on the missing conforming amendment. In December, a primary argument against acting on the amendment was the alleged need for a committee hearing. The February 27 hearing was never sought by us and, in fact, it did not add a single additional fact to the public record on this issue. The hearing simply reinforced the substantial body of evidence which proves a costly and inequitable mistake was made and is in urgent need of correction.

Nor has a markup in any committee ever been an objective of those seeking to correct this congressional mistake. As chairman of the Judiciary Committee, Senator HATCH promised a markup on this issue by the end of March. That apparently was not possible. My colleagues, Senators CHAFEE and BROWN, and I believe very strongly that any further delay in remedying this clear and costly congressional error will only benefit a handful of companies at the expense of their competitors and the American public.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:59 a.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3136. An act to provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

At 3:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2854) to modify the operation of certain agricultural programs.

The message also announced that the Speaker appoints Mr. HOYER of Maryland to fill the vacancy occasioned by the resignation of Mr. STOKES of Ohio in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it request the concurrence of the Senate:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in it requests the concurrence of the Senate:

H. Con. Res. 157. Concurrent resolution providing for an adjournment or recess of the two Houses.

ENROLLED JOINT RESOLUTION SIGNED

At 4:35 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1271. A bill to amend the Nuclear Waste Policy Act of 1982 (Rept. No. 104–248).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. LEAHY):

S. 1655. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 1656. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 1657. A bill requiring the Secretary of the Treasury to make recommendations for reducing the national debt; to the Committee on Finance.

By Mr. MCCONNELL:

S. 1658. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services and to provide incentives for the purchase of long-term care insurance, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1659. A bill to declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LEVIN, and Mr. D'AMATO):

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRESSLER (for himself, Mr. BURNS, Mr. INHOFE, Mr. DASCHLE, and Mr. BAUCUS):

S. 1661. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. 1662. A bill to establish areas of wilderness and recreation in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD (for himself and Mr. HARKIN):

S. 1663. A bill to amend the Internal Revenue Code of 1986 to improve revenue collection and to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes, to create the United States Peace Tax Fund to receive such tax payments, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 236. A resolution appointing Members to certain Senate commitees; considered and agreed to.

By Mr. FAIRCLOTH:

S. Res. 237. A resolution to express the sense of the Senate regarding reduction of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. HELMS (for himself, Mr. ROTH, Mr. LOTT, Mr. D'AMATO, Mr. NICKLES, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. BREAUX, Mr. SHELBY, Mr. BENNETT, and Mr. SANTORUM):

S. Res. 238. A resolution expressing the sense of the Senate that any budget or tax legislation should include expanded access to individual retirement accounts; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August, 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 239. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 240. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. LEAHY):

S. 1655. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 1656. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Labor and Human Resources.

BREAST CANCER LEGISLATION

Ms. SNOWE. Mr. President, I introduce two important pieces of legislation which promise to be of great significance to women with breast cancer: the Consumer Involvement in Breast Cancer Research Act of 1996, and the Improved Patient Access to Clinical Studies Act of 1996.

Breast cancer is a national health crisis of enormous proportions. Each year, breast cancer strikes approximately 182,000 women, resulting in 46,000 deaths. It has become the most common form of cancer and the second leading cause of death among American women. An estimated 2.6 million women in the United States are living with breast cancer, 1.6 million have been diagnosed with the disease, and an estimated 1 million women do not yet know they have breast cancer.

Some 1 out of 8 women in our country will develop breast cancer in her lifetime, up from one out of 14 in 1960. In fact, this year, a new case of breast cancer will be diagnosed every 3 minutes, and a woman will die from breast cancer every 11 minutes.

Breast cancer is a crisis that has tragically claimed the lives of almost 1

million women of all ages and backgrounds since 1960. It has become the leading cause of death for women age 40 to 44, and the leading cause of cancer death in women age 25 to 54.

In 1994, 900 Maine women were diagnosed with breast cancer. This is the most commonly diagnosed form of cancer among Maine women, and represents more than 30 percent of all new cancer among women in Maine.

Over the past few years, we have made significant gains in funding for breast cancer research. In fiscal year 1991, Congress spent $92.7 million on breast cancer research at the National Institutes of Health. By fiscal year 1995, spending had increased to $308.7 million. Moreover, the Department of Defense has received $460 million over the past 3 years to undertake breast cancer research.

However, funding alone is not enough. We must work to ensure that the most worthy and innovative projects are pursued and funded. This means funding projects which victims of breast cancer believe are important and meaningful to them in their fight to live with this disease.

Over the past 3 years, the Department of Defense has included lay breast cancer advocates in breast cancer research decision making. The involvement of these breast cancer advocates has helped foster new and innovative breast cancer research funding designs and research projects. While maintaining the highest level of quality assurance through peer review, breast cancer advocates have helped to ensure that all breast cancer research reflects the experiences and wisdom of the individuals who have lived with the disease. In addition, breast cancer advocates provide a vital educational link between the scientific and lay communities.

My bill, the Consumer Involvement in Breast Cancer Research Act of 1996, urges the National Institutes of Health to follow the DOD's lead. It urges NIH to include breast cancer advocates in breast cancer research decision making, and to report on progress that the Institute is making next year.

I believe that this legislation provides the critical next step in making breast cancer research more responsive to the needs of millions of American women living with breast cancer.

But it is not the only step we need to take. People suffering from diseases with no known cure often have access to the latest, most-innovative therapies only through clinical trials. This is often the case for women with breast cancer. Yet insurance companies regularly deny coverage for such treatments on the basis that they are experimental or investigational.

As a result, many patients who could benefit from these potentially life-saving investigational treatments do not have access to them because their insurance will not cover the costs. Denying reimbursement for these services also impedes the ability of scientists to conduct important research, by reducing the number of patients who are eligible to participate in clinical trials.

The second bill I am introducing today, the Improved Patient Access to Clinical Studies Act of 1996, addresses this problem. This bill would prohibit insurance companies from denying coverage for services provided to individuals participating in clinical trials, if those services would otherwise be covered by the plan. This bill would also prevent health plans from discriminating against enrollees who choose to participate in clinical trials.

Mr. President, March is Women's History Month. We should take this opportunity to celebrate the important gains we have made over the past few years in the area of women's health research. At the same time, we must also recognize how far we still have to go. I believe that the bills I have introduced today represent continued progress in the fight against breast cancer, and I urge my colleagues to support them.

By Mr. McCONNELL:

S. 1658. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services and to provide incentives for the purchases of long-term care insurance, and for other purposes; to the Committee on Finance.

THE FAMILY CHOICE IN LONG-TERM CARE ACT

• Mr. McCONNELL. Mr. President, the graying of America means significant changes for our Nation's families. Traditionally, a family member, most likely a wife or daughter, has cared for an ailing spouse or parent at home. However, today's pressures of work, child-rearing, and family mobility greatly restrict the ability of adult children to administer to the day-to-day needs of a chronically ill parent. In addition, the rigors of home-based care can have a debilitating impact on the health and well-being of a caring spouse.

Few families are fully prepared for the physical, emotional, or financial demands of long-term care. For too many, this difficult journey begins with a unexpected jolt from a sudden accident, the death of a spouse or parent, or the diagnosis of a debilitating, long-term illness.

As America's population ages, the need for long-term care increases. In 1993, almost 33 million Americans were over the age of 65, and by 2011, the elderly population is estimated to number close to 40 million. While the opportunity for a happy and healthy retirement is better than ever, an October 1995 long-term care survey by Harvard/Harris revealed that 1 in 5 Americans over age 50 is at high risk of needing long-term care during the next 12 months.

Today, a variety of long-term care services are available, from help in cleaning one's home and getting groceries to skilled nursing care with 24-hour supervision. However, the means to pay for long-term care are still very limited and the expense can be overwhelming. For example, $59 billion was spent on nursing home care for the elderly in 1993, and 90 percent was covered by out-of-pocket payments and Medicaid.

The cost of paying out-of-pocket for 1 year in a nursing home is more than triple a senior's average annual income. Long-term care expenses put a lifetime of work and investment at risk. To gain Medicaid coverage, seniors must spend down their assets in order to meet State eligibility requirements. While Medicare takes care of hospital costs and home care, it provides only limited coverage for short-term stays in skilled nursing facilities.

The medical side of long-term care has seen enormous advances over the years in new technologies, facilities, treatment methods, and even psychological studies of the effects of long-term care on patients. But the financing side of long-term care has simply failed to keep up, and as a result it is ill-prepared for seniors' future needs. Today, private insurance pays for less than 2 percent of long-term care costs. As Federal mandates for Medicaid coverage have increased, States have attempted to contain costs by restricting services for the elderly. State-imposed caps on the number of Medicaid-sponsored nursing home beds has separated families from their loved ones because the only Medicaid beds available were hundreds of miles away from their community. Most disturbingly, the remaining assets of a deceased elderly couple can be tapped through an estate recovery action to compensate the State for the couple's Medicaid expenses.

Since 1990, Medicaid expenditures for long-term care have been increasing by almost 15 percent annually, causing costs to double every 5 years. Medicaid's service as the sole long-term care safety net for middle class seniors may seriously impair the program's ability to serve the underprivileged. While low-income families accounted for 73 percent of Medicaid's beneficiaries in 1993, nearly 60 percent of expenditures went to nursing home care and other long-term care services. For example, in 1993, Kentucky's Medicaid spending per enrollee for children was $964; while the cost for elderly beneficiaries was $6,540. Without relief, a harsh battle between generations may emerge.

Mr. President, I rise today to introduce the Family Choice in Long-Term Care Act, a bill that would alleviate dependence on Medicaid by enabling families and seniors to plan ahead for their long-term care needs. Currently, our tax code does not define long-term care as a medical expense. My proposal would end this discrimination and allow long-term care expenses and policy premiums to be tax deductible.

Like health care insurance, payments under long-term care insurance would not be taxable when received. Children would be able to purchase policies on behalf of their parents. In

addition, employer-based plans would be treated like accident or health policies. Individuals could convert a life insurance contract in favor of a long-term care policy without suffering a tax penalty. Under my bill, terminally or chronically ill patients could receive accelerated death benefits to pay for their long-term care needs. And my legislation would also permit qualified withdrawals from individual retirement accounts of 401(k) plans for the purchase of a long-term care policy.

Interest in long-term care insurance is growing. According to the American Health Care Association, the average growth rate in long-term care policy sales has averaged 27 percent annually since 1987. In 1993 alone, a total of 3.4 million insurance policies were sold. A study conducted by the research firm of Cohen, Kumar & Wallack found that it is not just higher-income seniors who are interested in long-term care insurance. The study showed that 30 percent of surveyed long-term care policy-holders earned less than $20,000 annually.

While tax clarifications will make long-term care plans more affordable to seniors and families, attention must be paid to assure investment quality and security. My proposal would establish the National Long-Term Care Insurance Advisory Council to advise Congress on the market's development and promote public education on the necessity of long-term care planning and the options available. The bill also outlines consumer protection standards for policies as recommended by the National Association of Insurance Commissioners.

Finally, my proposal would require the Secretary of Health and Human Services to develop and distribute a summary of recommended health care practices to Medicare beneficiaries. As always, prevention is the first step in curtailing the demand for high-cost medical care.

While there has been a great deal of rhetoric about tax cuts lately, long-term care tax clarification benefits everyone. Seniors can invest in a quality long-term care plan without fear of losing everything they own, and families will have access to the support they feel is most appropriate for their loved ones.

In addition, Medicaid will continue to provide long-term care services for seniors in need. A 1994 study published in Health Affairs estimates that Medicaid would save $8,000 to $15,500 on each nursing home entrant who held a long-term care policy. Also, the probability of a senior's spending down to Medicaid eligibility would be reduced by 40 percent. Private long-term care insurance would preserve the medical safety net for seniors and benefit other Medicaid recipients, particularly low-income children and the disabled.

Mr. President, in sum, private long-term care insurance translates into quality, flexible care for seniors, more Medicaid funds for low-income families and the disabled, and essential support for families who want their loved ones to be safe and secure. These are priorities that all Members of Congress share. We should not miss this opportunity to help America's families prepare for the challenges of long-term care.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1659. A bill to declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE QUEENS-WEST WATERFRONT DEVELOPMENT ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise to introduce, with my esteemed colleague Senator D'AMATO, a bill to eliminate an impediment to an important economic development project in Queens. The Queens West development is 12 years in the making. Construction of the first apartment tower should create 1,000 construction jobs, and the entire project should ultimately create 14,000 construction jobs and 10,000 permanent jobs. This in a county with unemployment two points higher than the State average.

With the financial parties ready to go to closing this month, the title search turned up an impediment that threatens to make the entire project uninsurable, and therefore untenable. A portion of the development would be built on an area that in the last century was on the watery side of the historical high water mark of the East River. Since then it has been filled, bulkheaded, or otherwise developed. The Federal Government, however, retains the right of navigational servitude, which means the Government can condemn the area because it is still navigable in law, if not in fact.

The only solution is for Congress to declare the area nonnavigable. This bill does so. The declaration of nonnavigability would apply only to areas that ''will be bulkheaded, filled, or otherwise occupied by permanent structures or other physical improvements''—including parklands. The declaration would expire in 20 years if the area is not occupied by permanent structures.

Mr. President, I believe this is a commonsense effort to allow an important project to go forward. We will not need to resume navigating this portion of the East River. We do need the economic development that the Queens West project will bring. Senator D'AMATO and I ask for the support of our colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1659

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

SECTION 1. DECLARATION OF NONNAVIGABILITY FOR PORTION OF QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), that portion of Long Island City, Queens County, New York, which is not submerged and lies between the existing southerly high water line of Anable Basin (also known as the 11th Street Basin) and the existing northerly high water line of Newtown Creek and extends from the existing high water line of the East River to the original high water line of the East River is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREAS BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the areas described in subsection (a) that are or will be bulkhead, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parklands).

(2) APPLICABILITY OF FEDERAL LAW.—The work to meet the requirements of paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act of March 3, 1899, commonly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of an area described in subsection (b), if that portion—

(1) is not filled or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires work described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and that work is not commenced by the date that is 5 years after the date of issuance of that permit.

Mr. D'AMATO. Mr. President, I rise today to join with my friend and colleague, Senator MOYNIHAN, in introducing legislation that will allow for the commencement of a project of immense economic significance in the city of New York and the Borough of Queens. This project, which has been named Queens West, will produce a myriad of waterfront apartment buildings, parkland, hotel, and commercial space and will create 14,000 construction jobs as well as 10,000 permanent jobs. This ambitious project will rejuvenate this section of New York and add to its vitality for countless generations to come.

As I am sure many of my colleagues can understand, there is a great deal of excitement about the Queens West project. However, with the parties ready to close, a single issue has emerged that could delay the financing and disrupt the timing of this project. Some of the land upon which Queens West is to be built falls within the historic, unobstructed high water mark of the East River that was established in the 1800's. However, a bulkhead has since been established in this particular area and industrial development has occurred there for many years.

Nevertheless, this area still remains defined as ''navigable in law'' which allows the Federal Government to retain a right to navigational servitude. Because of this glitch, the project may not be insurable and may not therefore commence in a timely fashion.

The legislation that Senator MOYNIHAN and I are introducing will rectify this situation. Simply, it will declare this portion of the land nonnavigable and thus take the property out of navigational servitude. Should no permanent structure be built on this site within 20 years, the area reverts to its current status. Once this bill is passed, the Borough of Queens and indeed all of New York will receive a vital economic boost. This legislation is identical to H.R. 2987, which Congressman TOM MANTON introduced in the House of Representatives, and enjoys support from State and city officials.

Mr. President, the thousands of jobs, the housing, the recreational opportunities, and the commercial benefits created by the Queens West project are urgently needed. I urge my colleagues to join Senator MOYNIHAN and I in supporting speedy passage of this legislation.

By Mr. GLENN (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. SARBANES, Mr. JOHNSTON, Mr. INOUYE, Ms. MIKULSKI, Mr. D'AMATO, and Mr. LEVIN):

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. GLENN. Mr. President, today I rise to introduce the National Invasive Species Act of 1996 with my colleagues Senators LEAHY, JEFFORDS, MOYNIHAN, SARBANES, JOHNSTON, INOUYE, MIKULSKI, and LEVIN. This act is a reauthorization and expansion of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. I am pleased that my Ohio colleague, Congressman LATOURETTE and 18 of his colleagues in the House of Representatives also are introducing this act today.

Picture a pollution spill in the waters of your region that simply will not go away. Government and industry teams work to disperse it with chemicals and mechanical barriers, but as soon as the treatments stop, the pollution resurges. Worse yet, the spill spreads and concentrates in connecting water ways, and is further seeded by unintentional transport overland. Municipalities, manufacturers, and agriculture experience degraded water supplies and higher operating costs. Shell fisheries and fin fisheries permanently decline.

This scenario seems like a nightmare, yet it closely approximates the result of unintentional releases of nonindigenous species, or biological pollution, into U.S. waters. As a Senator from the Great Lakes region, where we spend many millions of dollars annually to battle sea lamprey and zebra mussel infestations, I can attest that such biological spills can and do happen, their impacts on the receiving system are additive, and the resource degradation is permanent.

As shown in the display map, the zebra mussel, a native species of eastern Europe, has spread throughout the United States from the Great Lakes where it was unintentionally introduced in ballast water of commercial vessels around 1986. Wherever it becomes established, the zebra mussel threatens both economic and environmental well-being. It clogs intake pipes, fouls drinking water, and covers swimming beaches with sharp shells. The zebra mussel also has led to the loss of many highly valued native species of freshwater mussel in both the Great Lakes and the Mississippi River.

I remember when Allegra Cangelosi, who is with me on the floor today, first came into my office and talked about zebra mussels in the 1980's. She had a bottle of these critters and set them on my desk and said, ''Here is what they are.'' And they multiply—each zebra mussel lays about 30,000 eggs a year. Eggs that are laid early in the season mature into adult zebra mussels by the end of the season.

Zebra mussels and other nonindigenous species can survive in ballast water transported into our nations waters largely because we now have faster sea transportation. Ironically, some of our own waters in this country are cleaner, allowing the species to become established.

The Great Lakes are not the only entryway for invasive species into U.S. waters. Last week, I hosted a National Forum on Nonindigenous Species Invasions of U.S. and Fresh Waters in cooperation with the Northeast-Midwest Institute. At the day long event, experts and natural resource stakeholders from around the country cited invasion impacts in just about all of America's fresh and marine waters. Biodiversity and economic well-being are suffering due to invasions of nonindigenous species in San Francisco Bay, the Pacific Islands, the Gulf of Mexico, the Mississippi River, the Northeast and Southeast Atlantic coasts, the Great Lakes, and Lake Champlain.

In 1990, I authored and gained enactment of the Nonindigenous Aquatic Nuisance Prevention and Control Act to begin to address the tremendous problem of unintentional invasions of aquatic species into the Great Lakes and other U.S. waters. The 1990 act consisted of two basic parts: One which focused on prevention of new introductions of species into the Great Lakes by the ballast water of vessels; and the other which established a national program of prevention, monitoring, management, and control of invasive species already established in U.S. waters. All of the many vectors of aquatic species transfers fell under the purview of this portion of the act. Most of the revisions contained in the bill which I am introducing today with my Senate and House colleagues pertain to the prevention portion of the program.

With respect to prevention, the 1990 act focused on ballast water of vessels. This water is the leading vector for unintentional transfers of nonindigenous species into United States waters. Ships carry ballast water to maintain trim when they are empty or partially empty of cargo. They discharge this water at their ports of call. Currently, there is practically nothing to prevent the uptake, transfer, and discharge of organisms along with that water.

An estimated 21 billion gallons of ballast water from vessels from foreign ports is discharged into U.S. waters each year. That's 58 million gallons per day, and 2.4 million gallons per hour. This ballast water contains just about everything and anything that was in the harbor from which the water was drawn. It is estimated that 3,000 species of aquatic organisms are in transit in ballast tanks around the world in any given 24-hour period. Most of these organisms will come to nothing in the receiving ports, but any one of them could cause billions of dollars of damage. It's a huge gamble. Even human cholera is transported unintentionally in ballast water and has been detected in ships visiting Mobile Bay and the Chesapeake, among other regions.

Fortunately, a ballast management practice known as high seas ballast exchange greatly reduces the transfers of dangerous organisms through ballast water. This technique is not applicable in all circumstances; it cannot be employed in stormy weather and with some types of vessels. However, where it can be employed safely, it results in a substantial reduction in the risk of invasive species transfers. It is for this reason that the Australian Government among other nations, and the International Maritime Organization, already encourage ballast management practices for commercial vessels.

The 1990 law included a voluntary ballast management program for the Great Lakes which automatically became regulatory in 1992. The act assigned the Coast Guard the task of consulting with the maritime industry and Canada to develop voluntary guidelines, conducting education and outreach, and, after 2 years, promulgating regulations to help reduce the probability of new introductions of alien species by commercial vessels into the Great Lakes.

The 1990 act also included several studies to help build information on the threat and impacts of ballast discharge on other U.S. waters. These studies, now complete, provide strong evidence that unmitigated ballast water exchange is a serious economic and environmental threat in regions

outside the Great Lakes. In particular, the biological study conducted pursuant to the act found that a new species of aquatic organism invades San Francisco Bay every 12 weeks. Serious risks of invasion to the Chesapeake Bay and Florida coasts have also been documented. A crab which is the host of a dangerous human parasite has been found in United States waters within the Gulf of Mexico, fortunately not yet established.

In light of this information, and based on the successful experience with the Great Lakes voluntary ballast management program, my 1996 proposal establishes a national voluntary ballast management program to begin to address concerns of other United States coastal regions. The Coast Guard is directed to issue voluntary ballast management guidelines for all vessels visiting U.S. ports after operating outside the exclusive economic zone. Consistent with the Great Lakes program, I want to stress, Mr. President, that this program puts safety first. The guidelines will protect the safety of vessel and crew, whatever that may entail, including waiving the requirement where necessary.

While there will be no penalty against vessels which do not participate in the national program, record keeping by vessels to document participation is required. In the interest of maintaining a level playing field, the Coast Guard has authority to issue the same guidelines as regulations in regions where a review of ship records reveals poor cooperation with the voluntary approach. Importantly, the maritime industry would see only one set of rules nationally. However, over time, there may be enforcement mechanisms associated with the guidelines in certain regions. Of great interest to the Great Lakes community, the successful Great Lakes regulatory program remains in place. For better prevention of invasions in the future, a ballast water management demonstration program is established in the Act. This project will demonstrate promising ballast technologies and practices to prevent the introduction and spread of nonindigenous species through ballast water.

Other changes to the 1990 program which are contained in our National Invasive Species Act of 1996 include: First, the authorization of research in several coastal regions—including the Chesapeake Bay, Lake Champlain, the Mississippi River and the Gulf of Mexico—which are at particular risk of degradation by species invasions; second, voluntary guidelines to help recreational boaters to prevent unintentional transfer of zebra mussels; and third, provisions to encourage more regions to set up coordinating panels and develop State management plans for invasive species prevention and control. Though now much broader in scope, I am proud to announce that the overall cost of the National Invasive Species Act of 1996 does not exceed that of the 1990 law.

I would like to close by pointing out that species invasions that originate anywhere on the continent have the potential to affect all of us. Once established on the North American continent nonindigenous invasive organisms will make their way to the far reaches of their potential range. Just as the zebra mussel has expanded its range from the Great Lakes to the entire Mississippi River and has been found on recreational vessels entering California, the east coast marine resources could be harmed by invasions on the west coast and vice-versa. Moreover, biological pollution of U.S. waters, so far, has not had serious public health implications. But the 1992 transfer of human cholera from South American ports to the shellfish beds of Mobile Bay via ballast water of commercial vessels reminds us that our luck may not hold forever. It is in everyone's interest to improve our Nation's precautions against invasions of aquatic nuisance species. Mr. President, I will ask unanimous consent that an updated version of a Northeast-Midwest Economic Review article be printed in the RECORD following my remarks. This article provides further background on the context, history, and content of the National Invasive Species Act.

I am personally quite excited about the progress that we can make in protecting the economy, the environment, and the biodiversity of our coasts through passing the National Invasive Species Act this year. Unusual in the environmental arena, this issue offers us low-hanging fruit and bipartisan enthusiasm. I am grateful to my colleagues, Senators LEAHY and SARBANES for authoring legislation last year which helped draw attention to the national scope of the invasive species problem, and to my other colleagues for joining us in support of the National Invasive Species Act. I look forward to working closely with them to gain its enactment. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with the article previously mentioned.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIOLOGICAL INVASIONS: CONGRESS TAKES A SECOND LOOK

(By Allegra Cangelosi, Senior Policy Analyst of the Northeast-Midwest Institute,)

[From an Updated Version of an Article That Appeared in the Northwest-Midwest Economic Review, September 1995]

Five years into implementation of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), there is new awareness of the magnitude of the exotic species problem and the difficulty of the management task. As Congress prepares to reauthorize the Act, it faces pressure to broaden the prevention program to include coastal areas in addition to the Great Lakes, while keeping the burdens of regulation to a minimum.

THE LIFE AND TIMES OF NANPCA '90

In 1989 and 1990, the zebra mussel infestation of the lower Great Lakes exploded before the startled eyes of the region's natural resource managers and industrial water users. Mussel encrustation of intake pipes shut-down the Monroe, MI city water supply for two-days, bringing the impact of the zebra mussel (Dreissena polymorpha) directly to the homes of basin residents. Meanwhile, a population of Eurasian ruffe (Gymnocephalus cernuus), a small forage fish native to Eastern Europe, staged in Duluth/Superior Harbor, preparing for an all but inevitable migration from the cold waters of Lake Superior to the more habitable lower Great Lakes.

For fishery and biodiversity experts, the appearance of both the zebra mussel and the ruffe implied permanent degradation of the Great Lakes ecosystem. Over time, the two alien species were expected to spread to all five Great Lakes and most of the U.S. freshwater system. Irreversible loss in biological diversity was inevitable; the only question was whether the degradation would be cataclysmic, or gradual and insidious.

These concerns arose from hard experience. The sea lamprey (Petromyzon marinus), native to the Atlantic, caused a near collapse of the Great Lakes fishery in the 1950s. A fortuitous discovery of a chemical lampricide is the only reason the fishery is once again abundant. But lampricide treatments, even coupled with vigorous fish stocking efforts by the States, have been effective only at restoring the rough appearance of the pre-lamprey fishery. They cannot restore the system's previous structure, composition or self-sustainability. Moreover, without annual treatments with the lampricide, the populations of lampreys would quickly rebound. The annual battle to continue funding for the lamprey control program provides Great Lakes fishery experts constant incentive to avert the costly and enduring impacts of further exotic species invasions.

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) originated in draft in 1989 in response to concern over the potential impact of the Eurasian ruffe on the Great Lakes fishery. But the zebra mussel infestation ultimately filled its political sails, to reach final enactment in just a year.

The Act, championed by Senator John Glenn of Ohio, enjoyed enthusiastic support of the bipartisan Great Lakes delegation in both chambers, and several federal agencies, especially the Fish and Wildlife Service. It also benefitted from the commitment of environment committee leadership from outside the basin.

NANPCA set forth a national program for preventing, researching, monitoring and controlling infestations in U.S. waters of alien aquatic species. It set up a standing multiagency task force (the Aquatic Nuisance Species Task Force), chaired by NOAA and the Fish and Wildlife Service, to develop and oversee the program, a policy review of the impacts of intentional introductions of exotic species (such as for sport fishing or biological pest control), a zebra mussel demonstration project, and state aquatic nuisance management planning. It created a Great Lakes Aquatic Nuisance Species Panel to help coordinate federal, state, local and private sector activities to prevent and control exotic species within the Great Lakes basin. Other provisions addressed the brown tree snake, research protocols to prevent the spread of exotics by research and risk assessment.

Most importantly, the Act assigned the Coast Guard the task of promulgating voluntary guidelines and, after two-years, regulations to help reduce the probability of new introductions of alien species by commercial

vessels. The ballast water of commercial vessels is a leading vector by which alien aquatic species enter U.S. waters. The zebra mussel and the ruffe, along with the spiny water flea (Bythotrephes cederstroemi), and many of the hundred-plus other alien organisms that currently complicate the Great Lakes ecosystem were transported to the Great Lakes in the ballast holds of transoceanic vessels. Red tide, human cholera, and the brown clam (Perna perna), are examples of ballast stow-aways that have been discharged into U.S. marine coastal environments.

The 1990 Act underwent many changes as it moved through the Congressional process to enactment. Perhaps the most significant such change was the decision by the Senate Commerce Committee to reduce the scope of the Coast Guard prevention program from national to Great Lakes-only. Besides fiscal concerns of the Coast Guard, the political rationale for such a change was clear. The maritime community had no choice but to acknowledge the obvious though unintended impacts of its ballasting practices on the Great Lakes environment. Moreover, as residents of the basin, Great Lakes port operators and the laker association members shared concern over the condition of the Great Lakes ecosystem. But in areas other than the Great Lakes, there was less awareness of exotic species impacts and the broader maritime community was under less pressure to change its ballasting practices.

TODAY'S CONTEXT

Today, six years after initial passage of the Act, there is growing interest in reforming the measure to better address other U.S. waters. The zebra mussel has become established in much of the freshwater systems of the eastern United States, including the upper Mississippi River, where it has degraded an economically valuable commercial mollusk fishery. Similarly, there is new awareness of the threat of nonindigenous species to marine coastal areas. Perna perna, native to the Indo-Pacific region, invaded South America via ballast discharge years ago, and was transported to the Gulf of Mexico near Galveston, Texas, more recently. The non-native mussel threatens Mangrove communities, coats hard surfaces and could compete with native oysters.

In some cases, concern over the impact of exotic species on aquatic systems beyond the Great Lakes has been elevated to the Congressional level. In 1995, Senator Sarbanes (MD) introduced the Chesapeake Bay Ballast Water Management Act of 1995, S. 938, to assure that the reauthorization of NANPCA broadens the Coast Guard's ballast management program to include saltwater coasts. In response the mussel's spread to Vermont, Senator Leahy introduced a measure, the Lake Champlain Zebra Mussel Control Act, S. 1089, to focus the reauthorization on the needs of Lake Champlain.

Both legislative measures are firmly rooted in the expressed interests of local constituencies. For example, the Sarbanes bill is a response to resolutions passed by the Maryland, Virginia and Pennsylvania general assemblies urging action to prevent future introductions of nonindigenous aquatic species into the Chesapeake Bay through ballast management. A report developed by a wide range of stakeholders and endorsed by the Chesapeake Bay Commission further spells out the recommendations of the States. While the Sarbanes bill proposes national voluntary guidelines for ballast management, the Chesapeake Bay proposal urges a follow-on regulatory system nationally within 24 months if participation or effectiveness of the voluntary system is inadequate.

NATIONAL INVASIVE SPECIES ACT OF 1996

Senator Glenn, author of the 1990 NANPCA, is the lead sponsor of the National Invasive Species Act of 1996 (NISA) which reauthorizes and expands the 1990 Act. A bipartisan group of Senators from in and outside the Great Lakes region has joined him in sponsoring the measure. Congressman LaTourette and his colleagues are the sponsors of a companion bill in the House of Representatives. As in 1990, the Senate Commerce Committee is expected to have jurisdiction over the prevention portion of the measure, while the Environment and Public Works Committee will consider the remainder of the bill. Both the Resources Committee and the Committee on Transportation and Infrastructure will likely have jurisdiction over part or all of the House measure.

In the stark light of 1995–1996 budget fights, a national regulatory ballast management program such as the one proposed in the original 1990 bill appears impractical and unaffordable. To implement such a scheme, the Coast Guard would have to monitor compliance with regulations at each harbor, stretching human and monetary resources beyond their limits. On the other hand, if the Coast Guard were to simply issue national voluntary guidelines, the effort would lack accountability, providing little additional protection for regions eager for change such as the Chesapeake Bay.

NISA 1996 finds a middle ground. It emphasizes a voluntary approach in light of the positive response of the shipping community to the voluntary phase of the Great Lakes program. But it reserves authority for the Coast Guard to promulgate the same voluntary guidelines as regulations in coastal regions where recordkeeping or compliance with the voluntary system seem to be lacking. Such an approach gives shippers and ports both the opportunity and incentive to cooperate with voluntary guidelines, while conserving Coast Guard resources for regions with special needs.

Whether voluntary or not, a national ballast management program which employs existing port inspection infrastructure will hold the additional hassle for ports, shippers and the Coast Guard to a minimum. NISA 1996 urges a cooperative approach between the Coast Guard and the Animal and Plant Health Inspection Service (APHIS), which already boards vessels to inspect for crop pests. The addition of just a few items on the questionnaire that APHIS routinely distributes to vessel masters could meet new ballast-related reporting needs.

Among other changes that are included in NISA 1996 are: Ballast technology demonstrations: A bill introduced in the 103rd Congress (and passed in the House) to create a demonstration program for ballast technologies that can be installed or designed into commercial vessels to prevent the unintentional transfers of exotic species is incorporated into NISA 1996.

Naval ballast management: A provision from the Sarbanes bill (S. 938) to incorporate ballast management procedures into naval operations is included.

Ecological surveys, ballast discharge surveys: The package authorizes the National Aquatic Nuisance Species Task Force to undertake ecological and ballast discharge surveys for selected harbor areas to assess the risks and impacts of invasions by exotic species.

Voluntary guidelines for recreational boaters: The recent discovery of live zebra mussels on the hull of a recreational vessel ready to enter California waters underscores the role of recreational boating in spreading exotic species infestations. A provision of Senator Leahy's legislation (S. 1089) to create national voluntary guidelines for recreational boaters to prevent the spread of zebra mussels is included in NISA 1996.

Regional coordination: The reauthorization package includes a provision to encourage the establishment of regional coordinating panels for other regions of the country in addition to the Great Lakes.

While the U.S. government invests over $100 million annually to prevent new invasions of exotic agricultural pests, less than $1 million is being invested to prevent new introductions of nonindigenous aquatic organisms as devastation as the sea lamprey. NISA 1996 offers Congress an important opportunity to better protect the nation's valuable marine and freshwater resources from exotic pests. But only support from a broad political spectrum and diverse geographic regions can assure enactment.

Mr. SARBANES. Mr. President, I am pleased to join as an original cosponsor of the National Invasive Species Act of 1996, to address the serious threat posed by nonindigenous aquatic species entering the U.S. waters from the exchange of ballast water. I want to thank and commend my colleague, Senator GLENN, for his leadership in crafting this very important legislation.

The introduction of nonindigenous species through the exchange of ballast water is a serious national and international problem with potentially profound economic and environmental consequences. These invasive species, such as the zebra mussel, have already caused millions of dollars in damage to municipal and industrial water intake pipes, and valuable fisheries throughout the United States and Canada. By the turn of the century, damage to aquatic ecosystems and public and private infrastructure is expected to be in the billions of dollars from the zebra mussel alone.

In the Chesapeake Bay, our Nation's largest estuary, the threat of these invading species is particularly acute due to the extensive release of ballast water from foreign ports. Over 3 billion gallons of ballast water a year—more than any other east or west coast port—is released into the bay from ships calling at the ports of Baltimore and Norfolk. This water originates from 48 different foreign ports. An ongoing study by the Smithsonian Environmental Research Center, one of foremost authorities on this issue, found that nearly 90 percent of the vessels sampled arriving at Chesapeake Bay ports had living organisms in their ballast water, placing the bay at very high risk from these potentially harmful species. Indeed, some scientists speculate that the diseases that devastated oyster stocks in the bay were introduced through the exchange of ballast water. It is estimated that there more than 100 exotic species now established in the bay, some of which are recent arrivals via ballast water discharge.

The interstate and international nature of ballast-mediated invasions make it impractical for the individual States of the Chesapeake region to address this risk alone. Various interests

in the Chesapeake Bay community, as well as the State legislatures of Maryland, Pennsylvania, and Virginia, are, in fact, seeking increased Federal action to address this important concern. I want to particularly commend the Chesapeake Bay Commission for focussing attention on this very important issue.

Mr. President, this measure is an important step forward in understanding and managing the risks of ballast-mediated invasions. It incorporates provisions of legislation I introduced last year, S. 938, to study and manage ballast water releases in the Chesapeake Bay. It establishes national voluntary guidelines for vessels entering U.S. waters to reduce the probability of ballast transfers of these exotic species. It authorizes research, demonstration, and education programs to help prevent the introduction and spread of these species into our lakes, rivers, and bays. I urge my colleagues to join with us in support of this important legislation.

Mr. LEAHY. Mr. President, I am proud to join my colleagues in introducing the National Invasive Species Act of 1996. This comprehensive bill includes the provisions of my Lake Champlain Zebra Mussel Control Act and is the vehicle which can help Vermont and other States wage war on exotic nuisance species like the zebra mussel.

Mr. President, a tiny mussel the size of my thumbnail threatens to choke off 25 percent of Vermont's drinking water, clog our hatcheries, and unravel the Lake Champlain ecosystem. It was only three summers ago when the mussel was first discovered in the South Lake near Orwell, VT, by a young boy. Two years later, zebra mussel densities has reached 134,000 larvae per cubit meter. The end is not in sight.

We did not ask for them, but we got them. Now Vermont has to face the consequences of a problem that Vermont has been powerless to stop. The zebra mussel problem in Lake Champlain deserves immediate and swift action. This exotic pest poses a serious risk to the water resources throughout Vermont, economic opportunities along the lake, and the health and safety of the people of Vermont.

This bill we are introducing today addresses a number of issues that can only be resolved through Federal coordination and cooperation. Millions of gallons of water are imported each day from foreign ports throughout the globe. One gallon can contain the seeds of an invasive species epidemic that can wipe out domestic species, ecosystems, and economic resources. Vermonters know this well through our experience with lampreys on trophy sportfish, millfoil throughout our lakes, and zebra mussels in Lake Champlain.

The United States needs this bill now. Our inland and marine seaports are a ticking time bomb. The heart of this bill is a nationwide effort to control the transportation and discharge of ballast water from international cargo ships. One seaport cannot tackle this problem alone without risking their economic base. However, if every port works together, we can protect fisheries, marine resources, and ultimately taxpayers from the enormous cost of fighting an exotic nuisance species.

The other major theme in this bill is a concerted effort to control exotic species once they have arrived and multiplied. This second theme is based largely on my bill, the Lake Champlain Zebra Mussel Control Act. In addition to highlighting the specific needs of Lake Champlain, my bill—and this bill—includes a three point plan for tackling exotic species.

First, establishes national voluntary guidelines for recreational boaters who are a major mechanism for the spread of zebra mussels and other exotics within the United States freshwater bodies.

Second, allows states to work cooperatively on watershed approaches to attack this problem. If Vermont devotes millions of dollars to this effort and our neighbors do nothing, the effort will be futile.

Third, reauthorizes and enhances the Federal authority for agencies to fight exotics. The nuisance species problem crosses many jurisdictions. Therefore, the comprehensive strategy set forth in this bill includes the Army Corps of Engineers, the Environmental Protection Agency, the Department of the Interior, the Department of Commerce, the Coast Guard, the Smithsonian, and other Federal efforts. As our Federal foot soldiers in this war against the zebra mussel and other species, all of these departments and agencies need the authority, resources, and flexibility to win the battle.

Mr. President, every minute that we delay an effort to stop the zebra mussels, the mussels multiply exponentially and risk the physical and economic health of Vermont. While my colleagues may not know first hand the scourge of zebra mussels or other exotic species, let me assure them that the ounce of prevention in my bill will save them pounds of cure. To turn our backs on this problem of national significance only guarantees that it gets much worse. Mr. President, I hope we can move this bill quickly.

By Mr. PRESSLER (for himself, Mr. BURNS, Mr. INHOFE, Mr. DASCHLE, and Mr. BAUCUS):

S. 1661. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CUSTOMER HARVESTERS LEGISLATION

Mr. PRESSLER. Mr. President, earlier this year the U.S. Custom Harvesters held their annual meeting in Sioux Falls, SD. South Dakotans put out the welcome mat for custom harvesters throughout the country, and the annual meeting was a resounding success.

During that meeting it was brought to my attention that custom harvesters were not granted equal treatment as farmers and farm workers under Federal laws requiring commercial driving licenses [CDL]. Presently, States can grant waivers to the Federal CDL requirement to farmers and farm workers. Those same waiver requirements are not afforded to custom harvesters.

In many parts of the country, including South Dakota, custom harvesters are a crucial component in agricultural production. The bill I am introducing today simply grants States the right to waive CDL requirements for custom harvesters similar to those waivers currently afforded farmers and farm-related businesses. Joining me in this effort are Senators BURNS, INHOFE, DASCHLE, and BAUCUS.

Mr. President, customer harvesters normally drive less than 5,000 miles per year. They drive mostly on roads leading to and from farms and to the local grain elevator. Little time is spent on highways. Generally, custom harvesters drive less that 500 miles annually on interstate highways. It is a simple matter of fairness that they be treated equally.

My bill would provide relief to custom harvesters from onerous and costly CDL requirements. Under the waivers, family members can take an active role in custom harvesting and drivers with experience and trust can be hired to drive custom harvesting vehicles.

Custom harvesting involves many small, family owned companies. Custom operators account for nearly 40 percent of the total wheat acreage harvested annually. Their equipment must be utilized properly, kept in tip-top working conditions and safe in order to provide quality services. These harvesters go the extra mile to maintain equipment, train employees, and operate in the safest way possible.

In 1988, States were provided the authority to waive CDL requirements for farmers. In 1991, the Senate passed a bill to provide the authority to individual States to provide the same exemption to custom harvesters. Unfortunately, that bill never passed and custom harvesters are still burdened with CDL requirements. My bill is similar to the measure passed in 1991. Given past Senate support for this measure, I am hopeful adoption of this bill will occur soon. I thank those Senators who have joined me in this effort and urge the Senate to adopt this bill.

By Mr. HATFIELD:

S. 1662. A bill to establish areas of wilderness and recreation in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

THE OPAL CREEK WILDERNESS AND OPAL CREEK SCENIC RECREATION AREA ACT OF 1996

Mr. HATFIELD. Mr. President, the natural resources of my State are indisputably among the most significant and spectacular in the world. It has been almost 30 years since the enactment of the Oregon wilderness bill—the massive, 100,000-acre Mt. Jefferson Wilderness in central Oregon. I sponsored that bill and two other comprehensive pieces of legislation in 1978 and 1984, which increased Oregon's wilderness system fourfold, from 500,000 acres to 2.1 million acres.

Throughout my years in the Senate I have attempted to protect Oregon's resources by following the philosophy of the one of our Nation's first and foremost conservationists, the original U.S. Forest Service Chief, Gifford Pinchot. Gifford Pinchot said:

> The conservation of natural resources [in this country] is the key to the future. It is the key to the safety and prosperity of the American people. Conservation is the greatest material question of all.

This principle of conservation has led me to sponsor numerous land protection bills over the years.

Let me say, as I list this record of legislation, I want it clearly understood that, like anything else that happens in this Senate and in the legislative body, it was a team effort. It was a group effort. We had the advocates in the population and communities, we had the organizations sponsoring such issues in the public, and I had colleagues, colleagues not only in the Senate but colleagues in the House of Representatives, who were all part of this record that I am reciting today. In addition to that is the staff, the staff that serves these committees with such dedication, such expertise. None of it could have happened solely on the energy or effort of any one Member.

I have also sponsored legislation enacting the Columbia River Gorge National Scenic Area, the Oregon Dunes National Recreation Area, the Hells Canyon National Recreation Area, Yaquina Head and Cascade Head on the Oregon coast, the John Day Fossil Beds National Monument, the Newberry Crater National Monument, and the Oregon Wild and Scenic Rivers Act, which includes protection of 42 Oregon rivers, more than any other State in the Union.

In fact, the next highest State is California with 11.

To put Oregon's 42 wild and scenic rivers into context, having just made that statement about California, Alaska has displaced California. Alaska now has 25 rivers. Next comes Michigan, with 16. California now has 13 and Arkansas 8. I am proud that Oregon has led the way in protecting our wild and scenic rivers. Again, having stated the figures of those other States, Oregon is 42.

Each time I have labored to protect these special areas, I have been forcefully reminded that I represent a State that is often sharply divided on natural resource issues. These divides generally reflect the difference between the urban and the rural way of life. During the decades I have devoted to public service, I have sought to bridge the chasm that has formed between the urban and rural citizens of my State and bring some order and balance to natural resource conflicts by addressing both sides of the debate.

Today, in a sense, I am coming full circle to where I started with the 1968 Mt. Jefferson Wilderness Act. Today, I am introducing legislation to, once again, increase Oregon's wilderness system and protect one of Oregon's most important low-elevation old growth forests, Opal Creek. This legislation, called the Oregon Resources Conservation Act, also includes solutions to two other natural resource issues in my State on which I have been working for many years: protection of the Mt. Hood corridor; and promotion of consensus-based working groups in the Klamath and Deschutes River Basins. I am also including a so-called placeholder title for the Coquille Forest proposal, which will require a significant amount of public input prior to the introduction of any legislation.

Title I of the Oregon Resources Conservation Act creates a 25,800-acre Opal Creek Wilderness and National Scenic-Recreation Area. Opal Creek is truly one of Oregon's ecological crown jewels. It is one of the last remaining intact, low-elevation old-growth forest areas in western Oregon. Portions of Opal Creek are literally blanketed with majestic old-growth forests and crystal clear, stair-stepping waters.

I have always felt this area should be protected in perpetuity from commercial timber harvesting and mining. In fact, I included it in the original versions of both my 1984 Oregon Wilderness Act and my 1988 Oregon Wild and Scenic Rivers Act. Each time, however, the area was removed from these bills at the request of the State's Governor.

In 1991, I sponsored additional Opal Creek protection legislation when I included a provision which was enacted as part of the fiscal year 1992 Department of Defense appropriations bill to to facilitate the issuance of a patent on the key access property to Opal Creek. This provision was necessary to facilitate a large charitable donation of land and mineral interests by a mining company to the Nature Conservancy for the protection of the area. Unfortunately, the Nature Conservancy was forced to reject this donation due to its concerns about potential liability for an existing contaminated abandoned mining site in the Opal Creek area. Subsequently the Friends of Opal Creek, a local conservation group, stepped forward to accept this large charitable donation.

In 1994, there was another Opal Creek protection bill before the Congress. The bill, sponsored by my good friend, then-Representative Mike Kopetski of Oregon, passed the House of Representatives under his fine leadership and was referred to the Senate Committee on Energy and Natural Resources in the final days of the 103d Congress.

In fact, Mr. President, I invited my former colleague, Congressman Mike Kopetski, to be here today on this very historic occasion to share in the results of many of his long years of commitment and his dedicated effort.

The Senate was unable to take final action on this legislation in the few remaining weeks prior to sine die. These difficulties were enhanced by the administration's initial opposition and ambivalence toward the proposal.

I called for and chaired a hearing before the the Senate Committee on Energy and Natural Resources on October 5, 1994, which examined the concerns with the bill and sought to build momentum for a working group process at the local level which would attempt to build consensus and bring divergent parties together on this controversial issue.

This hearing did, indeed, create the momentum necessary for the formation of an Opal Creek working group, and on September 1, 1995, the first meeting of the group was held in Salem, OR. The Willamette University Dispute Resolution Center agreed to facilitate the meeting and attempt to build a consensus on the issue. The group, with the benefit of the outstanding facilitation skills of Prof. Richard Birke, met from September 1995 to March of this year and has developed a several-hundred page report summarizing its deliberations. I believe the group has done an excellent job discussing difficult issues and working together to find a solution. Mind you, this was a very broadly based group representing industry, local officials, environmental organizations, user groups and so forth. While no clear-cut consensus emerged from the group, their report has given me a strong understanding of the existing natural values of the area, the issues involved in protection of the area and the positions of all groups involved in the debate. Indeed, this report has greatly assisted me in developing the legislation I am introducing today.

As many of my colleagues know, we have a political environment in Oregon and the Pacific Northwest that is as splintered as any I have seen in my political career. This environment is characterized by a lack of trust on all sides of the political spectrum and extreme polarization. The Opal Creek working group, therefore, is a great success in bringing parties together in an attempt to heal old wounds and build new partnerships. The group also represents in my mind a great success in addressing one of my major concerns with the House's legislation from 1994, which was the general lack of agreements and limited dialog regarding protection of this forested area. I thank each and every member of the group of their dedication to this 6-month process and to resolving this difficult issue.

Again, I want to say, parenthetically, that one of the outstanding members of that group is former Congressman Mike Kopetski who, again, was able to give leadership from some of his experience in giving his life effort to the development of Opal Creek.

The legislation I am introducing today also addresses another major concern I had with the 1994 Opal Creek bill, its lack of ecosystem watershed management principles. The 1994 bill would have protected approximately 22,000 acres in the Opal Creek area. My bill protects 25,800 acres, including the creation of approximately 12,800 acres of new wilderness. Each and every one of the sub watersheds—we took a map, and we looked at that map as an ecosystem. We looked at that map as a great basin, a watershed. So we took from that map, with concern for protection of the entire ecosystem. Each and every one of those sub watersheds in the Little North Fork Santiam River drainage are addressed in some way in my legislation, either through a wilderness or a national scenic recreation area designation.

By doing this, we have attempted to protect the outstanding resource values in each of these sub drainages, while at the same time addressing the area comprehensively as an intact ecosystem.

In addition to addressing the protection of the entire watershed, the Opal Creek title of this bill maintains recreation at existing levels and allows for growth in uses where appropriate. The bill also calls for historical, cultural and ecological interpretation in the newly-created area to be conducted in a balanced and factually accurate manner. Motorized recreation will be prohibited except on the existing road system and nonmotorized use will be permitted throughout the area, except, of course, in the wilderness. The existing road system will be analyzed and evaluated through a management planning process, which will decide which roads to close and which to leave open. No new water impoundments will be allowed in this area. No new mining claims will be allowed to be filed under the 1872 mining law, and no existing claims will be allowed to be patented. In addition, the bill calls for the creation of an advisory council composed of members of the local community, industry, environmental groups, locally elected officials, the Forest Service and an appointee by the Governor. Finally, the bill will not allow commercial timber harvesting of any kind in the Opal Creek area except to prevent the spread of a forest fire or to to protect public health and safety. It is important to note that the lands covered by my legislation are not included—not included—in the timber base and are not open to commercial harvest today.

The final element of the Opal Creek package, Mr. President, was an important part of the working group's discussions. I am referring to an economic development package for the Santiam Canyon, which includes the communities immediately adjacent to the Opal Creek area. This package is based, primarily, on a set of infrastructure improvements developed by these communities in conjunction with the State Economic Development Office, which are designed to improve the water quality and delivery systems of the communities in the area.

I have made the first downpayment on this economic commitment package by including a $300,000 appropriation in the fiscal year 1996 Omnibus Appropriations Act to help begin the clean up of the contaminated Amalgamated Mill site at Jawbone Flats in Opal Creek.

Throughout the coming fiscal year 1997 appropriations cycle, I will work closely with Oregon's Gov. John Kitzhaber, and my colleague on the House Appropriations Committee from Oregon, JIM BUNN, to further refine this package and provide additional funding, as needed, for the Amalgamated Mill cleanup and for the critical community infrastructure projects designed to allow these former timber communities to diversify their economic bases and improve their water systems.

In short, the Opal Creek title of this bill attempts to address every issue raised both in the 1994 hearings on Opal Creek and in the working group process conducted out in Oregon. This is an issue I have worked on for almost 20 years. I am extremely pleased that, with this legislation and accompanying infrastructure development package, we will finally be able to address the protection of Opal Creek and the adjacent portions of the Little North Fork Santiam Watershed, as well as improvements to the water quality and delivery systems of nearby, timber-dependent communities.

Mr. President, the Oregon Resources Conservation Act also contains two other titles. The first is a relatively noncontroversial provision which promulgates a land exchange in the Mt. Hood Corridor between the Bureau of Land Management and the Longview Fibre timber company in the State of Washington. Both parties are willing participants in this process, which seeks to protect the viewshed along the Highway 26 corridor on the way to Mt. Hood, the highest mountain peak in my State.

Longview Fibre owns approximately 3,500 acres of timber land in the scenic Mt. Hood corridor, which are interspersed with BLM lands in a checkerboard fashion. Longview would like to harvest these lands within the next 5 years, but is sensitive about the public perception regarding these clearcuts along such a heavily traveled route. I agree with Longview Fibre and feel harvesting these trees along Highway 26 would be a disaster both for the ecological and visual characteristics of the resource. Longview, to their credit, has been extremely interested in working with local planning and environmental groups to identify BLM parcels elsewhere in western Oregon that could be traded for the Longview Fibre lands in the corridor.

This proposal is a unique opportunity to forge ahead with a plan that has been built at the local level over the past 5 years and which has virtually unanimous support, including the local county government, local businesses, the timber industry, and local environmental groups.

The third, and final, title of the Oregon Resource Conservation Act includes the establishment of a 5-year pilot project for two, consensus-based natural resource planning bodies now working in Oregon's Klamath and Deschutes Basins. Both of these bodies are already in place and have been working to provide the Federal agencies with recommendations about how best to prioritize spending for ecological restoration, economic health, and reducing drought impacts.

I called for the creation of the Upper Klamath Basin working group in 1995. This group is citizen-led and includes environmentalists, irrigators, local business leaders, locally elected officials, educators, the Klamath Tribes, and Federal land management agencies in an advisory capacity. This group was charged with developing both short- and long-term recommendations for restoring ecological health in the Klamath Basin. They were successful in developing short-term funding recommendations ranging from riparian and wetland restoration, to fish passage and the coordination of geological information systems in the basin. I followed through on these recommendations and was able to obtain either funding or direction to the pertinent agencies in the fiscal year 1996 appropriations process.

The group has also developed a long-term recommendation which includes a formal registration of the group as a State-sanctioned foundation and congressional legislation enabling them to help land management agencies set priorities for how money is spent in the basin on various ecological restoration and economic stabilization projects.

The legislation I am introducing today addresses their long-term recommendation by creating a 5-year pilot project to allow the Upper Klamath Basin Working Group-Foundation, in conjunction with the Federal land management agencies in the basin, to develop funding priorities for ecological restoration in the basin. It will provide $1 million per year to be spent consistent with these priorities. This money will be administered by the agencies and matched by an equal amount of non-Federal dollars.

The Deschutes Basin in central Oregon would also be allowed to develop a similar regime using, as its base, a group formed by the Warm Springs Tribes, the Environmental Defense Fund, local irrigators, and locally elected officials. This group has been meeting and collaborating on projects in the basin for several years.

Recently, both of these working groups have been able to make significant progress in building coalitions and consensus on natural resource management challenges that, not too long ago, many felt were insurmountable. By given them more authority to temporarily assist Federal agencies with setting policy priorities using a finite amount of money, I hope we can begin to enter a new era of more local control and greater public input regarding resource management decisions. I also hope these groups, and others that may follow, will continue to use the consensus-based management approach to return resource management decisions to a collaborative, inclusive process rather than divisive, litigious morass in which we find ourselves today.

Mr. President, today I had also planned on introducing a bill to create a 59,000-acre Coquille Forest as part of the federally-recognized Coquille Tribes' economic self-sufficiency plan. However, because of a number of unresolved issues, including the apparent lack of agreement, understanding or consensus at the local level, I am withholding my introduction of this bill until after I have had an opportunity to gather more public input through the congressional hearing process. And also there is a local election that is being held in May concerning this issue.

I am extremely pleased with this bill. It protects two of Oregon's most important natural resource areas, Opal Creek and the Mt. Hood Corridor, and it promotes consensus-based, watershed planning at the local level in the Klamath and Deschutes Basins. I have worked many years to protect Oregon's magnificent natural resources. I am pleased that in this, my last year in the Senate, I will be able to continue this legacy of protecting Oregon's beauty for the enjoyment and use of future generations.

I look forward to speedy hearings on the Oregon Resources Conservation Act, of which I have been promised by the chairman of the committee, Senator MURKOWSKI of Alaska. We will have that hearing later in the month of April.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. This bill is ready to be sent to the House.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1662

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 ''Oregon Resource Conservation Act of 1996''.

TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA

SEC. 101. SHORT TITLE.

This title may be cited as the ''Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996''.

SEC. 102. DEFINITIONS.

In this title:

(1) BULL OF THE WOODS WILDERNESS.—The term ''Bull of the Woods Wilderness'' means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98–328; 16 U.S.C. 1132 note).

(2) IMMEDIATE FAMILY.—The term ''immediate family'' means, with respect to the owner of record of land or an interest in land, a spouse, sibling, child (whether natural or adopted), stepchild, and any lineal descendant of the owner.

(3) OPAL CREEK WILDERNESS.—The term ''Opal Creek Wilderness'' means certain land in the Willamette National Forest in the State of Oregon comprising approximately 13,212 acres, as generally depicted on the map entitled ''Proposed Opal Creek Wilderness and Scenic-Recreation Area'', dated March 1996.

(4) SCENIC RECREATION AREA.—The term ''Scenic Recreation Area'' means the Opal Creek Scenic Recreation Area established under section 103(a)(3).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 103. ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) ESTABLISHMENT.—On a determination by the Secretary under subsection (b)—

(1) the Opal Creek Wilderness shall become a component of the National Wilderness System and shall be known as the Opal Creek Wilderness;

(2) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(3) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,013 acres, as generally depicted on the map entitled ''Proposed Opal Creek Wilderness and Scenic-Recreation Area'', dated March 1996.

(b) CONDITIONS.—Subsection (a) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this Act, that the following have been donated to the United States in an acceptable condition and without encumbrances:

(1) All right, title, and interest in the following patented parcels of land:

(A) Santiam number 1, mineral survey number 992, as described in patent number 39–92–0002, dated December 11, 1991.

(B) Ruth Quartz Mine number 2, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991.

(C) Morning Star Lode, mineral survey number 993, as described in patent number 36–91–0011, dated February 12, 1991.

(D) Certain land belonging to the Times Mirror Land and Timber Company located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, and 8, and 13 patented mining claims.

(2) A public easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36–91–0017, dated May 9, 1991, or any alternative route for the easement that may be available.

(c) EXPANSION OF SCENIC RECREATION AREA BOUNDARIES.—On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, by exchange, purchase, or donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include the land.

SEC. 104. ADMINISTRATION OF THE SCENIC RECREATION AREA.

(a) IN GENERAL.—The Secretary shall administer the Scenic Recreation Area in accordance with the laws (including regulations) applicable to the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under section 105(a), shall prepare a comprehensive management plan for the Scenic Recreation Area.

(2) INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.—On completion of the management plan, the management plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in the land and resource management plan.

(3) REQUIREMENTS.—The management plan shall provide a broad range of land uses, including—

(A) recreation;

(B) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and

(C) educational and research opportunities.

(4) PLAN AMENDMENTS.—The Secretary may amend the management plan as the Secretary may determine to be necessary.

(c) CULTURAL AND HISTORIC RESOURCE INVENTORY.—

(1) IN GENERAL.—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area that were developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98–328; 98 Stat. 272).

(2) INTERPRETATION.—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factually-based interpretation of the cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(d) TRANSPORTATION PLANNING.—

(1) IN GENERAL.—To maintain access to recreation sites and facilities in existence on the date of enactment of this Act, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads closed.

(2) ACCESS BY PERSONS WITH DISABILITIES.—The Secretary, in consultation with private inholders in the Scenic Recreation Area, shall consider the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area.

(3) MOTOR VEHICLES.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and in the transportation plan under paragraph (1), motorized vehicles shall not be permitted in the Scenic Recreation Area.

(B) EXCEPTION.—Forest road 3209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in section 103(a)(3), may be used by motorized vehicles for administrative purposes and for access to a private inholding, subject to such terms and conditions as the Secretary may determine to be necessary.

(4) ROAD IMPROVEMENT.—Any construction or improvement of forest road 3209 beyond the gate to the Scenic Recreation Area may not include paving or any work beyond 50 feet from the centerline of the road.

(e) HUNTING AND FISHING.—

(1) IN GENERAL.—Subject to other Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(2) LIMITATION.—The Secretary may designate zones in which, and establish periods

when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(3) CONSULTATION.—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this section.

(f) TIMBER CUTTING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees in the Scenic Recreation Area.

(2) PERMITTED CUTTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may allow the cutting of trees in the Scenic Recreation Area—

(i) for public safety, such as to control the spread of a forest fire in the Scenic Recreation Area or on land adjacent to the Scenic Recreation Area; or

(ii) for activities related to administration of the Scenic Recreation Area.

(B) SALVAGE SALES.—The Secretary may not allow a salvage sale in the Scenic Recreation Area.

(g) WITHDRAWAL.—Subject to rights perfected before the date of enactment of this Act, all land in the Scenic Recreation Area are withdrawn from—

(1) any form of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral and geothermal leasing laws.

(h) WATER IMPOUNDMENTS.—Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the Scenic Recreation Area.

(i) RECREATION.—

(1) RECOGNITION.—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(2) MINIMUM LEVELS.—The management plan shall accommodate recreation at not less than the levels in existence on the date of enactment of this Act.

(3) HIGHER LEVELS.—The management plan may provide for levels of recreation use higher than the levels in existence on the date of enactment of this Act if the levels are consistent with the protection of resource values.

(j) PARTICIPATION.—In order that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Scenic Recreation Area and its various subareas for the benefit of the public:

(1) ADVISORY COUNCIL.—The Secretary shall consult on a periodic and regular basis with the advisory council established under section 105 with respect to matters relating to management of the Scenic Recreation Area.

(2) PUBLIC PARTICIPATION.—The Secretary shall seek the views of private groups, individuals, and the public concerning the Scenic Recreation Area.

(3) OTHER AGENCIES.—The Secretary shall seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the Scenic Recreation Area.

(4) NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall seek the views of any nonprofit agency or organization that may contribute information or expertise about the resources and the management of the Scenic Recreation Area.

SEC. 105. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—On the establishment of the Scenic Recreation Area, the Secretary shall establish an advisory council for the Scenic Recreation Area.

(b) MEMBERSHIP.—The advisory council shall consist of not more than 11 members, of whom—

(1) 1 member shall represent Marion County, Oregon, and shall be designated by the governing body of the county;

(2) 1 member shall represent the State of Oregon and shall be designated by the Governor of Oregon; and

(3) not more than 8 members shall be appointed by the Secretary from among persons who, individually or through association with a national or local organization, have an interest in the administration of the Scenic Recreation Area, including representatives of the timber industry, environmental organizations, and economic development interests.

(c) STAGGERED TERMS.—Members of the advisory council shall serve for staggered terms of 3 years.

(d) CHAIRMAN.—The Secretary shall designate 1 member of the advisory council as chairman.

(e) VACANCIES.—The Secretary shall fill a vacancy on the advisory council in the same manner as the original appointment.

(f) COMPENSATION.—A member of the advisory council shall not receive any compensation for the member's service to the advisory council.

SEC. 106. GENERAL PROVISIONS.

(a) LAND ACQUISITION.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Secretary may acquire any lands, waters, or interests in land or water in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this title.

(2) PUBLIC LAND.—Any lands, waters, or interests in land or water owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(3) CONDEMNATION.—Subject to paragraph (4), the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(A) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this Act; and

(B) acquisition by the Secretary of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the management plan prepared under section 104(b).

(4) RIGHT OF FIRST REFUSAL.—

(A) IN GENERAL.—The following privately owned lands, interests in land, and structures may not be disposed of by donation, exchange, sale, or other conveyance without first being offered at not more than fair market value to the Secretary:

(i) The lode mining claims known as the Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon.

(ii) Ruth Quartz Mine Number 1, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991.

(B) ACCEPTANCE PERIOD.—The Secretary shall have not less than 120 days in which to accept an offer under subparagraph (A).

(C) ACQUISITION.—The Secretary shall have not less than 45 days after the end of the fiscal year following the fiscal year in which an offer was accepted under subparagraph (B) to acquire the land, interest in land, or structure offered under subparagraph (A).

(D) PROHIBITION OF CHEAPER SALES.—Any land, interest in land, or structure offered to the Secretary under subparagraph (A) may not be sold or conveyed at a price below the price at which the land, interest in land, or structure was offered.

(E) REOFFER.—

(i) IN GENERAL.—Subject to clause (ii), any land, interest in land, or structure offered to the Secretary under subparagraph (A) may not be reoffered for sale or conveyance unless the land, interest in land, or structure is first reoffered to the Secretary.

(ii) IMMEDIATE FAMILY.—Clause (i) shall not apply to a change in ownership of land, an interest in land, or a structure within the immediate family of the owner of record on January 1, 1996.

(F) PROCEEDS.—The proceeds of any sale to the Secretary under this paragraph may be used only for—

(i) trail, road, and bridge maintenance;

(ii) elementary, secondary, undergraduate and graduate level interpretive, research, and educational programs and activities, such as public school field study programs, laboratory studies, workshops, and seminars; and

(iii) construction of visitor facilities, such as restrooms, information kiosks, and trail signage.

(b) ENVIRONMENTAL RESPONSE ACTIONS AND COST RECOVERY.—

(1) RESPONSE ACTIONS.—Nothing in this title shall limit the authority of the Secretary or a responsible party to conduct an environmental response action in the Scenic Recreation Area in connection with the release, threatened release, or cleanup of a hazardous substance, pollutant, or contaminant, including a response action conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) LIABILITY.—Nothing in this title shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(c) MAPS AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The boundary description and map shall have the same force and effect as if the description and map were included in this title, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(3) AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 107. DESIGNATION OF ELKHORN CREEK AS A WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Recreation Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) ELKHORN CREEK.—Elkhorn Creek from its source to its confluence on Federal land, to be administered by agencies of the Departments of the Interior and Agriculture as agreed on by the Secretary of the Interior and the Secretary of Agriculture or as directed by the President. Notwithstanding subsection (b), the boundaries of the Elkhorn River shall include an average of not more than 640 acres per mile measured from the

ordinary high water mark on both sides of the river.''.

SEC. 108. SAVINGS CLAUSE.

Nothing in this title shall—

(1) interfere with any activity for which a special use permit has been issued (and not revoked) before the date of enactment of this Act, subject to the terms of the permit; or

(2) otherwise abridge the valid existing rights of an unpatented mining claimant under the general mining laws of the United States.

TITLE II—UPPER KLAMATH BASIN

SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM RESTORATION OFFICE.—The term ''Ecosystem Restoration Office'' means the Klamath Basin Ecosystem Restoration Office operated cooperatively by the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service.

(2) WORKING GROUP.—The term ''Working Group'' means the Upper Klamath Basin Working Group, established before the date of enactment of this Act, consisting of representatives of the environmental community, Klamath Tribes, water users, local industry, Klamath County, Oregon, the Department of Fish and Wildlife of the State of Oregon, the Oregon Institute of Technology, the city of Klamath Falls, Oregon, and the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Forest Service, Natural Resources Conservation Service, and Ecosystem Restoration Office.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Working Group under which—

(A) the Working Group through the Ecosystem Restoration Office, with technical assistance from the Secretary, will propose ecological restoration projects to be undertaken in the Upper Klamath Basin based on a consensus of interested persons in the community;

(B) the Working Group will accept donations from the public and place the amount of any donations received in a trust fund, to be expended on the performance of ecological restoration projects approved by the Secretary;

(C) on continued satisfaction of the condition stated in subsection (c), the Secretary shall pay not more than 50 percent of the cost of performing any ecological restoration project approved by the Secretary, up to a total amount of $1,000,000 during each of fiscal years 1997 through 2001;

(D) funds made available under this title shall be distributed by the Department of the Interior, the Fish and Wildlife Service, and the Ecosystem Restoration Office;

(E) the Ecosystem Restoration Office may utilize not more than 15 percent of all funds administered under this section for administrative costs relating to the implementation of this title; and

(F) Federal agencies located in the Upper Klamath Basin, including the Fish and Wildlife Service, Bureau of Reclamation, National Park Service, Forest Service, Natural Resources Conservation Service, and Ecosystem Restoration Office shall provide technical assistance to the Working Group and actively participate in Working Group meetings as nonvoting members.

(c) CONDITIONS.—The conditions stated in this subsection are—

(1) that the representatives and interested persons on the Working Group on the date of enactment of this Act continue to serve, and in the future consist of not less than—

(A) 3 tribal members;

(B) 2 representatives of the city of Klamath Falls, Oregon;

(C) 2 representatives of Klamath County, Oregon;

(D) 1 representative of institutions of higher education in the Upper Klamath Basin;

(E) 4 representatives of the environmental community;

(F) 4 representatives of local businesses and industries;

(G) 4 representatives of the ranching and farming community;

(H) 2 representatives of the State of Oregon; and

(I) 2 representatives from the local community; and

(2) that the Working Group conduct all meetings consistent with Federal open meeting and public participation laws.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1997 through 2002.

SEC. 202. DESCHUTES BASIN RESTORATION PROJECTS.

There is hereby authorized the Deschutes Basin Working Group to be constituted in the same manner, with the same membership, provided with the same appropriations and provided with the same ability to offer recommendations to Federal agencies regarding the expenditure of funds as the Klamath Basin Group.

TITLE III—MOUNT HOOD CORRIDOR

SEC. 301. LAND EXCHANGE.

(a) AUTHORIZATION.—Notwithstanding any other law, if Longview Fibre Company (referred to in this section as ''Longview'') offers and conveys title that is acceptable to the United States to the land described in subsection (b), the Secretary of the Interior (referred to in this section as the ''Secretary'') shall convey to Longview title to some or all of the land described in subsection (c), as necessary to satisfy the requirements of subsection (d).

(b) LAND TO BE OFFERED BY LONGVIEW.—The land referred to in subsection (a) as the land to be offered by Longview is the land described as follows:

(1) T. 2 S., R. 6 E., sec. 13—E½SW¼, W½SE¼, containing 160 record acres, more or less;

(2) T. 2 S., R. 6 E., sec. 14—All, containing 640 record acres, more or less;

(3) T. 2 S., R. 6 E., sec. 16—N½, SW½, N½SE¼, SW¼SE½, containing 600 record acres, more or less;

(4) T. 2 S., R. 6 E., sec. 26—NW¼, N½SW¼, SW¼SW¼, NW¼SE¼; (and a strip of land to be used for right-of-way purposes in sec. 23), containing 320 record acres, more or less;

(5) T. 2 S., R. 6 E., sec. 27—S½NE¼NE¼, NW¼NE¼, SE¼NE¼, NW¼NW¼, containing 140 record acres, more or less;

(6) T. 2 S., R. 6 E., sec. 28—N½, Except a tract of land 100 feet square bordering and lying west of Wild Cat Creek and bordering on the north line of Sec. 28, described as follows: Beginning at a point on the west bank of Wild Cat Creek and the north boundary of sec. 28, running thence W. 100 feet, thence S. 100 feet parallel with the west bank of Wild Cat Creek, thence E. to the west bank of Wild Cat Creek, thence N. along said bank of Wild Cat Creek to the point of beginning, containing 319.77 record acres, more or less;

(7) T. 2 S., R. 7 E., sec. 19—E½SW¼, SW¼SE¼, Except a tract of land described in deed recorded on August 6, 1991, as Recorder's Fee No. 91–39007, and except the portion lying within public roads, containing 117.50 record acres, more or less;

(8) T. 2 S., R. 7 E., sec. 20—S½SW¼SW¼, containing 20 record acres, more or less;

(9) T. 2 S., R. 7 E., sec. 27—W½SW¼, containing 80 record acres, more or less;

(10) T. 2 S., R. 7 E., sec. 28—S½, containing 320 record acres, more or less;

(11) T. 2 S., R. 7 E., sec. 29—SW¼NE¼, W½SE¼NE¼, NW¼, SE¼, containing 380 record acres, more or less;

(12) T. 2 S., R. 7 E., sec. 30—E½NE¼, NW½NE¼, Except the portion lying within Timberline Rim Division 4, and except the portion lying within the county road, containing 115 record acres, more or less;

(13) T. 2 S., R. 7 E., sec. 33—N½NE¼, E½NW¼NW¼, NE¼SW¼NW¼, containing 110 record acres, more or less;

(14) T. 3 S., R. 5 E., sec. 13—NE¼SE¼, containing 40 record acres, more or less;

(15) T. 3 S., R. 5 E., sec. 25—The portion of the E½NE¼ lying southerly of Eagle Creek and northeasterly of South Fork Eagle Creek, containing 14 record acres, more or less;

(16) T. 3 S., R. 5 E., sec. 26—The portion of the N½SW¼ lying northeasterly of South Fork Eagle Creek, containing 36 record acres, more or less; and

(17) T. 6 S., R. 2 E., sec. 4—SW¼, containing 160.00 record acres, more or less.

(c) LAND TO BE CONVEYED BY THE SECRETARY.—The land referred to in subsection (a) as the land to be conveyed by the Secretary is the land described as follows:

(1) T. 1 S., R. 5 E., sec. 9—SE¼NE¼, SE¼SE¼, containing 80 record acres, more or less;

(2) T. 2 S., R. 5 E., sec. 33—NE¼NE¼, containing 40 record acres, more or less;

(3) T. 2½ S., R. 6 E., sec. 31—Lots 1–4, incl. containing 50.65 record acres, more or less;

(4) T. 2½ S., R. 6 E., sec. 32—Lots 1–4, incl. containing 60.25 record acres, more or less;

(5) T. 3 S., R. 5 E., sec. 1—NE¼SW¼, SE¼, containing 200 record acres, more or less;

(6) T. 3 S., R. 5 E., sec. 9—S½SE¼, containing 80 record acres, more or less;

(7) T. 3 S., R. 5 E., sec. 17—N½NE¼, containing 80 record acres, more or less;

(8) T. 3 S., R. 5 E., sec. 23—W½NW¼, NW¼SW¼, containing 120 record acres, more or less;

(9) T. 3 S., R. 5 E., sec. 25—The portion of the S½S½ lying southwesterly of South Fork Eagle Creek, containing 125 record acres, more or less;

(10) T. 3 S., R. 5 E., sec. 31—Unnumbered lot (SW¼SW¼), containing 40.33 record acres, more or less;

(11) T. 7 S., R. 1 E., sec. 23—SE¼SE¼, containing 40 record acres, more or less;

(12) T. 10 S., R. 2 E., sec. 34—SW¼SW¼, containing 40 record acres, more or less;

(13) T. 10 S., R. 4 E., sec. 9—NW¼NW¼, containing 40 record acres, more or less;

(14) T. 10 S., R. 4 E., sec. 21—E½SW¼, containing 80 record acres, more or less;

(15) T. 4 N., R. 3 W., sec. 35—W½SW¼, containing 80 record acres, more or less;

(16) T. 3 N., R. 3 W., sec. 7—E½NE¼, containing 80 record acres, more or less;

(17) T. 3 N., R. 3 W., sec. 9—NE¼NE¼, containing 40 record acres, more or less;

(18) T. 3 N., R. 3 W., sec. 17—S½NE¼, containing 80 record acres, more or less; and

(19) T. 3 N., R. 3 W., sec. 21—Lot 1, N½NW¼, SW¼NW¼, containing 157.99 record acres, more or less.

(d) EQUAL VALUE.—The land and interests in land exchanged under this section—

(1) shall be of equal market value; or

(2) shall be equalized using nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(e) REDESIGNATION OF LAND TO MAINTAIN REVENUE FLOW.—So as to maintain the current flow of revenue from land subject to the Act entitled ''An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the state of Oregon'', approved August 28, 1937 (43 U.S.C. 1181a et seq.), the Secretary may redesignate public domain land located in and west of Range 9 East, Willamette Meridian, Oregon, as land subject to that Act.

(f) TIMETABLE.—The exchange directed by this section shall be consummated not later than 2 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE IV—COQUILLE FOREST ECOSYSTEM MANAGEMENT PLAN

[*To be supplied.*]

By Mr. HATFIELD (for himself and Mr. HARKIN):

S. 1663. A bill to amend the Internal Revenue Code of 1986 to improve revenue collection and to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nomilitary purposes, to create the U.S. Peace Tax Fund to receive such tax payments, and for other purposes; to the Committee on Finance.

THE U.S. PEACE TAX FUND ACT OF 1996

Mr. HATFIELD. Madam President, As tax day approaches, I once again come before the Senate to introduce the United States Peace Tax Fund. I am joined in this effort by the Senator from Iowa, Senator HARKIN, who has been a longtime original cosponsor of this bill.

I first introduced the Peace Tax Fund during the 95th Congress, nearly 20 years ago. I have reintroduced the Peace Tax Fund in every Congress since then because I believe it is important legislation.

Since 1945 eligible conscientious objectors have been excused from combat. Although our Nation long has recognized moral and religious opposition to war, it has failed to address the depth and scope of such objections. Our tax laws do not recognize that conscience not only prohibits participation on the battlefield, but also in the preparation for war through payments to the military. CO's may withhold their bodies but not their money.

The Peace Tax Fund Act, if enacted, would allow complete participation in our Federal Government by all citizens without many being forced to compromise deeply held beliefs of any citizen.

Over the years I have received many letters from constituents describing their disapproval of military taxes and their desire to have the Federal Government respect such objections. Some citizens write of their decision to set aside their beliefs and pay their taxes in full, despite the anguish such payment causes. Others, perhaps following Albert Einstein's advice, ''Never do anything against conscience even if the State demands it,'' refuse to pay a portion of their taxes. Some Americans purposefully keep their income below the taxable level, so that they can avoid the decision altogether.

It is important to point out what the Peace Tax Fund legislation is not. The Peace tax Fund is not a method by which a citizen may lodge protest over wasteful defense programs. Nor is it a tool to circumvent foreign policy initiatives. Tax liabilities cannot be reduced through participation in the Peace Tax Fund. The Peace Tax Fund Act was developed not for those individuals seeking to alter national policy, but rather to allow certain individuals to fully uphold Federal law without violating their consciences.

The Peace Tax Fund would allow these sincere conscientious objectors the opportunity to pay their Federal taxes in full. Those who qualify may choose to have that portion of their taxes which would go to military activities instead be diverted to a special trust fund—the Peace Tax Fund—and then disbursed to two Federal programs: Head Start and WIC. The bill would not reduce the amount of funding for military activities. Nor would it result in any significant loss of revenue, according to the Joint Committee on Taxation.

As defined by the Peace Tax Fund Act, an eligible conscientious objector is anyone who has obtained this status under the Military Selective Service Act. Others may submit a questionnaire to the Secretary of the Treasury certifying his or her beliefs and how those beliefs affect that individual's life.

In the 20-plus years that this issue has been debated, only two hearings have been held. The last hearing was held by the House Ways and Means Committee in 1992. The Senate has never held hearings on the Peace Tax Fund. It is my hope that before I leave the Senate the Finance Committee will hold a hearing on this issue.

The Peace Tax Fund has had the support of many committed religious and peace organizations throughout the years. I ask unanimous consent that a partial listing of the organizations endorsing the Peace Tax Fund be included in the RECORD.

I urge my colleagues to join me in support of this legislation so important to the protection of personal and religious beliefs of many citizens who find themselves each tax season torn between the law and conscience.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARTIAL LISTING OF ORGANIZATIONS ENDORSING THE PEACE TAX FUND

1. American Arab Anti-Discrimination Committee.
2. American Friends Service Committee.
3. Baptist Peace Fellowship of North America.
4. Buddhist Peace Fellowship.
5. Catholic Committee of Appalachia.
6. Central Committee for Conscientious Objectors.
7. Church of the Brethren.
8. Consortium on Peace Research Education and Development.
9. Episcopal Peace Fellowship.
10. Evangelicals for Social Action.
11. Fellowship of Reconciliation.
12. Franciscan Federation of Brothers and Sisters.
13. Franciscans Sisters of the Poor.
14. Friends Committee on National Legislation.
15. Friends United Meeting.
16. Fund For Peace.
17. General Conference of the Mennonite Church.
18. Grandmothers for Peace.
19. Jewish Peace Fellowship.
20. Leadership Conference of Women Religious—Peace/Disarmament Task Force.
21. Lutheran Campus Ministry.
22. Lutheran Peace Fellowship.
23. Mennonite Central Committee.
24. Mennonite Church General Board.
25. Mercian Orthodox Catholic Church.
26. National Assembly of Religious Women.
27. National Council of Churches Ecumenical Witness Conference.
28. National Federation of Priests' Councils.
29. National Interreligious Service Board for Conscientious Objectors.
30. National Jobs with Peace Campaign.
31. NETWORK—A National Catholic Social Justice Lobby.
32. New Call to Peacemaking.
33. Nonviolence International.
34. Nuclear Free America.
35. Pax Christi USA.
36. Presbyterian Church USA.
37. Presbyterian Peace Fellowship.
38. Project for Conversion of Johns Hopkins Applied Physicis Laboratory.
39. School Sisters of St. Francis.
40. Society of the Sacred heart—US Province Provincial Team.
41. Sojourners.
42. Unitarian Universalist Association.
43. United Church of Christ.
44. United Methodist Church.
45. US Province Office of the US Provincials.
46. Veterans for Peace.
47. War Resisters' League.
48. Women Strike for Peace.
49. Women's International League for Peace and Freedom.
50. World Peacemakers.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. BREAUX, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare program for individuals with diabetes.

S. 605

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 605, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide

for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 953

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Tennessee [Mr. FRIST], the Senator from Delaware [Mr. BIDEN], and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1028

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1178

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1178, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare program.

S. 1373

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1373, a bill to amend the Food Security Act of 1985 to minimize the regulatory burden on agricultural producers in the conservation of highly erodible land, wetland, and retired cropland, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1619

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1619, a bill to amend the provisions of title 17, United States Code, to provide for an exemption of copyright infringement for the performance of nondramatic musical works in small commercial establishments, and for other purposes.

S. 1635

At the request of Mr. DOLE, the names of the Senator from Texas [Mr. GRAMM], the Senator from Missouri [Mr. ASHCROFT], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1635, a bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

S. 1654

At the request of Mrs. BOXER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1654, a bill to apply equal standards to certain foreign made and domestically produced handguns.

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. FRIST], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from South Carolina [Mr. THURMOND], the Senator from Alabama [Mr. HEFLIN], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

SENATE RESOLUTION 236—APPOINTING MEMBERS TO CERTAIN SENATE COMMITTEES

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Resolved, That, notwithstanding the provisions of the Standing Rules of the Senate, the following Members are hereby appointed to the following Senate committees:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Bennett and Mr. Wyden.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Abraham and Mr.Wyden.

COMMITTEE ON THE BUDGET: Mr. Grams and Mr. Wyden.

SPECIAL COMMITTEE ON AGING: Mr. Warner and Mr. Wyden.

SENATE RESOLUTION 237—RELATIVE TO THE NATIONAL DEBT

Mr. FAIRCLOTH submitted the following resolution; which was referred to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged:

S. RES. 237

Whereas, the United States national debt is approximately $4.9 trillion;

Whereas, the Congress has authorized the national debt by law to reach $5.5 trillion;

Whereas, the 104th Congress and the President have both presented plans to balance the budget by the year 2002, by which time our national debt will be approximately $6.5 trillion;

Whereas, this accumulated debt represents a significant financial burden that will require excessive taxation and lost economic opportunity for future generations of the United States;

Resolved, That, it is the sense of the Senate that any comprehensive legislation that balances the budget by a certain date and that is agreed to by the Congress and the President shall also contain a strategy for reducing the national debt of the United States.

NATIONAL DEBT REDUCTION

Mr. FAIRCLOTH. Mr. President, today I am introducing legislation that will require the Treasury Secretary to prepare a report for Congress on recommendations to reduce the national debt. Further, Mr. President, I am submitting a sense-of-the-Senate resolution that if we enact a balanced budget plan this year, such legislation should also contain a strategy for reducing the national debt.

Yesterday, the Congress raised the national debt to $5.5 trillion, a figure beyond the comprehension of most people. By most estimates, we will not even begin to balance a budget until the year 2002, at which point the national debt will, of course, be even larger—$6.5 trillion.

Mr. President, I am concerned about this debt burden that we have placed on our children, grandchildren, and children yet born. We continue to spend money we do not have on day-to-

day needs—not investments—just simply for day-to-day needs—we spend money we do not have. However, if we continue this irresponsible pattern, we will bring great harm to future generations. We talk about doing something for our children, and, yet, we could do them few greater services than to leave them a debt-free country.

It took this country nearly 200 years to accumulate a debt of $1 trillion. In the last 16 years, however, the debt has increased fivefold. This Republican Congress has attempted to move the budget toward balance. This Congress has tried to stop the flow of red ink. The President has, regrettably, vetoed our Balanced Budget Act.

Indeed, most of our time has been spent just trying to stop deficit spending, and we have worked to move toward a balanced budget in the year 2002. We still have not succeeded in doing this.

Beyond the plan to put this country on the track toward a balanced budget, however, we have no plan—no plan whatsoever—and no thought has been given to how we will reduce the national debt. We merely have been trying to slow the train. Even if we balance the budget 7 years from now, Mr. President, we have no plans to reduce the $6.5 trillion debt that we will have accumulated.

This $6.5 trillion debt represents a tremendous amount of money—an incomprehensible amount of money to practically all of us—but what does it mean in real terms to the average working person? Six-point-five trillion dollars would build 50 million houses and finance 187 million college educations. It would buy 310 million tractors. It would buy 433 million automobiles.

Permit me to put that in perspective. Fifty million new homes—built at the average price of $130,000 each—would mean a new house for every married couple in America. If housing is an important goal, we could have bought everyone a new house. Six-point-five trillion dollars would pay the full 4-year college tuition of every American over the age of 18. If education is an important goal, we could have sent every American adult to college.

Six-point-five trillion dollars would buy 310 million farm tractors. It would buy 433 million automobiles. We started producing automobiles in this country around 1900 or immediately thereafter. Since then, we have not come close to producing 433 million cars. Mr. President, our debt would buy every automobile ever produced in this country, and it probably would still carry us through another couple years.

These illustrations underscore the massive spending spree that we have been on for the last 20 years. Mr. President, it is important to remember that 80 percent of this debt has been accumulated since 1980, so a great part of these examples could have been accomplished in just the last 20 years.

Perhaps the most startling fact is how interest costs are consuming us. Over 40 percent of the personal income taxes paid this year—40 percent of the personal income taxes collected in this country this year—will be used to pay the interest on the debt.

In terms of spending per person, the numbers are astonishing, and they are shocking. Interest on the national debt is the third most expensive budgetary category per person behind Social Security and defense. We spend more on interest than on Medicare, other health expenditures, education, housing, environment, and agriculture—all these eclipsed by just interest.

These are things that are important to the American people, and, yet, there is less to spend because we insist on spending more than we have. And we are adding to this debt every day. Every day we add to this debt somewhere close to $350 million.

Mr. President, the average 21-year-old will face a lifetime tax burden of $115,000 just to pay the interest on the national debt. As graduation season approaches, every college graduate looks forward to receiving a diploma, but that diploma will be accompanied by a bill from the U.S. Government for $115,000 as his or her part of the interest on the debt. So inside each diploma should be a bill from the Federal Government for $115,000.

If we had been responsible here in Washington and were really concerned about the future of the young people of this country—rather than just making platitudes about being nice to them—their future would look different. The $115,000 that the IRS will demand from our children could have been better spent. Four years of college, a new car, the down payment on a house, and, Mr. President, each would still have $60,000 left over. But, no, they are going to receive a $115,000 interest bill on the day we hand them a diploma.

Further, their future would be brighter because we would have reduced interest rates significantly, without the Government taking $350 million a day from the lending pool in this world. Interest rates would be down, and down considerably.

President Clinton likes to make much of the fact that he is young, that he appeals to young voters, and that his wife is active in the Children's Defense Fund. But how concerned is he really about America's young people? How concerned, really, is he? When he leaves office in 1997, America will be another $1 trillion deeper in debt than we were when he came. It took him 3 years into his Presidency to submit a balanced budget, and it was really not a balanced budget. It did not balance the budget, in fact, and it was just a pretense of a balanced budget. It took him 3 years of ''amateur night'' before he came up with a proposal that he could even pretend was a balanced budget, and, really, he did it after he was driven to do it by a Republican Congress.

If they are interested in doing something for the children, it is my belief that the best Children's Defense Fund is a national debt with a zero balance.

Mr. President, let me conclude by saying that the two bills I am introducing are a small step in a long journey to reduce our debt. We must develop a plan to bring down the debt. One idea is to establish a national debt reduction fund much like the Presidential campaign fund. Perhaps there are other ways we can use incentives to reduce the debt.

It is important to consider methods to reduce the debt, and this is a critical issue, but, Mr. President, this Congress must muster the fortitude to stop spending. And, so far, we have not managed to do that.

If we do not begin now, if we do not start now, when will we? If we do not do it in this Congress, if the people now here do not do it, who will do it?

Mr. President, I yield the remainder of my time. I thank you.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized to speak as if in morning business for up to 15 minutes.

Mr. GLENN. I thank the Chair.

Mr. President, I did not come to speak on this particular subject that was just addressed by Senator FAIRCLOTH, but I wanted to set some facts straight in the interest of fairness.

The facts are that when President Reagan took office, the national debt was at $1 trillion—the result of a build-up through all of the Presidents since George Washington through Jimmy Carter. During the Reagan-Bush years, we added $3.9 trillion. Currently, the national debt is about $5 trillion.

In the summer of 1993, President Clinton announced the reconciliation bill that he put forward with his economic policies. We passed the bill in the U.S. Senate without a single Republican vote—not one. It resulted in the first 3 years of budget deficit reduction since Harry Truman was in office. We went from a budget deficit of $292 billion in the year we passed the reconciliation bill in 1993, down to approximately $240 billion in 1994 and $163 billion in 1995. This year the budget deficit is estimated to be $142 billion. There are several estimates on that amount, including CBO. For the first time since Harry Truman, we have had a steady reduction of the Federal deficit over a 3-year period. We worked for a balanced budget, and we are on the road to attaining it.

SENATE RESOLUTION 238—RELATIVE TO BUDGET OR TAX LEGISLATION AND EXPANDED ACCESS TO INDIVIDUAL RETIREMENT ACCOUNTS

Mr. HELMS (for himself, Mr. ROTH, Mr. LOTT, Mr. D'AMATO, Mr. NICKLES, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. BREAUX, Mr. SHELBY, Mr. BENNETT, and Mr. SANTORUM) submitted a resolution which was referred to the Committee

on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged:

S. RES. 238

Whereas the Congress recognizes that an increased saving rate would be beneficial for the American economy, providing much needed capital for investment which leads to economic growth and increases in jobs and wages;

Whereas the personal saving rate in America averaged between 6 percent and 8 percent from 1950 through 1980, but dropped below 5 percent in the late 1980's, where it remains today;

Whereas the United States now has the lowest saving rate of all other industrialized nations in the world and this results in deficit financing and foreign borrowing to finance our consumption and investment;

Whereas when the deductibility of contributions to individual retirement accounts (''IRAs'') was significantly curbed in 1986, deductible contributions to IRAs dropped from almost $40,000,000,000 in 1985 to a low of about $7,000,000,000 in 1993;

Whereas millions of people are currently precluded from making fully deductible IRA contributions, and they are relying on Congress to increase the current income limit on individuals eligible to contribute to IRAs and to create a new nondeductible IRA so all Americans can utilize IRAs to save for their futures;

Whereas the time has come to allow spouses working at home to have an equal opportunity to invest in an IRA since out of the 53,000,000 households with married couples, at least 35 percent have only one wage earner in the household, thereby illustrating the need for IRAs for spouses working at home;

Whereas because of the current restrictions on IRAs, only around 8 percent of American workers invest in them;

Whereas unless remedial action is quickly taken to increase the saving rate, millions of American will be lacking in sufficient resources to fund their retirement needs;

Whereas 50 years ago 42 workers contributed Social Security taxes for every beneficiary, today there are fewer than 4 workers per beneficiary, and by 2025 the ratio will have dropped to only 2.2 workers per beneficiary;

Whereas if an expanded individual retirement package is included in any budget agreement or appropriate to measure, it will give millions of American the opportunity to use IRA funds to provide for retirement, buy a first home, pay for children's college education, or protect themselves in the event of extended unemployment—all without incurring any penalty; and

Whereas if an expanded individual retirement accounted package is included in any budget agreement or appropriate tax measure, millions of Americans can immediately begin using IRAs to save for their futures, reducing dependence on government, and millions of unemployed or underemployed Americans can pursue the American Dream: Now, therefore, be it

Resolved, That it is the sense of the Senate that any budget agreement or appropriate tax measure coming before Congress this year shall include expanded access to individual retirement accounts so that the saving crisis in America can be reverse, new jobs can be created, economic growth can be increased, and the American Dream can be restored.

Mr. HELMS. Mr. President, in 1981 President Reagan proposed that individual retirement accounts be expanded to allow all workers to supplement their employer pensions with individual, tax-deferred savings. You see, Mr. President, Ronald Reagan understood the importance of increased national savings; he correctly perceived that the expanded use of IRA's would result in additional savings by families and individual citizens.

The year President Reagan proposed the IRA expansion, citizens across America invested $4.8 billion in tax-deferred IRA accounts. Three years later, in 1984, the amount of contributions to IRA's had increased to more than $35 billion.

And this past year, Mr. President, IRA contributions dwindled to about $7 billion—due in large part to the ramifications of the Tax Reform Act of 1986, which limited tax-deferred IRA contributions only to workers having no employer-sponsored retirement plans in which to invest and save—and to those citizens meeting an income test. Not surprisingly, these unwise restrictions diminished IRAs as an effective way to save for broad segments of society.

It's high time that the Federal Government's tax policy again encourage the American people to save through tax-deferred IRA's. So, Mr. President, I'm introducing a resolution expressing the sense of the Senate that, if a budget agreement is reached this year, it should include expanded access to IRAs.

The distinguished chairman of the Finance Committee, Senator Roth, along with the Senator from Louisiana. Mr. BREAUX, have introduced an effective bill (S.12) to encourage savings and investment through IRAs. This legislation gradually restores the universal availability of the tax-deductible IRA. It also establishes the back-end IRA, a new investment instrument in which contributions are not tax deductible, but earnings are not taxed at withdrawal.

The Congress should make certain that all Americans, including those who choose to work at home, have the opportunity to participate fully in IRA savings. Moreover, the tax system should allow investors to withdraw savings for a limited number of contingencies For example, families should be allowed to make penalty-free withdrawals for certain education expenses, first-time home purchases, catastrophic illness and long-term unemployment. These commonsense proposals must be included in any budget agreement struck this year, or any appropriate tax measure considered by the Senate.

Mr. President, the saving rate in America has declined significantly in the past two decades. In the 1970's, Americans saved 8 percent of average disposable income. By 1994, that figure had dropped to 4 percent. The saving rate in Japan, for example, is three times that in America; Canadians save twice as much as Americans. According to the Federal Reserve Board Chairman, Alan Greenspan, reversing the low saving rate is one of the most important long-term economic challenges in America.

If the availability of IRAs is expanded, savings will increase, and that will benefit the entire economy. A boost in savings will fuel added investment spending, which in turn drives the engine of economic growth and job creation. Likewise, it will reduce our reliance on foreign investment.

The importance of individual savings has never been greater, Mr. President, as the current demographic situation makes clear. The population as a whole is aging and the ratio of retirees to workers is increasing in the 1940's, for example, approximately 40 workers contributed to Social Security for every beneficiary of Social Security. Today, there are fewer than four workers per beneficiary, and by 2025 the ration will have dropped to only 2.2 American workers per retiree. This is certain to place enormous stress on the public pension system in America.

Younger workers, especially, should be encouraged to save for their retirement needs. Personal responsibility and personal savings are the wave of the future, Mr. President. The Senate should, therefore, include expanded savings opportunities in any future budget agreement, or in any appropriate tax measure to come before the Senate.

Mr. LOTT. Mr. President, I am very pleased to be a cosponsor of Senator HELMS' sense of the Senate resolution that an expanded IRA should be included in any budget agreement we are able to reach.

I am still hopeful that we will be able to reach an agreement this year. Some say I am the eternal optimist. But, I truly believe it is in the best interest of our country to enact the changes necessary to put us on the path to a balanced budget. And, I hope that, in the end, this will prevail.

I also believe that tax relief should be included in any final agreement. It is critical that we provide incentives for economic growth and relief to families.

The tax cuts in the 1980's led to significant increases in real savings and real net worth of U.S. households; they also attracted huge influxes of foreign capital. All of this helped finance vigorous economic growth.

To the contrary, the increase in marginal taxes in 1990 and 1993 have suppressed private-sector savings and led to stagnation in investment in the United States by foreign investors. To increase the U.S. economy's capacity to expand, we must reverse the tax rate increases of the past 4 years.

There are two aspects to our national savings problem:

First, public dissaving in the form of large Federal deficits, and

Second, a decline in private savings, especially for retirement.

We addressed both of these in the Balanced Budget Act of 1995 which the President vetoed last December.

Our national savings rate is alarmingly low: It has fallen 50 percent since 1970. Americans are saving less today than at almost any time since World War II.

From 1993 to 2020, the percentage of Americans over 65 years old will increase by 64 percent. The Baby Boom generation is aging, and people are spending more years in retirement than ever before. Yet, studies show that Baby Boomers are only saving one-third of what they need for an adequate retirement.

The ratio of those paying into Social Security versus those drawing it is shrinking. People must realize this trend and acknowledge that their Social Security benefits should only be the foundation for their retirement: They must also take personal responsibility.

The personal savings rate has plummeted from 8 percent of disposable income in 1970 to only 4 percent in 1994. This represents a loss of roughly $200 billion in capital that could have been put to work in our economy.

Our savings rate is lower than any industrialized country. For example, Japan's savings rate was 14.8 percent in 1994, compared to ours of just over 4 percent.

Low rates of savings and investment have limited productivity growth and employment opportunities for more than two decades. This has held back investments and kept the United States at sub-par growth levels.

We must address this long-term problem, realizing the importance of savings to the economy and the well-being of current and future generations.

If we do not take steps now to increase private savings, our deficits will preempt all projected private savings early in the next century.

Expanded IRA's will provide the incentive people need to save.

I have always been an advocate of IRA's. Contributions to IRA's grew from $5 billion in 1981 to about $38 billion in 1986, accounting for 30 percent of the total saving by individuals that year. IRA's were working as they were supposed to.

I thought it was wrong in 1986 to limit the deductibility of contributions. As a result, by 1990 annual contributions to IRA's fell to less than $10 billion, and participation fell from more than 15 percent of income tax filers in 1986 to only 4 percent in 1990.

We have made several efforts since then to restore the deduction, but to date have not been able to accomplish this. We were close this year. The Balanced Budget Act would have allowed penalty-free withdrawals from IRA's for first-time home purchases, medical expenses, education expenses and unemployment. Individuals would have been allowed to withdraw for themselves and members of their families.

In addition, the bill would have allowed for a super IRA and spousal IRA's. It blows my mind that women who work in the home are not allowed to contribute but $250 to an IRA; this is just basically unfair.

I believe expanded IRA's will serve as an incentive to Americans to save for their own retirement. Studies show that approximately one-third of Americans have put away almost nothing for their retirement. While saving for retirement is important for social reasons, there is an added benefit: Increased IRA savings will allow capital investment which will, in turn, spur economic growth.

So, in conclusion, I would urge my colleagues to support this sense of the Senate resolution. And, I would urge them to continue to support legislation to make investment in IRA's possible for all Americans.

Let's give people the opportunity to take control of their own lives and retirements and restore the American dream.

SENATE RESOLUTION 239—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted a resolution; which was considered and agreed to:

S. RES. 239

Whereas, in the case of *Robert E. Barrett* versus *United States Senate, et al.*, No. 96CV00385 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named the United States Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend the Senate in civil actions relating to its official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the United States Senate in the case of *Robert E. Barrett* versus *United States Senate, et al.*

SENATE RESOLUTION 240—TO AUTHORIZE REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. WARNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas, in the case of *United States* versus *Byron C. Dale, et al.*, Civil No. 95–1023, pending in the United States District Court for the District of South Dakota, Northern Division, the defendants have named Senator Robert J. Dole as a codefendant in a counterclaim against the United States;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Dole in the case of *United States* versus *Byron C. Dale, et al.*

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The hearing will take place Tuesday, April 16, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1646, a bill to authorize and facilitate a program to enhance safety, training research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or David Garman at (202) 224–8115.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing chaired by Senator Warner on Small Business and Employee Involvement. The TEAM Act Proposal on Thursday, April 18, 1996, at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Melissa Bailey at 224–5175.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a field hearing in Salem, OR, before the Subcommittee on Forests and Public Land Management on S. 1662, the Omnibus Oregon Resources Conservation Act.

The hearing will be held on Thursday, April 12, 1996, 1 p.m.–4 p.m. at the Willamette University, College of Law, 245 Winter Street, SE., Salem, OR 97301. Testimony will be received on the two major titles of the bill: Opal Creek Wilderness and Scenic-Recreation Area and Coquille Forest Proposal.

Because of the limited time available, witnesses may testify by invitation only. Written testimony will be accepted for the record. Witnesses testifying at the hearing are requested to bring 10 copies of their testimony with them on the day of the hearing. In addition, please send or fax a copy in advance to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Fax to 202–228–0539 and fax a copy to Dave Robertson with Senator Hatfield at 503–326–2351.

For further information, please contact Mark Rey, Energy and Natural Resources Committee, at 202–224–6170 and Dave Robertson with Senator HATFIELD at 503–326–3386.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND

Mr. CRAIG. Mr. President, I would like to announce for the information of the senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management on S. 1401, Surface mining

Control and Reclamation Amendments Act of 1995.

The hearing will take place on Tuesday, April 23, 1996 at 9:30 a.m. in room SD 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Michael Flannigan of the Subcommittee staff at 202–224–6170.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Oversight and Investigations Subcommittee of the Energy and Natural Resources Committee to review the socioeconomic impacts of the Department of the Interior's regulatory requirements and planning process.

The hearing will take place on Saturday, April 13 at 9 a.m. in Rock Springs, WY. The exact location to be announced at a later date.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224–6730.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 17, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 128, a bill to establish the Thomas Cole National Historic Site in the State of New York; S. 695, a bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas; and S. 1476, a bill to establish the Boston Harbor Islands National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and National Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GOHEN. Mr. President, I ask unanimous consent that the Strategic Forces Subcommittee of the Committee on Armed Services be authorized to meet at 11 a.m. on Friday, March 29 in open session, to receive testimony on arms control, cooperative threat reduction program, and chemical demilitarization in review of the defense authorization request for the fiscal year 1997 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GOHEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Friday, March 22, 1996, at 10 a.m. in SH216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. GOHEN. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces be authorized to meet at 9 a.m. on Friday, March 29, 1996, to receive testimony on Army and unmanned aerial vehicle [UAV] modernization efforts in review of the defense authorization request for fiscal year 1997 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. GOHEN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, March 22, 1996, to hold hearings on the Global Proliferation of Weapons of Mass Destruction, Part II.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MINIMUM WAGE AMENDMENT

• Mr. ABRAHAM. Mr. President, I wanted to take just a minute to comment on the amendment offered by Senators KERRY and KENNEDY to raise the minimum wage from $4.35 an hour to $5.15 an hour over the next 2 years and why I oppose closing debate on this amendment at this time.

In my mind, few issues better define the differences between Republicans and Democrats than efforts to raise this starting wage. On the one hand, members of the Democratic Party seek to increase living standards through a Government mandate. On the other, Republicans are seeking to increase family incomes by cutting Federal taxes, reducing regulatory burdens, and increasing job opportunities. Democrats believe in Government while Republicans place their faith in families and individuals.

The case for the minimum wage has been refuted time and again. Far from raising living standards, studies show the minimum wage actually hurts the very workers its supposed to help. Harvard economist Robert Barro argues that ''the minimum wage misses the mark because it worsens the status of most disadvantaged youths.''

Economist David Neumark of my alma mater, Michigan State University, and William Wascher of the Federal Reserve have concluded that raising the minimum wage to $5.15 an hour would result in over 500,000 lost job opportunities for teenagers and young adults. Fully 77 percent of the members of the American Economic Association believe an increase in the minimum wage eliminates entry-level jobs.

Mr. President, under President Clinton's tenure, American families have seen their incomes stagnate while their tax burden have gone up. This Clinton crunch is forcing millions of families to get by with less. That's why the Republican Congress offered hard-working American families tax cuts like the $500 per child family tax credit, marriage penalty relief, and expanded individual retirement accounts. We wanted to let families keep more of what they earn, so they could finance their own priorities, not the Government's. These efforts were cut short when President Clinton vetoed the bill.

Now, the President and his party are pressing forward to mandate higher standards of living through Government action. This effort is misdirected and destructive. Furthermore, its timing is suspect. I am troubled that the same week this issue is raised on the Senate floor, the AFL–CIO has pledged to raise and spend $35 million through November to defeat Republican candidates.

If this issue is so pressing, why did President Clinton and congressional Democrats fail to bring it up in 1993 and 1994, when they controlled both the White House and the Congress? They joined hands to raise taxes on American families in 1993, but at no time during the last Congress did they ever consider raising the minimum wage. Now, with a Republican majority in Congress and the labor unions pledging them record financial support, raising the minimum wage becomes a priority.

Mr. President, I am unwilling to turn my back on low-skilled workers or to sacrifice their interests for an ideological and political agenda. Nor am I willing to impose another unfunded mandate on small business men and women across the country. For that reason, I oppose closing debate on this amendment at this time, and I call on my colleagues from both sides of the aisle to assist all working families by reducing the real barriers to higher wages and living standards—excessive taxes and regulations.•

GREEK INDEPENDENCE

•–Mr. SARBANES. Mr. President, I rise today to salute the Greek people, who on March 25 commemorated the 175th Anniversary of the beginning of their

struggle for independence from nearly four centuries of Ottoman Turkish rule. Against great odds, Greek patriots reestablished freedom and self-government in the country that gave birth to democracy.

This decade-long struggle attracted the attention of freedom-loving peoples throughout the world but enjoyed particularly strong support from the young American Republic. Americans held rallies in support of the Greek cause and sent both supplies and volunteers to aid the independence effort.

From that time, the American and Greek peoples forged an alliance for democracy which has stood the test of time and political change. In both World Wars and through the cold war period, America and Greece remained steadfast in their commitment to freedom and together fought successfully against the forces of modern tyranny and totalitarianism. In all of these struggles, the Greek people fought valiantly and at great sacrifice to their land and lives. It can be rightly said that no land so small gave so much to the modern cause of freedom.

As the challenges and opportunities of the post-cold-war world begin to emerge, the resourceful people of Greece are poised to join with America and other democracies in encouraging new hopes for freedom and democracy in Eastern Europe and the former Soviet Union. Greece, as one of the oldest continuing democracies of the modern period, has the experience in self-government to be of enormous assistance to nations struggling to develop open societies.

Greece is also the only country in the Balkans and Eastern Mediterranean region with membership in the European Union. This fact equips Greece to play a special role in the economic and political reconstruction of those regions. From the dawn of history, Greek travelers and traders have lived and worked in these areas developing relationships that can promote peace and prosperity in this new era.

Mr. President, the significance of the longstanding and close partnership between the United States and Greece is being reinforced by the exchange of official visits and by representatives of our two countries. As I speak, Hillary Clinton, our First Lady, is in Greece participating in the lighting of the Olympic Torch, which will eventually make its way to Atlanta, GA, for the centennial of the modern Olympics. Mrs. Clinton's presence at this important event reflects America's respect for and recognition of Greece's historic role in establishing these games and promoting friendly competition and cooperation among nations.

Within days, the Honorable Costas Simitis, newly installed Prime Minister of Greece, will visit Washington for a series of meetings with President Clinton and other administration officials. Prime Minister Simitis represents a new generation of Greek political leadership which promises to build on the strength of the existing United States-Greek relationship while seeking new areas of cooperation. In early May, Greek President Costas Stephanopoulos will also visit Washington for an official state visit. This again will offer an opportunity for renewing and reinforcing the ties between the citizens of these two democratic countries. We look forward to these visits and express warm appreciation to President Clinton for extending these invitations.

These are occasions also for the leaders of both America and Greece to recognize the impressive contributions that Greek-Americans have made to the strength and progress of democracy in both nations. The ties between our two countries have been tangibly strengthened by the constructive involvement of Greek-Americans in virtually every sphere of American life.

As we celebrate the bravery of the heroes and heroines of March 25, 1821, we recall with pride their unshakeable devotion to freedom. It is a commitment they have honored with their blood and tears over two centuries and an undertaking which has always found them in alliance with the American people and all those who value democracy and the rule of law. As we enter this new post-war period, I am confident that America and Greece will work together in the great effort to build and expand democracy. That will be the highest tribute to the spirit of Greek Independence first proclaimed on March 25, 1821.●

BREAST CANCER

● Mr. SMITH. Mr. President, I rise before you today to plea for the support of the world's wives, daughters, mother, and loved ones who prevail under a merciless dark shadow we've come to know as breast cancer. Over the past two decades, the risk of acquiring breast cancer has nearly tripled; from 1 in 20, to 1 in 8. Breast cancer alone is predicted to murder over 184,300 American women this year. To date, researchers have not been able to locate its cause or find a technique to eradicate it.

Paramount in our struggle to save our loved ones is the frequent inspection to detect possible irregularities. Caught early, measures can be undertaken to lower the risk of a further contamination of the body. However, the postponing of medical attention could result in the cancer expanding into the bloodstream, carrying tumor cells to the liver, lungs, and bones. Once diagnosed, the style of treatment is decided between the patient and the physician after considering the stage and type of cancer in question. Most often, a modified mastectomy—the removal of only the breast tissue—or a lumpectomy—the local removal of the tumor—followed by radiotherapy is the standard method. Unfortunately, the pain and suffering do not end after surgery. Once involved in therapy, the real struggle to return to a life lost begins.

What is commonly overlooked in the rehabilitation of a breast cancer victim is the unrestrictive support by loved ones as a means of therapy, and in most cases, this is vital to their recovery. Families facing cancer are severally challenged as their lives become increasingly complex. Psychosocial research has shown that the stress of adopting new roles, relating to and communicating with others, self-care responsibilities, and the over all nature of the cancer experience can cause unrest in the family unit. This in turn, greatly influences and in most cases, hinders the complete healing process. On the other hand, families that have stood by and supported relatives by educating themselves and responding properly tot he needs of the victim were able to significantly add to the recovery process. Therefore, I believe that as we work toward advancements in treatment, cure, and diagnosis of breast cancer, our programs must also stress involvement by family members in the care and support of loved ones.●

DAVID PACKARD

● Mrs. BOXER. Mr. President, I was deeply saddened to learn of the death of David Packard yesterday. My heartfelt thoughts and prayers go out to his family as people around the Nation pay tribute to his remarkable life and mourn his passing.

Untold numbers of people's lives were touched by David Packard or changed by the advent of his innovations. Not only will he be remembered for his pioneering work in the area of electronic and computer technology, but also his progressive management philosophy promises to remain fundamental in the high-tech industry in particular and American business in general.

Although his work at Hewlett-Packard was best known to the public, he found time to donate his valuable energy and resources to his country and many organizations and causes which are now an integral part of California's communities and elsewhere. The Monterey Bay Aquarium and the Lucile Salter Packard Children's Hospital at Stanford University are just two of his most visible contributions. His generosity, as most clearly manifest by the continuing work of the David and Lucile Packard Foundation, will long be remembered as the living legacy of a departed friend.●

TRIBUTE TO LOUISVILLE MALE HIGH SCHOOL

● Mr. McCONNELL. Mr. President, on April 27 to April 29, 1996, more than 1,300 students from 50 States and the District of Columbia will be in Washington, DC to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that a class from Male High School in Louisville

will represent Kentucky. These young scholars have worked diligently to reach the national finals by winning local competitions in our home State.

The distinguished member of the team representing Kentucky are: Abby Alster, Jil Beyerle, Lori Buchter, Adam Burns, Melissa Chandler, Sienna Greenwell, Patrick Hallahan, Nicole Hardin, Tony Heun, Michelle Hill, Patricia Holloway, Cammie Kramer, Kevin Laugherty, Anne-Marie Lucchese, Astrud Masterson, Kimberly Merritt, Tiffany Miller, Matthew Parish, Angela Rankin, Dana Smith, Danielle Vereen, Maleka Williams, Jamie Zeller.

I would also like to recognize their teacher, Sandra Hoover, who deserves a lot of credit for the success of the team. The district coordinator, Diane Meredith, and the State coordinators, Deborah Williamson and Jennifer Van Hoose, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People . . . program, now in its 9th academic year, has reached more than 70,400 teachers and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.●

CONFIRMATION OF FEDERAL JUDGES

Mr. LEAHY. Mr. President, I take our advice and consent function very seriously and especially so when it comes to the confirmation of Federal judges who are given lifetime appointments. In our system of Government, with coordinate branches and separation of powers, that is our responsibility in the Senate. But once a Federal judge is confirmed, our role is concluded.

I have voted to confirm some judges who rendered decisions with which I strongly disagreed and have voted against a few who have surprised me by turning out to be better judges than I predicted. Whenever I disagreed with a particular ruling in a particular case, after a Federal judge was nominated, examined and confirmed, I have not attacked that judge or tried to influence that judge's consideration of an ongoing matter.

If we disagree with the result in a case, we can determine whether the law needs to be amended or new law needs to be enacted. If a judge decides a case incorrectly, the remedy in our system is through judicial appeal. Indeed, the reason the Founders included the protections of a lifetime appointment for Federal judges was to insulate them from politics and political influence.

I ask that a statement from a group of distinguished judges from the U.S. Court of Appeals from the Second Circuit and an editorial from the Washington Post on this subject be made part of the RECORD.

The material follows:

JOINT STATEMENT

The following is a joint statement of Jon O. Newman, J. Edward Lumbard, Wilfred Feinberg, and James L. Oakes, who are respectively, the current and former chief judges of the United States Court of Appeals for the Second Circuit:

The recent attacks on a trial judge of our Circuit have gone too far. They threaten to weaken the constitutional structure of this Nation, which has well served our citizens for more than 200 years.

Last Friday, the White House press secretary announced that the President would await the judge's decision on a pending motion to reconsider a prior ruling before deciding whether to call for the judge's resignation. The plain implication is that the judge should resign if his decision is contrary to the President's preference. That attack is an extraordinary intimidation.

Last Saturday, the Senator Majority leader escalated the attack by stating that if the judge does not resign, he should be impeached. The Constitution limits impeachment to those who have committed ''high crimes and misdemeanors.'' A ruling in a contested case cannot remotely be considered a ground for impeachment.

These attacks do a grave disservice to the principle of an independent judiciary, and, more significantly, mislead the public as to the role of judges in a constitutional democracy.

The Framers of our Constitution gave federal judges life tenure, after nomination by the President and confirmation by the Senate. They did not provide for resignation or impeachment whenever a judge makes a decision with which elected officials disagree.

Judges are called upon to make hundreds of decisions each year. These decisions are made after consideration of opposing contentions, both of which are often based on reasonable interpretations of the laws of the United States and the Constitution. Most rulings are subject to appeal, as is the one that has occasioned these attacks.

When a judge is threatened with a call for resignation or impeachment because of disagreement with a ruling, the entire process of orderly resolution of legal disputes is undermined.

We have no quarrel with criticism of any decision rendered by any judge. Informed comment and disagreement from lawyers, academics, and public officials have been hallmarks of the American legal tradition.

But there is an important line between legitimate criticism of a decision and illegitimate attack upon a judge. Criticism of a decision can illuminate issues and sometimes point the way toward better decisions. Attacks on a judge risk inhibition of all judges as they conscientiously endeavor to discharge their constitutional responsibilities.

In most circumstances, we would be constrained from making this statement by the Code of Conduct for United States Judges, which precludes public comment about a pending case. However, the Code also places on judges an affirmative duty to uphold the integrity and independence of the judiciary. In this instance, we believe our duty under this latter provision overrides whatever indirect comment on a pending case might be inferred from this statement (and we intend none).

We urge reconsideration of this rhetoric. We do so not because we doubt the courage of the federal judges of this Circuit, or of this Nation. They have endured attacks, both verbal and physical, and they have established a tradition of judicial independence and faithful regard for the Constitution that is the envy of the world. We are confident they will remain steadfast to that tradition.

Rather, we urge that attacks on a judge of our Circuit cease because of the disservice they do to the Constitution and the danger they create of seriously misleading the American public as to the proper functioning of the federal judiciary.

Each of us has important responsibilities in a constitutional democracy. All of the judges of this Circuit will continue to discharge theirs. We implore the leaders of the Executive and Legislative Branches to abide by theirs.

[From the Washington Post, Mar. 26, 1996]

LIFE TENURE FOR A REASON

In an angry and misguided response to an unpopular judicial ruling in New York last month, the White House let it be known that it was considering asking for the resignation of the federal judge in question. Within days of this thinly veiled and constitutionally empty threat, however, cooler heads prevailed. In a letter to a member of Congress who had called for resignation, the president's counsel, Jack Quinn, took the right tack, declaring that ''the proper way for the executive branch to contest judicial decisions with which it disagrees is to challenge them in the courts, exactly as the Clinton administration is doing in this case.''

At issue is a decision by Judge Harold Baer, a Clinton appointee, to suppress evidence in a multimillion-dollar drug case because the police did not, in his opinion, have probable cause to stop and search the car being used to transport the drugs. Such a ruling is always unpopular, especially in a case like this, in which a defendant at risk of a life sentence will go free if the evidence is inadmissible. But Judge Baer unfortunately used this opportunity to take a gratuitous swipe at the police. It was reasonable, he wrote, for the men involved in this crime to run from the police, because in their neighborhood officers have a reputation for corruption and violence.

The public uproar has caused Judge Baer to reconsider his ruling. But whether he is correct on the law is of secondary interest. Because this evidence is crucial to the case, the government can appeal an adverse decision and get a ruling from a higher court before the trial proceeds.

What is notable about the case is the eagerness of elected officials to demand the ouster of the judge, not because of corruption but because they did not agree with his ruling in one case. It is exactly this kind of situation that the Framers of the Constitution sought to avoid by providing life tenure

for judges. Because of their wisdom, a judge acting in good faith who makes an unpopular call—protecting the free speech of political dissenters, for example—cannot be removed from office. The president, members of Congress and the public in general can demand his resignation until they are blue in the face, but a judge cannot be personally punished for taking an unpopular position. He can be removed only by impeachment.

An election-year assault on the judiciary is already in full swing. There will be the expected claims that one side will pack the courts with turn-'em-loose liberals and the other will nominate only right-to-life stalwarts. Fortunately for the country, judicial officers are sufficiently insulated from the political process that they are able to do the right thing even when the majority objects. Their mistakes can be reversed. Their independence from political pressure must be preserved.●

RESTRICTION OF FREEDOM OF EXPRESSION IN LEBANON

Mr. D'AMATO. Mr. President, I rise today to address some of the human rights violations that the Lebanese government is guilty of committing. In testimony to the Senate Foreign Relations Committee, a representative of the Independent Communications Network (ICN) explains the repeated limitations that the Lebanese Government places on the freedoms of speech and press. While I disagree with ICN's recommendation concerning the lifting of the State Department's travel ban to the country, I believe that ICN raises some valid points.

ICN's testimony details some of the measures taken by the government to repress any political opposition. They are unwilling to allow any form of free and open political debate, and they are vigilant about ensuring that radio and TV airwaves are strictly limited and under their control. The example of the hardships that ICN has had to endure show the oppressive policies of the Lebanese government.

As a country that firmly believes in the freedoms of speech and press, we can not sit idly by and tolerate these gross injustices. We must do what is possible to restore a sense of freedom to the country. It is in this spirit that I ask that ICN's testimony to the Senate Foreign Relations Committee be entered into the CONGRESSIONAL RECORD in its entirety. The testimony follows:

TESTIMONY SUBMITTED FOR THE RECORD BY THE INDEPENDENT COMMUNICATIONS NETWORK, FEBRUARY 27, 1996

Mr. Chairman. Thank you for this opportunity to testify to this distinguished committee. The Independent Communications Network [ICN] is an independent television broadcaster in Beirut committed to an independent Lebanon.

We are philosophically as well as professionally committed to freedom of speech and freedom of the press, two fundamental rights which we believe are threatened in our country.

We know you have no jurisdiction in Lebanon, but what you say and do here in Washington and in this respected and influential committee has an impact in Beirut and beyond.

The immediate issue before you today is United States ban on travel to Lebanon. We understand the Department of State will announce its decision tomorrow. Such decisions are not and cannot be made in a vacuum. It is with that in mind that we urge you to replace the lifting the travel ban with a strong advisory that not only warns travelers but also makes it clear to the Lebanese government that the United States government expects it to make a concerted effort to improve its efforts to assure the personal security of visitors to Lebanon as well as to secure human rights and freedom of speech for all Lebanese.

Lebanon is a unique country in the Middle East, and it has historically chosen a unique mission: spreading the liberty and freedom of speech in our part of the world. This mission, which we share with America, is threatened by a government which seems intent on turning Lebanon into a police state.

Before 1990, the Muslims in Lebanon were demanding a fair share of power. Lebanon has been governed since 1943 by a National Pact dividing power between Christians and Muslims on a six-to-five basis in favor of Christians. In 1990, Lebanese parliamentarians met in the Saudi summer resort town of Taif, and under American, Saudi and Syrian auspices developed a ''peace plan'' that shifted the imbalance to the favor of the Muslims this time.

This situation has led to an unbalanced government. General elections were boycotted by most Lebanese, leading to a parliament representing no more than 13 percent of the country. We are sliding more and more towards dictatorship and a ''savage ownership'' of the country and the media by the multi-billionaire who is currently prime minister, Sheikh Rafiq Hariri.

Today the fundamentalists are gaining influence in our country, taking advantage of a collapsing economy and the government's efforts to gag the media.

The government is seeking to stifle dissent by limiting the number of radio and television stations permitted to operate in Lebanon. Those that remain are becoming little more than political booty for the prime minister and his friends and a club to silence the opposition. The government already has approved legislation permitting only six television and 12 radio stations for the entire country.

Of those six permitted television stations, one belongs to the Speaker of the Parliament, Nabih Berri; another to the Minister of the Interior, Michel Murr and a third to Prime Minister Hariri.

ICN, as its name implies, is an independent voice not beholden to the government or any political party. It is no coincidence that it is not among the six stations sanctioned by Mr. Hariri and his government.

The government has ignored the petition of more than 40 members of Parliament asking to review and restudy this unjust law. It also has ignored demonstrations in the streets of Beirut protesting the law and more are scheduled later this week.

Mr. Chairman, we wish to share with you an example of the current state of freedom and democracy and respect for human rights in a country that is slaughtering freedom.

Earlier this month, ICN was broadcasting live a roundtable discussion with several parliamentary deputies from the opposition who were critical of the government's attempt to parcel out television channels to its supporters. State security forces sealed off the ICN building in Beirut, and the host of the show and some participants were threatened by plainclothes security men about what they were doing and saying.

The State Department Report on Human Rights, the Middle East Watch report on human rights and other groups have been critical of the policies of the Lebanese government regarding human rights and freedom of speech.

In 1993 the government banned ICN for nine months until a resolution passed by the United States Congress urged that it be allowed to reopen. But the government did not cease its efforts to silence INC, even after the courts found ICN innocent of the trumped up charges made by the government. The Hariri government continues attempting to promulgate what can only be called unconscionable efforts to silence all opposition and criticism.

This unbearable political and economic situation has led the Lebanese Workers Union to call for a national strike and demonstrations on February 29. It is no coincidence that threat came from Interior Minister Murr, the owner of one of the six sanctioned television puppet stations.

It is important to note that the basis of the Lebanese government's demand that the United States lift the travel ban is its repeated claim that it is in full control of national security. It is also asking the United State and the United Nations to force Israel to withdraw from South Lebanon; President Elias Hraoui contends that the Lebanese Army is ready to deploy and maintain security there.

If the government is as strong as it claims, how can it turn around and say it is banning the constitutional right of demonstration to the workers because security is still fragile and that such demonstrations could jeopardize the national security.

They can't have it both ways.

We urge the Congress to see for itself by dispatching a fact finding mission to Lebanon to look into what the government is doing to protect human rights and freedom of speech.

The first stop for that delegation should be the U.S. Embassy, where you and your colleagues can ask America's new ambassador, Mr. Richard Jones, why, if the government has the security control it contends, he had to secretly land in Beirut and clandestinely head to the Embassy earler this month to take up his new post. And ask why it is American officials can only use the ''helicopter bridge'' into Beirut, not their automobiles.

In conclusion, Mr. Chairman, we support replacing the travel ban with an advisory, but its continuation should be linked not only to the government's ability to protect public safety and the security of American visitors but also to the government respect for the fundamental rights of its citizens.

Mr. Chairman, we appreciate this opportunity to testify before you and this distinguished committee. Thank you.●

TAIWAN RELATIONS ACT

Mrs. FEINSTEIN. Mr. President, this morning, the distinguished Senator from Alaska, Senator MURKOWSKI, was on the floor speaking about a provision in the State Department Authorization conference report that was voted out last night.

The provision was section 1601, which declares that the provisions of the Taiwan Relations Act supersede provisions of the United States-China Joint Communique of August 17, 1992.

His basic point was that the provision was written not to be a wholesale repudiation of the 1982 Joint Communique, but rather to say that where the two conflict, specifically with respect

to arms sales to Taiwan, the Taiwan Relations Act, as the law of the land, must override the communique. He referred to an April 22, 1994 letter he received from Secretary Christopher saying that the Administration agrees that the Taiwan Relations Act takes legal precedence over the communique.

Indeed, it is true that the Taiwan Relations Act takes legal precedence over the 1982 Joint Communique. One is the law of the land, and the other is a diplomatic agreement not ratified by Congress.

But that is precisely what makes this provision superfluous. If the intent is to say that the law of the land takes legal precedence over other documents, it is absolutely unnecessary. If we add this language to the Taiwan Relations Act, we may as well add it to every other law we pass: ''The provisions of this act supersede the speech made by the President on a similar topic on such-and-such a date.''

The Senator from Alaska says the meaning of the word ''supersede'' is that the Taiwan Relations Act overrides the Communique only if their provisions conflict. He cites the Oxford English Dictionary's definition of ''supersede.'' But, according to Webster's Third New International Dictionary, the word ''supersede'' also means ''to make obsolete,'' ''to make void,'' '' to annul,'' ''to make superfluous or unnecessary,'' and ''to take the place of and outmode by superiority.''

Therefore, regardless of the provision's intent, it has the appearance of Congress issuing a wholesale repudiation of the 1982 Joint Communique.

This Joint Communique includes not just a paragraph on arms sales, but a reaffirmation of the One-China policy and the principles of sovereignty and territorial integrity as espoused in the two previous Joint Communiques of 1972 and 1979. By saying we supersede the 1982 Joint Communique, we give the impression that we might be repudiating it outright. To do this would shake United States-China relations to their very core. The fundamental basis of the relationship would be called into question.

Under any circumstances, this would be a dangerous course of action, but it is especially so at this extremely sensitive time in relations between the United States, China, and Taiwan.

Congress needs to be exceedingly careful not to take actions that will have farther-reaching effects than we intend. We should not underestimate how seriously this provision—which may seem harmless to us—would be viewed not just in Beijing, but also in Taipei.

It seems particularly foolhardy to take such a risk over an unnecessary provision, which essentially says nothing more than that the law of the land is the law of the land, which of course it is.●

SOCIAL SECURITY EARNINGS TEST

● Mr. SMITH. Mr. President, last night, the Senate passed the ''Contract With America Advancement Act.'' I rise to speak to one provision of that legislation, which I believe is a significant achievement for senior citizens. That is the ''Senior Citizens' Right to Work Act of 1996.'' This legislation raises the Social Security earnings limit to $30,000 by the year 2002, more than double what it would be under current law.

Every year, the earnings limitation test takes $1 of every $3 that Social Security beneficiaries 65 to 69 years old earn above $11,280. I hear from hundreds of senior citizens every year complaining that this test is unfair. And they are correct. In fact, the earnings test affects an estimated 1.4 million beneficiaries each year.

More importantly, Mr. President, the earnings test flies right smack in the fact of the most basic principles we teach our kids in grade school economics. Specifically: no work, no pay. Can you imagine trying to explain a system that pays people not to work? Well, that is what our Social Security system does with the earnings test.

You might argue that our welfare system has similar disincentives, and you would be absolutely right. The Republican Congress is trying to fix that. If only we could overcome the little obstacle of President Clinton's veto pen, we would be well on our way to real welfare reform.

But, the earnings test takes this perverse concept one step further. And this is where we really get into the fairness issue. It says that if you are wealthy and you get your income through interest or dividends, you get full benefits. But, if you are poor and need to work to supplement your income, you get penalized. Seniors have been waiting a long time for this reform. It was in the Contract With America, and it is a part of the Republican Party Platform. I am pleased that we are about to make good on our promise to America's seniors.●

TRIBUTE TO JUDGE KING OF FLORIDA

● Mr. GRAHAM. The State of Florida has produced some of the finest legal minds in America's judicial system. The personification of that standard of excellence is U.S. District Judge James Lawrence King of Miami.

As a native of the Miami community, I am honored to be part of the effort to name the Federal justice building in Miami, FL, for Judge King.

Judge King's distinguished tenure on the bench has spanned four decades, during which our judicial system has faced some of the most challenging disputes in the history of our Nation.

In 1964 Mr. King was appointed circuit judge for the 11th Judicial Circuit of Florida. In 1970, President Nixon appointed Judge King as a U.S. district judge for the Southern District of Florida. In 1984, he became chief judge of the U.S. district court for the Southern District of Florida. During his outstanding career, Judge King has had more than 200 published opinions.

In addition to his contributions to our judicial system from the bench, Judge King has been an effective advocate for improved judicial administration. Judge King served as 1 of 23 members on the Judicial Conference of the United States. He was also a member of the Judicial Counsel of the 11th Circuit Administrative Conference, the Judicial Ethics Committee and the Long Range Planning Committee for the Federal Judiciary, serving all with distinction.

While fulfilling his duties, Judge King foresaw the need for new courtroom and administrative facilities to accommodate the growing needs of the district and the law enforcement community. He began contacting community leaders to share his vision. After years of tireless effort, Judge King's vision became a reality.

The Federal justice building was built by the city of Miami with city bonds backed by a long-term lease from the General Services Administration. Today, this state-of-the-art facility houses the U.S. attorneys' office and will be home to six district judges, an 11th circuit judge and complete trial and appellate courts.

While many community leaders worked to complete the Federal justice building, Judge King was the guiding force behind its creation. This building should be named as a tribute to Judge King for his vision, leadership and effective stewardship of justice.●

CONGRATULATING KIEREN P. KNAPP, D.O.

● Mr. SANTORUM. Mr. President, I rise today so that I might call attention to a special honor bestowed upon Dr. Kieren P. Knapp of Seven Valleys, PA.

Mr. President, I would like to congratulate Dr. Knapp on his upcoming installation as the 81st president of the Pennsylvania Osteopathic Medical Association. Dr. Knapp will be installed as president at the 88th Annual POMA Clinical Assembly in Philadelphia on April 26, 1996.

I would like to call attention to this distinction by asking that a proclamation honoring Dr. Knapp be printed in the RECORD.

The proclamation follows:

PROCLAMATION

To honor Kieren P. Knapp, D.O., on his installation as the 81st President of the Pennsylvania Osteopathic Medical Association.

Whereas, Kieren P. Knapp has been Vice-President and delegate to the Pennsylvania Osteopathic Medical Association, and is a member of the House of Delegates to the American Osteopathic Association;

Whereas, Kieren P. Knapp has served on the Board of Trustees of the Pennsylvania Osteopathic General Practitioners Society;

Whereas, Kieren P. Knapp is a graduate of Iowa State University and the College of Osteopathic Medicine and Surgery in Des Moines, Iowa: and

Whereas, Kieren P. Knapp has distinguished himself as a dedicated physician continuing the osteopathic tradition of providing quality and compassionate health care to his community;

Now, therefore, the Senate congratulates Kieren P. Knapp, D.O., on his installation as the 81st President of the Pennsylvania Osteopathic Medical Association, and wishes him the best for a successful and rewarding tenure.

Again Mr. President, this is a special achievement for Dr. Knapp, and I would like to congratulate him on this honor and extend my best wishes to the Pennsylvania Osteopathic Medical Association on a successful conference.●

THE CALIFORNIA ENTERTAINMENT INDUSTRY

● Mrs. BOXER. Mr. President, today we received some disturbing reports on America's balance of trade. The trade deficit—the difference between the value of our exports and the value of imports—soared to 10.27 billion in January, a stunning 48 percent increase over December, 1995.

Congress and the President must not ignore this report. While the balance of trade is only one measure of economic health, in this increasingly global economy, I believe that it is a measure that should be given great weight in deciding whether we are doing enough to promote healthy economic growth. The reports today should prompt Federal policy makers to renew their commitments to promoting American business and products overseas, and making our trading partners play fair by living up to the trading agreements they have entered into willingly with us.

The bright side of this picture is that the U.S. continues to be the most dynamic economy in the world. We are the most productive and we make the best products.

In my own State of California, there is one industry which I wish to single out today that is one of the key reasons for American economic dominance—the entertainment industry.

The movie and television industry in California has a payroll of $7.4 billion. Motion picture production alone counts for more than 133,500 jobs in California. American made entertainment products are the most popular and broadly distributed on the globe, and they constitute a large part of America's balance of trade. Foreign sales of copyrighted products amounted to $45.8 billion in 1995.

Unfortunately, the entertainment industry is a victim of one of the most egregious foreign trade practices—illegal duplication of copyrighted material—or ''piracy.''

The United States has signed agreements with many other countries which obligate their governments to take steps necessary to protect U.S. copyrighted material from piracy. In the case of the People's Republic of China, however, despite the fact that they have willingly signed several such agreements, rampant piracy of American entertainment products by Chinese factories has continued. It is estimated that U.S. companies lose approximately 1 billion dollars a year in sales because of China's failure to protect U.S. intellectual property.

In February, 1995, the United States and the People's Republic of China signed an agreement that obligated China to strengthen its patent, copyright and trade secret laws, and to improve the protection of U.S. intellectual property. Since that time, however, according to reports by the U.S. trade representative, only one of the 27 piracy plants in China has closed.

I know that trade representative Mickey Kantor has been very, very supportive of the U.S. entertainment industry in pressing the Chinese to live up to the agreement they signed. I applaud his decision to send his deputy Charlene Barshevsky to China on April 5 to raise the profile of the problem directly with Chinese officials.

I hope that in their meetings, our U.S. officials will emphasize that China is legally obligated to comply with the terms of the agreement they signed last year. It's not just a policy; it's the law.

Our delegation should make it clear to the Chinese that the terms of the agreement must be met by a date certain. Whether that's May 1, June 1, or after—doesn't matter. But it should be made clear to them that we will hold them to their promises. If they don't fulfill them, the U.S. Government will take all appropriate and legal steps.

In addition, I strongly urge other members of the Clinton administration in the Departments of State, Treasury, Commerce and others, to support the trade representative's efforts wholeheartedly. They should know that it's not just a question of one industry and one trading partner; if we allow the agreement we signed just a year ago to be ignored, what kind of signal will that send to our other nations about the will and strength of the United States in international relations?

Mr. President, I would also like to take this opportunity in speaking about our extraordinary entertainment industry to praise the leaders of that community for their historic actions with respect to the television violence issue.

They have shown real leadership and responsibility in responding to this important social concern by announcing that they will institute a voluntary rating system for all television programs. In my view, this will give parents the information they need in order to make appropriate decisions about the programs their children watch.

In light of the forthrightness of the industry in coming forward with plans to voluntarily rate its programs, I believe that now is not the time to bring up other content-related measures. I have, in fact, informed the Democratic leader and others that I would oppose any attempt to bring up such measures for debate in the Senate.

Finally, Mr. President, I would like to talk about another issue of great importance to California's entertainment industry—copyright term extension. Legislation is pending in both the House and Senate to extend the current copyright in the U.S. to ''life plus 70 years''. This change would harmonize our laws with those of the European union which extended terms to life plus 70 last July. Without the change, our copyright holders—including California's movie, television, video, and audio producers—would be unable to take advantage of the longer term of protection in Europe. American copyright owners and their heirs will suffer economic hardship and the U.S. balance of trade will be further exacerbated.

Congress should pass this bill now. It has no opposition that I am aware of. I strongly urge the parties involved in negotiations on this measure to move quickly on it and send it to the President so that it can be signed into law. Copyright extension can pass quickly and be signed into law.●

TRIBUTE TO SULLIVAN COLLEGE

● Mr. MCCONNELL. Mr. President, I rise today to congratulate Sullivan College in Louisville, KY on their championship victory in the National Junior College Athletic Association [NJCAA] National Championship Tournament. I would also like to congratulate Sullivan coach Gary Shourds on being selected the National Junior College Coach of the Year and player Eric Martin on being named tournament Most Valuable Player.

The Sullivan Executives, which were unranked going into the tournament, defeated the No. 1, No. 5, No. 7, and No. 15 ranked teams in the country. The Executives clenched the title in Hutchinson, KS after a 104–98 overtime victory over Allegheny College of Maryland.

As the Courier-Journal reported, when asked if he ever thought the Executives would win the title, Sullivan college President A.R. Sullivan responded, ''Never. Not with this team this year.'' The Executives had the worst record (23–10) in the 16-team field. However, out of their last 24 games, they won 22 of them. ''This team did not come together as a team until the regional final in Gallatin, Tennessee,'' Mr. Sullivan told the Courier-Journal. ''[I]t took a personality like (coach) Gary Shourds to get them to play together.''

Shourds is a first-year Sullivan coach who played for the Executives from 1982 to 1984. He told the Courier-Journal, ''I'm really a teacher. I do this (coaching) on the side. It ends up taking more time than teaching, but that's my choice.''

Mr. President, I ask you and my colleagues to join me in paying tribute to Sullivan College and Coach Gary Shourds and congratulating the entire team on their National Championship victory.●

TRIBUTE TO VICTOR CRAWFORD

● Mr. SARBANES. Mr. President, I rise today to join the citizens of Maryland in honoring a distinguished public servant, an accomplished trial lawyer, and, above all, a courageous man, Victor Crawford, who died earlier this month after a long battle with cancer.

I first met Vic in January 1967 as a newly elected member of the Maryland House of Delegates. He was an articulate and skilled master of the legislative process who, throughout his years in the Maryland Legislature, enjoyed a deserved reputation as a dazzling orator and tenacious advocate for the people of Maryland.

But Vic's crowning achievement came not in the legislative arena, but in his nationally acclaimed battle for stronger antismoking laws. After years as a heavy smoker and a period spent as a lobbyist for the tobacco industry, Vic became a staunch and vocal advocate for antismoking legislation and education and prevention efforts. Vic dedicated himself wholeheartedly to this important mission which he conducted with the same skill and determination that characterized his legislative career.

Vic's indomitable efforts in this area brought him to the attention of President Clinton who believed Vic's strong antismoking message should be shared, not just with Marylanders, but with all Americans, and invited him to address the Nation on his weekly radio broadcast. It was among his finest hours and Vic's words inspired citizens throughout the Nation to work for stronger antismoking laws.

His last years were not easy, but with humor and determination Vic lived out his life in dignity and exhibited the same courage and strength we had all come to expect from this remarkable man. Vic Crawford was a good friend and a valued counselor. I would like to take this opportunity to extend my deepest and heartfelt sympathies to his wife, Linda, and to his children, Charlene and Victor Junior.

Mr. President, in testimony to Vic's exceptional service on behalf of all Americans, I request that obituaries from the Baltimore Sun, the New York Times, and the Washington Post which pay tribute to this respected and honorable man, be printed in the RECORD.

The obituaries follow:

[From the Washington Post, Mar. 12, 1996]

FORMER LAWMAKER, LOBBYIST IS REMEMBERED BY FRIENDS; GLENDENING EULOGIZES ANTISMOKING ACTIVIST

Victor L. Crawford, the former Maryland legislator and tobacco lobbyist who turned into a national voice against smoking after he was found to have throat and lung cancer, was honored yesterday at a memorial service in College Park attended by nearly 1,000 mourners.

Crawford, who died March 2 at age 63 after a two-year bout with cancer, was remembered fondly by people who had contact with him at various points of his life, from Maryland Gov. Parris N. Glendening to Carl Nuzman, 23, a student at the University of Maryland who is attending classes on a scholarship Crawford helped establish during his years in Annapolis.

The service at the nondemoninational University of Maryland Chapel drew a host of state legislators and politicians from Montgomery County, which Crawford represented in the House of Delegates and Senate for 16 years. Even the pastor, the Rev. Charles W. Gilchrist, was a former Montgomery County executive. Crawford also was remembered as a skillful lawyer who could charm juries with his smile and affable nature.

''Vic's legacy was that he had the boldness to do something that many of us find difficult,'' Glendening said during his eulogy. ''That is, he came out and he said that he had made a mistake in his life. He took personal responsibility for that.''

But it was his unyielding crusade against smoking that everyone recalled with the greatest admiration. After spending several years of his post-legislative career working as a lobbyist for the Tobacco Institute, Crawford, a longtime smoker, was found to have terminal cancer two years ago.

Knowing death was coming, he spent those two years using his skills as a politician and a lawyer to fight the very people he once represented, even though he had been severely weakened by the disease.

''I got the sense that he'd never felt so close to his own mortality before,'' said Gail Ewing (D-At Large), president of the Montgomery County Council, recalling the day Crawford told her about his cancer. ''He really wanted to do something that mattered.''

County Executive Douglas M. Duncan said: ''He was a great senator for Montgomery County. He was one of the few who could influence the state on important issues. If you wanted something done in Annapolis, he was the one you called.''

And although his political career never left Maryland, he took his last battle across the country by lobbying in many states and appearing on network television.

Despite the sadness of the occasion, the service had an air of Crawford's good-natured spirit about it. As the gathering assembled, Dixieland music filled the vaulted chapel, and sunlight streamed through the windows.

''I walked up the steps, and I heard music. I walked to the door, and I said, 'This must be the place,'" said Mississippi Attorney General Mike Moore, who became friends with Crawford during his campaign against the tobacco industry. ''Every time I saw Vic Crawford, I felt good about myself. Today I was feeling kind of down, but I felt better when I walked in the door.''

It was that same ability to make people feel good about themselves that Wendy Satin, a Rockville lawyer who began her career under Crawford's tutelage, remarked upon in her recollection of a law career that grew to fabled dimensions within Rockville's legal circles.

She remembered how Crawford's good nature would win juries over to his side. ''The jurors felt that they knew him because, by the end of the trial, they did. They were charmed by him, and they wanted to be on his side. The lesson,'' she said, ''is to always be yourself.''

[From the New York Times, Mar. 10, 1996]

VICTOR CRAWFORD, 63; OPPOSED SMOKING

BALTIMORE.—Victor Crawford, a former tobacco lobbyist who became a crusader against smoking after his throat cancer was diagnosed, died on March 2, 1996 at Johns Hopkins Hospital here. He was 63 and lived in Chevy Chase, MD.

Mr. Crawford, a former Maryland legislator, was a lobbyist for the Tobacco Institute for six years until his cancer was diagnosed in 1991. He then began speaking out against smoking, was featured on the CBS News program ''60 Minutes,'' and spoke on President Clinton's weekly radio address.

''I told politicians that there was no evidence that smoking causes cancer,'' he said in a 1995 interview. ''If that's not lying, I don't know what is. I'm just trying to undo some of the damage I've done.''

Mr. Crawford, a Democrat, was elected to the House of Delegates in 1966 and appointed to the State Senate in 1969 to fill a term. He retired from the Senate in 1983.

Mr. Crawford is survived by his wife, Linda; a daughter, Charlene, and a son, Victor Jr.

[From the Washington Post, Mar. 4, 1996]

VICTOR L. CRAWFORD, MARYLAND, ANTISMOKING ACTIVIST, DIES

Victor L. Crawford, 63, a former Maryland state legislator who had lobbied for the tobacco industry before a diagnosis of cancer turned him into an antismoking activist, died March 2 at Johns Hopkins Hospital in Baltimore.

A veteran trial lawyer and a flamboyant figure in Annapolis during a 26-year career representing eastern Montgomery County, Mr. Crawford employed his skills at persuasion and vivid presentation in recent months to warn in high-profile media appearances against the hazards of smoking.

His stark message appeared in Ann Landers's syndicated newspaper advice column, on the ''60 Minutes'' television show, in public-service radio ads and in a broadcast from the Oval Office last summer with President Clinton.

''It's too late for me, but it's not too late for you,'' he advised listeners throughout the nation Aug. 12 on the president's weekly Saturday morning broadcast.

''I fooled a lot of people,'' he said. ''And kids, I fooled myself, too.''

In printed interviews and in raspy-voiced on-the-air statements, Mr. Crawford told how cancer was discovered in his throat and lungs after years of heavy smoking that began when he was 13.

After leaving the legislature, he spent six years in the late 1980s as a contract lobbyist for the Tobacco Institute, receiving about $20,000 in fees.

''I was in it for the money,'' he said in a 1995 interview, ''and I was never concerned if people were dying.'' He said his job was to kill bills that would discourage smoking and advance those that would encourage it.

''Now I'm trying to make amends,'' he said, ''to stop people from smoking so they won't suffer like I have.''

Mr. Crawford was born in Richmond and raised in New York and in the Trinidad area of Northeast Washington.

Two years after graduating from Georgetown University Law School, he helped defend Joseph E. Johnson Jr., a black Montgomery County man who was sentenced to death in the rape of a white teenager, in a controversial case that attracted national attention. Johnson was convicted, but he later was pardoned by the governor after it was shown that prosecutors had withheld evidence.

In 1992, he summarized a career of 1,000 trials by describing himself as ''the court of last resort,'' the only barrier between a defendant and the power of the state.

''Whenever I see a guy getting a raw deal, particularly if racism has permeated the

trial, no matter whether it's one side or the other, it gets my Irish dander up.''

Mr. Crawford was elected to the state House of Delegates in 1966 to represent Silver Spring, went on to the state Senate 16 years later and decided against seeking reelection in 1982.

Offering a swashbuckling image to statehouse colleagues that led some to liken him in dress and demeanor to a riverboat gambler, Mr. Crawford was remembered for the fine clothes, unpredictable floor antics, a large mustache and cigars.

Survivors include his wife, Linda, of Chevy Chase, and a daughter, Charlene, and a son, Victor Jr., both of Berwyn Heights.

[From the Baltimore Sun, Mar. 4, 1996]

VICTOR CRAWFORD, CRUSADER AGAINST SMOKING, DIES AT 63; CANCER VICTIM ONCE WAS TOBACCO LOBBYIST

Victor L. Crawford, a debonair former Maryland legislator who achieved national prominence in recent years for his conversion from tobacco lobbyist to anti-smoking crusader, died Saturday night at Johns Hopkins Hospital after a prolonged battle with cancer. He was 63.

Mr. Crawford, a resident of Chevy Chase, was an accomplished trial lawyer who represented eastern Montgomery County in the General Assembly for 16 years. It was there that he earned the nickname of ''the Riverboat Gambler'' because of his pinky ring, vest, gold watch—and cigars.

His smoking—2½ packs of cigarettes at first, then cigars and pipes—led to the passion of the final two years of his life, as an outspoken foe of smoking. While battling cancer, he lobbied state legislatures, gave interviews and spoke out on the dangers of tobacco and the industry on whose behalf he had worked.

''It's too late for me, but it's not too late for you,'' Mr. Crawford said during one of President Clinton's weekly nationwide radio addresses last summer. ''I smoked heavily, and I started when I was 13 years old. And now, in my throat and in my lungs, where the smoke used to be, there is a cancer that I know is killing me. Use your brain. Don't let anybody fool you. Don't smoke.''

After retiring from the Senate, Mr. Crawford had worked for the Tobacco Institute for six years, lobbying his former legislative colleagues to kill or weaken smoking restrictions. Then, in 1991, he was diagnosed with cancer. He went public with his disease and his appeal to stop smoking in 1994, appearing at a hearing in Annapolis on proposed regulations to limit smoking in the workplace.

''He didn't mince words, and he didn't spare himself,'' recalled former state Sen. Howard A. Denis, a Montgomery County Republican who was a close friend. ''He didn't blame anyone but himself for his problems. All he wanted to do was teach others to avoid the mistakes he had made.''

Mr. Crawford later went nationwide with his message, appearing on the CBS newsmagazine show, ''60 Minutes'' and writing to syndicated advice columnist Ann Landers, among others. He lobbied on behalf of anti-smoking legislation in Florida and campaigned to block a smokers' rights referendum in California, said his wife of 14 years, Linda.

''He made a difference,'' said Mr. Denis. ''This was one of the things that kept him going in the last five years. He knew he was influencing young lives.''

''He worked until the day he went into the hospital,'' Mrs. Crawford said. She said she drove him to Hopkins on Feb. 2 only after he had appeared in court. ''He went fighting,'' she added.

Mr. Crawford was born in Richmond, Va., but grew up in New York City and Washington, D.C. He was a graduate of Georgetown University Law School.

He was elected to the House of Delegates as a Democrat in 1966, then appointed to the state Senate in 1969 to fill the term of Blair Lee III, who had been appointed secretary of state by then-Gov. Marvin Mandel.

One of the legislative accomplishments of which Mr. Crawford was proudest, said Mr. Denis, was creation of the Distinguished Scholar Program, which provided financial aid to academically talented but needy students to attend college or graduate school in Maryland.

Mr. Crawford's legal career spanned 30 years and he represented a black Montgomery County man in 1962 accused of raping a white teen-ager in a case that drew civil rights protests and national attention.

A memorial service will be held at 1 p.m. March 11 in the chapel at the University of Maryland College Park campus.

Other survivors include a daughter, Charlene; and a son, Victor Jr., both of Berwyn Heights.●

TRIBUTE TO THE EMPLOYEES OF RAYTHEON ELECTRONIC SYSTEMS DIVISION, ANDOVER, MA

● Mr. SMITH. Mr. President, I rise today to pay tribute to some unsung heroes of the United States: the employees of Raytheon Electronic Systems Division in Andover, MA.

Each year, the Congress evaluates the military requirements of our Nation and the pros and cons of various weapons systems. We routinely make decisions that affect the livelihoods of literally thousands of American workers. While we strive to be objective and to make sound judgments, this human component does not always get the attention it deserves.

Today I want to take this opportunity to honor the men and women of Raytheon who devote their lives to the defense of this Nation. They do not often get a lot of publicity or see their names in the paper, but they are a collection of true American heroes. They deserve our respect and admiration.

As a member of the Armed Services Committee, I have the unique responsibility of overseeing the development and acquisition of the systems needed to defend our Nation. I see first hand the contribution these employees make to our national security. It is enormous.

Whether building key components for the Patriot missile system, or the AMRAAM, or the ground based radar, these workers are constantly striving to expand the state-of-the-art, and to deliver the best possible product at the most efficient cost. They are a family, these workers from New Hampshire and Massachusetts, committed to a noble calling. And the fruits of their labors are the freedoms and security that we hold so dear.

As we prepare for the upcoming authorization and appropriations processes, I ask my colleagues to reflect for a moment upon these great patriots. They were the backbone of our military in the cold war and Desert Storm. They are the ones whose innovations and dedication are helping to preserve our prosperity in the future. Their service is an inspiration for those of us who are privileged to represent them here in Washington.

In an uncertain and dangerous world, we can take much comfort in the knowledge that the men and women of Raytheon Electronic Systems Division are on the job, each and every day, tirelessly striving to produce the technologies and systems to defend this great Nation.●

RESTORATION OF THE FLORIDA EVERGLADES

● Mr. LEAHY. Mr. President, yesterday the Senate gave final passage to the 1996 farm bill. With House action, the bill will be sent to President Clinton who is expected to sign it.

The farm bill contains many important environmental and conservation provisions. One of these provides for the spending of up to $300 million by the Secretary of the Interior to help restore the Florida Everglades. This rapid and significant infusion of funds—$200 million of which will be available in less than 100 days—is a critical first step to implement the administration's ambitious $1.5 billion proposal to save one of the world's most unique ecosystems. The farm bill conferees intend that this national treasure receive immediate attention.

Prior to the 1940's the Everglades ecosystem covered most of south Florida, from its headwaters in the Kissimmee River basin to the coral reefs of Florida Bay. Because of man's alterations, the once ''river of grass'' is now fragmented and deteriorating, threatening not only the wildlife of the ecosystem, but also the water supply, economy, and quality of life for the people who live in Florida.

Throughout the system, clean, fresh water has been replaced by murky, nutrient-laden water that does not support native plant and animal species. Years of water diversion and pollutants have degraded not only the Everglades, but also Florida Bay, one of the most important estuaries and fisheries in America. The bay is suffering from a lack of fresh water that had led to algal blooms and contributed to the extinction of North America's only native coral reef. As a consequence, this once teeming estuary now is closed to commercial fishing, and the tourism industry of the region is threatened.

We must not let the Everglades die. Although the decline of the ecosystem continues, it is reversible.

To speed the Everglades restoration, the farm bill conferees created a $200 million entitlement, to be available in less than 100 days, for this important project. The conferees also approved an additional $100 million of spending for Everglades restoration which will come from the sale of surplus Federal lands in Florida that have not been set aside for conservation purposes or are not environmentally sensitive.

To have the maximum impact on Everglades restoration, the conferees intend that funds provided for in this legislation be used in priority areas. Prior to acceptance of the Everglades provisions, discussions among conferees focused on the importance of acquiring and restoring land in the Everglades Agricultural Area. The conferees expected that the Secretary of the Interior would give priority to acquiring and restoring lands within the Everglades Agricultural Area, including the Talisman tract, in order to make those lands available for water storage and delivery. Both the House and Senate bills used identical language to make this point as well:

> The Secretary of the Interior * * * shall use the funds to conduct restoration activities in the Everglades ecosystem which may include acquiring private acreage in the Everglades Agricultural Area including approximately 52,000 acres that is commonly known as the Talisman tract.

At the meeting of conferees, I pointed out that the greatest need for restoration is in the over 130,000 acres of the Everglades Agricultural Area which includes much of the land that makes up the Talisman tract. I intend to monitor this issue closely to make certain that the funds are properly spent.

This small down payment will be insufficient for total restoration. It is only part of the Federal Government's share of this coordinated restoration effort. More important, it in no way relieves others—particularly the sugarcane industry that has benefited from the alteration of the system and continues to pollute it—of its obligation to contribute to restoration costs.

Senator LUGAR and I have proposed that Florida sugar producers contribute for restoration purposes a 2-cent per pound assessment on sugar grown in the Everglades. The administration supports a 1-cent assessment. These proposals have widespread support in Florida.

On March 25, Mary Barley, chair of the citizens group, Save Our Everglades, announced the launching of a ballot initiative to protect and restore the Everglades. She said that ''we are facing a crisis and time is running out.'' In proposing a ''Penny for the Everglades,'' Mrs. Barley spoke eloquently about her late husband, George, who devoted the last years of his life to restoring this national treasure.

At that announcement, Mary quoted George who had said:

> Long after we are gone, the Everglades ecosystem will be our legacy—to our children and the rest of the nation.

George Barley was right then and Mary Barley is right today. Congress and the administration must follow their lead and require sugar growers in the region to pay their fair share to restore the Everglades.●

RELEASE OF THE REPORT BY THE TASK FORCE ON NATIONAL DRUG POLICY

● Mr. D'AMATO. Mr. President, this bicameral task force was established for one reason: To closely examine the current state of affairs of our national drug policy. Along with my Senate and House colleagues, I am distressed that the problem has escalated to this present level.

The one startling and depressing fact revealed by the report released yesterday is that drug use among teenagers is actually on the rise, after years of decline.

There is no disputing the rise in illicit drug use by adolescents. Studies have shown that 2.9 million teenagers used marijuana in 1994, an increase of 1.3 million just from 1992. This alarming trend shows that one in three high school seniors smoke marijuana. Since 1992, drug use by 10th graders has risen nearly two-thirds. Drug use by eighth graders has nearly doubled since 1991. Of a class of 30 students in a New York City high school or junior high, approximately 5 use marijuana or other illicit drugs heavily.

The rise in marijuana use has serious implications. The Center on Addiction and Substance Abuse indicates that teenagers who use marijuana are 85 times more likely to use other dangerous drugs in the future, such as cocaine. Obviously, the use of drugs cannot be pushed aside but must be placed on the national agenda and confronted. Real efforts must be made to reverse this trend.

Ignoring these numbers is destructive to our children. A report by the Senate Judiciary Committee notes that, ''If such increases are allowed to continue for just 2 more years, America will be at risk of returning to the epidemic drug use of the 1970's.''

The impact on our Nation's cities will be just as detrimental. The Center on Addiction and Substance Abuse at Columbia University in New York released a report showing the costs related to substance abuse were $20 billion in the city of New York. These costs take into account all types of substance abuses and reflect the amount spent in terms of crime, violence, health care, emergency services, abuse, social programs, and business costs. If drug use is rising among teenagers, the cost to New York City will skyrocket as they get older.

Even more frightening is the fact that the authors of the study state that ''Among 15- to 24-year-olds, substance abuse, in the form of AIDS, homicides, and drug and alcohol overdoses, accounts for 64 percent of deaths.'' Those deaths could have been prevented.

Our law enforcement agencies are feeling the rise in drug use. The March issue of Police Chief, which is dedicated to the war on drugs, describes the growing presence of illegal drugs and the ever-increasing rise in violence that accompanies it. The result is a scared populous and an overextended law enforcement, including local law enforcement. An article coauthored by Chief Bob Warshaw of the Rochester Police Department in New York and DEA Assistant Administrator Paul Daly describes the feeling across the Nation: ''The distribution and abuse of powder and crack cocaine have resulted in an unprecedented wave of violence across our country, the debiliating effect of which has been seen in cities and towns, large and small, throughout the United States.''

It is our obligation, and the responsibility of the administration, to find the reason for the increase in teenage drug use and to tackle it forcefully. We must start taking an aggressive action against this drug epidemic.

The Clinton administration, however, has become complacent and that is reflected in their lack of attention to the illicit drug trade. The number of Federal prosecutions dropped by 12 percent within 2 years. Overall, transit zone seizures, or disruptions, decreased more than 50 percent, from 1993 to mid-1995. Budget priorities were shifted in the Customs Service, the Department of Defense, and the U.S. Coast Guard away from counternarcotics.

With drug use on rise with teenagers, the administration has to start allocating adequate resources in order to reduce the presence of narcotics in the United States. But instead, when President Clinton took office, he cut the Office of National Drug Control Policy from 147 to 25, an indication of the President's priorities. When faced with criticism of a failed drug strategy, President Clinton has found the need to restaff the drug czar's office.

While the administration prefers to ignore the statistics, the task force has taken matters into its own hands and compiled a list of recommendations that will help to reverse the disturbing trend of teenage drug use.

By using state-of-the-art technology at U.S. ports of entry, narcotics can be intercepted at the border, before it ever reaches children. This also means a shift in focus for agencies at our borders and airports that are primarily responsible for drug interdiction.

In addition, the United States must do all it can to convince foreign countries to cooperate on the counternarcotics effort. Certification must be strictly applied, and sanctions imposed. When a country fails to cooperate with the United States to combat drug trafficking, the President who has the obligation to accurately report on the certification status of a targeted country, must apply those sanctions accordingly. Unfortunately, this certification process has not been taken seriously.

Despite the administration's awareness that 60 to 70 percent of the illegal drugs flowed from Mexico into the United States, and that 75 percent of the cocaine in the United States comes from our neighbor to the South, the administration certified Mexico as fully

cooperating in the counternarcotics efforts. Sanctions must be applied, we can no longer pay lipservice to the certification process.

And efforts must be stringent in the United States. Drug traffickers and drug-related violent criminals must serve their full sentence. Drug awareness programs must be accountable. Throwing money at the problem does not solve it.

All aspects of drug control strategy must be defined: ''public disapproval, information, law enforcement, interdiction, and treatment.'' While treatment is merely one component of the effort to combat the drug epidemic, it cannot be the sole solution. Alone, it will not work. One clear indication of the failure of treatment alone is the emergency room rate for cocaine and heroin-related cases, as studied by the Drug Abuse Warning Network. Heroin episodes in emergency rooms rose 66 percent in 1993. Evaluations should be conducted so that only effective programs will be maintained.

Ninety percent of the American public sees the drug problem as a top priority. It is time the administration does the same. This is our clear, undeniable message: If the administration refuses to be a leader on this issue, then we will. This report was our first step to put a tough drug strategy on the national agenda.●

CALIFORNIA YEAR OF THE ALUMNI

● Mrs. BOXER. Mr. President, on April 11, 1996, graduates of the California State University will gather in Washington, DC, to celebrate 1996 as ''California Year of the Alumni''. Today I wish to recognize the achievements and contributions of the more than 2.1 million alumni of that great institution.

The California State University is a vibrant, important part of California's public university system. Its graduates are an integral part of the many communities which comprise our great State. An estimated 10 percent of the workforce in the State of California are alumni of the California State University. Their contributions, both separate and collective, are evident in all aspects of life in my State.

CSU graduates are active in the arts, commerce, the professions, government, and elsewhere. Proud of an educational experience made possible by the foresight of Californians who came before them, CSU alumni are committed to maintaining first-rate educational institutions in California.

The alumni of the California State University promote and support campus environments where today the values of scholarship, citizenship, and self-development are shared and nurtured by more than 300,000 students and faculty on 21 campuses. Additionally, thousands of graduates volunteer their time, energy, and resources to myriad other causes, providing themselves daily as ambassadors and stewards of positive change.

It is my great pleasure to honor the alumni of the California State University on the floor of the U.S. Senate today as they celebrate the ''California Year of the Alumni.''●

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

● Mr. BOND. Mr. President, on March 19th by a vote of 100 to 0, the Senate passed S. 942, the Small Business Regulatory Enforcement Fairness Act, legislation to implement some of the most important recommendations of the White House Conference on Small Business. Yesterday, the House passed H.R. 3136, the Contract With America Advancement Act of 1996 which incorporates the Small Business Regulatory Enforcement Fairness Act as amended in the House by the Hyde amendment. The Senate has now approved H.R. 3136 by unanimous consent and Senator BUMPERS and I would like to take this opportunity to further explain the purpose of the act. On March 15, we gave a detailed explanation of the managers amendment adopted by the Senate prior to passage of S. 942. The amendment offered by Representative HYDE is substantially similar to S. 942 as passed by the Senate.

Three changes are worth noting. First, the amendments to the Equal Access to Justice Act were revised by the House to take into account some of the concerns raised by the administration in the Statement of Administration Position. The new language embodies the intent of our managers amendment but clarifies that attorneys fees would be awarded when there is an unreasonably large difference between an agency demand and the final outcome of the case. Second, the House dropped the second phase of the Small Business Advocacy Review Panels. Thus the panels now only apply at the proposal stage of EPA and OSHA rulemakings. Finally the time period for the congressional review of regulations, adopted as part of the Nickles-Reid amendment, was extended from 45 to 60 days. We expect the authors of the Nickles-Reid amendment will have a detailed explanation of the Congressional Review Subtitle.

In order to provide additional guidance for agencies to comply with the requirements of the Small Business Regulatory Enforcement Fairness Act, I ask to have printed in the RECORD a section-by-section analysis of the subtitles A through D of act as modified by the Hyde amendment. Since there will not be a conference report on the act, this statement and a companion statement in the House should serve as the best legislative history of the legislation as finally enacted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT—JOINT MANAGERS STATEMENT OF LEGISLATIVE HISTORY AND CONGRESSIONAL INTENT

I. SUMMARY OF THE LEGISLATION

The Hyde amendment to H.R. 3136 replaces Title III of the Contract with America Advancement Act of 1996 to incorporate a revised version of the Small Business Regulatory Enforcement Fairness Act of 1996 (the ''Act''). This legislation was originally passed by the Senate as S. 942. The Hyde amendment makes a number of changes to the Senate bill to better implement certain recommendations of the 1995 White House Conference on Small Business regarding the development and enforcement of Federal regulations, including judicial review of agency actions under the Regulatory Flexibility Act (RFA). The amendment also provides for expedited procedures for Congress to review agency rules and to enact Resolutions of Disapproval voiding agency rules.

The goal of the legislation is to foster a more cooperative, less threatening regulatory environment among agencies, small businesses and other small entities. The legislation provides a framework to make federal regulators more accountable for their enforcement actions by providing small entities with an opportunity for redress of arbitrary enforcement actions. The centerpiece of the legislation is the RFA which requires a regulatory flexibility analysis of all rules that have a ''significant economic impact on a substantial number'' of small entities. Under the RFA, this term ''small entities'' includes small businesses, small non-profit organizations, and small governmental units.

II. SECTION-BY-SECTION ANALYSIS

Section 301

This section entitles the Act the ''Small Business Regulatory Enforcement Fairness Act of 1996.''

Section 302

The Act makes findings as to the need for a strong small business sector, the disproportionate impact of regulations on small businesses, the recommendations of the 1995 White House Conference on Small Business, and the need for judicial review of the Regulatory Flexibility Act.

Section 303

The purpose of the Act is to address some of the key federal regulatory recommendations of the 1995 White House Conference on Small Business. The White House Conference produced a consensus that small businesses should be included earlier and more effectively in the regulatory process. The Act seeks to create a more cooperative and less threatening regulatory environment to help small businesses in their compliance efforts. The Act also provides small businesses with legal redress from arbitrary enforcement actions by making federal regulators accountable for their actions.

Subtitle A—Regulatory Compliance Simplification

Section 311

This section defines certain terms as used in the subtitle. The term ''small entity'' is currently defined in the RFA to include small business concerns, as defined by the Small Business Act, small nonprofit organizations and small governmental jurisdictions. The process of determining whether a given business qualifies as a small entity is straightforward, using thresholds established by the SBA for Standard Industrial Classification codes. The RFA also defines small organization and small governmental jurisdiction. Any definition established by an agency for purposes of implementing the RFA would also apply to this Act.

Section 312

The Act requires agencies to publish ''small entity compliance guides'' to assist small entities in complying with regulations which are the subject of a required Reg Flex analysis. The bill does not allow judicial review of the guide itself. However, the agency's claim that the guide provides ''plain English'' assistance would be a matter of public record. In addition, the small business compliance guide would be available as evidence of the reasonableness of any proposed fine on the small entity.

Agencies should endeavor to make these ''plain English'' guides available to small entities through a coordinated distribution system for regulatory compliance information utilizing means such as the SBA's U.S. Business Advisor, the Small Business Ombudsman at the Environmental Protection Agency, state-run compliance assistance programs established under section 507 of the Clean Air Act, Manufacturing Technology Centers or Small Business Development Centers established under the Small Business Act.

Section 313

The Act directs agencies that regulate small entities to answer inquiries of small entities seeking information on and advice about regulatory compliance. Some agencies already have established successful programs to provide compliance assistance and the amendment intends to encourage these efforts. For example, the IRS, SEC and the Customs Service have an established practice of issuing private letter rulings applying the laws to a particular set of facts. This legislation does not require other agencies to establish programs with the same level of formality as found in the current practice of issuing private letter rulings. The use of toll free telephone numbers and other informal means of responding to small entities is encouraged. This legislation does not mandate changes in current programs at the IRS, SEC and Customs Service, but these agencies should consider establishing less formal means of providing small entities with informal guidance in accordance with this section.

The Act gives agencies discretion to establish procedures and conditions under which they would provide advice to small entities. There is no requirement that the agency's advice to small businesses be binding as to the legal effects of the actions of other entities. Any guidance provided by the agency applying statutory or regulatory provisions to facts supplied by the small entity would be available as relevant evidence of the reasonableness of any subsequently proposed fine on the small entity.

Section 314

The Act creates permissive authority for Small Business Development Centers (SBDC) to provide information to small entities regarding compliance with regulatory requirements. SBDC's would not become the single-point source of regulatory information, but would supplement agency efforts to make this information widely available. This section is not intended to grant an exclusive franchise to SBDC's for providing information on regulatory compliance.

There are small business information and technical assistance programs, both federal and state, in various forms in different states. Some of the manufacturing technology centers and other similar extension programs administered by the National Institute of Standards and Technology are providing environmental compliance assistance in addition to general technology assistance. The small business stationary source technical and environmental compliance assistance programs established under section 507 of the Clean Air Act Amendments of 1990 is also providing compliance assistance to small businesses. This section is designed to add to the currently available resources to small businesses.

Compliance assistance programs can save small businesses money, improve their environmental performance and increase their competitiveness. They can help small businesses learn about cost-saving pollution prevention programs and new environmental technologies. Most importantly, they can help small business owners avoid potentially costly regulatory citations and adjudications. Comments from small business representatives in a variety of fora support the need for expansion of technical assistance programs.

Section 315

This section directs agencies to cooperate with states to create guides that fully integrate federal and state requirements on small businesses. Separate guides may be created for each state, or states may modify or supplement a guide to federal requirements. Since different types of small businesses are affected by different agency regulations, or are affected in different ways, agencies should consider preparing separate guides for the various sectors of the small business community subject to their jurisdiction. Priority in producing these guides should be given to areas of law where rules are complex and where businesses tend to be small. Agencies may contract with outside entities to produce these guides and, to the extent practicable, agencies should utilize entities with the greatest experience in developing similar guides.

Section 316

This section provides that the effective date for the subtitle is 90 days after the date of enactment. The requirement for agencies to publish compliance guides applies to final rules published after the effective date. Agencies have one year from the date of enactment to develop their programs for informal small entity guidance, but these programs should assist small entities with regulatory questions regardless of the date of publication of the regulation at issue.

Subtitle B—Regulatory Enforcement Reforms

Section 321

This section provides definitions for the terms as used in the subtitle.

Section 322

The Act creates a Small Business and Agriculture Regulatory Enforcement Ombudsman at the SBA to give small businesses a confidential means to comment on the enforcement activity of agency enforcement activities. This might include providing toll-free telephone numbers, computer access points, or mail-in forms allowing businesses to comment on the enforcement activities of inspectors, auditors and other enforcement personnel. As used in this section of the bill, the term ''audit'' is not intended to refer to audits conducted by Inspectors General. This Ombudsman would not replace or diminish any similar ombudsman programs in other agencies.

Concerns have arisen in the Inspector General community that those Ombudsmen might have new enforcement powers that would conflict with those currently held by the Inspector Generals. Nothing in the Act is intended to supersede or conflict with the provisions of the Inspector General Act of 1978, as amended, or to otherwise restrict or interfere with the activities of any Office of the Inspector General.

The Ombudsman will compile the comments of small businesses and provide an annual evaluation similar to a ''customer satisfaction'' rating for different agencies, regions, or offices. The goal of this rating system is to see whether agencies and their personnel are in fact treating small businesses more like customers than potential criminals. Agencies will be provided an opportunity to comment on the Ombudsman's draft report, is currently the practice with reports by the General Accounting Office. The final report may include a section in which an agency can address any concerns that the Ombudsman does not choose to address.

The Act states that the Ombudsman shall ''work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are provided with a means to comment on the enforcement activity conducted by such personnel.'' The SBA shall publicize the existence of the Ombudsman generally to the small business community and also work cooperatively with enforcement agencies to make small businesses aware of the program at the time of agency enforcement activity. The Ombudsman shall report annually to Congress based on substantiated comments received from small business concerns and the Boards, evaluating the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices of each agency. The report to Congress shall in part be based on the findings and recommendation of the Boards as reported by the Ombudsman to affected agencies. While this language allows for comment on the enforcement activities of agency personnel in order to identify potential abuses of the regulatory process, it does not provide a mandate for the boards and the Ombudsman to create a public performance rating of individual agency employees.

The goal of this section is to reduce the instances of excessive and abusive enforcement actions. Those actions clearly originate in the acts of individual enforcement personnel. Sometimes the problem is with the policies of an agency, and the goal of this section is also to change the culture and policies of Federal regulatory agencies. At other times, the problem is not agency policy, but individuals who violate the agency's enforcement policy. To address this issue, the legislation includes a provision to allow the Ombudsman, where appropriate, to refer serious problems with individuals to the agency's Inspector General for proper action.

The intent of the Act is to give small businesses a voice in evaluating the overall performances of agencies and agency offices in their dealings with the small business community. The purpose of the Ombudsman's reports is not to rate individual agency personnel, but to assess each program's or agency's performance as a whole. The Ombudsman's report to Congress should not single out individual agency employees by name or assign an individual evaluation or rating that might interfere with agency management and personnel policies.

The Act also creates Regional Small Business Regulatory Fairness Boards at the SBA to coordinate with the Ombudsman and to provide small businesses a greater opportunity to track and comment on agency enforcement policies and practices. These boards provide an opportunity for representatives of small businesses to come together on a regional basis to assess the enforcement activities of the various federal regulatory agencies. The boards may meet to collect information about these activities, and report

and make recommendations to the Ombudsman about the impact of agency enforcement policies or practices on small businesses. The boards will consist of owners, operators or officers of small entities who are appointed by the Administrator of the Small Business Administration. Prior to appointing any board members, the Administrator must consult with the leadership of the Congressional Small Business Committees. There is nothing in the bill that would exempt the boards from the Federal Advisory Committee Act, which would apply according to its terms. The Boards may accept donations of services such as the use of a regional SBA office for conducting their meetings.

Section 323

The Act directs all federal agencies that regulate small businesses to develop policies or programs providing for waivers or reductions of civil penalties for violations by small businesses in certain circumstances. This section builds on the current Executive Order on small business enforcement practices and is intended to allow agencies flexibility to tailor their specific programs to their missions and charters. Agencies should also consider the ability of a small entity to pay in determining penalty assessments under appropriate circumstances. Each agency would have discretion to condition and limit the policy or program on appropriate conditions. For purposes of illustration, these could include requiring the small business to act in good faith, requiring that violations be discovered through participation in agency supported compliance assistance programs, or requiring that violations be corrected within a reasonable time.

An agency's policy or program could also provide for suitable exclusions. Again, for purposes of illustration, these could include circumstances where the small entity has been subject to multiple enforcement actions, the violation involves criminal conduct, or poses a grave threat to worker safety, public health, safety or the environment.

In establishing their programs, it is up to each agency to develop the boundaries of their program and the specific circumstances for providing for a waiver or reduction of penalties, but once establish, an agency must implement its program in an evenhanded fashion. Agencies may distinguish among types of small entities and among classes of civil penalties. Some agencies have already established formal or informal policies or programs that would meet the requirements of this section. For example, the Environmental Protection Agency has adopted a small business enforcement policy that satisfies this section. While this legislation sets out a general requirement to establish penalty waiver and reduction programs, some agencies may be subject to other statutory requirements or limitations applicable to the agency or to a particular program. For example, this section is not intended to override, amend or affect provisions of the Occupational Health and Safety Act or the Mine Safety and Health Act that may impose specific limitations on the operation of penalty reduction or waiver programs.

Section 324

This section provides that the subtitle takes effect 90 days after the date of enactment.

Subtitle C—Equal Access to Justice Act Amendments

Sections 331 & 332

The Act amends the Equal Access to Justice Act to assist eligible small businesses in recovering their attorneys fees and expenses in certain instances when unreasonable agency demands for fines or civil penalties in enforcement actions are not sustained by the court or by an administrative law judge. While this is a significant change from current law, the legislation is not intended to result in the awarding of attorneys fees as a matter of course. Rather, the legislation is intended to assist in changing the culture among government regulators to increase the reasonableness and fairness of their enforcement practices. Past agency practice too often has been to treat small businesses like suspects. One goal of this bill is to encourage government regulatory agencies to treat small businesses as partners sharing in a common goal of informed regulatory compliance. Government enforcement attorneys often take the position that they must zealously advocate for their client, in this case a regulatory agency, to the maximum extent permitted by law, as if they were representing an individual or other private party. But in the new regulatory climate for small businesses under this legislation, government attorneys with the advantages and resources of the federal government behind them in dealing with small entities must adjust their actions accordingly and not routinely issue original penalties or other demands at the high end of the scale merely as a way of pressuring small entities to agree to quick settlements.

The Equal Access to Justice Act (EAJA) provides a means for prevailing parties to recover their attorneys fees in a wide variety of civil and administrative actions between eligible parties and the government. This bill amends the EAJA to create a new avenue for small entities to recover their attorneys fees where the government makes excessive demands in enforcing compliance with a statutory or regulatory requirement, either in an adversary adjudication or judicial review of the agency's enforcement action, or in a civil enforcement action. In these situations, the test for recovering attorneys fees is whether the agency or government demand that led to the administrative or civil action is substantially in excess of the final outcome of the case so as to be unreasonable when compared to the final outcome (whether a fine, injunctive relief or damages) under the facts and circumstances of the case.

The comparison called for in the Act is always between a ''demand'' by the government for injunctive and monetary relief taken as a whole and the final outcome of the case in terms of injunctive and monetary relief taken as a whole. As used in these amendments, the term ''demand'' means an express written demand that leads to an adversary adjudication or civil action. A written demand by the government for performance or payment qualifies under this section regardless of form, including an original fine, penalty notice, demand letter, citation or otherwise. In the case of an adversary adjudication, the demand would often be a statement of the ''Definitive Penalty Amount.'' In the case of a civil action brought by the United States, the demand could be in the form of a demand for settlement issued prior to commencement to the litigation. In a civil action to review the determination of an administrative proceeding, the demand could be the demand that led to such proceeding. However, the term ''demand'' should not be read to extend to a mere recitation of facts and law in a complaint. The bill's definition of the term ''demand'' expressly excludes a recitation of the maximum statutory penalty in the complaint or elsewhere when accompanied by an express demand for a lesser amount. This definition is not intended to suggest that a statement of the maximum statutory penalty somewhere other than the complaint, which is not accompanied by an express demand for a lesser amount, is per se a demand, but would depend on the circumstances.

This test should not be a simple mathematical comparison. The Committee intends for it to be applied in such a way that it identifies and corrects situations where the agency's demand is so far in excess of the true value of the case, as demonstrated by the final outcome, that it appears the agency's assessment or enforcement action did not represent a reasonable effort to match the penalty to the actual facts and circumstances of the case.

In addition, the bill excludes attorneys fee awards in connection with willful violations, bad faith actions and in special circumstances that would make such an award unjust. These additional factors are intended to provide a ''safety valve'' to ensure that the government is not unduly deterred from advancing its case in good faith. Special circumstances are intended to include both legal and factual considerations which may make it unjust to require the public to pay attorneys fees, even in situations where the ultimate award is significantly less than the amount demanded. Special circumstances could include instances where the party seeking fees engaged in a flagrant violation of the law, endangered the lives of others, or engaged in some other type of conduct that would make the award of the fees unjust. The actions covered by ''bad faith'' include the conduct of the party seeking fees both at the time of the underlying violation, and during the enforcement action. For example, if the party seeking fees attempted to elude government officials, cover up its conduct, or otherwise impede the Government's law enforcement activities, then attorney's fees should not be awarded.

The bill also increases the maximum hourly rate for attorneys fees under the EAJA from $75 to $125. Agencies could avoid the possibility of paying attorneys fees by settling with the small entity prior to final judgement. The Committee anticipates that if a settlement is reached, all further claims of either party, including claims for attorneys fees, could be included as part of the settlement. The government may obtain a release specifically including attorneys fees under EAJA.

Additional language is included in the Act to ensure that the legislation did not violate of the PAYGO requirements of the Budget Act. This language requires agencies to satisfy any award of attorneys fees or expenses arising from an agency enforcement action from their discretionary appropriated funds, but does not require that an agency seek or obtain an individual line item or earmarked appropriation for these amounts.

Section 333

The new provisions of the EAJA apply to civil actions and adversary adjudications commenced on or after the date 14 days after the date of enactment.

Subtitle D—Regulatory Flexibility Act Amendments

Section 341

The bill expands the coverage of the RFA to include IRS interpretive rules that provide for a ''collection of information'' from small entities. Many IRS rulemakings involve ''interpretative rules'' that IRS contends need not be promulgated pursuant to section 553 of the Administrative Procedures Act. However, these interpretative rules may have significant economic effects on small entities and should be covered by the RFA. The amendment applies to those IRS interpretative rulemakings that are published in the Federal Register for notice and comment and that will be codified in the Code of Federal Regulations. This limitation is intended

to exclude from the RFA other, less formal IRS publications such as revenue rulings, revenue procedures, announcements, publications or private letter rulings.

The requirement that IRS interpretative rules comply with the RFA is further limited to those involving a ''collection of information.'' The term ''collection of information'' is defined in the Act to include the obtaining, causing to be obtained, soliciting of facts or opinions by an agency through a variety of means that would include the use of written report forms, schedules, or reporting or other record keeping requirements. It would also include any requirements that require the disclosure to third parties of any information. The intent of this phrase ''collection of information'' in the context of the RFA is to include all IRS interpretive rules of general applicability that lead to or result in small entities making calculations, keeping records, filing reports or otherwise providing information to IRS or third parties.

While the term ''collection of information'' also is used in the Paperwork Reduction Act (Title 44 U.S.C. Section 3502(4)(''PRA''), the purpose of the term in the context of the RFA is different that the purpose of the term in the PRA. Thus, while some courts have interpreted the PRA to exempt from its requirements certain recordkeeping requirements that are explicitly required by statute, such an interpretation would be inappropriate in the context of the RFA. If a collection of information is explicitly required by the Code, the effect might be to limit the possible regulatory alternatives available to the IRS in the proposed rulemaking, but would not exempt the IRS from conducting a regulatory flexibility analysis.

Some IRS interpretative rules merely reiterate or restate the statutorily required tax liability. While a small entity's tax liability may be a burden, the RFA cannot act to supersede the statutorily required tax rate. However, most IRS interpretative rules involve some aspect of defining or establishing requirements for compliance with the Code, or otherwise require small entities to maintain records to comply with the Code, and would now be covered by the RFA. One of the primary purposes of the RFA is to reduce the compliance burdens on small entities whenever possible under the statute. To accomplish this purpose, the IRS should take an expansive approach in interpreting the phrase ''collection of information'' when considering whether to conduct a regulatory flexibility analysis.

The Act provides for judicial review of the RFA, and the courts generally are given broad discretion to formulate appropriate remedies under the facts and circumstances of each individual case. The rights of judicial review and remedial authority of the courts provided in the Act as to IRS interpretative rules should be applied in a manner consistent with the purposes of the Anti-Injunction Act (26 U.S.C. 7421), which may limit remedies available in particular circumstances. The RFA, as amended by the Act, permits the court to remand a rule to an Agency for further consideration of the rule's impact on small entities. The amendment also directs the court to consider the public interest in determining whether or not to delay enforcement of a rule against small entities pending agency compliance with the court's findings. In the context of IRS interpretative rulemakings, this language should be read to require the court to give appropriate deference to the legitimate public interest in the assessment and collection of taxes reflected by the Anti-Junction Act. The court should not exercise its discretion more broadly than necessary under the circumstances or in a way that might encourage excessive litigation.

If an agency is required to publish an initial regulatory flexibility analysis, the agency also must publish a final regulatory flexibility analysis. In the final regulatory flexibility analysis, agencies will be required to describe the impacts of the rule on small entities and to specify the actions taken by the agency to modify the proposed rule to minimize the regulatory impact on small entities. Nothing in the bill directs the agency to choose to regulatory alternative that is not authorized by the statute granting regulatory authority. The goal of the final regulatory flexibility analysis is to demonstrate how the agency has minimized the impact on small entities consistent with the underlying statute and other applicable legal requirements.

Section 342

The bill removes the current prohibition on judicial review of agency compliance with the RFA and allows adversely affected small entities to seek judicial review of agency compliance with the Act within one year after final agency action, except where a provision of law requires a shorter period for challenging a final agency action. The prohibition on judicial enforcement of the RFA is contrary to the general principle of administrative law, and it has long been criticized by small business owners. Many small business owners believe that agencies have given lip service at best to RFA, and small entities have been denied legal recourse to enforce the Act's requirements.

The amendment is not intended to encourage or allow spurious lawsuits which might hinder important governmental functions. The one-year limitation on seeking judicial review ensures that this legislation will not permit indefinite, retroactive application of judicial review. The bill does not subject all regulations issued since the enactment of the RFA to judicial review. After the effective date, if the court finds that a final agency action was arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law, the court may set aside the rule or order the agency to take other corrective action. The court may also decide that the failure to comply with the RFA warrants remanding the rule to the agency or delaying the application of the rule to small entities pending completion of the court ordered corrective action. However, in some circumstances, the court may find that there is good cause to allow the rule to be enforced and to remain in effect pending the corrective action.

Section 343

The bill requires agencies to publish their factual, policy and legal reasons when making a certification under section 605 of the RFA that the regulations will not impose a significant economic impact on a substantial number of small entities.

Section 344

The bill amends the existing requirements of RFA section 609 for small business participation in the rulemaking process by incorporating a modified version of S. 917, the Small Business Advocacy Act, introduced by Senator DOMENICI, to provide early input from small business into the regulatory process. For proposed rules with a significant economic impact on a substantial number of small entities, EPA and OSHA would have to collect advice and recommendations from small businesses to better inform the agency's regulatory flexibility analysis on the potential impacts of the rule. The House version drops the provision of the Senate bill that would have required the panels to reconvene prior to publication of the final rule.

The agency promulgating the rule would consult with the SBA's Chief Counsel for Advocacy to identify individuals who are representative of affected small businesses. The Agency would designate a senior level official to be responsible for implementing this section and chairing an interagency review panel for the rule. Before the publication of an initial regulatory flexibility analysis for a proposed EPA or OSHA rule, the SBA's Chief Counsel for Advocacy will gather information from individual representatives of small businesses and other small entities, such as small local governments, about the potential impacts of that proposed rule. This information will then be reviewed by a panel composed of members from EPA or OSHA, OIRA, and the Chief Counsel. The panel will then issue a report on those individuals' comments, which will become part of the rulemaking record. The review panel's report and related rulemaking information will be placed in the rulemaking record in a timely fashion so that others who are interested in the proposed rule may have an opportunity to review that information and submit their own responses for the record before the close of the agency's public comment period for the proposed rule. The legislation includes limits on the period during which the review panel conducts its review. It also creates a limited process allowing the Chief Counsel to waive certain requirements of the section after consultation with the Office of Information and Regulatory Affairs and small businesses.

Section 345

This section provides that the effective date of the RFA amendment is 90 days after enactment. Proposed rules published after the effective date must be accompanied by an initial regulatory flexibility analysis or a certification under section 605 of the RFA. Final rules published after the effective date must be accompanied by a final regulatory flexibility analysis or a certification under section 605 of the RFA, regardless of when the rule was first proposed. Thus judicial review shall apply to any final regulation published after the effective date regardless of when the rule was proposed. However, IRS interpretive rules proposed prior to enactment will not be subject to the amendments made in this subchapter expanding the scope of the RFA to include IRS interpretive rules. Thus, the IRS could finalize previously proposed interpretive rules according to the terms of currently applicable law, regardless of when the final interpretive rule is published.●

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

● Mr. BUMPERS. Mr. President, I want to associate myself with the remarks of the distinguished chairman of our committee and the principle author of S. 942. He and I, as well as our staffs, worked together on this bill in a true spirit of bipartisanship. The shortness of time between the markup of S. 942 and consideration on the floor did not permit the staff to prepare a full-blown report, as we usually do. Instead, we have offered this section-by-section analysis as a joint explanatory statement by the managers, even though there was not a formal conference on this bill. The House chose to amend S. 942 in several respects. The chairman and I were consulted about these changes, and we agree that they are helpful. It is our hope that anyone reading this statement will treat it exactly as they would a formal Senate committee report since it reflects the consensus views of many Senators on

both sides of the aisle who have participated in completion of S. 942, which is now title III, in H.R. 3136.●

THE SWISS BANKS, THE NAZIS, AND HOLOCAUST ASSETS

● Mr. D'AMATO. Mr. President, I rise today to discuss the issue that I spoke about yesterday, namely that of the return, by Swiss banks, of assets deposited by European Jews and others in the years preceding the Holocaust.

Today, I would like to discuss the revelations disclosed in newly discovered documents by my staff. These documents explain the connections of certain wartime Swiss bankers with Nazi Germany. The documents are disturbing to read, especially when one considers the history of the times and the horrors that took place because of the murderous actions of the Nazi regime with which these men dealt.

One such declassified document, dated August 2, 1945, from the American Embassy in London, from which made up the American Occupational project, ''Operation Safe Haven,'' details the membership of the board of directors of the I.G. Farben Co. I.G. Farben was, at the time, the largest chemical company in the world, and is known, quite infamously for the fact that one of its subsidiaries produced ''Zyklon B,'' the poison gas used in the gas chambers in the Nazi extermination camps in Europe. While voluminous, the document provides short biographies of the directors.

At this time, I would like to ask unanimous consent that a portion of this document be printed in the RECORD at the conclusion of my remarks.

It is in this document that several Swiss nationals are listed and some are listed as owners or directors of Swiss banks. Following are the names of the bankers:

August Germann: Described as the ''Director of the Bank Fuer Unternehmungen, Zurich.''

Carlo Mollwo: Described as ''A cover man for I.G. Farben formally holding 100 percent of the shares of the Swiss bank, Ed. Greutert & Cie. (Now H. Sturzenegger & Cie.).''

Hans Sturzenegger: Described as ''A Swiss and relative of Greutert, became Managing Director of the Swiss Bank, Ed. Greutert & Cie. * * * In 1942, Sturzenegger was listed as the unlimited partner of the bank and Industrie Bank A.G. of Zurich was listed as the limited partner.''

Theodor Wolfensperger: Described as the ''President of Industrie Bank, Zurich. Known as a member of the I.G. clique.''

Mr. President, I know that this is the stuff of history, but it serves to point out one vital factor in understanding how this controversy in Switzerland today, came about. Here we have Swiss owners, or directors of banks in Switzerland, which might well have been the place of deposit for funds of European Jews, and they are sitting on the board of I.G. Farben, clearly a notorious company, by any standard. These men, as you will see by the document, also headed companies which acted as fronts for the Nazis, and later perhaps helped get assets looted by the Nazis, out of Europe. My question is, if they would do all this for the Nazis, what would they do with the assets of Europe's Jews?

Mr. President, this is a disturbing question, and to one that I truly do not know the answer. Nevertheless, I fear the worst. Yet, when considering this question, it inevitably begs a further question. What role did the Swiss Government play in this regard?

To provide a possible answer to this question, I would like to introduce the now declassified report of Daniel J. Reagan, then Counselor of Legation for Economic Affairs at the U.S. legation in Bern, who wrote to the Secretary of State on October 4, 1945 concerning the lack of cooperation of the Swiss Government.

I would ask that the text of this report be inserted in the RECORD at this time.

Mr. President, this is a devastating indictment of the Swiss Government and it illustrates how the Swiss went out of their way to avoid cooperating with the Allies in breaking up the German war effort and its vast economic structure.

This is only the beginning of our inquiry. We are finding documents daily, and with each search, we find more evidence which, I hope will place us closer to the truth, namely the authoritative, accurate and final accounting of all assets that numerous Swiss banks continue to hold from this time period and to which the survivors and rightful heirs are entitled.

The report follows:

SECRET ATTACHMENT

Sponsor Agency: External Security Intelligence Coordinating Committee, Washington, D.C.

11. In Switzerland or Connected with the Swiss Business.

Fritz Fleiner—Member of the Board of I.G. Chemie.

Dr. Albert Gadow—I.G. Farbon's Swiss representative. Member of the Board of each chief figure in I.G.

Chemie, Basle. Brother-in-law of Hermann Schmitz.

August Gormann—Member of I.G. Chemie's Board of Directors, and Director of the Bank Fuer Unternehmungen, Zurich.

Paul Haefliger—(See IV. A.2.).

Anton Heinrich—(See IV. A.3.).

Ernst Huelsmann—(See IV. A.3.).

Felix Iselin—President of I.G. Chemie, Basle, replacing Hermann Schmitz in 1940. One of most important lawyers in eastern Switzerland, a colonel in the Swiss Army, and chief of its Intelligence Service. Also President of the Schweizerische Treuhand—Gesellschaft of Basle, the chartered accountant firm of the Swiss chemical concerns Ciba, Geigy, and Sandoz. A former colleague of Iselin's has stated that Iselin is a prominent representative of absolutely German interests, and that he goes to Berlin to take orders from Hermann Schmitz and then telephones them to New York from Basle, thus pretending to protect Swiss interests where he is really protecting the interests of I. G. Farben.

Gottfried Keller—Member of the Board of Directors of I.G. Chemie, Basle.

Carlo Mollwo—German by birth, married to a Swiss, Became a Swiss citizen. ''A cover man for I.G. Farben'' formerly, holding 100% of the shares of the Swiss bank, Ed. Greutert & Cie. (now H. Sturzenegger & Cie.). He was especially active for I.G. in the nitrogen cartel through Greutert & Cie. President of the Board of Administration of Societe Auxiliaire de Participations et de Depots S.A., and member of the Board of Directors of I.G. Chemie, Basle. Chief auditor for I.G. Chemie since 1929.

Karl Pfoiffer—(See IV. A.1.).

Hormann Schmitz—(See IV. A.2.) Resigned as President of I.G. Chemie in 1940 and was replaced by Felix Isolin.

Hans Sturzeneggor—A Swiss and relative of Groutort, became Managing Director of the Swiss bank, Ed. Greutert & Cio., upon the death of Greutort in 1939, and the name of the bank was changed to H. Sturzeneggor & Cio. He had been trained in the Frankfurt offices of Metallgesellschaft and in the Finance Dept. of I.G. In 1942 Sturzenogger was listed as the unlimited partner of the bank and Industrie Bank A.G. of Zurich was listed as the limited partner. He is a member of the Board of I.G. Chemie

Theordor Wolfensperger—President of Industrie Bank, Zurich, Switzerland. Known as a member of the I.G. clique. He has been used as a nominee for I.G. in other dummy holding companies, as for instance Mapro, an I.G. camouflaged holding company in the Dutch East Indies.

12. TURKEY

Widmann—Manger of Bayor; Turkey. His private funds and personal possessions insured for LT 85,000 are held by Dr. Feridun Frik, Istanbul, at the house of Salahettin Ozgen, Eskisohir.

13. LATIN AMERICAN

Johann Carl Ahrons—Nominal partner in A. Quimica.

Bayor Lda., Brazil, Probably a front for I.G. Farben.

Ernst Holmut Andreas—German radio engineer who operated a radio station, ''Radio Bayer'' in Managua, Nicaragua, from 1929 to 1940. It advertised Bayer products and in the later years its programs included Nazi propaganda. (In 1940 the station was sold to Joso Mondoza.) He was deported to the U.S. in 1942 and in 1945 was a soldier in the U.S. Army. Believed to be a Nazi and to have operated a secret transmission set in Managua.

BERN, *October 4, 1945*.

Subject: Transmission of statement from Swiss purporting to give an indication of results of census of German assets.

[Via air mail pouch—USA War Crimes Office, Oct. 26, 1945—Secret]

The HONORABLE
The SECRETARY OF STATE,
Washington.

SIR: I have the honor to refer to the Legation's telegram No. 4211 (Repeated to London as 1407 and to Paris as 692), September 25, 1945, wherein it was reported that despite repeated and joint efforts of the British, French and ourselves during the past six months to induce the Swiss to implement effectively the agreement of March 8, it now appears that the Swiss are failing to meet in certain respects their engagements under that agreement, indulging in procrastinating tactics and also undermining economic warfare measures. As evidence of this statement there is transmitted, in the original and in translation, a memorandum presented to the

Economic Counselor by Mr. Kohli on behalf of the Federal Political Department, embracing what the Swiss describe as their interim report on the census of German assets as promised two months ago (Par. 4, Legation's telegram No. 3667, July 24). As it may be seen, this statement presents a mere description of the mode of operation of the Swiss Compensation office, the number of cases blocked without any indication of the results of the census. Mr. Kohli refused to indicate, moreover, when, if at all, any results of the census would be made available to the Allies. He did not contest the joint understanding of the British, French, and ourselves that the Swiss would make available at least the approximate value of interim blocked assets, but they have now failed to do so.

Early in August Mr. Schwab, Chief of the Swiss Compensation Office, informed the Economic Counselor that he had in the course of preparation what he intimated was a complete report which he was preparing for the Federal Political Department. Mr. Schwab stated at the time that he understood this report was intended for the Allies. Shortly afterwards Mr. Kohli, of the Federal Political Department, informed the Economic Counselor that he had received this report but that it was being translated from German into French for us. The Economic Counselor indicated that the German text would be satisfactory. Mr. Kohli stated he thought it more polite to transmit it in French. On August 23 Mr. Kohli was again reminded that we had not received this document. He stated that the translation had not yet been completed but that we would obtain it in the near future.

At a meeting on September 12 the Economic Counselor stated that he could not understand why this report, which had been in Mr. Kohli's hands for approximately a month, had not yet been transmitted. Mr. Kohli replied that after the translation had been made from German into French, the latter text had been submitted to Mr. Schwab of the Swiss Compensation Office for the latter's approval, but that Mr. Schwab had been on vacation for two weeks. The Economic Counselor informed Mr. Kohli that this statement was most remarkable, for members of his office had been in communication with Mr. Schwab by telephone several times during the preceding week. The Economic Counselor added that he had advised the Department of State of the promise to supply a report giving the pertinent information so far obtained on the census, but that it now appeared that this report, although completed a month ago by the Swiss Compensation Office, had been held up by the Federal Political Department. He expressed the fear that its transmission to us was, for reasons unknown, no longer intended. Mr. Kohli thereupon gave instructions to his assistant to assure that the French text of the report be delivered to us on the following day, which it was. It should be observed that the Aide-Memoire enclosed herewith bears the date of August 27, although it was not delivered until September 13.

The foregoing incident has been recited in detail because it suggests that the report prepared by the Swiss Compensation Office and intended for this and the British Legation and the French Embassy was censored and a perfunctory resumé substituted therefor. The enclosed report, it is hardly necessary to state, represents a failure on the part of the Swiss to carry out their promise to acquaint us with the interim results of the census and was delivered two weeks after the census was technically closed on August 31.

This failure of the Swiss to respect their promises is of especial significance at this time. It would appear to be related to the neglect the Swiss have shown *inter alia* for those provisions of the March 8 agreement which related to the prompt adoption of legislating necessary to facilitate the restoration of looted property and to the attempt made by the Swiss in the Viscose Suisse case, as reported in Legation's telegram 4211, September 25, to negate the influence of the Allied Proclaimed Lists. Reference must also be made by the belated response offered by the Swiss on September 25 (reported in Legation's telegram 4236 of September 28) to Legation's note of August 3 asserting title to German assets and to the Swiss failure to make any response to the Legation's note of July 12. The latter, as reported in Legation's dispatch 12188 of July 27, 1947, requested the Swiss to take steps, in accordance with the March 8 agreement, to assure that no disposition of German or German-controlled property in Switzerland would occur. As reported in Legation's telegram No. 4201 of September 24, 1945, despite this note and despite adequate notice from the Economic Counselor of this Legation that one such disposition was about to occur, the Swiss Government took no steps to intervene in the proposed sale of a German school at Davos.

From these incidents one inference is difficult to avoid: the Swiss Government is pursuing dilatory tactics designed to test the sincerity, firmness, and unity of the Allies with respect to the German assets in Switzerland and with respect to the commercial future of those Swiss enterprises and individuals whose pro-German activities were sufficiently notorious to merit inclusion on the Allied black lists. These tactics are being employed, it would appear, in the belief that, in the interim, the Allies will become so preoccupied with other affairs as to neglect to press for further execution of the March 8, agreement. If they are successful, the Swiss will thereby have escaped the proper and legitimate obligations which the majority of other neutrals have assumed, vis-a-vis the Allies, to put an end to the more important potentials for the continuation of Nazi activities.

In this connection, attention must be directed to recent discussions in the Swiss Parliament and the Swiss press. As reported in Legation's telegrams 4176, September 20 and 4186, September 21, 1945, Federal Councilor Stampfli, Chief of the Department of Public Economy, and Mr. Dutweiler, influential Swiss political leader, have violently attacked the Allies' listing policy. They have chosen deliberately to misrepresent the purposes and objectives of the Allies with respect to German and Japanese assets and the Proclaimed List. They have categorized these purposes and objectives as ''economic warfare'' directed against the Swiss economy, a statement so palpably false as to require no comment here. The significant point is that these responsible officials and influential spokesmen, supported by large sections of the Swiss press, choose this time to launch an offensive against our lists and the policy behind the lists. This campaign is mounting in scope and intensity. The conclusion here too is difficult to avoid: the Swiss officials are endeavoring to create a public opinion which will accept as proper and in the interests of Switzerland the failures of the Swiss Government to perform wholly in accordance with the provisions and spirit of the agreements made with the Allies.

Meanwhile, the concealment of German assets is facilitated by inadequate enforcement of existing inadequate legislation and Swiss nationals, in direct contravention of the March 8 agreement, are taking title to important German enterprises located here, steps which further complicate the detection of enemy property and the restoration of looted property.

Respectfully yours, For the Chargé d'Affaires a.i.

DANIEL J. REAGAN,
Counselor of Legation for Economic Affairs.●

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Senate Resolution 239, a resolution submitted by Senators DOLE and DASCHLE and Senate Resolution 240, submitted by Senators WARNER and FORD; I further ask that the resolutions be agreed to, the motions to reconsider be laid upon the table, all en bloc, and that any statements relating to the resolutions appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolutions en bloc (S. Res. 239 and S. Res. 240) were agreed to.

The preambles were agreed to.

The resolutions, en bloc, with their preambles, are as follows:

S. RES. 239

Whereas, in the case of *Robert E. Barrett* v. *United States Senate, et al.*, No. 96CV00385 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named the United States Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend the Senate in civil actions relating to its official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the United States Senate in the case of *Robert E. Barrett* v. *United States Senate, et al.*

Mr. DOLE. Mr. President, the plaintiff in Barrett versus United States Senate is a Federal prisoner in Michigan. He has brought a civil action in Federal district court in the District of Columbia, seeking, among other things, a declaration from the court that the U.S. Court of Appeals for the Seventh Circuit is unable to adjudicate his claims impartially because of its bias against prisoners.

The plaintiff has named the U.S. Senate, among others, as a defendant in his lawsuit. The Senate is not, however, a proper party to this suit. In fact, the plaintiff asserts no claim against the Senate. This resolution authorizes the Senate Legal Counsel to represent the Senate in this action.

S. RES. 240

Whereas, in the case of *United States* v. *Byron C. Dale, et al.*, Civil No. 95–1023, in the United States District Court for the District of South Dakota, Northern Division, the defendants have named Senator Robert J. Dole as a codefendant in a counterclaim against the United States;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Dole in the case of *United States* v. *Byron C. Dale, et al.*

Mr. WARNER. Mr. President, the legal action United States versus Dale, currently pending in the U.S. District Court in South Dakota, was brought by the United States to foreclose two mortgages executed by the Farmers Home Administration of the U.S. Department of Agriculture on real estate in Corson County, SD, belonging to the defendants.

The defendants in that action have filed a counterclaim against the United States, naming as codefendants Speaker of the House NEWT GINGRICH, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Robert Rubin, Secretary of Agricultural Dan Glickman, and the Senator majority leader. The counterclaim seeks a court order compelling televised congressional hearings regarding Federal farm and monetary policy and the enactment of legislation favored by the defendant.

Lawsuits alleging that citizens have been aggrieved by a Member's failure to act in accordance with the citizens' views have been filed against Members of Congress from time to time. As the Senate has noted previously in response to such lawsuits, every citizen has a constitutionally protected right to petition the Government for the redress of grievances. However, elected officials have the discretion to agree or disagree with communications they receive, and to decide how best to respond to the many points of view which are presented to them. This resolution authorizes the Senate Legal Counsel to represent the majority leader in this action.

MEASURE PLACED ON CALENDAR—H.R. 1296

Mr. LOTT. Mr. President, I ask unanimous consent that calendar No. 300, H.R. 1296 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Executive Calendar nominations 515 and 516.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

Gaston L. Gianni, Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation. (New Position)

DEPARTMENT OF COMMERCE

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade, vice Jeffrey E. Garten, resigned.

NOMINATION OF STUART EIZENSTAT

Mr. HOLLINGS. Mr. President, I rise today to speak on behalf of the nomination of Stuart Eizenstat to be the Under Secretary of Commerce for International Trade. In Stu Eizenstat, President Clinton has chosen a real winner. Ambassador Eizenstat brings a wealth of experience and talent to the administration's economic policy team. In Ron Brown we have had the most energetic and effective Secretary of Commerce that has ever held office at the Hoover Building. And, with the selection of Stu Eizenstat, we finally will have an Under Secretary of Commerce for trade who will serve as an aggressive advocate for U.S. business overseas, and an individual who will help defend American business against unfair competition.

Ambassador Eizenstat is a native of Georgia and, in this period of March madness, I should also note that he developed quite a reputation as an exception basketball player. He is a graduate of the University of North Carolina and Harvard Law School.

As a young man Stu served in the White House under President Lyndon Johnson. And, from 1977–80 he served as President Carter's domestic policy advisor. Since leaving the White House, he has served as a lecturer at the John F. Kennedy School of Government at Harvard and as a guest scholar at the Brookings Institute. He is an expert in trade law and he made a name for himself in private practice in Atlanta and Washington. President Clinton named him to serve in Brussels as the United States Ambassador to the European Union. And, in that role he has championed the cause of U.S. business regarding tariff and nontariff barriers to work toward a level playing field for American business.

Stu Eizenstat is outstanding member of our Jewish American community. Throughout his life he has been very active in the Jewish community in Atlanta. While in Brussels, he also served as Special U.S. Envoy for Property Claims in Central Europe, seeking restitution of Jewish communal and private property confiscated by the Nazis during the Second World War.

Mr. President, the International Trade Administration is the cornerstone in our U.S. trade programs. It is the principal agency responsible for promoting U.S. business and exports overseas. It staffs the U.S. Trade Representative, conducts trade missions, and provides policy makers with necessary information on industry and trading partners. And, through the Import Administration and the Office of Textiles and Apparel, ITA is responsible for protecting our markets from unfair competition, like dumping. ITA has typically been the Commerce Secretary's right hand; it has been the most important bureau in Commerce, regardless of who holds office, whether Mac Baldridge or Bill Verity or Pete Peterson or Elliot Richardson. I have no doubt that Stuart Eizenstat will make ITA even more effective as he assumes command.

I have no doubt that Ambassador Eizenstat will hit the ground running when he gets over to the Commerce Department. I know his first objective will be to strengthen our trade enforcement activities. He intends to create a new center to monitor foreign countries compliance with trade agreements. Another principal goal of his is to get Asian nations to open their markets to U.S. products. During this recess, I will be reviewing his efforts to build a new American business center in Shanghai, China.

Mr. President, Stu Eizenstat is a man of superb intellect and high integrity. I can tell you that he knows how to get the job done. I know that he will be an effective leader at ITA and Commerce and I urge my colleagues to support his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER FOR STAR PRINT—S. 969

Mr. LOTT. Mr. President, I ask unanimous consent that S. 969, the Newborns' and Mothers' Health Protection Act, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, today I am pleased to join my colleagues, Senator NANCY KASSEBAUM and Senator BILL FRIST, in announcing a revised and improved version of S. 969, the Newborns' and Mothers' Health Protection Act of 1996.

This bill requires insurers to allow mothers and their newborns to remain in the hospital for a minimum of 48 hours after a normal vaginal delivery and 96 hours after a caesarean section. Shorter hospital stays are permitted, provided that the attending health care provider, in consultation with the mother, determines that is the best course of action.

S. 969 has garnered wide support and endorsements. Currently, 34 of our Senate colleagues, 21 Democrats and 13 Republicans are cosponsors. Major medical organizations such as the American Medical Association, the American College of Obstetricians and Gynecologists, and the American Academy

of Pediatrics have endorsed this legislation.

More than 83,000 Americans from every State in this Nation have communicated their support to my office.

Today, I ask unanimous consent that a summary of the clarifications and changes to S. 969 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

The following comments detail the clarifications and technical changes made to S. 969.:

1. The original bill did not comment on whether or not an attending health care provider would need to obtain authorization in order to keep a mother and newborn in the hospital for the 48/96 hours that are guaranteed for insurance coverage.

The re-introduced bill states that attending health care providers do not need to obtain authorization in order to keep mothers and newborns in the hospital for this period of time.

2. The original bill stated that a decision for early discharge (eg prior to the 48/96 hours) could be made by either the attending health care provider OR mother.

The re-introduced bill states that a decision for early discharge can be made by the attending health care provider in consultation with the mother.

3. The original bill did not address time parameters with regard to follow-up care.

The re-introduced bill states that follow-up care must be timely and must be provided within 24–27 hours following discharge.

4. The original bill did not specify a full range of health care providers.

The re-introduced bill specifies: physicians (obstetricians-gynecologists, pediatricians, family physicians, other physicians), nurse practitioners, nurses, nurse midwives, and physician assistants (where appropriate).

5. The original bill was ambiguous regarding preemption.

The re-introduced bill states that state laws that provide for a guarantee of insurance coverage for 48/96 hours OR have laws that guarantee care based on guidelines from the American College of Obstetricians—Gynecologist and the American Academy of Pediatrics AND have followed-up care consistent with federal law.

AUTHORITY FOR SUBMISSION OF STATEMENTS REGARDING THE DEATH OF EDMUND S. MUSKIE

Mr. LOTT. Mr. President, I ask unanimous consent that Senators have until April 20, 1996, to submit statements with regard to the death of the late Senator Edmund S. Muskie, and that the statements then be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the committees have between 10 a.m. and 3 p.m. on Wednesday, April 10, to file legislative or executive reported legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Senate Resolution 227, the Whitewater legislation, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant 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 the motion to proceed to Senate Resolution 227, regarding the Whitewater extension.

Alfonse D'Amato, Dan Coats, Phil Gramm, Bob Smith, Mike DeWine, Bill Roth, Bill Cohen, Jim Jeffords, R.F. Bennett, John Warner, Larry Pressler, Spencer Abraham, Conrad Burns, Al Simpson, John H. Chafee, Frank H. Murkowski.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur at 2:15 p.m. on Tuesday, April 16, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I now withdraw the motion.

ORDERS FOR MONDAY, APRIL 15, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of the adjournment resolution until the hour of 10 a.m. on Monday, April 15; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 2 p.m., with Senators permitted to speak therein for up to 5 minutes each, except for the following: Senator HATCH, 20 minutes; Senator DASCHLE or his designee, 90 minutes; Senator COVERDELL, for 90 minutes.

I further ask unanimous consent that immediately following morning business, the Senate begin consideration of the illegal immigration bill reported by the Judiciary Committee during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, following morning business on Monday, April 15, it will be the intention of the majority leader to begin consideration of the immigration reform bill. Amendments are expected to be offered to that bill. Therefore, I hope that any Senator who intends to offer an amendment will be available on Monday, April 15, to offer and debate their amendments.

Rollcall votes will not occur during Monday's session. However, if any votes are ordered on amendments, those rollcall votes would be ordered to occur during Tuesday's session of the Senate.

Also on Monday, the Senate may be asked to consider any other legislative or executive items that could be cleared for action. Senators should also be reminded that a cloture motion was filed today with respect to the Whitewater Special Committee. Therefore, the cloture vote will occur on Tuesday, April 16, at 2:15 p.m.

ADJOURNMENT UNTIL 10 A.M., MONDAY, APRIL 15, 1996

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of House Concurrent Resolution 157.

There being no objection, the Senate, at 5:13 p.m., adjourned until 10 a.m., Monday, April 15, 1996.

NOMINATIONS

Executive nominations received by the Senate March 29, 1996:

THE JUDICIARY

M. MARGARET MCKEOWN, OF WASHINGTON, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE J. JEROME FARRIS, RETIRED.

LAWRENCE BASKIR, OF MARYLAND, TO BE A JUDGE OF THE U.S. COURT OF FEDERAL CLAIMS FOR A TERM OF 15 YEARS, VICE REGINALD W. GIBSON, RETIRED.

COLLEEN KOLLAR-KOTELLY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA VICE HAROLD H. GREENE, RETIRED.

JOAN B. GOTTSCHALL, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE JAMES B. MORAN, RETIRED.

FRANK R. ZAPATA, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE RICHARD M. BILBY, RETIRED.

DEPARTMENT OF STATE

LESLIE M. ALEXANDER, OF FLORIDA, 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 REPUBLIC OF ECUADOR.

PRUDENCE BUSHNELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RICHARD B. MYERS, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN P. JUMPER, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RALPH E. EBERHART, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD T. KADISH, 000–00–0000, U.S. AIR FORCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1996:

FEDERAL DEPOSIT INSURANCE CORPORATION

GASTON L. GIANNI, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION.

DEPARTMENT OF COMMERCE

STUART E. EIZENSTAT, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 29, 1996, withdrawing from further Senate consideration the following nomination:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARY BURRUS BABSON, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 1 YEAR (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JANUARY 22, 1996.

EXTENSIONS OF REMARKS

TENTH ANNIVERSARY OF THE CHERNOBYL REACTOR EXPLOSION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. GILMAN. Mr. Speaker, at 1:23 a.m. on April 26, 1986, a test conducted on reactor No. 4 at the nuclear facility at Chernobyl, Ukraine resulted in catastrophe. An explosion in the reactor core destroyed a large part of the reactor building. Since the entire facility had been built without any containment dome, there was no way for the reactor personnel to prevent the release into the atmosphere—and into the wind—of huge amounts of radioactive materials. The total amount of radiation released in the course of this terrible incident is estimated by many to exceed that released by the atomic bomb blast at Hiroshima, Japan in 1945.

For 2 weeks after the explosion, reactor personnel and firefighters fought to extinguish the fire, which was fed by the exposure of the reactor core to the atmosphere. Official records from the former Soviet Communist regime regarding the Chernobyl explosion state that 31 individuals, mostly plant personnel and firefighters, died during or immediately after the explosion. It is very likely, however, that a greater number died at that point, with the Soviet regime choosing to cover up the extent of the damage and loss of life caused by the explosion.

Mr. Speaker, I must take a moment to mention that a group of high school students from my district were visiting Belarus at the time of the Chernobyl explosion. As the radiation from Chernobyl spread north toward Belarus, we were all concerned for the safety of these young people and, after they cut short their trip and returned to the United States, I asked the Brookhaven Laboratories to check to ensure that they had not been exposed to radiation. In fact they had been exposed, but the radiation was limited to their shoes.

Since that time, however, an effort has been mounted by those students from Ramapo High School and their faculty instructor, Mr. Don Cairns, to collect and distribute medical and other supplies for the children who are victims of radiation exposure in Belarus. To date, the Ramapo Children of Chernobyl Fund has collected over $12 million worth of medicines and other materials for those innocent young victims. In June 1994, President Clinton commended this group and those young American students for all they had done and were doing to help these children in Belarus. Today, I want to again voice my commendation for their continuing good work.

Mr. Speaker, we are now approaching the 10th anniversary of this catastrophe, and I would like to provide my colleagues with some estimates of the damage caused over the last 10 years in the countries of Ukraine, Belarus, and Russia by the catastrophe of April 26, 1986:

Up to 125,000 individuals may have died due to radiation exposure, including 6,000 people who participated in postexplosion, cleanup activities;

Millions of residents of the countries of Ukraine, Belarus, and Russia live on lands contaminated by radiation;

Thyroid cancers have risen dramatically among children of the surrounding region;

Radiation continues to work its way into the food chain, and the danger of the further spread of radiation from the site of the destroyed reactor is growing—even now, the concrete sarcophagus surrounding the destroyed reactor is believed to be in danger of collapse.

Meanwhile, energy-starved Ukraine continues to operate the remaining three reactors, dependent on their electrical output to make it through the difficult time of economic transformation through which that country is now going. The danger of Chernobyl continues, however. As recently as November of last year, a serious radiation leak occurred when a nuclear fuel rod split open during refueling of reactor No. 1.

Mr. Speaker, this is a grave situation, and one that requires the world's attention and concern. On April 8–9 of this year, the Children of Chernobyl Fund, Columbia University's Harriman Institute, and Yale University's Center for Russian and East European Studies, will cohost a 2-day conference on the long-term impact of the Chernobyl explosion.

Mr. Speaker, I recommend to my colleagues' attention an article announcing this very important conference, printed in the March 17 Ukrainian Weekly, and I include the article in my statement at this point.

[From the Ukrainian Weekly, Mar. 17, 1996]

CHORNOBYL CONFERENCE SLATED FOR COLUMBIA AND YALE

NEW YORK.—On April 8–9, the Harriman Institute at Columbia University and the Center for Russian and East European Studies at Yale will co-host a two-day conference to examine the long-term impact of the Chornobyl nuclear accident and to address the broad spectrum of environmental and medical crises that continue to plague Ukraine, Belarus and neighboring countries.

The conference will bring together some of the leading international experts on Chornobyl's aftermath. Among these will be Prof. David Marples of the University of Alberta, Dr. Alexander Sich of the European Bank for Reconstruction and Development (EBRD), and Dr. Murray Feshbach, author of the groundbreaking treatise titled ''Ecocide in the USSR.''

The opening panel will also include Alla Yaroshinska, the award-winning journalist who uncovered secret internal memos from the Soviet Politburo which proved that the government covered up the widespread incidence of acute radiation sickness among thousands of Chornobyl victims. The ''secret protocols'' were published in Izvestiya and provided conclusive evidence that then President Mikhail Gorbachev was fully informed of the scope of the accident and that he deliberately tried to mislead the public and the Western news media about the severity of the threat to public health and safety.

The first day of the conference, from 9 a.m. to 3:30 p.m., will be held at the Luce Center for International Studies at 32 Hillhouse Ave., on the Yale Campus in New Haven, Conn.

On April 9 the conference will reconvene at 9 a.m. at Altschul Auditorium at the School for International and Public Affairs, 420 W. 118th St. (ground floor) at Columbia University.

''We hope that this will be much more than a retrospective on the events of 1986,'' said Prof. Mark Von Hagen, director of the Harriman Institute and a leading scholar on Ukrainian affairs. ''The legacy of Chornobyl continues, and this conference is planned as a constructive step in the quest for solutions to the many problems still affecting the contaminated regions.''

Titled ''Chornobyl Challenge '96'' the conference is part of the nationwide campaign being mobilized under the same name to commemorate the 10th anniversary of the Chornobyl accident.

''Chornobyl is one of the most daunting challenges confronting the scientific community and global policy-makers,'' said Alex Kuzma, coordinator of the Chornobyl Challenge '96 coalition and director of development for the Children of Chornobyl Foundation.

''Beyond the immediate need for medical relief, the nations of Ukraine and Belarus are facing the massive task of cleaning up thousands of acres of contaminated land and irradiated equipment left over from the 1986 emergency. They also need to reduce their dependency on Soviet-built reactors, which everyone agrees are dangerously substandard, and to develop benign energy alternatives,'' he added.

A special workshop on Ukraine's energy policy will explore the potential for greater energy efficiency in the industrial sector, biomass and other promising technologies.

''We hope to offer useful insights and perspectives based on the successes of Western environmental programs, and the initiatives of other developing nations,'' said Susan Holmes, program director for the conference at Columbia University. ''We also need to remain sensitive to the unique circumstances surrounding Chronobyl and the unprecedented nature of this accident.''

Numerous government officials from Ukraine and the United States are also scheduled to address the conference. These include U.S. Sen. Joseph I. Lieberman (D-Conn.) and Rep. Benjamin Gilman (R-N.Y.), chairman of the House Committee on Foreign Affairs. Both have been outspoken advocates of greater U.S. assistance to the Chornobyl region.

Also featured will be Deputy Volodymyr Yavorivisky, a prominent member of the Ukranian Parliament and a former commissioner for Chornobyl relief efforts, and Vice-Prime Minister Vasyl Durdynets, chairman of humanitarian affairs in the Ukranian government's Cabinet of Ministers.

Principal funding for the conference has been provided by Columbia University with a supporting grant from the Shevchenko Scientific Society. The cost of admission to the conference will be $35 per person for both days, or $20 per day. Admission will be free for students and faculty with valid Columbia or Yale University identification.

For more information, contact Susan Holmes at the Harriman Institute, (212) 854–

8487; Ellis Mishulovich at the Yale Center for East European Studies, (203) 432–3423, or the Children of Chornobyl Foundation, (201) 376–5140.

IN HONOR OF THE CHILD ABUSE PREVENTION COUNCIL OF CONTRA COSTA COUNTY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. MILLER of California. Mr. Speaker, on April 18, 1996, the Child Abuse Prevention Council of Contra Costa County, Inc. [CAPC] will be celebrating its 20th year of providing critical services to children and families in my congressional district. I would like to take this opportunity to congratulate CAPC and its staff and volunteers for their dedication, perseverance and significant contribution to the community. They truly have helped to make a difference in the lives of children and their families.

Founded in 1976 as part of an umbrella organization and incorporated in 1984 as an independent nonprofit corporation, the council serves as the county's clearinghouse for child abuse prevention information and referral, public education, and advocacy services.

The Council's message to ''Stop Child Abuse'' reaches over 70,000 county residents each year. As the only agency in Contra Costa County solely dedicated to child abuse prevention, the council provides a number of programs and services designed to educate, inform, and involve the general public in preventing child abuse. Also, by connecting victims, abusers and those at-risk for abuse with much-needed services, the council serves a critical function in stopping the vicious cycle of child abuse in our society at large.

The council recruits, trains and maintains an active roster of over 30 volunteers who participate in our Partnership for Prevention Program. This program is designed to provide educational presentations to colleges, schools, daycare and Headstart centers, shelters, community groups, professionals serving children, service clubs, churches, community service agencies, firefighters, and corporate employees. Its trained volunteers provide over 100 presentations throughout the county to over 5,000 people annually.

The council coordinates public and private agencies involved in the prevention, intervention and treatment of child abuse in Contra Costa County. In 1982, by order of the Contra Costa Board of Supervisors, CAPC was designated as the coordinating agency of the Interagency Child Abuse Systems Review Committee, an ongoing committee which identifies problems in the county's service delivery system and makes recommendations to the board of supervisors. In 1988, the council was also named as the coordinating agency for the Contra Costa County Child Death Review Multidisciplinary Team, which reviews deaths of children under the age of 18 years.

In 1992, the Council established the countywide Multidisciplinary Interview Advisory Committee for the purpose of providing planning for a future Multidisciplinary Interview Center in Contra Costa County. This center would provide a one-stop interviewing for child sexual abuse victims, and streamline investigation, and prosecution processes for child sexual abuse cases.

In 1982, the CAPC special needs fund was established—with assistance from the Oakland Tribune—to provide small cash grants to help meet the special needs of families in which childen may be in jeopardy and/or need. Each year the council disburses approximately 15 grants to families in Contra Costa County.

In 1985, an interagency task force was convened by the council to develop a comprehensive resources directory of primary prevention and support services available to residents of Contra Costa County. The directory, ''Surviving Parenthood,'' is now in its 5th edition and has been established as the leading resource for families in crisis.

More recently, CAPC developed a ''Kids: Instruction for Care'' campaign which includes the distribution of T-shirts and bookmarks designed to highlight basic parenting skills. The bookmarks are distributed in daycare facilities, schools, and libraries throughout the county, and the T-shirts and now in more than 25 States and 11 countries.

Next month, the council will celebrate its 20th anniversary, and I am pleased to see that the council has as much energy today as when it first began. The council is expanding its programs to meet the growing needs of the county. This year the child abuse prevention council will be opening a second office in Richmond, CA, to provide more accessible services to families and children in west Contra Costa County.

Again, Mr. Speaker, I salute CAPC on its 20th anniversary and hope that they not only continue their important efforts but can serve as a model for other communities in their efforts to combat the scourge of child abuse.

PERSONAL EXPLANATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. SKELTON. Mr. Speaker, on Thursday, March 28, I was unavoidably detained and missed rollcall vote No. 106. I would have voted ''no'' on rollcall No. 106, final passage of H.R. 3103, the Health Coverage Availability Act.

CITIZENSHIP USA

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. GUTIERREZ. Mr. Speaker, on Monday, March 18, 1996, the INS announced the Chicago kickoff of Citizenship USA, a major nationwide initiative designed to help eligible immigrants become U.S. citizens. The goal of this worthwhile initiative is to ensure that by September 30, 1996, eligible persons who apply for citizenship will become citizens within 6 months. In Chicago alone the INS is expected to conduct more than 850 interviews each day, 4 days a week. This historic announcement was made before a crowd of 1,100 new citizens, representing 71 nations, who took the citizenship oath at the Navy pier ceremony.

As a proud participant of the development of this very important initiative in Chicago I would like to include in the CONGRESSIONAL RECORD my remarks during the Chicago Citizenship USA kickoff.

CITIZENSHIP USA

(By Luis Gutierrez)

I want to thank everyone who has worked so hard to make this day possible and make it such a success, and for giving me the opportunity to be with all of you today. I want to say a particular word of thanks to Mayor Richard Daley. In a time when far too many elected officials across our nation have found that exploiting people's fears and ignorance about the immigrant community can be the road to a few extra votes, our Mayor has demonstrated a consistent commitment to immigrants to our great city.

Mayor Daley, I thank you for that commitment. And most importantly, I thank all of you who are here before us today, allowing us to share in this very special day of accomplishment for all of you. The elected and appointed officials who are on this podium today have the easy part of the program. We are fortunate enough to be able to congratulate you and share in your success.

All of you have done the hard part. You have left family and friends in your native country. Overcome barriers of language and culture and custom. Endured the frustrations of government bureaucracy and paperwork and frequent indifference. And weathered the words and policies and efforts of some of us here in America who still, after 220 years of our nation growing and thriving because of the contributions of immigrants, who still don't want you in our land.

And yet, here you are, about to make our country stronger and greater and better by becoming citizens of the United States of America. For your effort, and dedication, and commitment to reaching your dream, I thank you. And today, as you make your dream come true, you are doing more than just taking a big step forward for you and your family. You are sending a message to the people of Chicago, the people of Illinois, the people of America.

Two days from now, I will go to Washington. And in Washington this week, we are debating H.R. 2202. It's a bill about immigration and naturalization. And the people who wrote that bill are blind to all of you who are here today. They are blind to your hopes and dreams and contributions and efforts to build a better America. And that blindness is reflected in one of the most horribly anti-immigrant bills to be introduced into Congress in our lifetime.

So we will debate in Washington this week just how many of these types of ceremonies we should really have in our country. The people who wrote that bill say a lot less. I say we should have a lot more. Because when we debate the question, ''what should our immigration policy be,'' we are really asking ourselves something much more important.

We are asking. ''what king of nation should we be?'' ''What kind of America should we be?'' Should we be the proud, and confident, and vibrant America that has welcomed immigrants from across our globe, and grown better and stronger because of their contributions? Or should we be a small, and fearful, and declining America that shuts our borders and closes our minds and turns our back on people who want nothing more than to help make America great?

That is the real choice of our immigration debate this week. To listen to the red-hot rhetoric about the dangers of immigration, and about immigrants who are making our

streets dangerous and taking away jobs and looking for a free ride, you might think that immigrant-bashing is a new invention. But the mindless immigrant-bashing we hear today from the Pete Wilsons and Pat Buchanans of America is as old as the Mayflower.

Politicians have always been ready to turn real fears and legitimate concerns about crime and health care and jobs into the imaginary belief that it is all the fault of those people—those immigrants, those suspect people who are somehow different from the rest of us.

Let me read you a quote. You guess who it's about. ''It is hopeless to think of civilizing these new immigrants, or keeping them in order, except by the arm of the law.'' Sounds a lot like the speeches I hear on the floor of the House of Representatives. Or the rhetoric any where Pat Buchanan happens to be campaigning. But the quote is a little less recent, It's from the New York Times. In 1875. And they were writing about Italians.

Well, the immigrant bashers were wrong about Italians in 1875. And they are wrong about the immigrants to America today. Unfortunately, today's immigrant bashers are so busy closing their minds that they close their eyes to the reality of immigration and the contributions of immigrants. They don't see you. They don't see this swearing in. They don't see 1,000 people ready to work and sweat and toil to make their lives better and their families lives better. You are the reality of immigration today.

I wish the bashers and politicians and fear-mongerers would come to our city, and look at the reality of your faces. Maybe then, instead of closing their minds, they could open their hearts. When friends of mine who don't know Chicago come to town, Like to take them to one of the most vibrant, thriving, successful commercial strips in our city. Do I take them to State Street or Michigan Avenue? No, I take them to 26th Street, one of the most successful urban commercial strips in America.

An area rebuilt almost exclusively by immigrants from Mexico. Because of immigration, 26th Street is not another declining, nearly abandoned urban wasteland. It is an example of our city at its best. And look where we are today.

At Navy Pier, a historic reminder of a Chicago that has opened its streets and ports and neighborhoods to Swedes and Poles and Irish and Lithuanians and Italians and Germans and every person from every corner of the globe and because we opened our doors instead of closing our minds we live in the greatest city in the world. And now that great city has 1,000 more recruits who will open businesses and create jobs and build housing and work and sweat and contribute and stand on the shoulders of our immigrant brothers and sisters and lead Chicago into a new century.

I ask Mr. Buchanan and every person who wants to build a wall around our nation: Have you looked at the inner-cities being rebuilt by immigrants from Mexico? Have you visited the hospitals where doctors from Asia are healing our sick? Do you care about the new businesses and new jobs and new opportunities that are being created by newcomers to America from across the world?

In the past, America's answer has been: Yes we see, yes we care, yes we understand. And that must be our answer today. A recent study estimated that immigrants to our country are earning more than $240 billion per year. They are paying more than $90 billion in taxes. And they are collecting only five billion dollars in welfare benefits.

Almost 20 times more taxes paid than government benefits collected. Those are the facts of our immigrant community. I am honored and proud to serve a Congressional District that is filled with a diverse community of immigrants from throughout the world.

When I walk down Milwaukee Avenue, I still hear the languages of my neighbors from Mexico to Poland to Ukraine to Korea. Yet, no community is more American. More proud of our nation. This is the true story of the immigrant community.

I think the immigrant-bashing sweeping across our nation like a plague is a real threat to our future. Our country should remain strong and vibrant and confident. But we cannot do it if we turn our back on people who want to contribute.

What would Chicago look like today if we had closed our doors before the Irish arrived, or before the Germans arrived, before the Poles arrived? If we were to close our doors today, we will gain nothing, and lose something vital. We would become a broken city of missed opportunities. Of missed economic opportunities, the missed cultural opportunities, of missed opportunities to keep our city growing and thriving changing.

I see many faces here today that I have seen before. Your came to the workshops sponsored by the 4th Congressional District Citizenship Project. I'm very proud we were able to help you, yet I know that it was you who did the real work. You endured long lines and waits. You endured a backlog at the INS to have your application approved. Many of you studied hard for your test and worked to improve your English. I know it wasn't easy.

But the work of months will pay off today by beginning a lifetime of opportunity. Immigration is opportunity. All of you now have a greater opportunity for you to benefit from our nation. But America gets an even better deal. Our nation receives the opportunity to benefit from you.

As I speak on the floor of the House of Representatives this week, as people attack immigration and say we need fewer new American citizens, I will think of all of you today. And I will do my best to spread the word. The word of your dedication and commitment and what it means to our country. The word of how much our nation would lose if we stop having days just like today.

You've kept your end of the bargain by overcoming the obstacles and becoming citizens. I promise you, I'll do everything I can to make sure our government keeps their end of the deal.

Thank you again and congratulations to every one of you on your outstanding accomplishment.

CONGRATULATIONS TO LAWRENCEVILLE HIGH SCHOOL BASKETBALL TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. POSHARD. Mr. Speaker, I rise today to honor a special group of student-athletes from the 19th District of Illinois. The Lawrenceville High School basketball team recently completed their 1995–96 campaign by qualifying for the State tournament in Peoria. The Indians were knocked out in the elite eight, but even this loss could not tarnish such a stellar season. Highlighting their accomplishments is the fact that the team carries a 3.0-grade point average. I commend them on not only their title run, but their commitment to their studies and the excitement they brought to the community.

Lawrenceville is a senior dominated squad that has been together since middle school. As eight graders, this group won the Southern Illinois Class L State Tournament Championship with an undefeated mark of 24–0. Combined with an experienced crop of juniors and two underclassmen, it is easy to understand how the Indians competed with the best talent in the State. On the way to a 22–7 record, Lawrenceville won the Capital Classic and the North Egyptian Conference as well as regional, sectional, and super-sectional titles. Head coach Brian Stillwell and his assistants Lynn Gray, Jerry Scott, and David Hesher deserve praise for guiding this hard-working group through a long season. Significantly, Lawrenceville was the only high school in Illinois to have two sport teams qualify for their respective State tournaments, the wrestling team joining the cagers in this honor.

Mr. Speaker, high school sports teach our students many important lessons and are an excellent preparation for their future careers. In return, these fine players give back to their school and town with their uncompromising pursuit of success, both on the hardwood and in the classroom. They have done themselves proud, and I salute them. It is an honor to represent Lawrenceville in the U.S. Congress. The following are the team members: Curt Benson, Kevin Cochran, Mark Denison, Nate Ernst, Jason Goff, Ryan Gray, Stephen Muller, Matt Moorehead, Dusty Tredway, Gage Caudell, Matt Gardner, Jason Green, Josh Weger, Andy Denison, and Justin Wolfe. The managers are Josh Brown and Jared Smith.

HONORING THE LOWER MERION HIGH SCHOOL BOYS BASKETBALL TEAM

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a group of student athletes who scaled the mountain of athletic success while keeping their feet firmly planted in the soil of educational excellence.

Recently, the boys basketball team from Lower Merion High School captured the class AAAA championship by beating a fine team from Erie Cathedral Prep 48 to 43. After streaking through a phenomenal season with a 31–3 record, the Aces captured their first State title since 1943.

This athletic achievement is a testament to their exceptional teamwork, commitment to excellence and their remarkable drive to achieve the finest in athletics. The hard work and dedication of Coach Gregg Downer, his staff and the fine young men paid off as they achieved the ultimate success for a high school basketball team in Pennsylvania.

These young men are shining examples of the best and brightest in America. Among the team members is Kobe Bryant whose 33 point average per game and stellar abilities have made him the No. 1 high school basketball player in the Nation.

But this high school and the outstanding Lower Merion School District of which it is a part represent more than excellence in athletics. Six of the district's nine schools have received the national Blue Ribbon designation

from the U.S. Department of Education. Lower Merion has a record number of National Merit Scholars and its students have just won their fifth consecutive State championship in the Academic Decathlon.

The achievements of the students and athletes of Lower Merion represent all that is good about our public education system. The school district and the students educated there are a monument to what can happen when local officials and parents work together to craft an educational and athletic program which provides a well-rounded background as these young men and women prepare for their adult lives.

Mr. Speaker, as the Representative who has been given the honor of serving the people of Lower Merion and the entire 13th Congressional District, I offer my congratulations to the student athletes of the Lower Merion Boys Basketball Team, their coaches, and families on the occasion of this great State championship. And I offer best wishes for a future I know has been forged in the fires of hard work, strengthened by the dedication to excellence, brightened by the light of potential and nourished by a caring community and family.

IN HONOR OF MS. LIDIA GIL-RAMOS FOR DISTINGUISHED AND DEDICATED SERVICE TO THE SENIOR CITIZENS OF NORTH HUDSON COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Ms. Lidia Gil-Ramos, an outstanding individual who has distinguished herself by her selfless commitment to the senior citizens of Hudson County. Ms. Ramos will be honored at the 22d anniversary dinner of Tertulias de Antano, a senior citizen recreational program she founded.

Ms. Ramos emigrated from Cuba and arrived in Union City, NJ in 1965. She is a woman who seems to have been born for social work and community service. In Cuba, she taught primary school during the day and volunteered her nights teaching elderly farm workers who never had the opportunity to attend school. Upon receiving her master's degree from the University of Havana, she became director of a large nursing home in San Miguel de los Banos, Matanzas in central Cuba.

Once in the United States, she found employment as an income maintenance specialist for the Food Stamp Program in Jersey City and undertook further training in working with elderly citizens. Her service to seniors began in the Cuban refugee program of Union City. During her service, she witnessed the dejection and solitude that many Cuban seniors experienced in their new surroundings. Determined to address and to improve the social environment of the Cuban senior community, she founded the Tertulias de Antano recreational program on October 13, 1974.

Ms. Ramos devotes much of her time to coordinating the details of the program, which provides seniors with information on health care issues, English-language programs, and social events within the community. Today, not only do seniors in the Cuban-American community praise the program, but so do seniors from other Latin American countries now living in Hudson County. All this is due to the vision and enduring commitment of one woman dedicated to the overall happiness of the senior community.

Ms. Ramos' commitment to the senior citizens of Hudson County exemplifies the true meaning of compassion and community service. For her outstanding work and leadership, I ask my colleagues to join me in honoring this wonderful individual. I am proud to have such a remarkable woman living and working within my district.

RECOGNIZING AARON MICHAEL EINBOND, 5TH PLACE WINNER OF THE 55TH ANNUAL WESTINGHOUSE SCIENCE TALENT SEARCH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. RANGEL. Mr. Speaker, I rise today to recognize an outstanding young man, Aaron Michael Einbond of New York, NY. Aaron, a senior attending Hunter College High School in Manhattan was chosen on Monday March 11, 1996, as the fifth place winner in the prestigious Westinghouse Science Awards.

Since 1942, the Westinghouse Science Talent Search has identified and encouraged high school seniors to pursue careers in science, mathematics, and engineering. The search is sponsored by Westinghouse Electronic Corp. through the Westinghouse Foundation in partnership with Science Service, a nonprofit organization.

Over the years, more than 113,000 students from all over the country have entered projects into this prestigious competition. This year, 735 high schools from all 50 States submitted entries to the Westinghouse Science Talent Search. Only 40 students may participate in the final round of judging and from that pool of 40 students, only 10 finalists are awarded scholarships.

Aaron's project explored a new protein domain through the use of protein sequence database searches. It resulted in the isolation of two human genes.

Aaron is not new to winning awards. He is a three time winner of the Manhattan Borough Science Fair competition and a multiple winner of various school science fairs. This talented young man is also an award winning composer and gifted musician who plays the clarinet. This fall, Aaron will enroll as a freshman at Harvard University where he will have the opportunity to pursue his two loves: music and science.

I congratulate Aaron on his accomplishment of being awarded a Westinghouse Science Award and I salute the Westinghouse Science Talent Search and all the winners for acknowledging the hard work of young people like Aaron.

PROVIDING FOR CONSIDERATION OF H.R. 3136, CONTRACT WITH AMERICAN ADVANCEMENT ACT OF 1996

SPEECH OF

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1996

Ms. DUNN of Washington. Mr. Speaker, I rise today in support of H.R. 3136, the Contract With American Advancement Act. Over the past 15 months, Republicans have made truly historic efforts to change business as usual here in Washington, DC. Central to those efforts has been our drive to finally put our Nation on a credible path to a balanced budget.

Despite the fact that Republicans crafted the first balanced budget since 1969, we have learned that a supposedly revolutionary idea like balancing the budget takes two elections. Despite this setback, we have not given up the fight.

Republicans continue to believe that Washington spends too much, taxes too much, and that government is too big. That is why we are doing all we can to reduce spending, reduce taxes, and shrink the size of government.

While we may not be able to accomplish as much this year as we had hoped, we are dedicated to doing as much as we can—right now. That brings me to the measure before us today. While we continue to work to keep our promises to the American people for a balanced budget, we must not put the Nation at undue risk. This vote—to authorize the Government to borrow more money by increasing the Nation's debt limit—is not easy.

Congress has twice sent the President a bill that extends the Government's borrowing authority. President Clinton has vetoed both bills. Now Republicans again act to avoid default.

Our current debt limit stands at $4.9 trillion. And it is growing everyday. Someone, someday has to pay off this debt. I do not want to leave it to the next generation. We have a responsibility to our children, and to our children's children, to end this pattern of destructive out-of-control spending.

Mr. Chairman, $4.9 trillion is a lot of money. To put that figure into perspective I want to share just a few facts. If we were to pay all of the debt off today, a family of four would need to contribute over $72,000 as their share of the debt. A single person's bill would come to just $18,000.

Every week we continue to have this debt, that family's personal share of the debt rises by $89. Every month—$383. For most families, this is a monthly car payment which ends in 4 or 5 years. But this is not a car payment, it is our national debt. You keep giving, but you get nothing in return and you continue to pass the tab onto our children.

Included in this measure is what I believe to be one of the most important tools necessary to fix our irresponsible spending habits—the line-item veto. To demonstrate how important this tool is, I am willing to give the authority to a President of a different party. To those who say the President will use it for political purposes, I say nonsense. The President currently has veto authority. With line item authority he simply could remove the misguided pork barrel spending without killing the entire bill.

It is time we give the President what 43 Governors have: the fiscal responsibility to strike out the pork. The American people clearly are in favor of this provision, as well they should be. With a new debt ceiling of $5.5 trillion, it is time we stop Congress' out of control spending.

The bottom line is that we are in far too deeply. Over the past 15 months Republicans have made the difficult choices necessary to reduce the size of the Federal Government, to provide families and employers with badly needed tax relief, and to provide for a balanced budget in 7 years. We are building a path to the future that restores both hope and opportunity for all Americans—from my parents to my children and to their children yet to be born.

Our Nation is at a crossroads. There are two competing visions of America's future. We can either adhere to the status quo as the President suggests—which means higher taxes on families, more spending, more debt, fewer jobs, and less opportunity for our children—or we can follow a new responsible course by balancing our Nation's budget, cutting taxes and restoring hope, confidence, opportunity, and prosperity.

To be sure, it has not been easy making the tough choices needed to reach a balanced budget. But those are decisions that we have been willing to confront. In no way should today's extension of the debt limit relieve us of this responsibility. To the contrary, we must be more vigilant than ever in bringing our Nation back to a responsible fiscal path. To the next generation—to my own two sons—I say that Republicans are committed to redoubling our efforts to convince the President that enactment of a balanced budget is our single most important responsibility.

DAY OF NATIONAL HUMILIATION, FASTING, AND PRAYER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. BARRETT of Wisconsin. Mr. Speaker, today I would like to submit excerpts from President Lincoln's proclamation for a day of national humiliation, fasting, and prayer which was intended to promote a national day of healing and reflection after turbulent times. Mr. Vern Ihm, a constituent of mine, brought President Lincoln's proclamation to my attention and thought President Lincoln's message is still relevant today. In keeping with the spirit of reflection I would like to enter excepts of President Lincoln's proclamation into the RECORD.

And whereas, it is the duty of nations, as well as of men, to own their dependence upon the overruling power of God, to confess their sins and transgressions, in humble sorrow, yet with assured hope that genuine repentence will lead to mercy and pardon; and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord:

And, in so much as we know that, by His divine law, nations, like individuals, are subjected to punishments and chastisement in this world, may we not justly fear that the awful calamity of civil war, which now desolates the land, may be but a punishment inflicted upon us for our presumptuous sins, to the needful end of our rational reformation as a whole People? We have been the recipients of the choicest bounties of Heaven. We have been preserved these many years, in peace and prosperity. We have grown in numbers, wealth, and powers as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessary of redeeming and preserving grace, too proud to pray to the God that made us! It behooves us, then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.

Now, therefore, in compliance with the request, and fully concurring in the views of the Senate, I do, by this my proclamation, designate and set apart Tuesday, the 30th day of April, 1863, as a day of national humiliation, fasting, and prayer. And I do hereby request all the People to abstain on the day from their ordinary secular pursuits, and to unite, it their several places of public worship and their respective homes, in keeping the day holy to the Lord, and devoted to the humble discharge of the religious duties proper onto that solemn occasion.

All this being done, in sincerity and truth, let us rest humbly in the hope authorized by the Divine teachings, that the united cry of the Nation will be heard on high, and answered with blessings, no less than the pardon of our national sins, and restoration of our now divided and suffering country, to its former happy condition of unity and peace.

TRIBUTE TO THE NEW JERSEY STATE POLICE UPON THEIR 75TH ANNIVERSARY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. ANDREWS. Mr. Speaker, I rise today to congratulate the New Jersey State Police on their 75th anniversary. The service of the division of State Police is invaluable to the people of New Jersey.

On March 29, 1921, Gov. Edward I. Edwards signed legislation creating the New Jersey State Police, and appointed Col. H. Norman Schwartzkopf as the first Superintendent of the State Police on July 1, 1921. In December 1921, 81 troopers and officers left Trenton and took up their initial assignments as the first statewide police force in New Jersey.

In the 75 years since their creation, the New Jersey State Police has led the way in the field of criminal justice. Among the techniques that the State Police has pioneered include the Nation's first Underwater Recovery Unit, the Automated Fingerprint Identification System, and the DNA database and databank, which allows the inclusion of DNA records in the FBI's national identification index system. The police have shown their impressive skill in such historic events as the Lindebergh kidnapping, the Hindenburg zeppelin disaster, the Hall-Mills murder trial, and the Woodbridge train wreck.

Today 2,500 troopers valiantly serve New Jersey in many capacities. They patrol our roadways, including the New Jersey Turnpike, the Nation's busiest limited access nonstop toll road. They enforce the criminal, motor vehicle, marine, and alcoholic beverage control laws of New Jersey. They also maintain the State Police Museum and Learning Center as a tribute to the men and women who have served the State of New Jersey as State Police troopers and officers.

The people of New Jersey are indebted to the honor and dedication of the New Jersey State Police. Today I congratulate State Police Superintendent Maj. Carl A. Williams, Jr., and all of the ranks of the State Police on reaching this milestone, and look to many more years of continued service.

THE NATIONAL INVASIVE SPECIES ACT OF 1996

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. SAXTON. Mr. Speaker, Mr. LATOURETTE intends to introduce a bill that will curtail the spread of non-native aquatic species in our Nation's waters. As you know, I am from New Jersey and this issue is of particular importance to our State. Over 130 miles of coastline and with delicate estuary and river ecosystems, non-native aquatic species could destroy our environment. This is already happening in Mr. LATOURETTE's district on Ohio. New Jersey shares coast line with States that are already suffering the horrors of these forms of biological pollution.

In addition, these non-native species, such as the zebra mussel, tapeworms effecting trout in the Mississippi River, and the green clam which harms steamer clam production in the Gulf of Maine, cost us millions of dollars in lost revenue and increased costs to businesses.

This bill establishes national guidelines for the removal and cleansing of shipping ballast water to stop the accidental introduction of non-native aquatic species into ecosystems. This is important to my State which has extremely active ports in the Newark area as well as on the Delaware River, and since, by weight, 98 percent of all U.S. international commerce occurs by shipping, this is a problem about which every coastal and Great Lakes Member should be concerned.

This bill takes a pro-active approach to environmental legislation in its efforts to address potential environmental disasters before they begin. Pro-active solutions give us reasoned, scientifically sound, less expensive, more effective, and more efficient solutions than reactive measures. I urge your support for this important bill.

TRIBUTE TO THE EMPLOYEES OF MARE ISLAND

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. MILLER of California. Mr. Speaker, when the last workers leave Mare Island Naval Shipyard as it closes March 31, 1996,

they will leave behind a facility rich with history and echoing with the voices of welders, painter, and engineers who built and serviced everything from copper-bottomed wooden ships to nuclear submarines. Hundreds of thousands of people have worked at or passed through the shipyard, from the first dozen shipwrights who arrived in 1892 to Mare Island's high point in World War II, when the shipyard population reached 46,000. These are the workers that made Mare Island the best naval shipyard in the country.

During its tenure as the Navy's oldest base on the west coast, Mare Island built 512 ships and repaired hundreds more. Those ships, both great and obscure, fought in every conflict since. Mare Island's first ship, the paddle-wheeled gunboat Saginaw, was launched before the Civil War, in 1859, and its last ship, the nuclear submarine U.S.S. *Drum,* was launched in 1970 when our country was divided over the Vietnam war. These vessels also included the small ferryboat *Pinafore,* which chugged between Mare Island and Vallejo for 30 years starting in the 1890's, and the battleship U.S.S. *California,* the only battleship built on the west coast.

It was during World War II that the shipyard quickly set a record that was never broken, building the destroyer U.S.S. *Ward,* in 17½ days. In addition to the *Ward,* Mare Island built 17 submarines, 4 subtenders, 31 destroyer escorts, 33 small craft, and more than 300 landing craft. In the 1960's the decision was made to build nuclear submarines at Mare Island. The U.S.S. *Sargo* was the first, with 16 more following, ending with the launch of the U.S.S. *Drum* in 1970.

To all of the workers over the generation that are a part of this proud history who have made so many significant contributions to the defense of the United States, I offer my thanks and that of this country.

A TRIBUTE TO DESIREE JONES

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. ALLARD. Mr. Speaker, all too often we hear speeches on this floor about our troubled youth and problems that teens face.

Today I want to share with my colleagues a positive example of a teenager in my district.

I want to commend Desiree Jones, a teenager from my district who acted selflessly and who helped save the life of another teenager, in fact, a complete stranger.

Last Friday, March 22, 14-year-old Janet Westover, an eighth-grader at Bill Reed Middle School in Loveland, was riding through town when she slumped over and her heart stopped. Her friend flagged down another car in which Desiree Jones was riding.

Desiree, a 15-year-old sophomore at Rocky Mountain High school in Fort Collins, stopped to help. She stayed with Janet and helped her until police and paramedics arrived.

This kind of action by Desiree Jones merits recognition from this body and gives us all hope.

PROVIDING FOR CONSIDERATION OF H.R. 2202, IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

SPEECH OF

HON ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 1996

Mr. PASTOR. Mr. Speaker. I rise in strong opposition to H.R. 2202. Let me begin by applauding my colleagues for separating the issue of legal immigration from the rest of the bill. However, I remain very troubled with measures in the bill that hurt children and families.

By stripping the bill of cuts made to legal immigration, the House has reaffirmed the invaluable contributions legal immigrants have made and continue to make to our Nation, ''stated chairman Pastor.'' This move has assured that our legal immigration system continues to support and prioritize family reunification.

I must remind my colleagues—immigrants are hard-working taxpayers, they go to war on our behalf, and they do not abuse the system. The truth of the matter is that the overwhelming majority of immigrants support themselves without assistance. Studies by The CATO and Urban Institutes indicate that immigrants are more likely than the native-born population to work and contribute $25 billion more in annual taxes than they receive in benefits.

First, I am extremely concerned with items in this bill that harm children and families. The Gallegly proposal added to the bill proposes to deny public education to undocumented children. This provision has a chilling effect by jeopardizing the education of children labeled as foreign. This requirement is seriously misguided since the role of our teachers is to teach, not serve as immigration enforcement agents. In addition, this requirement would deflect scarce educational funds to do the job of the INS.

Second, restrictions in benefits to legal immigrants in H.R. 2202 will hurt real people who work hard and contribute to this Nation. In addition, this bill adds great stress to State and local governments. The provisions that extend deeming requirements to all needs-based programs are too extreme. We are not looking at solving a problem here, but one created to divide our country and promote short-term political gain.

We are talking about stealing the American dream away from most immigrants. President Roosevelt once said, ''We are a nation of many nationalities, many races, many religions—bound together by a single unity, the unity of freedom and equality.'' H.R. 2202 proposes to greatly alter these American values. On equality and freedom will be no longer.

Third, the immigrant restrictions would add great stress to State and local governments. We are talking about adding more Federal regulations and verification burdens to comply with the immigrant restrictions. Private and public entities will be required to redirect scarce resources from running programs to meeting Federal mandates.

Listen to the concerns of the National Governors' Association, the National Conference of Mayors, the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities. In a letter to Speaker GINGRICH, they say that the immigrant provisions create mandates and cost shifts for States and localities. They describe the immigrant verification requirements as a very burdensome, top-heavy approach to welfare reform.

Fourth, this bill makes the Federal Government irresponsible by placing the burden of serving some people solely on State and local governments. If the Federal Government excludes noncitizens from social safety net programs, the need for this safety net will not go away. State and local governments will have to serve them under State programs, translating into a massive cost shift. That, my colleagues, is promoting irresponsibility.

Last, this bill will advance a climate of intolerance, suspicion, and division. It will result in increased discrimination against anyone suspected of being a noncitizen. The courts are now reviewing constitutional concerns over California's proposition 187. In the aftermath of proposition 187, reports document the increase in hate crimes against people for simply looking or sounding foreign.

Mr. Speaker, a responsible Congress cannot accept this immigration bill. We must protect our borders, but these provisions take us beyond that. We must remain vigilant against excessive government intervention and continue to protect our most basic individual freedoms and needs.

I urge my colleagues to reject H.R. 2202.

The following remarks note specific provisions and my concerns:

Deeming of all programs, including education and medical services: Legal immigrants' access to all programs would be restricted by extending deeming until citizenship for parents; for 7 years for spouses; until age 21 or until citizenship for minor children; or (in all cases) until the immigrant has worked 40 ''qualifying'' quarters (at least 10 years). There are few exceptions, but not for such programs as school lunches, student loans, or immunizations. In addition, there are very few exceptions for deeming to account for persons who become disabled after legally immigrating to the United States.

Denial of assistance to immigrants results in a cost shift to state and local governments. The loss of federal funds would need to be offset by state and local funds. This provision would also result in capital drain in high immigrant communities, since they would be required to pay taxes while being denied access to the safety-net they help support. In addition, these provisions would jeopardize public health. Public health programs cannot be successful if they exclude segments of the community.

Public charge provisions would make hard working persons deportable: Under this provision, most immigrants would be deportable if they used any needs-based assistance for an aggregate of 12 months during their first seven years of residency. Thereafter, the immigrant would remain a deportable as a ''public charge'' even after decades of taxpaying prosperity.

Immigrants who years later have a proven record of taxpaying prosperity would become deportable. It is absurd that an executive of a Fortune 500 company would be deportable as ''public charge'' because s/he needed some assistance years ago. At a minimum, a provision should be added that would allow a person who previously received public assistance to reimburse the government in lieu of deportation. This is in fact current practice, by case law and administrative interpretation.

Impedes naturalization: Applicants who obtained assistance can't naturalize until they

can verify that their sponsor does not have outstanding payments due to the government for services rendered. This provision was added as part of making affidavits of support enforceable.

While there is no opposition to making affidavits of support enforceable, this provision places barriers on something as important as naturalization. Naturalization applicants should not be penalized for their sponsors' violation of the law. In addition, this provision does not discern between sponsors who fully intend to settle any outstanding obligation and ''dead beat'' sponsors.

U.S. citizen children of immigrants denied equal benefits: ''Ineligible'' immigrants would be precluded from collecting benefits on behalf of eligible family members. Thus, a U.S. citizen child or disabled person would be precluded from obtaining needed assistance unless that person's mother or father could prove eligible status, or unless the agency would undertake the administrative paperwork and expense of appointing a representative payee who could accept the benefit on behalf of the child.

Denying benefits to U.S. citizen kids because of the immigration status of their parents is a violation of the constitutional right to equal protection. This provision would force counties to find and monitor administrative payees to collect the benefits and distribute them to the children. This would be enormously costly and subject to abuse by unscrupulous payees.

Only affluent Americans allowed to sponsor family members: To sponsor a family member, an American would be required to earn more than 200 percent of the federal poverty level. Sponsors must demonstrate that they have an income above 200% of the poverty level for their family plus the immigrant(s) they seek to sponsor.

This is an anti-family provision that would affect one hundred million Americans. Family reunification would be unattainable for less affluent Americans who would be prevented from sponsoring their spouses and children.

Proposition 187 requirements and INS reporting: With few exceptions, schools, hospitals and others would have an added responsibility of verifying citizenship status of all program participants. *All public, non-profit, and charitable entities* who administer any government funded, means-tested programs would have this responsibility. In addition to needs-based programs, contracts, business loans, and commercial and professional licenses would be subject to the verification requirement. Public hospitals would also have to report the identity of any undocumented immigrant who receives emergency services, and have that status verified by the INS, to obtain reimbursement. In addition, provisions would allow federal, state, and local agencies to report to the INS the immigration status of individuals. Current law prohibits public agencies from exchanging immigration information with INS in order to ensure the integrity of such entities. For example, current law is in place to assure the protection of witnesses who are cooperating with a police or federal investigation.

This provision may discourage private-public partnerships at a time when these partnerships are growing. Charitable entities which feel these requirements are overburdensome may be discouraged from administering community-based programs.

Mandating localities to verify citizenship status and other requirements are federal, unfunded mandates, according to the National Governor's Association, National Conference of State Legislatures, National Association of Counties, U.S. Conference of Mayors, and the National League of Cities. Enforcing immigration laws is a federal responsibility. To comply with these federal regulations, state and local agencies would become *de facto* INS offices.

Primary education Gallegly amendment to Title VI: Rep. Gallegly plans to introduce an amendment on the House floor to allow states to deny primary education to undocumented children. This amendment would attempt to repeal the Supreme Court decision in *Plyler v. Doe* which ruled that undocumented children cannot be denied a public education. This amendment, if enacted, would be unconstitutional in our country's schools.

A TRIBUTE TO EDWARD D. LEWIS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. JACOBS. Mr. Speaker, when the opposition likes someone, you know he's a pretty good fellow. Ed Lewis was a strong Democrat, but he was so interesting, so nice, so friendly that very few Republicans in Indiana did less than like him too. He leaves an empty place in the Hoosier State.

[From the Indianapolis Star, Mar. 28, 1996]

EDWARD D. LEWIS WAS ATTORNEY WHO WIELDED POLITICAL CLOUT IN STATE

Edward D. Lewis, 73, Morgantown, an attorney known for his vast political influence in Indiana, died March 26.

He was the confidant and political mentor of Gov. Evan Bayh, was instrumental in appointments and recommendations for offices such as U.S. attorney and the Indiana Gaming Commission, and affected a myriad of other decisions on state business. His reputation included the title ''godfather of judges.''

Mr. Lewis, whose Downtown Indianapolis law office at 501 Indiana Ave. was dubbed the ''Statehouse on the Canal,'' was an attorney for 40 years and a partner in the Lewis and Wagner law firm.

Bayh said in a statement: ''Ed was much more than a friend to me; he was a trusted adviser, a man of great experience and wisdom and someone who I loved.

''His Hoosier roots were deep, his common sense was extraordinary and his loyalty and devotion to the people of our state was unmatched.''

After losing races for Congress and a judgeship in the 1950s, Mr. Lewis confined his political career to being an insider, primarily in Democratic circles. He was closely aligned with former U.S. Sen. R. Vance Hartke, D-Ind.

He held no public or civic positions, and was described in a newspaper article as ''probably the most influential person in state government about whom the least is known.'' And the Butler University journalism graduate did not talk to reporters.

Indiana Senate Finance Chairman Lawrence M. Borst, a Republican, said Mr. Lewis was ''a special friend.'' We did a lot of traveling together and just had a good time.

''He was kind of like a hunk of glue. he had so many people he kept together. He liked people, he loved politics, he loved horses. We have one together now. He probably had as many friends as anybody I've ever known in my life.''

Borst said Mr. Lewis dated to an era when political patronage was a young lawyer's key to survival. Mr. Lewis' first job, while in law school, was as a publicist for the Indiana Highway Department. Later, Borst said, law school friendships with people such as future Marion County Prosecutor Noble Pearcy and others got his legal and political career started.

One of Mr. Lewis' earliest political associations was with Hartke, of whom Borst said. ''When Hartke wanted a new post office or other building in Indiana, he went through Ed Lewis.'' Borst said he and Mr. Lewis were on a western trip when Bayh ran for his first term as governor in 1988, ''he would stop twice a day to call back.''

Another close friend was former Indiana GOP Chairman Rex Early.

''We had common interests, not only in politics. He was a man's man, a veteran of the Second World War and a great storyteller,'' Early recalled. ''His maturity, experience and good political instincts played an important role in a lot of administrations.''

Mr. Lewis, Early said, ''believed in his party and was respected by his party.''

Mr. Lewis was a Navy veteran of World War II, a 1949 graduate of Butler and a 1956 graduate of Indiana University School of Law.

Memorial contributions may be made to Big Brothers & Big Sisters of Brown County, Nashville, or the Harmony School, Bloomington.

Memorial services: pending. Calling: none. G.H. Herrmann Madison Avenue Funeral Home is handling arrangements.

Survivors: wife Dorothy M. Pitt Lewis; children Lance L., Linda L., Lora Lynn Lewis; stepdaughter Paula Lawrence; brother Donald I. Lewis; five grandchildren.

A TRIBUTE TO SEDALIA MIDDLE SCHOOL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to an outstanding educational institution in my district. Sedalia Middle School has been chosen as one of 266 1994–96 Blue Ribbon Schools. After a rigorous and lengthy selection process Sedalia Middle School was selected as one of the most outstanding schools in the country. The award will be presented at a ceremony to be held in Washington, DC, in May. I ask my colleagues to join me in a salute to all of the teachers, parents, and students who worked so hard to achieve this extraordinary accomplishment.

RETIREMENT OF EMIL P. MOSCHELLA FROM THE FBI

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. DAVIS. Mr. Speaker, I would like to take this brief opportunity to recognize 28 years of dedicated Federal service by my constituent Mr. Emil P. Moschella from Vienna, VA. Today is Mr. Moschella's last day of work as a special agent in the Federal Bureau of Investigation [FBI]. He has dedicated a lifetime career to keeping America safe from crime and has done so in exemplary fashion. He will be dearly missed by his colleagues at the Bureau, and I commend him for a job well done.

Whether he was working the streets of Chicago, touring the country on the inspection and audits staff, working in the Bureau's congressional affairs office, representing the Federal Government in Leon, France, before a

meeting of Interpol about freedom of information and law enforcement, or leading a team of lawyers in counseling the director of the FBI, Mr. Moschella has always performed his duties with dedication, loyalty, and integrity—the hallmarks of his outstanding career.

Mr. Moschella is a second generation Italian-American, who grew up in the Bronx in New York City. He was the first in his family to complete college and law school and he is a dedicated family man with four sons. He started his Federal service with the intention of doing something good for America—using his skill and talent to make his country a better place for all of us. He is the kind of civil servant of whom all Americans can be proud.

Mr. Speaker, on behalf of the House of Representatives and my constituents in the 11th Congressional District of Virginia, I want to thank Emil Moschella for his exceptional career of public service, congratulate him on this special occasion, and wish him all the best in retirement and all his future endeavors.

INTRODUCTION OF HOUSE JOINT RESOLUTION 171

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. LANTOS. Mr. Speaker, I have introduced in the House today House Joint Resolution 171 which proposes an amendment to the U.S. Constitution to permit the Congress to limit contributions and expenditures in elections for Federal office. This amendment—when it is approved by the requisite two-thirds majority of each house of the Congress and ratified by the legislatures of three-fourths of the States—clarifies that the Congress has the power to set limits on contributions and expenditures in support of, or in opposition to, any candidate for Federal office. This resolution is identical to one introduced earlier this year in the other body by the distinguished Senator from New Jersey [Mr. BRADLEY].

As a result of the U.S. Supreme Court ruling in 1976 in the case of Buckley versus Valeo, restrictions on wealthy individuals using their own money to—in effect—buy a political office have been held to be equivalent to restrictions on free speech. Efforts to restrict the independent expenditures of moneyed special interests for or against a particular candidate have likewise been held to be a restriction on free speech.

Mr. Speaker, my proposed amendment to the Constitution will reverse the ruling of the Supreme Court in Buckley versus Valeo. The effect of the Court's decision in that case was to equate money with free speech. The effect of this amendment is to make clear that money is not speech. In the very appropriate words of Senator BRADLEY, ''A rich man's wallet does not merit the same protection as a poor man's soapbox.''

The time has come, Mr. Speaker, for us to clarify through an amendment to the Constitution that simple possession of money does not mean you have the better argument. Possession of money does not mean you are the better candidate. The time has come for the Congress to have the authority to regulate political expenditures of millionaries—like Ross Perot or Steve Forbes or Michael Huffington in the political arena. In the case of these three men and others who have enjoyed the blessing of wealth, we applaud their ability to make money, we commend their business acumen, and we are delighted, in some cases, for their good fortune in having wealthy parents. At the same time, however, we do not think that any of those qualities entitles them to special access to the marketplace of ideas.

It is essential for the health and well-being of our democracy that the Congress have the ability to assure a level playing field in elections for Federal offices. The amendment to our Constitution that I am introducing today will assure that Congress can assure a level playing field.

One of the fundamental principles that is the basis of our democratic system of Government and our democratic Nation is the principle of freedom of speech.

The fundamental concept is that if all ideas and all points of view are subjected to the same critical scrutiny in the marketplace of ideas, those ideas which are correct and true and superior will win out over those ideas which are inferior and erroneous and false.

Our firm commitment to the principle of freedom of the press in our country flows from this commitment to freedom of speech and freedom of expression. Although, I think, all of us at one time or another have questioned the accuracy or the impartiality or the dispassion of the American news media, all of us are firmly committed to the principle that there must be a free, unfettered press. The multiplicity of free voices of expression is absolutely essential to the functioning of our democratic Government.

In our democratic system, this principle of freedom of expression is a vital component of our process of electing Government officials. Only if there is full and open airing of the ideas for and against and about individual candidates for public office can we know which women and men are best able to represent us as President, Vice President, or as a Member of the Senate or the House.

The fundamental requirement, Mr. Speaker, is that all ideas, that all speech, have reasonably fair and equal access to the market place of ideas—that good ideas and bad ideas and foolish ideas and brilliant ideas have equal access to the American people.

Unfortunately, Mr. Speaker, the greatest threat to the application of the principles of free speech in our electoral process is the distorting effect of money. Under our present laws and the current interpretation of the Constitution and our laws by our Supreme Court, if you have money, your ideas—regardless of how good or bad they may be—have unfair access to the market place of ideas. It is important that we break this link between money and speech—money does not entitle someone to special access. Money is in fact the element which distorts free speech, and by distorting free speech it distorts the full and fair and informed intelligent decisionmaking.

Mr. Speaker, this constitutional amendment does not make the ultimate decision about how campaign financing should be reformed, but it is the essential first step in establishing beyond any doubt that the Congress has the authority to regulate spending on campaigns. I urge my colleagues to join me in cosponsoring this constitutional amendment. This is the vital first step that we must take, and for the future of democracy in our country it is essential that we take it as quickly as possible.

I ask, Mr. Speaker, that the text of House Joint Resolution 171 be placed in the RECORD:

H.J. RES. 171

Proposing an amendment to the Constitution to permit the Congress to limit contributions and expenditures in elections for Federal office.

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

''ARTICLE—

''Section 1. The Congress shall have the power to set limits on expenditures made by, in support of, or in opposition to the nomination or election of any person to Federal office.

''Section 2. The Congress shall have the power to set limits on contributions by individuals or entities by, in support of, or in opposition to the nomination or election of any person to Federal office.

''Section 3. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.''.

GUN BAN REPEAL ACT OF 1995

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1996

Mr. MENENDEZ. Mr. Speaker, I rise in strong opposition to H.R. 125.

We are voting to repeal a ban on assault weapons and large capacity ammunition clips that is supported overwhelmingly by police who put their lives on the line for us. They call the weapons banned by the 1994 law cop killer guns.

In a recent study by Handgun Control, assault weapons accounted for 17.4 percent of fatal police shootings. In another study, 18.5 percent of the shootings, where the gun was identified, involved a gun with a large-capacity magazine of more than 10 rounds.

This ban has widespread support from the people who care for gunshot victims—doctors, nurses and medical personnel; religious leaders who are trying to end the violence in our communities; the teachers and administrators who are concerned about guns in our schools; responsible gunowners who want to end gun violence; and the children whose very future is put at risk.

The Bureau of Alcohol, Tobacco and Firearms data revealed that although semiautomatic assault weapons comprise less than one percent of the privately owned guns in America, they account for 8.4 percent of all firearms traced to crime from 1988 to 1991.

During 1986–1991, 20,526 assault weapons were traced to crime, and of those, 1,349 were specifically traced to murders in the United States and 4,031 were linked to drug traffickers. The congressional assault weapons ban did not take guns out of the hands of law abiding citizens who legally owned their weapons before the enactment of the assault weapons ban in 1994.

The Members who vote for the repeal of the assault weapons ban are voting for a bill that will resume manufacturing and importation of killing machines. After President Bush banned the importation of assault weapons in 1989, the number of imported assault weapons traced to crime dropped 45 percent the next year. If we vote against repealing the ban, we will be giving the assault weapons ban the time it deserves to reduce gun violence and save more lives.

I ask that my colleagues vote against this bill. We can save more lives by keeping assault weapons off our streets.

WOMEN'S HISTORY MONTH: CONTRIBUTIONS TO A STRONGER, MORE PROSPEROUS ECONOMY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today, as we celebrate Women's History Month, to honor the contributions of women to our economy as part of the labor force and as business owners around the country and especially in the State of New Jersey.

In some ways, the facts speak for themselves. The number of women in the paid work force has almost doubled in the last 20 years. Women in the work force grew from 36.2 million in 1974 to 60.2 million in 1994.

There are many talented women that are making enormous contributions to business and industry in the State of New Jersey. During a recent series of visits to companies located in the 11th district of New Jersey, I had the opportunity to meet and speak with many women who have risen or are climbing to the top positions and management in their respective companies.

In addition to those outstanding women in corporations, the State of New Jersey is ranked ninth in the Nation in the total number of women-owned businesses with a recent total of 164,798. I am especially encouraged because this number increased in my own State by 40 percent over a period of 5 years.

Nationally, women are starting businesses at twice the rate of men and the Small Business Administration anticipates that women will own 50 percent of all small businesses in America in the 21st century. These women-owned businesses employ more people than all Fortune 500 firms combined. Women employers are also bringing more than their economic achievements to the workplace; they influence and change the workplace for all employees by being more likely to offer flexible work arrangements, child care and heath care benefits.

As women continue to make their mark in the workplace as employers and employees they face many challenges—access to child care, pay equity, educational opportunities, and access to capital and investors. Mr. Speaker, I rise today to honor these achievements. As our economy continues to change and we face new challenges as we enter the 21st century, I believe we can count on these entrepreneurs and executives to help lead the way to a stronger and more prosperous America.

LIVABLE WAGE ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. VENTO. Mr. Speaker, today I am introducing legislation intended to take a major step forward toward a livable wage for working men and women in our country. Too often American workers are forced to take jobs that pay substandard wages and have few or no health benefits. At a time when U.S. corporations are making record profits and the economy is strong and stable, it seems unreasonable that working families must struggle and cannot make ends meet. It is unconscionable for corporations to sacrifice fair wages for their workers in pursuit of inflated profit margins, and it is doubly so when these businesses are performing work on behalf of the Federal Government—when the workers' taxes which pay for Federal services and products perpetuate such depressed compensation.

My legislation is straightforward, simple and just; if you are a Federal contractor or subcontractor you will be required to pay wages to your employees that exceed the official poverty line for a family of four. This would be fair and equitable compensation achieved by law. When a business works for the Federal Government and benefits from working families' taxpayer dollars, at the very least it should be required to pay its employees a livable wage.

As of March 4, 1996, the official poverty line for a family of four is $15,600. This is obviously not an exorbitant wage. Imagine a family of four trying to live on this amount or less. It may not seem possible, but it is done everyday in this country. There is a serious problem in our society when hard-working men and women, holding down full-time jobs, cannot earn enough to bring their families out of the poverty cycle, while company executives earn an average of 70 times that of their average employee.

My bill does not attempt to alleviate this disparity throughout the business sector, but it does require those corporate entities receiving taxpayer dollars to be accountable to their workers. This is a reasonable and practical bill. It allows companies to count any benefits, such as health care, which they provide for employees as part of their wage determination, and it provides an exemption for small businesses and bona fide job training or apprenticeship programs.

I urge my colleagues to join me in supporting this legislation to help ensure the American worker receives a fair day's pay for a fair day's work.

REMOVE FEDERAL BARRIERS TO INNOVATIVE HIGHWAY FINANCING

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. MINGE. Mr. Speaker, as an original cosponsor of the coalition's balanced budget plan, I am committed to balancing the Federal budget as soon as possible. However, I understand that in working to balance the budget, we cannot simply cut, cut, cut and leave the Nation to deal with the repercussions of lower Government spending. We must simultaneously make prudent policy changes to help empower the Nation during this fiscally trying time. One of those changes could be to allow the private sector of the transportation industry to use innovative financing methods to maintain our Nation's highways. Currently, there are barriers in Federal law that preclude such activity. I believe that innovative highway financing by the private sector could prove to be an important tool for preserving our transportation infrastructure. For information on this important subject, I commend to your attention the recent testimony of Robert Zauner, chairman of the Minnesota Transportation Group before the Joint Economic Committee. Mr. Zauner's testimony lays out an excellent explanation for why the private sector should be able to utilize innovative financing for maintaining our highways. I am submitting a copy of that testimony for printing in the RECORD.

TESTIMONY OF ROBERT ZAUNER BEFORE THE CONGRESSIONAL JOINT ECONOMIC COMMITTEE

Mister Chairman, my name is Robert Zauner. I am a registered professional engineer, vice-president of Hughes Transportation Management Systems (HTMS) and the chairman of the Minnesota Transportation Group (MTG). I have been involved in the transportation industry for twenty-five years. During the past six years I have been involved in the development of privatized toll highways. I have served as a member of the Board of Directors and as Vice President of the Highway Division of the Associated General Contractors of Minnesota. I also chaired its bridge committee. I currently serve on the Boards of Directors of the Minnesota Transportation Alliance, a transportation advocacy group, and the Intelligent Transportation Society of Minnesota, as well as the Advisory Council of the University of Minnesota's Center for Transportation Studies.

The MTG is a team of technology, construction, engineering, and financial companies that personifies the private sector's capability, desire and interest in the privatization of highway infrastructure. For the past six years we have worked with state legislators, local officials, and state departments of transportation in the development of enabling legislation, privatization programs and privatized highways. Our team members have been involved in privatization efforts in California, Washington, Arizona, Virginia, South Carolina, and Minnesota where we recently submitted proposals to develop three highway projects totaling over $700 million.

In my testimony today I would like to share several issues I have encountered in my efforts to privatize highways. Some are institutional barriers others are perceptions or prejudices created by the present funding system that are as difficult to overcome as institutional barriers themselves. They include:

1. Reconstruction and improvements to the interstate system are exempt from tolling.
2. State and local government see little benefit to privatizing or implementing toll financing due to their perception that they are receiving no additional funding for doing so.
3. The disparity between taxable and tax exempt financing.
4. Privately financed highways are at a disadvantage when competing for investor dollars.
5. Tolling represents double taxation.
6. Unrealistic expectations for low cost roads: Roads are free; Roads are paid for; My road is the most dangerous road in the state

it should be fixed now; Its not fair, I paid for everyone else's road they should pay for mine; Toll roads mean toll booths and having to carry a jar of quarters in my car; Toll roads create safety problems at toll plazas; and We have waited long enough its our turn.

The Interstate Highway System is a critical link in the nation's transportation network. It is truly one of the greatest and most expensive public works projects ever undertaken. While the interstate system includes only 2.5% of our highway lane-miles more than 22% of our travel is on it. It will also require nearly a third of our annual capital expenditures to improve it in the future. Yet reconstruction or capacity expansions on the interstate system cannot be toll financed. The privatization and tolling provisions of ISTEA an the NHS Act should be expanded to allow the use of tolls on the Interstate System if a road, bridge, or tunnel, is reconstructed, substantially improved, or its capacity is expanded. This will attract the investment and expertise of the private sector to complete needed, major reconstruction projects, improvements, and expansions to the system faster and at less cost. It will also relieve the large financial burdens these projects place on many State Departments of Transportation.

State and local governments have not yet accepted private equity as additional money to meet their transportation needs. I believe Congress could create a better environment for the private sector by requiring that alternative financing, including but not limited to tolls, congestion pricing, mileage pricing, and public-private partnerships, when the cost exceeds $10,000,000. Such a provision would make it more likely for government entities to pursue alternative financing.

The private sector is at a disadvantage to government in financing infrastructure due to the disparity in rates between taxable and tax exempt financing. The federal government also loses tax revenue when tax exempt bonds are used to finance improvements. eliminating this disparity would make taxable financing more competitive and the federal government would increase its tax revenues.

Unlike the power and telecommunications industries there is no clear track record of private involvement in the delivery of transportation infrastructure. As a result, the financing of such investments can be difficult to close. By making the unobligated balance in the Highway Trust Fund available as a guarantee for transportation infrastructure loans, financing would be more easily obtained and investment of private equity in transportation projects would increase. Regarding this provision the Office of Management and Budget has advised the Federal Highway Administration that portions of the unobligated balance in the trust fund actually committed as a debt reserve would be scored at ten cents on the dollar for budget purposes. Such use of the unobligated balance would have a minimal effect on the deficit.

The payment of tolls to finance specific projects does not constitute double taxation. the situation is similar to a homeowner who needs or desires to make repairs or improvements to his, or her, home. A homeowner's monthly mortgage payment allows him, or her, to live in a home while it is being paid for. Similarly, the gas tax is being used to maintain and make limited improvements to our existing road system. If a homeowner desires to make repairs or improvements additional funds outside his monthly payments are needed. Similar to the homeowner, if we want to make specific improvements to our road system we must find an additional source of funds. By using tolls, the revenue raised is targeted to a specific need. A need created by a specific demand and the investment made is tailored to meet that need. This is an efficient and equitable way of making investments. It introduces market forces into transportation infrastructure investments. The improvements made are also paid by those who benefit most from the improvement. This a fair and equitable means of paying for improvements.

The public's unrealistic expectation that traditional transportation funding can meet their needs is evidenced by the statements listed above. The current system is unable to meet those expectations due to major changes in automobiles and our travel patterns. Increased fuel efficiency and life-span of vehicles coupled with increases in the number of trips and trip length has contributed greatly to our current funding situation. Neither the gas tax nor license fees is increasing. Moving away from these funding mechanisms to charging for the space used on a road would help change these expectations. Charging for highway travel by the mile would make us more aware of the cost of travel and would assess costs to the largest users. This would result in more prudent use of highway capacity. Such a move would also permit the introduction of congestion pricing to highway travel. Most commodities are paid for in this fashion. Introducing it into highway travel would improve utilization of the existing system and lessen demand for additional capacity.

Drivers have not liked paying tolls because they do not like fumbling for quarters, stopping and paying the tolls. This is no longer necessary. My company, Hughes Transportation Management Systems, has adapted defense-related technology to collect tolls at freeway speeds on the open road without toll plazas. Eliminating toll booths and stopping to pay tolls eliminates most driver's objection to toll financing.

In closing, I would like to state that I am very positive on the opportunities and benefits of highway infrastructure privatization. This optimism is buoyed by continued bipartisan support of the Minnesota legislature, business, and labor. We are continuing our efforts despite the fact that we are charging a fee for a service that our competition, government, is giving away ''free''. We would like to participate more fully. Addressing the issues I have outlined today would improve the competitive disadvantage we now face. I would be happy to answer your questions.

HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT OF 1996

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1996

Mr. COSTELLO. Mr. Speaker, I rise today in support of the Kennedy-Kassebaum substitute to be offered by the Democratic leader, and in opposition to the bill as a whole. Unfortunately, radical members of the majority conference have hijacked this bill and turned it into a special-interest Christmas tree, which could very well jeopardize its passage in the Congress.

Health insurance reform is long past due. Millions of Americans are still routinely denied health care coverage because of preexisting conditions. Some are forced to remain in stagnant jobs and turn down promotions or other job opportunities in order to insure the continuation of their employer-sponsored health care benefits.

The Senate has introduced legislation with wide bipartisan support to address the issue of portability of insurance. That legislation, the Kassebaum-Kennedy bill, ensures health insurance portability when individuals move from one employer to another. President Clinton voiced his support for this legislation during his State of the Union Address. In the House of Representatives, my colleague, Representative ROUKEMA has introduced similar legislation, and 192 of my colleagues have joined me in cosponsoring Representative ROUKEMA's legislation.

With the broad bipartisan support of this health insurance reform, it is a disgrace that the Republican leadership has sabotaged the enactment of this legislation by adding controversial provisions to the bill. Some Members in the Senate have suggested these provisions may end the chances of passage of this legislation, which is why I will vote for the Kennedy-Kassebaum-Roukema substitute and against final passage. This issue is too important to let partisan politics jeopardize the health care of the American people. We have waited for too long. The time is now to pass and enact a clean health insurance reform bill that will assure the portability of health insurance when individuals change jobs.

PROMISES MADE

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. BAKER of California. Mr. Speaker, today I wish to submit for the RECORD a section of the public law which enumerates the statutory obligations the Department of Energy has toward its employees at defense nuclear facilities, concerning workforce restructuring.

The Department of Energy faces some tough budgetary and programmatic decisions in the coming weeks and months. Many of these decisions will no doubt be important to our Nation in safeguarding our nuclear stockpile, in ensuring our energy security in the future, in advancing the pace of energy sciences, and in stewarding our national resources. It is this stewardship role I speak of today, specifically the stewardship of the valuable, competent employees at DOE's nuclear facilities.

Mr. Speaker, these workers are truly national assets. They work on the cutting edge of science and engineering, bolstering our Nation's security status and it energy future. These men and women do yeoman's work for our country in areas of science you and I can barely comprehend. Though perhaps rarely appreciated or understood by the average American taxpayer, these people give their all at national laboratories like Sandia, Lawrence Livermore, and Los Alamos. Our Nation is the richer for their sacrifice and commitment to our collective good.

In light of recent statements by DOE officials indicating an intention to downsize workforces at some national laboratory sites in the coming months, it is essential that the bureaucracies that administer our Government's policies respect the value these workers add

to Government service. While budgetary bottom lines may sometimes seem cold, a responsible government treats its workers as national assets to be valued and esteemed.

And it is to no less than this level of appreciation that the Department of Energy is legally obligated.

As we look toward the uncertain future, it is reasonable that we remind ourselves of our past commitments, of our promises made. In this context, I wish to submit for the record the very promise made by the Federal Government to DOE workers who do our Nation's work at the defense nuclear facilities across our Nation.

The reference is a law passed in the second session of the 102d Congress, Public Law 102–484, the DOD Authorization Act, Subtitle E, Section 3161:

Subtitle E—Defense Nuclear Workers

SEC. 3161. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—Upon determination that a change in the workforce at a defense nuclear facility is necessary, the Secretary of Energy (hereinafter in this subtitle referred to as the ''Secretary'') shall develop a plan for restructuring the work force for the defense nuclear facility that takes into account—

(1) the reconfiguration of the defense nuclear facility; and

(2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

(b) CONSULTATION.—(1) In developing a plan referred to in subsection (a) and any updates of the plan under subsection (e), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(c) OBJECTIVES.—In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:

(1) Changes in the work force at a Department of Energy defense nuclear facility—

(A) Should be accomplished so as to minimize social and economic impacts;

(B) should be made only after the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located; and

(C) should be accomplished, when possible, through the use of retraining, early retirement, attrition, and other options that minimize layoffs.

(2) Employees whose employment in positions at such facilities is terminated shall, to the extent practicable, receive preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1682)).

(3) Employees shall to the extent practicable, be retrained for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy.

(4) The Department of Energy should provide relocation assistance to employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) The Department of Energy should assist terminated employees in obtaining appropriate retraining, education, and reemployment assistance (including employment placement assistance).

(6) The Department of Energy should provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) programs carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Part D of Public Law 101–510; 10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(d) IMPLEMENTATION.—The Secretary shall, subject to the availability of appropriations for such purpose, work on an ongoing basis with representatives of the Department of Labor, work force bargaining units, and States and local communities in carrying out a plan required under subsection (a).

(a) PLAN UPDATES.—Not later than one year after issuing a plan referred to in subsection (a) and on an annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) be guided by the objectives referred to in subsection (c), taking into account any changes in the function or mission of the Department of Energy defense nuclear facilities and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matter as the Secretary determines to be relevant.

(f) SUBMITTAL TO CONGRESS.—(1) The Secretary shall submit to Congress a plan referred to in subsection (a) with respect to a defense nuclear facility within 90 days after the date on which a notice of changes described in subsection (c)(1)(B) is provided to employees of the facility, or 90 days after the date of the enactment of this Act, whichever is later.

(2) The Secretary shall submit to Congress any update of the plan under subsection (e) immediately upon completion of any such update.

TRIBUTE TO BENICIA MIDDLE SCHOOL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. MILLER of California. Mr. Speaker, I rise today to pay tribute to Benicia Middle School, in Benicia, CA, for receiving the National Blue Ribbon Award for excellence from the U.S. Department of Education. This is the highest honor that a public or private school can receive in recognition of academic excellence and attaining national educational goals. Benicia Middle School was chosen from among 500 nominations nationwide, and is only one of 87 middle schools honored with this prestigious award.

I would like to commend the hard work and dedication of the parents, teachers, and students of Benicia Middle School and the Benicia community for their efforts in attaining national, State, and local educational goals. Benicia Middle School started on the blue ribbon path in 1994 when the California Department of Education recognized them as a California distinguished school. This marked them as the top 2 percent of all middle schools and high schools in the State of California. In 1995, the California Department of Education nominated Benicia Middle School for the National Blue Ribbon School Award. The school underwent an intensive application and interview process before being selected for this honor.

Benicia Middle School can now proudly say that they are among the best in the Nation. They can attribute their success to team effort and a commitment to excellence that they have demonstrated in their academic program. They educate the students at Benicia Middle School as strong leaders in a safe, supportive, and drug-free environment. I am proud of the commitment of the Benicia community toward preparing our youth for the future.

I would like to share with my colleagues the attached article from the Solano Times, Thursday, February 22, 1996: ''School Is a Blue Ribbon Winner.''

[From the Solano Times, Feb. 22, 1996]

SCHOOL IS A BLUE RIBBON WINNER

(By Catherine D. Jacobson)

Benicia Middle School is one of the best schools in the nation.

Recently named a National Blue Ribbon School by the U.S. Department of Education, the school received the announcement 17 months after the initial application.

''We are honored and we are proud,'' said Carole Hiltman, Benicia Middle School principal. ''To earn this kind of prestigious recognition from a national review is exciting and validates our hard work. These schools become models.''

The blue ribbon status recognizes both public and private schools based on their effectiveness in meeting national education goals and standards of quality.

Each school's success in furthering intellectual, social, physical and moral growth of all students, including those with disabilities, is emphasized.

Through a 30-page application and a site visit, Benicia Middle School administrators presented evidence to Department of Education officials that students are developing a solid foundation of reading, writing and math, in addition to reasoning and problem-solving skills.

Hiltman said hundreds of hours were spent in researching, writing and assembling the application, submitted in September 1994.

''This has been a long effort, and it's nice to see the uplifting spirit,'' she said, noting the honor is especially rewarding given the disruption of the campus during major construction renovations.

Benicia Middle School will be rewarded with a bronzed plaque to be placed at the campus. It is one of 87 middle schools across the nation to receive the prestigious honor this year.

The road to the National Blue Ribbon award started in 1994, with Benicia Middle School being named a California Distinguished School. State officials then nominated the school for the national award.

Benicia Middle School was one of 27 middle schools and 17 high schools nominated in the state, representing the upper 2 percent of all junior and senior high schools in California.

Jim Krouscas, a physical education teacher and president of the site council at the middle school, attributed the blue ribbon award to the community and parental support, students, and, particularly, veteran teachers.

''This award started 20 years ago when these teachers decided Benicia Middle School would be a school of excellence and not mediocrity,'' said Krouscas.

Superintendent Annette O'Connor said, ''Everyone contributed to making Benicia Middle School the fine institution of learning it has become.

''I am proud of the whole staff and pleased to show the community that we are recognized as exemplary wherever we are reviewed.''

Mayrene Bates of the Solano County Office of Education said the blue ribbon selection is due to the people behind the scenes.

''Things like this don't just happen,'' she said.

Hiltman hopes the honor leads to an even stronger support for the school, through financial or technical assistance.

''We'd like to attract a large corporation to form a blue ribbon partnership to support the school,'' she said.

The entire middle school staff participated in the application, although principal writers were Hiltman, Linda Cole, district director of instructional services, and teachers Russell Ho, Sherry Knight, Kathy Maloney, Rami Muth, Greg Reed, and Kathy Wright.

CONGRATULATIONS TO THE LAWRENCEVILLE HIGH SCHOOL WRESTLING TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to the Lawrenceville High School wrestling team, which grappled its way to a stellar 22–3 record and the State finals. Despite not taking the title, the season was a remarkable success, as the wrestlers combined with the school's basketball team to be the only high school in Illinois to have two teams participate in their respective State tournaments. I would like to congratulate the wrestling squad on a job well done. They carried themselves with dignity and are outstanding representatives of their community.

Wrestling is a team sport that is comprised of numerous individual battles. The mental discipline required is monumental, for not only must the athlete concentrate on his opponent, but he must be aware of his team's standing in the meet. Combined with the rigors of having to make weight and the intense conditioning required to participate, these student-athletes are a truly dedicated unit. The Indians captured titles at the Lawrence County, Cumberland Holiday, Argenta Oreana, and Mattoon tournaments before claiming the North Egyptian conference and sectional crowns. Led by a strong corps of seniors, Lawrenceville returns four juniors as well as four sophomores, and should be primed to make another run at the State championship next season. Head coach Jim Dunn prepared his team expertly, and was ably assisted by coaches Terry Hoke and Keeley Meek.

Mr. Speaker, Lawrenceville has a fine athletic tradition that is embodied by its wrestling team. I am glad that these students have gotten to participate in such a first-rate program, and that they have worked hard to maintain these high standards and fulfill their potential. That is the true measure of success. I am proud to represent Lawrenceville in the U.S. Congress. The 1995–96 Lawrenceville High School wrestling team: Jeremy Harrington, Cory Jones, Chris Seed, Ryan Seitzinger, David Stanker, Alan Couch, Oliver Glenn, Cohn Cognat, Chris Gray, Nathan Hill, David Sechrest, Eric Seitzinger, and Sam Sanders. Statisticians are Jamie Dunn, Jodi Taylor, and Lisa Weyer.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business for certain votes on Friday, March 29, 1996. Had I been present on the House floor I would have cast my votes as follows: Roll No. 108: Nay on ordering the previous question on H. Res. 394; Roll No. 109: Yes on approving the journal; and, Roll No. 110: Nay on agreeing to conference report H. Rept. 104–481.

HONORING CONTINENTAL NEWSPAPER FOR 13 YEARS OF SERVICE TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Continental newspaper on its 13th anniversary of dedicated service and commitment to the U.S. Hispanic community.

Under the direct influence of its main advisors, Mario Ciria Jr. and Ofelia Dones, the paper has emerged as one of the Nation's leading information sources for the Hispanic community. Ms. Dones is the only female publisher of a weekly Hispanic newspaper in the New York-New Jersey metropolitan area. Together, Mario, Ofelia, and their gifted staff have worked to produce a highly enlightening and entertaining source of information for members of the Hispanic community on a weekly basis.

Continental has established a strong and diverse base of support, and it serves a vast area that covers New York, New Jersey, Connecticut, Florida, and Pennsylvania. Continental's reporting efforts center around its main office in Union City, NJ. However, the paper is widely read in New York City and the paper's roots are a product of the city's interest.

Continental prides itself on its fair and accurate coverage of events and issues of interest to its readers. The newspaper's editorial section has frequently taken a bold stand against the brutal dictatorship now enslaving the island of Cuba. Many of its journalists have uncovered horrifying stories of human rights violations by the Castro tyranny and thus have incorporated a strong stand against the Castro regime.

Moreover, Continental has long been dedicated in its effort to convey essential information to members of the Hispanic community. It is because of this dedication and public service that I am proud to honor this very deserving news source.

HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT OF 1996

SPEECH OF

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1996

Ms. DUNN of Washington. Mr. Speaker, I rise today in strong support of the Health Coverage Availability and Affordability Act of 1996. This legislation solves the health insurance problems most common among my constituents in Washington State—eliminating job lock and preexisting conditions while keeping the costs of premiums down.

A critical component of our efforts to keep the cost of health insurance down is the set of provisions to reduce fraud and abuse in our Nation's health care system.

According to the General Accounting Office, each year as much as 10 percent of our Nation's total health care expenditures are lost to fraud and abuse. With annual health care costs in the United States approaching $1 trillion, fraud and abuse is robbing taxpayers and policyholders of about $100 billion each year.

Let me repeat that because it is an important fact: fraud and abuse is costing our constituents about $100 billion each year.

Despite the enormity of the problem, the GAO concluded that ''only a small fraction of the fraud and abuse committed against the health care system is identified.''

The Department of Health and Human Services has estimated that Medicare and Medicaid programs alone lose as much as $31 billion annually to fraud and abuse.

And who pays? Patients, that is who. And in the case of Medicare and Medicaid, taxpayers pay for health care fraud and abuse in the form of higher health care costs and higher premiums.

For all these reasons attacking fraud and abuse is an essential component of the measure before us today.

For instance, we get tough on fraudulent and unscrupulous suppliers and providers who game the system in order to reap billions of dollars.

Through the establishment of the Medicare Integrity Program, we greatly increase Medicare's ability to prevent payments for fraudulent, or erroneous claims, and to identify illegal billing schemes early to avoid large losses.

We provide incentives for individual beneficiaries to report fraudulent, abusive, or wasteful claims practices.

Under the bill, a Health Care Fraud and Abuse Account with the Federal hospital trust fund is created. Moneys derived from the newly coordinated health care antifraud and abuse programs will be transferred into the trust for the expressed purposes of fighting fraud and abuse.

This new funding is vital because there has been a 45-percent drop in per claim spending

on Medicare fraud and abuse prevention activities since 1989, despite historic savings rates in excess of $10 for every $1 invested in prevention. Our plan devotes more resources to the fight against fraud and abuse.

We also toughen criminal laws and enforcement tools for intentional fraud and abuse. The lack of a specific Federal health care fraud criminal statute, coupled with weak sanctions, has significantly hampered law enforcement's efforts to combat health care fraud. That is why it is so necessary to create this new criminal offense for activities such as theft, embezzlement, false statements, and money laundering. We then provide for mandatory forfeiture of property in such cases. In addition, civil monetary penalties will be substantially increased from $2,000 to $10,000 for each item or service involved. All of these efforts will serve to deter future abuses.

Strengthening prevention, increased funding for the battle against fraud and abuse, better coordination and enforcement, new criminal fraud statutes—all of these are included in this bill. I urge my colleagues to support our effort to end this annual $100 billion rip-off of taxpayers by supporting the bill.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, it was necessary for me to return to my district on Thursday, March 28, before the final vote of the day was taken. I would have voted ''no'' on the procedural motion to H.R. 3136; ''yes'' on the final passage of H.R. 3136, ''yes'' on ordering the previous question on the modified closed rule (H. Res. 392) for H.R. 3103; ''no'' on the amendment in the nature of a substitute (H. Res. 392) to H.R. 3103; ''no'' on the motion to recommit H.R. 3103; ''yes'' on passage of H.R. 3103; ''yes'' on agreeing to the conference report on H.R. 2854.

NATIVE-AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to express my strong support for the Native American Housing and Self-Determination Act introduced by Housing Subcommittee Chairman LAZIO. I am an original cosponsor of this bill because I believe there is a pressing need to assess and reorganize native American housing programs in this country. Chairman LAZIO's bill is a strong step in the right direction. However, my primary concern in adding my name to this bill is to insure that the needs of native Americans in my State and across the country are given serious attention and consideration, and that Indian tribes have a leading role in the development of this lasting legislation.

There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest native American populations in any State. At the same time, South Dakota has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries. Unemployment on these extremely rural reservations averages about 50 percent. Yet economic depression on rural Indian reservations is not unique to my State. I believe strongly that housing is an integral and most basic component to economic development for Indian and non-Indian communities alike.

Federal expenditures for social programs continue to exceed investments for economic growth in Indian country. Tribal leaders in my State and elsewhere have struggled to break the cycle of dependence upon the Federal Government. In keeping with this Nation's special trust responsibility to sovereign Indian nations, I believe Federal programs must promote the self-determination and self-sufficiency of Indian communities. I support the premise of the Native American Housing Assistance and Self-Determination Act because Congress must prioritize programs which develop infrastructure on reservations and enhance economic growth for tribal communities. Additionally, the extreme health problems that many Indian communities face can be linked directly to inadequate housing, problems that can begin to be addressed through this Indian self-determination legislation.

I agree with Chairman LAZIO and the Native American Indian Housing Council that Indian housing should be divorced from public housing programs because of the unique needs of Indian country and the many economic challenges that must be overcome. I am particularly supportive of the funding initiative outlined in this legislation which is based on the section 108 loan guarantee for Community Development Block Grant funds. The flexibility in funding and in the administration of housing programs that this bill promotes is the key to tribal self-sufficiency and self-determination in housing management. Ultimately, this self-determination will result in increased access to safe, affordable housing for native American people nationwide.

The unique housing needs of Indian country warrant a continued Federal commitment to successful tribal housing programs. I look forward to working with Chairman LAZIO, my colleagues, and Indian tribes nationwide to make the Native American Housing and Self-Determination Act a reality, with the health and welfare of Indian tribes our foremost priority.

WOMEN'S HISTORY MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. HOYER. Mr. Speaker, I rise today to join my colleagues in recognition and celebration of the outstanding contributions of women to the history of this Nation and to society as a whole. I appreciate the opportunity to participate in this special order and to add my voice to the chorus of praise for those women who have contributed so much.

In primary and secondary schools across the country, young women and young girls are being exposed to the accomplishments of notable women of history. While they can appreciate the heroism and the ingenuity of these women, they may not yet fully understand that many of these accomplishments came at great individual sacrifice, were not fully appreciated at the time they occurred, and were often the result of long struggles to gain the opportunity to excel at their chosen pursuit.

Women's History Month also provides an important lesson to our young men and young boys in those same classes. They learn to recognize that their classmates, their sisters, their mothers, and all women have dreams similar to their own of careers and contributions. These boys can then better appreciate that women are equally valuable and equally capable of leading society in the next breakthrough in whatever field one chooses to pursue.

At the same time, we adults are reminded that while great progress has been made, particularly within our lifetimes, sufficient progress remains illusive. Too often our wives, daughters, and friends share with us the frustrations of obstacles to their careers rarely faced by males. These challenges come in the form of harassment, doubting of ability, and unfair choices placed on women concerning family objectives as opposed to career objectives that are not similarly placed upon men.

The children in our classrooms today need to enter a work force that is free of harassment, free of bias, and full of respect, full of opportunity and full of challenge. As our children enter and succeed in the workplace they need to look back at the contributions of the women who broke ground in their particular field. In so doing, they will appreciate not only the contributions of these women but also the barriers that have been removed to women as a result of their persistence.

There are no career fields in which we, as a Nation, can afford to restrict the contributions of talented, motivated workers. Our society cannot afford the disruptions caused by the lack of respect shown towards successful women in the work place.

Similarly, our society can not afford to minimize the contribution of women who choose to interrupt, delay, or forego their careers in order to tend to the needs of their families. Whether single or married, women today bear a disproportional share of the work involved in keeping our families strong and on a positive track. The struggles of mothers today, who seek to raise their children in a safe and moral environment, are unlikely to be the subject of the history lessons but are of historic proportions.

As we consider and honor the notable figures of the distant and recent past, we should also go home today and honor the historical women of the future and encourage their pursuits.

TRIBUTE TO JOHN W. TAYLOR

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. BORSKI. Mr. Speaker, today I join with the family and many friends of John W. Taylor to offer congratulations on his retirement as the Director of the United Auto Workers and good luck to a man of courage and vision who has devoted his life to helping the working people of America.

Throughout his four decade career with the labor movement, John has displayed unmatched leadership and integrity. His legacy is one of numerous, outstanding, and long-lasting contributions on behalf of the working people of America.

John established himself as a man of true courage in 1982 when he bucked the vested interests in the United Auto Workers as well as the machine of an incumbent Member of Congress to support the long-shot candidacy of an underdog challenger. John recognized that I would help give Philadelphia's working people a voice in Washington and he was willing to put his career on the line to be one of the first to give me the help I needed.

Despite strong pressure from the establishment, John stood his ground because he had the people's interests at heart. It was his strength, determination, and tenacity that brought me an endorsement from the United Auto Workers—a key factor in a tight election which I won by less than one percent of the vote.

A born-and-raised citizen of Philadelphia, John W. Taylor, worked hard to strengthen the aircraft unions in the Philadelphia metropolitan area. Originally a volunteer organizer for Piasecki Aircraft—now known as Boeing Helicopter Company—John was the first elected chief organizer by his fellow workers in May 1956. John was then elected to the union's first executive board and through the years served as the local union's editor and recording secretary before becoming president in 1967.

In 1967, John had become the president of the largest local union—the UAW's region 9—which consisted of 7,200 acting members. As president, he successfully administered such a large organization with five locations and supervised the construction of the union's $250,000 Walter P. Reuther Memorial Building in Eddystone. PA.

Soon after becoming president of UAW's region 9, John was assigned to the region 9 servicing staff, where his major duties included collective bargaining, arbitration, mediation and all forms of dispute settlements until 1980. Also in 1972, John was appointed to the staff of the international union, UAW, by then president, Leonard Woodcock, and regional director, Martin Gerber. He was selected to coordinate the activities in the UAW's Community Action Program [CAP].

In recognition of his loyalty and hard work, John was appointed to a transition team by then Governor-Elect Robert Casey in 1986. This important position led to a labor friendly Labor and Industry Department for the 8 years of the Casey administration. Finally, in 1987, Governor Casey selected John to represent labor and the UAW on the Pennsylvania State Job Coordinating Council [SJTCC] which was established under the Federal Job Training and Partnership Act [JTPA]. This position has been directly responsible for the securing of hundreds of thousands of dollars in job training funds into UAW programs and to UAW members. He continues to hold this position under Governor Tom Ridge.

Personally, this tribute is only a small token of my gratitude for John and his accomplishments over the years. His work with the UAW and the citizens of the Philadelphia region is greatly appreciated and will be missed by all. John's valued judgment has been an asset not only to me but to all people associated with him as well. I am proud to say that John W. Taylor has become a close personal friend of mine and I wish him well on a richly deserved retirement.

Mr. Speaker, I join John's wife Jean and his family and friends in congratulating him for a lifetime of service, dedication, and hard work on behalf of the United Auto Workers and the working people of America.

MAJ. GEN. (SEL) RONALD C. MARCOTTE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to a great American, an outstanding Air Force officer, and an exceptional individual: Maj. Gen. (sel) Ronald C. Marcotte. On March 26, 1996, Ron Marcotte handed over command of the 509th Bomber Wing at Whiteman Air Force Base after serving as its commander from the beginning of its operational status—April 1, 1993. Major General Marcotte will be the new director, strategic target plans (J–52) and deputy director, plans and policy (J–5), at U.S. Strategic Command, Offutt Air Force Base, NE.

During his command of the 509th, Major General Marcotte was responsible for the oversight and successful completion of the facility construction as well as the beddown of the B–2 fleet. His accomplishments, as expected, went far above and beyond his described duties. I ask my colleagues to join me in wishing Major General Marcotte a fond farewell from the 509th Bomber Wing at Whiteman Air Force Base. Missouri will truly miss him.

SALUTING PUBLIC BROADCASTING EXCELLENCE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. FIELDS of Texas. Mr. Speaker, it was a privilege for me to recently address the Association of America's Public Television Stations' [APTS] annual meeting of member stations to discuss my proposal to privatize funding for public broadcasting. I am among those working to reduce Federal spending, without sacrificing the high quality of television programming available to all Americans from the Public Broadcasting System.

Public broadcasters have for many years provided Americans—particularly young Americans—with programming of exceptional educational value. My own 6-year-old daughter enjoys watching ''Barney and Friends,'' ''Sesame Street,'' and other children's shows produced by public broadcasters. And as a student of the Civil War, I believe that ''The Civil War'' may have been the finest television series ever aired on public, or commercial, television.

During the APTS annual meeting, two public broadcasters in Texas were recognized for excellence in their fields. Rodney Zent of KAMU–TV in College Station was named one of seven ''Visionary Public Broadcasters'' and was presented with the 21st Century Award for his outstanding contributions to the public television system. And Leon Collins of KUHT–TV in Houston was one of eight recipients nationwide to receive the Grassroots Advocacy Award, presented to those individuals and public broadcasting stations who work to garner support for public television in their communities.

I salute Mr. Zent and Mr. Collins for their past efforts to enhance the future of pubic television.

Mr. Zent has spearheaded Texas A&M University's efforts to impose its distance learning program. On April 3, KAMU, in partnership with GTE, will unveil the Center for Distance Learning Research, which will offer training in distance learning and cutting-edge telecommunications technology. Last year, KAMU coordinated 3,400 videoconferences on its TRANS–TEX Videoconferencing Network, which provides real-time, two-way video, data and Internet services to 44 locations throughout Texas.

Mr. Collins at KUHT has enlisted his staff, the University of Houston, and supportive volunteers on behalf of public television. Due to his efforts, the University of Houston's newsletter now features a column containing legislative news from Capitol Hill, and the station's legislative needs are a high priority on the university's agenda. It is precisely this type of local, community support, that will be key to public broadcasting's future, and I salute him for his efforts.

Mr. Speaker, as the chairman of the House Telecommunications and Finance Subcommittee, I want to reiterate my support for public broadcasting—and reiterate my desire that future generations of Americans benefit from the fine, educational programming it makes available to all our citizens.

Individual efforts by persons like Rodney Zent and Leon Collins—together with enhanced local support for outstanding public broadcasters like KAMU and KUHT—will ensure that this valuable public resource will remain with us for many years to come.

YOUTH ART MONTH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, this month we have celebrated Youth Art Month, a valuable advocacy program that cultivates and emphasizes the importance of art and of quality art education in the lives of today's children.

In today's world, filled with harsh realities and ambiguity, children often lose touch with themselves and their surrounding environment creating a damaging gap. Since art is not only a representation of life in its physically, emotionally, and spiritually, it provokes self introspection and, in turn, helps to bridge this gap. Youth Art Month reminds us that this importance should never be taken for granted, for art is one of the most integral components in the development of a child's imagination and cognitive mind. Art adds a new dimension to a child's personality—a dimension of imaginative thought, subjective interpretation, and perhaps most important—individuality.

My uncle, the Late Robert F. Kennedy extolled the importance of creativity in our children's lives. ''Too often, the arts have been thought of as nice, but rather non-essential part of education. When we give our children the chance to explore and develop their own creativity, we encourage the sensitivity and ability for self-expression that is so crucial a part of the well-informed, well-educated person.''

I commend the Council for Art Education for creating Youth Art Month and for its efforts to instill in America an appreciation for art and art education. I sincerely hope that our children and future generations will cherish and celebrate art and the enormous contribution its forms have made to this great Nation.

CONGRATULATIONS TO DAN WHITTLE ON THE SUCCESS OF WHITTLEMANIA

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. GORDON. Mr. Speaker, I rise today to recognize the tremendous contribution Dan Whittle has made to the success of Habitat for Humanity in Rutherford County.

In 1993, Dan and the community joined together to host a bean dinner to raise money for cancer patient Ben Webber's family. Ben Webber left a wife and child when he succumbed to cancer. His lifelong dream of owning a house was realized for his family through the money Dan and Habitat raised. The Webber dinner was the forerunner of what has come to be known as ''Whittlemania.''

This year, the Second Annual Whittlemania for Habitat was a tremendous success. Demos' and Toot's restaurants served over 1,000 meals and owners Jim and Doris Demos donated the $6 ticket price to Habitat. Whittlemania made more than $7,000, quadrupling last year's results.

The community pulled together, and the following businesses and individuals made Whittlemania happen: Demos' and Toot's restaurants, the Daily News Journal, Whittlemania chairman Darwin Colston, Garden Plaza Hotel, the Printing Department, city employees of Smyrna and Murfreesboro, Tennessee General Services Commissioner Larry Haynes, Fant Smith and Outdoor Communication, and Dan's wife, Pat.

Dan is a reporter and columnist for the Daily News Journal, a Murfreesboro newspaper. In his February 8th column on Whittlemania, he says, ''It is mind-boggling and heartwarming personally to have a community-wide, charitable, fund-raising event named for you and for that, I am thankful. I love this community that cares so much for people.''

Well, Dan, Rutherford County is thankful to you. Its people know how much you care. You have shared your personal story of homelessness with us, but more than that, you have reached out, time and time again, to help friends and strangers. It has been said that the success of a man can be gauged by how many lifes he's touched. Congratulations on your success and the success of Whittlemania.

BALANCE THE BUDGET

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. PACKARD. Mr. Speaker, President Clinton has proven time and time again that he is big Government's little buddy. He is a tax and spend liberal though his rhetoric would have the American people believe otherwise.

My Republican colleagues and I have a proven track record when it comes to our commitment to downsize Government and the Federal deficit. To date, the Appropriations Committee has cut $22 billion and terminated 175 wasteful programs and we continue to make real cuts that are necessary to put us on the Glidepath to a balanced budget.

The President keeps telling the American people that he wants a balanced budget too. He says the era of big Government is over. Well, we have seen no evidence of it. In fact, he is now asking Congress for an additional $8 billion in social spending without trying to find savings elsewhere to help offset their cost. Any family that has ever tried to balance their own budget knows it will not balance if you keep spending in every direction and not cutting somewhere.

Mr. Speaker, we have the opportunity to make a down payment on a balanced budget and the future of our children. We have the opportunity to make Government smaller and more cost effective we will do what is right for America's hard-working taxpayers. The President must do the same.

THE CARIBBEAN BASIN INITIATIVE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. RANGEL. Mr. Speaker, One of the legislative accomplishments of which I am most proud is my association with the passage of the Caribbean Basin Initiative [CBI] in 1982. The CBI was truly bipartisan legislation, introduced by President Ronald Reagan and embraced by the Democratic Congressional leadership led by former Chairman Dan Rostenkowski of the House Committee on Ways and Means.

The CBI has been truly a success story, a great example of what President Reagan called friends helping friends in the letter that he sent me after signing the legislation to provide our Caribbean neighbors with greater access to our market in the United States. I don't believe that we fully appreciated at that time how much mutual benefit there would be over the years in CBI. Now the Caribbean has become a significant purchaser of goods and services from the United States, helping to create jobs here at home.

The CBI has been responsible for a decade of unparalleled growth in trade between the United States and the Caribbean, acting as a catalyst for exports, investment and employment creation in the economies of the United States and the Caribbean. As the growth process in CBI economies has been strengthened by increased United States investment in increased purchases of United States goods and services. Each dollar spent by the Caribbean generates 60 cents per dollar of United States exports. Jamaica, for example, purchases more than 65 percent of its imports from the United States. Trinidad and Tobago purchases more than half of its imports from the United States.

In 1991, the last year prior to the embargo, Haiti purchased 61 percent of its imports from the United States. Restoring the economy of the new Haiti, therefore, is not a matter of charity or foreign assistance, it is a policy that is rooted in the realization that there is mutual self-interest for Haiti and the United States in making the Haitian economy viable. The Caribbean is a significant market for United States exports and these exports produce jobs in the United States.

Ambassador Bernal, in his editorial, addresses this reality and challenges us to keep the United States-Caribbean trade relationship vital by providing parity to access to the United States markets to that provided by our trading partners in NAFTA. As one of the original cosponsors of the Caribbean parity legislation which was reported out of the Ways and Means Committee Subcommittee on Trade last year, I am looking forward to working with Chairman CRANE and the administration to achieve its passage in the present Congress.

[From the Wall Street Journal, Mar. 22, 1996]

A JAMAICAN'S CASE FOR TRADE PARITY WITH NAFTA

(By Richard L. Bernal)

U.S.-Caribbean commercial links have generated American jobs at a rate of nearly 17,000 a year since the mid-1980s. U.S. overall exports to the Caribbean have expanded by more than 100%, and Caribbean exports to the U.S. have climbed by roughly 50%. By the end of 1994, combined U.S.-Caribbean trade stood at $24 billion.

The 24 nations of the Caribbean Basin—among them Jamaica, Trinidad, the Dominican Republic and all Central American countries—have enjoyed these strong economic and trade relations during the past dozen years largely through the mechanism of the Caribbean Basin Initiative (CBI). But recent changes in U.S. trade law have put the long-term viability of this relationship in jeopardy. Under the North American Free Trade Agreement, for example, Mexican exports now enjoy access to the U.S. market exceeding that accorded to Caribbean exports. The General Agreement on Tariffs and Trade implementing act has exacerbated these effects by phasing out a program that regulated the importation of textile and apparel products from all countries.

As a result, Caribbean countries are now forced to compete in their largest market at a substantial competitive disadvantage. In the two years that Nafta has been in effect, there has been a steady diversion of trade and investment away from the Caribbean Basin nations. In the textile and apparel sector alone, Mexico has displaced other Caribbean countries. It is now the single largest source of U.S. garment imports from this hemisphere. Such diversion has begun to erode U.S.-Caribbean trade relations, weakening the employment base of hundreds of thousands of Americans who depend upon strong U.S.-Caribbean trade links.

During a visit with Central American leaders last month, Secretary of State Warren Christopher announced that President Clinton will include in his fiscal year 1997 budget request a key proposal to strengthen U.S.-Caribbean Basin economic relations. Coming on the heels of Cuba shooting down two unarmed civilian planes. Mr. Christopher's announcement underscores the compelling U.S.

national and security interests in maintaining strong economic links with the Caribbean region.

Secretary Christopher's announcement advances a bipartisan proposal currently before the Congress that will correct the unintended adverse effects of Nafta on the Caribbean Basin. The prospect of enhanced U.S.-Caribbean trade links enjoys wide-spread support, and has been endorsed by many Carribbean heads of government and countless business and community leaders, both in the U.S. and in the Caribbean.

As currently envisioned, the proposal will insure that Caribbean and Mexican exports enjoy equal access to the U.S. market during the next 10 years. During this transitional period of ''Nafta parity,'' Caribbean countries will be required to take reciprocal steps to expand market access for U.S. products, strengthen investment guarantees, expand worker's rights, and improve intellectual property protection. By the end of the 10-year period, the U.S. will have strengthened its commercial relationship with the Caribbean region while the CBI countries will be in a better position to join a hemispheric-wide free Trade Area of the Americas.

The benefits of Nafta parity would be felt strongly over the next few years in both the Caribbean and in the U.S. Presently, the U.S.-Caribbean commercial relationship supports more than 260,000 jobs in the U.S. and countless more throughout the Caribbean. The Caribbean Basin is now the 10th-largest export market for the U.S. and one of the few regions in the world where U.S. exporters maintain trade surpluses. Nafta parity will build on this framework as elevated trade levels generate thousands of new jobs each year in the U.S. and the Caribbean.

The benefits to U.S. industry for this program are clear as well. Nafta parity will enhance international competitiveness of the U.S. textile and apparel industry by building on the productive relationship already enjoyed by U.S. and Caribbean firms. Since Caribbean garment exports rely upon U.S. components and labor for as much as 70% of their value-added, and expansion of the Caribbean garment industry directly benefits U.S. firms and workers. Many Caribbean governments already operate programs that successfully fight illegal textile transhipment from East and South Asian countries, so Nafta parity will strengthen a framework that protects the domestic industry from quota violations. Finally, as Caribbean governments take steps to strengthen intellectual property and investment protections—as Jamaica has already done—many other U.S. industries will gain.

This trading relationship means that overall economic growth and development in the Caribbean Basin can directly translate into expanded export opportunities for the U.S. Roughly 60 cents of each dollar the region earns from exports to the U.S. market is spent in the U.S. buying American-made consumer goods, food products, raw materials and capital equipment.

In this context, Nafta parity has emerged as a cost-effective economic and foreign policy instrument to promote regional development. Increased trade activity will provide many additional commercial opportunities, which are so crucial for healthy economic growth in cities and rural areas throughout the U.S. Stronger trade links will inevitably lead to better cooperation in other areas, such as narcotics interdiction, anticorruption activities, and efforts to fight terrorism and international crime. Moreover, as Caribbean economies prosper, they will become less dependent on U.S. foreign aid at a time when foreign assistance is getting close scrutiny. In many ways, therefore, Nafta parity represents a tangible ''trade, not aid'' approach, which has taken on new importance in light of the U.S. budget debate.

Numerous studies have shown that strong regional economic links are crucial not only in creating economic opportunities throughout the U.S. and the Caribbean Basin but also in supporting stable and mutually beneficial security relationships. Congress should advance U.S. national security interests in the region by moving quickly to enact Nafta parity.

SALUTE TO J. DOUGLAS BALCOMB AND HIS CONTRIBUTIONS TO RENEWABLE ENERGY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. SCHAEFER. Mr. Speaker, this morning the Department of Energy awarded the John Ericcson Award in Renewable Energy to Dr. J. Douglas Balcomb of the National Renewable Energy Laboratory in Golden, CO.

A pioneer in the field of solar energy research for 17 years, Dr. Balcomb received his Ph.D. in nuclear engineering from the Massachusetts Institute of Technology in 1961. One of his earliest notable offerings was the solar load ratio technique for qualifying the energy performance of passive and active components and mixed systems. This accomplishment gave the solar energy design community a direct, verifiable method of evaluating solar features—a method that is now used worldwide and has led to the development of many passive-design tools. The American Society of Heating, Refrigeration, and Air Conditioning Engineer's design manual, Passive Solar Heating Analysis, is an outgrowth of the method.

Dr. Balcomb's involvement in design has led to a collaboration with the Passive Solar Industries Council and the National Association of Home Builders. The collaboration has produced Builderguide, a user-friendly computer-based spreadsheet that calculates locale-specific energy performance and comfort. Dr. Balcomb is now adjusting his basic methodology for residential design to small commercial buildings, thus making the technology widely available in the private sector.

Dr. Balcomb has published over 100 technical papers and lectured in 26 countries on effective passive design and is a past chairman of the American Solar Energy Society.

I congratulate Dr. J. Douglas Balcomb as he receives the prestigious John Ericcson Award in Renewable Energy today for his important work in helping to secure our country's energy future.

IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes:

Mr. PASTOR. Mr. Chairman, I rise in support of this pro-family, pro-immigration amendment.

The issues of legal and illegal immigration are not, and should not, be linked to one another. It is unfortunate that the anger, frustration, and misinformation over illegal immigration has been used to target hard-working, law-abiding, legal immigrants. Focusing our efforts on reducing illegal immigration is a responsible and proper undertaking. Slashing legal immigration, however, as H.R. 2202 does, is like fighting crime by imprisoning the innocent. While the Chrysler-Berman-Brownback amendment does not eliminate all the evils contained in this bill, it does strike some of the most blatantly xenophobic and anti-family provisions of the legislation.

The legislation, as you know, would reduce legal immigration by 40 percent over 5 years. Whole categories of legal immigration would be eliminated and excessive restrictions would be placed on the sponsors of legal immigrants. Under the bill, parents of U.S. citizens would no longer be able to migrate to the United States unless they are covered by health insurance and long-term health care policies, a requirement that is clearly beyond the means of many Americans. It is unconscionable that only the wealthy will be able to bring their parents into this country.

In addition, the bill guarantees that families of legal immigrants will forever remain divided. The unmarried adult sons and daughters of U.S. citizens and legal permanent residents are all but prohibited from joining their parents. Should brothers and sisters of U.S. citizens be able to migrate to the United States and live with one another? Not according to the sponsors of the legislation; under H.R. 2202, this category of immigration is completely eliminated. I ask the supporters of these provisions: Is America not big enough for the parents, children,and siblings of its citizens?

Mr. Chairman, though it has been said several times before, it must be said again. We are a Nation of immigrants. Ours is a proud, though not unblemished, history of providing hope and opportunity to people from all nations who are willing to work hard and abide by our laws. This bill turns that history on its head and does so by striking at one of our most cherished institutions—the nuclear family.

Legal immigrants have provided the United States with a rich return on its investment. Legal immigrants and foreign-born citizens work hard and contribute to the economy well beyond the cost of services that they consume. It is estimated that 77 percent of the foreign-born population is gainfully employed, compared to 74 percent of native-born Americans. In addition, immigrants generate $285 billion in income and pay more than $70 billion in taxes annually—$25 billion more than they receive in benefits. Legal immigrants and naturalized citizens also contribute immeasurably

to the rich mixture of cultures and heritages that can only be found in the United States. I find strength and pride in this diversity, not fear and anxiety.

Mr. Chairman, H.R. 2202 is, without a doubt, a bill that is bad for America. The Chrysler-Berman-Brownback amendment removes some, but not all, of the draconian measures in the legislation. I urge my colleagues to support the amendment and oppose final passage of the bill.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. LAZIO of New York. Mr. Speaker, I am very proud to come to this floor today to introduce the Native American Housing Assistance and Self-Determination Act of 1996.

This is the most important piece of legislation this body has ever considered with regard to Indian housing. This bill heralds a new era in the relations between Congress and Indian tribes, one marked by mutual respect, consensus, and accountability on all sides.

Indian communities suffer from some of the worst housing conditions in the country, a situation we will no longer tolerate. New partnerships between the Federal and tribal governments and the private sector will give local Indian communities the tools they need—and have been asking for—to build a better life for themselves and their members.

Indian housing programs began in the early 1960's as a result of memorandums between the Public Housing Administration, the predecessor to the Department of Housing and Urban Development, and the Department of Interior. Housing on Indian reservations was considered just a derivation of public housing, the same as you would find in Seattle, or Miami, or in the town of Isilp, N.Y. Indian housing is not public housing. This bill recognizes that fact and creates a single, flexible block grant to tribes or their tribally designated housing entity to provide housing assistance.

Because of the unique government-to-government relationship between Indian tribes and the American Government, as well as the value of having local communities solve local problems. Indian housing authorities should have greater flexibility in providing assistance to their members.

Tribal governments and housing authorities should also have the ability and responsibility to strategically plan their own communities' development, focusing on the long-term health of the community and the results of their work, not over burdened by excessive regulation. Providing the maximum amount of flexibility in the use of housing dollars, within strict accountability standards, is not only a further affirmation of the self-determination of tribes, it allows for innovation and local problem-solving capabilities that are crucial to the success of any community-based strategy.

Involving private markets and private real estate entities must be a part of a successful strategy to improve economic conditions in Indian country. Simply put, we need more bang for our buck if we hope to address the needs of Indian communities in a meaningful way.

The formula-driven block grant allows us to implement a new affordable housing loan guarantee, based on the very successful section 108 loan guarantee for Community Development Block Grant funds. Under this new model, tribes can borrow capital from existing financial organizations and markets to expand the number of new units that can be constructed. This helps alleviate the serious need for new housing units in Indian country and at the same time lets private capital and investors take up the slack where Federal funding cannot, decreasing the dependence on direct subsidies.

While discussion and debate are underway on other legislative initiatives such as NAFSO, the Native American Financial Services Organization, we can take steps now to ensure public dollars going to tribes for housing can be used to leverage private dollars.

The bill also lengthens leases on trust-held land to 40 years. While it may not seem important, it is crucial to the secondary mortgage market to have lease terms long enough to support a 30-year mortgage. This kind of involvement by the private sector—supporting homeownership—is precisely the kind of efforts this Congress must support and it's one of the reasons this bill is so important to Indian country. Fannie Mae is just beginning to become involved in Indian country through the purchase of section 184 loans; Freddie Mac is poised to do the same. I believe this provision will give them added incentive to increase their presence in Indian communities.

I would like to thank my colleagues, Mr. BEREUTER, the distinguished vice-chairman of the Housing Subcommittee, my good friend Mr. HAYWORTH, and our colleague from the other side of the aisle, Mr. JOHNSON of South Dakota. Their efforts are much appreciated and I look forward to their continued input on this bill.

Mr. Speaker, this is only the beginning. As the bill moves forward, we expect to receive even more input from people who benefit from and run housing programs and, most importantly, to consult with tribal leaders. I am confident that the administration and the other body will support this bill and I look forward to working with them to make sure we can have the best possible legislation.

HONORING FBI AGENT CHARLES L. REED

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a hero in the war on drugs from my home district in Montgomery County, PA.

Recently, FBI special agent Charles L. Reed was laid to rest after giving his life to free our community from the yoke of drug abuse. Thousands of State troopers, police officers from throughout the region, park rangers, and transit police joined the friends, family, and colleagues to thank agent Reed, offer condolences from a grateful community to his family, and bid farewell to an exemplary public servant.

The outpouring of grief for this fallen hero was tremendous in a community which knew the benefit of the good work he did on behalf of the people. Hundreds of FBI agents, their badges draped in black, filled the parking lot of the church in tribute to their fallen comrade who was killed recently in a shootout with a drug dealer.

Six young pallbearers, all relatives of agent Reed, carried his body to its rest with the mournful wail of bagpipes in the background. That languished sound of the bagpipes reflected the mood of the entire Delaware Valley community over the death of this 45-year-old hero. The pain reflected on the faces of agent Reed's wife and three young sons was etched in the spirit of our entire community. For a great man died in defense of his community, locked in a mortal struggle against the specter of drugs which has ravaged this Nation for so long.

Agent Reed was not just a dedicated law enforcer, he was a devoted, loving, and proud husband, father, and friend who loved his community so much he was willing to risk his life in its service.

At the funeral, Gerald Loke who worked with agent Reed for 12 years at the FBI office in Lansdale, Montgomery County said: ''The FBI gave Chuck the title of special agent. Today, I want to give him the title of special husband, special father, and special friend.''

FBI Director Louis Freeh recounted a story agent Reed often told about a Vermont milkman he knew growing up. The milkman's hands were deformed by his work, but he continued the job he loved. Agent Reed often compared his passion for FBI work to the milkman's. He even named his youngest son, Kelley, 17, after the milkman.

Director Freeh told agent Reed's three sons, Joshua, 21, Todd, 18, and Kelley that they should remember their father as a hero. His wife, Susan, became a source of strength for his bereaved colleagues, knowing the impact this loss would have on them. Her courage matched his own.

Mr. Speaker, the tragic impact of drugs on this Nation is never made more clear than when a community loses one of its own. The children who become hooked and die with an overdose in their veins; the innocent bystanders who lose their lives as a result of the crime which follows this plague. These are the people agent Charles Reed died for. These are the tragedies he worked so hard to prevent. In the end, the war on drugs would claim another soldier. But despite his death, his message lives on in the dedication of his coworkers, in the love of his wife, in the future of his children, and in the appreciation of a community clothed in grief.

I rise today to honor agent Charles L. Reed—a hero to his community, a role model to his coworkers, and martyr in the war on drugs. May we never again lose such a man to this insidious tragedy. Thank you, Mr. Speaker.

CONGRATULATIONS TO BROCK SANDERS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. GORDON. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Brock

Sanders of Murfreesboro, TN on his upcoming retirement as executive director of the United Way of Rutherford County. After 15 years of dedicated service, Brock will retire on April 15, 1996.

Brock has spent his entire life in positions of public service. After playing football at the University of Tennessee at Knoxville and graduating in 1956, Brock was commissioned a second lieutenant in the U.S. Air Force through the ROTC program. During the next 20 years, Brock held many positions which were instrumental in leading our country to victory in the cold war. From his service in Vietnam to his time as an instructor at the U.S. Air Force Academy, Brock was an invaluable officer in our Nation's service.

After retiring in 1980 as a colonel from the Air Force, Brock retired to his home to Murfreesboro, only to continue serving his community. As executive director of the United Way of Rutherford County, he saw a remarkable increase in pledges. During a time in which the national average for increase in United Way pledges was 105 percent, Brock Sanders oversaw an increase of 849 percent. The United Way of Rutherford County has been recognized numerous times for having one of the strongest bases of support in the nation. This success has been due in large part to the leadership of Brock Sanders.

I want to thank Brock for his many years of service, congratulate him on a job well done, and wish him the best in his retirement.

RUTHERFORD COUNTY AND
CANNON COUNTY CIRCUIT COURT,
Murfreesboro, TN, March 14, 1996.

Representative BART GORDON,
Murfreesboro, TN.

DEAR BART: Thank you for your help with the presentation of the resolution for Brock Sanders. Enclosed please find a biographical sketch regarding Brock and his accomplishments. If I can provide additional information, please contact me.

With kindest regards,

DON R. ASH,
Circuit Judge.

Enclosure.

James Brockman Sanders, Jr., was born in Rutherford County Hospital on December 23, 1933 and later taken to his childhood home at 107 2nd Avenue in Murfreesboro. Brock came home to two sisters, Jean Sanders (Beard) and Trudy Sanders (Guinee) and one dog, Buster. His dad was owner of Sanders Auto Service on the corner of Vine and Walnut. His mother was a household engineer.

In September of 1940, Brock entered first grade at Training School (Now Campus School). He completed eight years at Training School.

In September of 1948, Brock entered Central High School. He earned four letters in basketball and three in football under, according to Brock, ''the greatest high school coach in the world'', Mr. Lee Pate. Brock won mid-state and state honors in football and was a member of the 1950 state champion football team. He was a class officer each year, a member of SPO fraternity and served as president of the Key Club. Was also named ''Most outstanding'' Key Club member in the Tennessee-Kentucky district. For three years Brock dated the ''sweetest and prettiest girl at Central'', Fran Summar. He graduated from Central in 1952.

Brock entered the University of Tennessee on a football scholarship in September of 1952. During Brock's football career at U.T., he made sure the bench stayed warm. He was called ''Midg'' by General Robert Neyland because he stated that Brock was the ''world's largest midget''. Brock was a member of Sigma Chi fraternity and was an Air Force ROTC cadet Wing Commander.

In August of 1954 Brock married his high school sweetheart, Fran Summar at the First Baptist Church in Murfreesboro.

Brock graduated from the University of Tennessee in September of 1956. He was commissioned 2nd Lieutenant in Air Force through the ROTC. From 1956 to 1957, Brock coached football and basketball at Central High School under his high school coach, Lee Pate.

In March of 1957, James Brockman Sanders, III, was born in the Rutherford County Hospital. He is now the minister of First Methodist Church of Troy, Alabama. He has a lovely wife, son and daughter.

In May of 1957, Brock entered the Air Force at Navigator Training in Harlington, Texas. From 1958 to 1963, Brock was a C–124 Worldwide qualified Navigator and Flight Examiner in Dover, Delaware.

Stephanie Paulette Sanders was born in Dover, Delaware in July of 1959. She is now an educator and household engineer in Atlanta. She and husband Rob Corley have a brilliant son and daughter.

From 1963 to 1966, Brock was Section Commander at Air University, Squadron Officer School in Montgomery, Alabama. In 1966 and 1967, he was a student and graduate of Air Command and Staff College. From 1967 to 1971, Brock was Chief of Space Navigation Division at the U.S. Air Force Academy in Colorado. In 1971 and 1972, he served as a briefing officer in Saigon, Vietnam.

Brock was then Director of Student Operations at Air University, Squadron Officer School, in Montgomery, Alabama from 1972 to 1976. In 1977, he was a student and graduate of Air War College. From 1977 to 1980, Brock was a staff officer at Headquarters Air University in Montgomery, Alabama. In June of 1980, Brock Sanders retired as a Colonel of the U.S. Air Force.

Brock returned to Murfreesboro and in 1981 became the Executive Director of the United Way of Rutherford County. In the last fifteen years under his direction, the pledge for the United Way of Rutherford County has increased by 849% (other United Way chapters have increased by 105%). The United Way of Rutherford County has been recognized numerous times for having the highest percent increase in pledges in the nation.

After 15 years of dedicated service, Brock Sanders will retire on April 15, 1996. He looks forward to spending more time with his lovely wife and their family, as well as working on his golf game.

COMMENDATION FOR LINCOLN-WAY HIGH SCHOOL DISTRICT 210

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. WELLER. Mr. Speaker, today I'd like to honor the great achievement of Lincoln-Way High School District 210 and its outstanding recognition by Money magazine and Redbook magazine.

This national commendation demonstrates the excellence of Lincoln-Way High School—something in which this community prides itself. The parents, teachers, students and community all deserve a thanks for their hard work and dedication to providing a quality education and for producing young people who are mentally ready to meet their next challenge.

Redbook honors Lincoln-Way High School as part of its America's best schools project. And, in the category of excellence in parenting/community involvement, Lincoln-Way was the only school from Illinois chosen. This in itself is very impressive and I am very proud to represent a community where academic excellence is a high priority.

Nearly 400 schools were nominated for recognition in one of six categories and a panel of judges chose only 155 winners. Truly this is an honorable distinction for Lincoln-Way High School and those involved.

I would like to congratulate everyone associated with Lincoln-Way High School—this award is well deserved and should be shared by all. It is my great honor to represent a community that is so involved in the education of its children.

HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT OF 1996

SPEECH OF

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1996

Mr. MANZULLO. Mr. Speaker, the legislation we are considering here today, H.R. 3103, will enable millions of Americans to purchase affordable health insurance. H.R. 3103 will extend to Americans of all incomes, health status, and employment status the ability to enter into the health care market.

One of the biggest problems facing workers in job transition is that health insurance is not portable. Although the average person will change jobs eight times during his working life, employees are limited in their ability to keep their health insurance during job changes and periods of unemployment. One consequence is that many employees experience job lock, remaining in jobs just to keep their health insurance.

H.R. 3103 addresses this problem in several ways. This bill allows individuals to purchase tax-free medical savings accounts [MSA's], which allow people to contribute to their own health care savings fund. Under MSA's, people could confine health insurance to catastrophic coverage, reduce their monthly insurance premiums and make deposits to a MSA instead. Insurance would be used to pay for expensive and infrequent treatments, while MSA funds would be used to pay small bills covering routine medical services. Moreover, these accounts would be portable so that if one person moves to another job or loses their job, health coverage would not end. MSA's would make it easier for employees to pay premiums during unemployment or job transition. Since workers are spending their own money, MSA's also would restrain health care spending by empowering consumers to make cost-conscious purchasing decisions.

This legislation also provides portability for persons moving from one employer group health plan to another. Under this bill, when a person is covered by an employer health plan, the plan cannot refuse to cover a preexisting condition for more than 12 months. However, individuals changing jobs would receive credit for periods of continuous health care coverage under their previous employer's group health plan. So if a person has employer-sponsored health coverage for at least 12 months and switches to another employer who provides

health benefits, no preexisting condition exclusion will be allowed.

The Health Coverage Availability and Affordability Act also allows small employers to band together in associations to form multiple employer groups that could fully-insure or self-insure. Under current law, large businesses are allowed to buy health insurance under a different set of rules than small business. Large, self-insured businesses are exempted from State law in their health plans while small businesses are stuck with State mandates, premium taxes, and other forms of regulation. This inequity between big business and small business in large part explains why the premiums of corporate America are going down while small business premiums are going up.

In addition, this legislation seeks to provide a greater incentive for the self-employed of this country to purchase health insurance by raising the amount they can deduct for health care costs from 30 percent to 50 percent by the year 2003. One of the major problems facing small business is the high cost of health insurance. There are nearly 3 million self-employed Americans without health insurance. If this group of business owners were given a greater deduction, many of these uninsured would purchase insurance, substantially reducing the number of uninsured Americans.

Mr. Chairman, H.R. 3103 encompasses measures that will enhance the current market system and make health insurance accessible and affordable for millions of Americans, and I strongly support its passage.

GEORGE DUTCHIE MINER HONORED

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am proud to pay tribute today to my good friend and constituent, Mr. George Dutchie Miner on the occasion of his retirement, March 29, 1996, following 55 years of service to Northrop Grumman and its corporate predecessors—including among other company names Hamilton, Chance Vought, Ling Tempco Vought and Vought. Mr. Miner started with the company on March 7, 1941, making aircraft propellers for what was then a division of United Aircraft. He made propellers from scratch out of aluminum alloy. Throughout his career, Mr. Miner has made dies for all of the company's aircraft, for Boeing programs and for military subcontracts. Most recently, as a die finisher, he has prepared 17,000 pound dies for use in creating components for the B–2 Stealth bomber.

During World War II, Mr. Miner earned about 50 cents an hour as a tool and die maker, $28 dollars a week with overtime on the weekends. But he as able to provide for his family and put his two sons through college. He now enjoys the love and affection of three grandchildren. During a portion of his career, he served as the State vice president of his labor union. He also served as a Democratic precinct chairman for many years and a community leader extraordinaire.

Congratulations Dutchie, Northrup Grumman and the country are grateful for your many years of service. I salute you for a job well done.

LIMITED OVERTIME EXEMPTION

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. FAWELL. Mr. Speaker, today I am introducing legislation to provide a limited overtime exemption from section 7(k) of the Fair Labor Standards Act [FLSA] for public sector employees who provide emergency medical services [EMS]—the same FLSA exemption afforded to fire protection personnel. Without this change in law, there will continue to be circumstances in which EMS personnel are working the same tours of duty as either fire protection or law enforcement personnel, but most be paid overtime for any hours worked in excess of 40 hours during any workweek.

In some localities, such as Burke County, NC, EMS functions are entirely separate from fire protection and law enforcement activities, but their job duties are identical. There should be no difference in the treatment of EMS personnel under the FLSA simply because of the manner in which emergency services are provided by local communities. Furthermore, in many jurisdictions, the majority of emergency calls are medical emergencies. The current situation is very expensive for State and local governments and intrudes on their management of fire protection and law enforcement activities.

Section 7(k) of the FLSA provide a partial exemption from overtime for those employees engaged in fire protection and law enforcement activities. Employers are allowed to establish work periods of up to 28 days, and overtime compensation is not owed until fire protection employees have worked more than 212 hours and law enforcement personnel exceed 171 hours of work. There have been conflicting ruling by Federal courts of appeal on the issue of whether EMS personnel are covered by section 7(k). There also have been different interpretations by the courts of the regulations on this subject. This has led to confusion and large financial liability on the part of State and local governments. The bill I am introducing today revises section 7(k) so that these EMS personnel qualify for the same partial exemption from overtime as fire protection personnel.

Mr. Speaker, the FLSA, passed in 1938, mandates a rigid interpretation of the 40-hour workweek and its worker classification and compensation requirements are not reflective of the contemporary workplace. Contradictory court interpretations of the FLSA have provided windfall judgements for some employees. These costly judgments against public sector employers have a direct impact on budgets supported by taxpayer dollars and also affect public safety services. The existing liability for many States and localities is estimated to be in the millions of dollars, and the potential for future liability creates tremendous fiscal uncertainty. I urge my colleagues to support this legislation which promotes the mandate of public accountability and fiscal responsibility to which State and local governments must adhere.

SENATE AMENDMENTS TO H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 27, 1996

Mr. FAZIO of California. Mr. Speaker, I oppose this rule and the underlying bill, H.R. 1833, because it is cruel and unnecessary Government intrusion into one of the most private and painful decisions a woman could ever face in her life.

When this bill came before the House last fall, and again today, we have a rule that does not offer an opportunity to vote on a true exception to protect the life and health of the woman.

Mr. Speaker, speakers on both sides of this issue have noted accurately that this procedure is rarely used. It is rarely used because the only reason women seek abortions late in pregnancy is because they face the terrible tragedy of a life-threatening or serious health-threatening situation, or when they discover that a very-much-wanted child simply will not survive after birth. When they face this tragedy, this is one of very few, and sometimes is the only procedure that can be used, to protect their ability to become pregnant again.

Testimony from women who have had this procedure is moving and undeniable. They are women who wanted their children and are devastated when they find that something has gone terribly wrong with their own health or that of the fetus.

I submit for the record the stories of two women who both desperately wanted their children, but instead needed this procedure when tragedy struck.

Mr. Speaker, we may never know the sorrow women like these two have faced. And we certainly can't presume to give them the best medical advice or emotional support they need. I urge the defeat of this rule and this bill.

TESTIMONY OF COREEN COSTELLO

My name is Coreen Costello. I live in Agoura, California, with my husband Jim and our son Chad and daughter Carlyn. Jim is a chiropractor and I live being a full-time, stay-at-home wife and mom. I am a registered Republican, and very conservative. I don't believe in abortion. Because of my deeply held Christian beliefs, I knew that I would never have an abortion. In fact, I remember a few years ago when I was nursing my son Chad, I watched a speech Congressman Hyde gave on C-SPAN against abortion. It was so eloquent, it moved me to tears. I even participated in the ''Walk for Life'' sponsored by our local Christian radio station.

Even now, I amazed at the fact that I am here. I never would have believed that I would be testifying in Congress, supporting an abortion procedure.

In March of last year, we were joyfully expecting the arrival of our third child. Then on March 24, almost a year ago to the day, when I was seven months pregnant, I began having premature contractions and my husband and I rushed to the hospital.

During an ultrasound, the physician became very silent. Soon more physicians came in. Jim told me everything would be fine but I knew there was something very wrong. I went into the bathroom and sobbed.

I begged God to let my baby be okay. I prayed like I've never prayed before in my life.

My husband reassured me that we could deal with whatever was wrong. We had talked abut raising a child with disabilities and there was never a question that we would take whatever God gave us.

My doctor arrived at two in the morning. He held my hand, and informed me that they did not expect our baby to live. She was unable to absorb the amniotic fluid and it was puddling into my uterus. The poor precious child had a lethal neurological disorder and had been unable to move for almost two months. The movements I had been feeling over the last few months had been nothing more than bubbles and fluid. Her chest cavity was unable to rise and fall to stretch her lungs to prepare them for air. It was as if she had no lungs at all. Her vital organs were atrophying. Our darling little girl was going to die.

A perinatologist recommended terminating the pregnancy. For my husband and me, this was not an option. We chose to wait to go into labor naturally. We knew that it would not be long. Due to the excess amniotic fluid, a condition called polyhydramnios, premature labor was imminent. I wanted her to come on God's time—I didn't want to interfere.

It was so difficult to go home and be pregnant and go on with life, knowing my baby was dying. I wanted to stay in bed. My husband looked at me and said, ''Coreen, this baby is still with us. Let's be proud of her. Let's make these last days of her life as special as possible.'' I got out of bed and put on my best maternity clothes, and went out with my daughter Carlyn to get ready for her fifth birthday party. I could feel my baby's life inside of me, and somehow I still glowed.

At this time we chose her name—Katherine Grace. ''Katherine'' meaning pure, and ''Grace'' representing God's mercy.

We went to many more experts over the next two weeks. It was discovered that Katherine's body was rigid and she was wedged in a transverse position. Most babies are in the fetal position, but Katherine's position was exactly the opposite. It was as if she were doing a swan dive—the soles of her feet were touching the back of her head. Her body was in a U-shape. Due to swelling, her head was already larger than that of a full-term baby. I did exercises every day, trying to change Katherine's position so that she could be delivered naturally. The amniotic fluid continued to puddle into my uterus.

No one expected her to survive labor, but if she had survived a natural birth or a C-section, we knew she would have suffocated immediately after the umbilical cord was cut. She had no lungs. She couldn't take even one breath. More and more ultrasounds made that terrible truth clearer and clearer, that if she were born, her passing would not be peaceful or painless. But we kept praying for a miracle, hoping that she would be able to pass away with our arms wrapped tightly around her, hearing us telling her how much we loved her.

We went back to the hospital again and again, thinking I was in labor. We were completely prepared to bring her into the world, with the hope of having her with us even just for a moment. This was my mission. But it was not to be. We decided to baptize her in utero, while we knew she was still alive.

By this time, I'd seen my own obstetrician, two resident obstetricians at Cedars-Sinai, and four perinatologies. Each of these doctors had consulted with other experts. The doctors all agreed that our safest option was an intact D&E, but Jim and I couldn't face the horrible thought of having an abortion.

Finally, after two and a half weeks, I went to my own doctor again for another ultrasound. The polyhydramnios had grown even worse and my husband and her whole family were afraid for my health. I could not sit or lie down for more than ten minutes because the pressure on my lungs was so great. But I wasn't worried about myself—I only thought of Katherine.

When Dr. Crane, performed the ultrasound, Katherine's heart was barely beating. My doctor turned to my husband and said, ''I can't deliver this baby. I could try, but I'm convinced we would end up doing a caesarean and under the circumstances, that is just too dangerous.'' He said, ''I have to send you to Dr. McMahon.''

I gasped out loud. Dr. Crane said to Jim, ''This is about Coreen now,'' I began to cry. Again I said, ''What about a caesarean?'' Dr. Crane said, ''I can't justify that risk to you. There is a safer way.'' When I saw the anguish on my doctor's face, I knew that we had no other choice. Dr. Crane supported us so much in our decision to have Katherine naturally, and he knew that we would have to live with our decision for the rest of our lives. When I saw the pain on his face, I knew I had to go. This wasn't a choice anymore. It wasn't up to us. There was no reason to risk leaving my children motherless if there was no hope of saving Katherine.

We drove to Los Angeles. I cried the whole way, patting my tummy and promising Katherine we would never let anyone hurt or devalue her. On the way, Jim was adamant that if we weren't comfortable, we would turn around and leave no matter what. There was no way he would let his little girl's life end in a way that didn't give her respect and dignity. I'd never felt so scared and sick to my stomach in my life. I kept asking God, ''Why are you making this so difficult for us?''

We expected a cold gray building . . . we expected an abortion mill. We expected people who cared about me, but not about Katherine. When we arrived, the place was beautiful and peaceful. But when we walked in, I was still very defensive. I didn't trust these people.

The staff greeted us with such warmth and kindness. I was immediately taken in to see Gale McMahon, the clinic's head nurse. We started to talk, and Gale asked if we had named our baby. ''Her name is Katherine Grace,'' I said and began to cry. When I looked up, she too had tears in her eyes. At that moment a little bit of my wall broke down.

Gale explained the procedure in detail. My husband asked a lot of questions. I was numb—I just kept thinking about Katherine. We then went in to see Dr. McMahon. As he met with us, he performed another ultrasound. I can't tell you the compassion he had for us. He knew how much discomfort I was in from the polyhydramnios and the size of my uterus, and how much we were both suffering at losing our little girl. He was so gentle and kind.

Dr. McMahon immediately asked me the same question Gale had: ''Have you named her?'' He never referred to her as fetal tissue, or a fetus, or even just a baby. She was always Katherine.

He told us that my condition meant that we had to do this procedure right away. My uterus was far too full of fluid to wait. We asked if there was any way that Katherine could be born alive. He looked carefully at the ultrasound, measured her head and explained sadly how large it was, and said that there was no way it could fit through my cervix without draining some of the fluid. He also explained that due to the difficulty of the position she was in, they would have to go inside my womb and for that, I would be put under heavy anesthesia. With her heartbeat as irregular and slow as it was already, he did not think she would survive the anesthesia.

It was so hard to accept, but we began to understand that it was what we had to do. After Dr. McMahon explained the procedure to us again, I felt comforted. He and his staff understood the pain and anguish we were feeling. I realized I was in the right place. This was the safest way for me to deliver. This left open the possibility of more children. It greatly lowered the health risk to me. Most important, it offered a peaceful, painless passing for Katherine Grace.

For many women, this procedure takes longer, but I went into labor very quickly after Dr. McMahon put in the first set of dilators. When I came back the next morning, my cervix was already dilated sufficiently, and it was time to begin the surgery. I was put under anesthesia.

When I awoke a few hours later, Katherine was brought in to us. Gale gave her to me and said, ''She's beautiful.'' Gale helped me to bond with her. She really was beautiful. She was not missing part of her brain. She had not been stabbed in the head with scissors. She looked peaceful. My husband and I held her tight and sobbed.

One of the things I noticed when I was holding Katherine was that the socks we bought for her were too big. Someone had taken tiny, soft pink ribbons, and tied them gently at the ankles so that her socks would fit. I can't tell you the peace that brought me. I knew they were taking care of her just as we would. We stayed with her for hours, praying and singing lullabies. Giving her back was the hardest moment of my life.

Dr. McMahon and his staff helped us get through the dark days to come. They counseled us and gave us information on help for dealing with our grief—not just for Jim and me, but for our children, so they could get through the grief of losing their sister, and for our parents, so they could cope with their grief at losing their granddaughter.

When I went back for my checkup, Dr. McMahon was so pleased that I was recovering well physically. But he was worried about how I was doing emotionally, and we talked a lot about how I felt. My arms were physically aching, and he told me I wasn't alone, that so many women feel that way. Your arms ache to hold your baby. And then he told me something I've never forgotten. He said, ''People don't want to know that this happens. They don't want to know that there are babies born with their brains outside their skulls, that there are babies for whom life is not gift but only cruelty and pain and death. They don't want to know what families like yours have to suffer.'' I didn't realize just how true that was until I came here.

I know how many of you feel about abortion, because that's how I felt. I still am against abortion. Before this happened to me, I had a friend who had something terrible like this happen in a pregnancy she'd wanted very much. I tried to be empathetic and I never said anything to her that was not kind, but in my heart there was a part of me that judged here. I knew that I would never make that decision. I don't judge anymore.

When I lost Katherine. I was devastated. For some reason God chose not to give her the gift of life. But losing her taught me how precious that gift of life is. I have my health, I have the ability to walk, to run, to enjoy life with my husband and my wonderful children. That is the gift that Dr. McMahon's procedure gave me and I am grateful for that every day of my life.

Because of the safety of this procedure, I am now pregnant again and will have another baby in June. Thanks to the grace of God and the skill and compassion of Dr. McMahon, I can have another healthy baby.

If you outlaw this surgical procedure, other women like me will be denied that gift, that joy. They may lose their ability to have more children; they may lose their health; they may lose their lives. The child that I carry today is by no means a replacement for Katherine. There will always be a hole in our hearts where she should be, but this baby is a sign that life goes on and that God is good.

Someday, we'll tell our little boy or girl this story. We'll talk about Katherine, and how she changed our lives—and how, in a way, she went to Washington. We'll talk about how, even though her life ended before it could really begin, the way she left this world allowed us to have this new miracle. We pray that this story has a happy ending. We pray to be able to tell Chad, Carlyn and their little brother or sister that when Congress heard, really heard, the truth about the surgery that helped their Mom, the members of Congress realized that they had no business doing what they were trying to do. They knew that they could never understand. We didn't understand before. Now we do. I pray that you will understand as well and put a stop to this terrible bill. When you vote on this bill again, please remember me. remember my face, remember my name, remember my family and the child I am carrying.

TESTIMONY OF MARY-DOROTHY LINE

My name is Mary-Dorothy Line. I am here today to oppose H.R. 1833. This legislation would outlaw a compassionate medical procedure that helped me and my family through the most difficult situation in our lives. I have come to Washington to oppose this legislation to ensure that it is available to other women and families in the future.

I am a registered Republican and a practicing Catholic. My husband, Bill, is a consulting engineer. We live in Los Angeles, California. Bill and I got married while in college. We had been married almost 14 years before we decided to start our family. Since having children was not a decision we took lightly, we waited until we were financially, emotionally, and spiritually prepared. In April of 1995 when we found out I was pregnant, we were thrilled. We waited to tell my father and our other family members until Father's Day—an extra special Father's Day present.

The first four months proceeded normally. Dr. Pamela Lui, an OB/GYN at Northwestern University Hospital in Chicago was my doctor and I followed her instructions exactly. I read everything I could about pregnancy and parenting. We debated having an amniocentesis, but Dr. Lui said that it was not necessary due to my age (under 35) and no family history of genetic disorders. But she did recommend an alpha-fetoprotein (AFP) test which is routinely performed in most pregnancies to screen for neurological anomalies such as spina bifida. The nurse who drew my blood for the AFP said she would call me with the results in about two weeks, but if there was a problem, the doctor would call.

When Dr. Lui called I was not thinking and started chatting away to her until I remembered what the nurse said; my heart started pounding. Dr. Lui told me that the AFP showed an elevated level of something which might indicate that there was a problem with our baby. She advised us to have an amniocentesis even though the chances were still great that everything was fine.

My husband and I talked about what we would do if there was something ''abnormal.'' We quickly decided that we are strong people and very much in love and, that while having a mentally or physically disabled child would be hard that it would not be too hard. But we also decided that we needed to know what we were dealing with, so I made an appointment with a perinatalogist at Northwestern Hospital to have an amniocentesis. During the ultrasound for the amniocentesis, the doctor noticed that the baby's head was too large and that there was a lot of fluid in his head. He told me to have another ultrasound in two weeks to check the progression.

I had no idea what all this meant so I rushed to Dr. Lui's office and asked her to explain. She drew some pictures and explained that the condition was called hydrocephalus; that in every person's head there is fluid to protect and cushion the brain, but if there is too much fluid, the brain cannot develop. I called my husband at work and had him taken out of a meeting to ask him to meet me right away. I explained everything to him. He said that everything would work out and not to worry. We actually believed everything would be OK in two weeks.

I told my father that we might have a problem, but he also said that everything would be fine since there are no genetic problems in either Bill's family or mine. When we told my mother-in-law, she said she would pray for us. We are all Catholic and go to church every week. When we have problems and worries, we turn to prayer. So, we prayed, as did our parents and grandparents.

To complicate matters even more, while these problems were occurring Bill and I were in the process of moving from Chicago to Los Angeles for my husband's job. As we were driving across the country, we had a week to talk and think and pray.

We arrived at our new apartment in Los Angeles on Sunday afternoon to a letter from Northwestern Hospital in Chicago saying that the amniocentesis results were perfect. We were so relieved. I knew that there was still a chance that the excess fluid on the brain was a problem, but we had been praying so hard and wanted this baby so much that we truly believed that everything was going to be fine. Since it was Sunday, we went to church and thanked God. We went to bed happy that night; our worries were over.

Monday was my husband's first day of work at his new job. I had an appointment scheduled with a perinatalogist from Santa Monica Hospital and Cedar Sinai Hospital for another ultrasound. Bill insisted on coming to the ultrasound, even though I told him that he did not need to be there—after all, it was his first day of work. But I did think it would be exciting for him to see our baby on the ultrasound. I was 21 weeks pregnant.

The doctor, Dr. Connie Agnew, asked why we were there. We explained what the doctors in Chicago had told us and she said she would make her own diagnosis. After about a minute, she told us that she did not have good news; it was a very advanced textbook case of hydrocephaly. My husband almost passed out. We asked what we could do and she said there was nothing we could do. A hydrocephalic baby that advanced has no hope. The baby would most likely be stillborn. She recommended that we terminate the pregnancy.

Our ob/gyn in Los Angeles, Dr. William Frumovitz, recommended a second opinion. Dr. Frumovitz sent us to a wonderful, compassionate doctor at Cedar Sinai Hospital, Dr. Dru Carlson. She stayed late to see us and confirmed our worst fears. She asked us to bear with her as she looked at our baby to see if there were any other problems besides the hydrocephaly. We sat there and watched as she examined our baby, the baby we knew we would never have. She worked very hard for 45 minutes and then told us that in addition to the brain fluid problem, the baby's stomach had not developed and he could not swallow. We asked about in-utero operations and drains to remove the fluid, but Dr. Carlson said there was absolutely nothing we could do. The hydrocephaly was too advanced. Our precious little baby was destined to be taken from us. Dr. Carlson also recommended that we terminate the pregnancy.

My poor husband called our parents and grandparents and told them the awful news. My father started crying; we were all crying. This couldn't be happening to us. But it did happen to us.

Doctors Frumovitz, Agnew and Carlson referred us to Dr. James McMahon. They all said that the procedure that he performs, the intact dilation and evacuation (Intact D&E), was the best and safest procedure for me to have. The multiple days of dilation would not be traumatic to my cervix. This was important to preserve my body and protect my future fertility. They knew that that was very important to my husband and I since we really wanted to have children in the future. Dr. Carlson said that with this procedure they would be able to perform an autopsy to determine if we were likely to face similar problems in future pregnancies. With no hope for this baby, our doctors were recommending the best option, with hope for the future.

Dr. McMahon and his staff were the kindest people you could ever meet. They explained the intact D&E procedure to us. Dr. McMahon used ultrasound to examine the baby, in case the three other specialists were wrong. They were not.

The dilation took three days and two trips a day to his office. These were the worst days of our lives. We had lost our son before we even had him. After the dilation was complete, I was put under heavy anesthesia. A simple needle was used to remove the fluid from the baby's head, the same fluid that killed our son. This enabled his head to fit through my cervix.

My husband and I are disturbed by the way this compassionate medical procedure has been portrayed by members of Congress. We thoroughly investigated this procedure before we had it. Every specialist told us that it is a safe and compassionate procedure. We were very informed and educated before making this decision. What they were saying in Congress bothered us so much that I went back to Dr. McMahon's office to try to figure out why this procedure was being misrepresented. Our anger at how this procedure was portrayed is why I am here today.

This is the hardest thing I have ever been through. I pray that this will never happen to anyone ever again, but it will and those of us unfortunate enough to have to live through this nightmare need a procedure which will give us hope for the future. With this procedure families can see, hold and even bury their babies. In addition, the baby can be visually or clinically studied by specialists to determine if there are genetic abnormalities that can be avoided in future pregnancies. I am lucky that I was able to have this procedure. Because the trauma to my body was minimized by this procedure, I was able to become pregnant again, only four months later. We are expecting another baby in September. Dr. McMahon and the intact D&E procedure made this possible for us.

One of the first things Dr. McMahon told us was that this job was not done until he and his staff receive a baby picture of our next child. At the time, I couldn't imagine becoming pregnant ever again. A month later, it was all I thought about. I desperately wanted to be pregnant and finally start our family. This procedure gave us hope. Please don't take that away from the families who will need it after us. You must leave medical decisions to the families and the medical experts who have to live with the consequences. It is not the place of government to interfere in these very private, personal decisions.

LARRY LEIBOWITZ CELEBRATES 50TH BIRTHDAY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. DUNCAN. Mr. Speaker, I would like to congratulate Mr. Lawrence Paul Leibowitz, a longtime resident of the Second Congressional District of Tennessee, on his 50th birthday. Larry Leibowitz celebrates this joyous occasion surrounded by his loving family and friends.

Mr. Leibowitz was born in 1946 in Knoxville, TN and has lived there his entire life. He earned his undergraduate degree from the University of Tennessee and is also a graduate of the University of Tennessee Law School. Larry proudly served in the U.S. Army Reserve for 7 years. He married Kay Shamitz, has three children, and is blessed with the addition of his first granddaughter, Rebecca Asher.

Larry has been a close personal friend of mine for over 20 years. The very first major jury trial that I tried as a young lawyer in criminal court in Knoxville was done with Larry as my cocounsel and mentor.

I tried other cases over the years with Larry, and he tried many important cases in my court after I became judge, including one very difficult death penalty murder case in which he saved a young man from the electric chair. I have learned very much over the years from Larry Leibowitz, and I think that he is one of the finest men I know.

Larry Leibowitz is also a leader in the Knoxville Jewish community and has served as the vice president and chairman of the board of Heska Amuna Synagogue. In addition, he has served as the vice president of the Knoxville Jewish Community Center. Larry is active in the American Israel Public Affairs Committee and the Jewish Federation of Knoxville.

Mr. Leibowitz is a member of the Master's Lodge 242 in Knoxville and is a 32d degree KCCH of Scottish Rite. He currently serves as counsel for the Knoxville Bar Association and is involved with the Knoxville Museum of Art and the East Tennessee Opera Guild. Politically active for many years, Larry chairs the 46th ward in Knoxville. Larry was recently appointed by Governor Sundquist to the Tennessee-Israel Friendship Subcommittee on Economic Development.

As you can see, Lawrence Paul Leibowitz leads an active life and contributes much of his time to his family and community. Mr. Speaker, today, it gives me great pleasure to honor my friend who has served his community so well. I wish him many more happy and healthy years to come. Happy birthday, Larry.

TRIBUTE TO STOKELY CARMICHAEL

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. CLAY. Mr. Speaker, I rise to pay tribute to a civil rights icon, Stokely Carmichael—also known as Kwame Ture. I had the pleasure of developing a close personal relationship with Stokely during the civil rights movement and have for years admired his strength and fortitude. He is a national hero who might have antagonized whites but rallied blacks when a large dose of both was badly needed. His powerful words unified blacks and helped to instill pride in our race.

Although Stokely is now battling cancer, he has not retired from the battle. He continues to be an active and forceful voice in the eternal struggle for civil rights and equality. I submit his story as recorded by columnist Lee Payne in a commentary entitled ''Ready for the Revolution'' in the March 21, 1996, edition of the St. Louis American. It is my hope that my colleagues will join me in wishing Stokely well.

READY FOR THE REVOLUTION

With the familiar flame burning in his dark eyes. Stokely Carmichael still holds forth in the mellifluous voice that once put dread in white America and high resolve in black youth.

His old comrades are trekking to a Harlem apartment more to console him than to reminisce. ''Now that I have cancer, I get to see friends I haven't seen in years,'' he said Thursday with an impervious smile. Under the eyes of his doctor and his mother, he is coping with prostate cancer, gathering strength to head off next month to Cuba and then back home to Guinea, where years ago President Sekou Toure renamed him Kwame Ture.

As Stokely Carmichael, he was the most eloquent and incendiary of the street speakers of the civil rights movement. As chairman of the Student Nonviolent Coordinating Committee, he helped wage a dangerous struggle to get Negroes the vote in the Black Belt states of Alabama, Georgia and Mississippi. At the end of a speech in May 1966, he issued a clarion call for black liberation with a phrase explosive for the times: ''Black power!''

These two simple words rocked the foundation of race relations in the republic. Carmichael didn't invent ''black power'' Richard Wright in 1954 had written a book by that title and Harlem's Rep. Adam Clayton Powell, with some justification, later claimed that he coined the expression a generation earlier.

Carmichael had polished the phrase among black focus groups before springing it on the media. ''It's time we stand up and take over,'' Carmichael warned both older Negro leaders and the whites he decided as ''honkies,'' ''Move on over or we'll move on over you.''

''Dr. (Martin Luther) King told me that he wouldn't use the term. He even tried to get me to use ''black consciousness,'' which came out later in South Africa.'' But, adds Carmichael, ''he never denounced it.''

An unyielding J. Edgar Hoover unleashed the monstrous powers of the state against the proponents of black power, using the FBI's counter intelligence program, known as COINTELPRO.

Carmichael, along with H. Rap Brown and countless other civil rights participants, was jailed and beaten dozens of times. In one of his closer brushes with death, the sheriff of Liberty, Miss., held a pistol to Carmichael's head. ''The enraged old man was shaking the gun, shaking, shaking. I was thinking that he might shoot me by accident, so I'd decided to go for the gun.'' But Carmichael hesitated, and the incident was defused without violence. ''I've forgotten the sheriff's name,'' he said. ''So many of them have whupped on my head that I can't remember their names.''

After King's assassination in 1968, Carmichael, with Hoover's COINTELPRO working full-blast, moved to Guinea. There, Kwame Nkrumah, the deposed as president of Ghana, invited him to help organize the Pan-African movement.

Ture, who considers himself a ''Pan-Africanist revolutionary,'' acknowledges that the civil rights struggle won the black vote in the South, which led to the proliferation of black elected officials. However, he admits to no fundamental change in American racism.

''Racism is a question of power,'' he said. ''If I sit next to a white man on a bus and he doesn't like it, that's his problem. If he has the power to remove me, that's my problem. You have to have (state) power to impose racism. Since whites still have the power (and) we don't have the power, nothing has changed. There's some little cosmetic changes: 'Let them have a mayor here, a mayor there; let them have whatever (rank) in the army to confuse them.' ''

''There are some changes in attitude, but racism is not a question of attitude. It's a question of power.''

At the end of our chat, a hoarse Ture limped painfully to the door and uttered his patented greeting and salutation: ''Ready for the revolution.''

INCOME GAP IN AMERICA

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. SABO. Mr. Speaker, I have frequently urged my colleagues to address the widening income gap in America. Today, this House had an opportunity to do just that by increasing the minimum wage. Unfortunately, the majority continued its pattern of ignoring the plight of working American families by rejecting even a vote on such an increase, which would have raised the wages of over 12 million working Americans.

The facts in favor of raising the minimum wage are overwhelming. Over 4 million American workers earn at or below the minimum wage, which provides an annual income of only $8,840. This amount is well below the poverty line for a family of four, and it does not even support a family of two above the poverty line. In fact, the Center for Budget and Policy Priorities estimates that one in five minimum wage workers live in poverty. The buying power of the minimum wage has dropped by 27 percent since its average in the 1970's, and is now at its second lowest in four decades.

My Republican colleagues have paid a great deal of lip service to the value of work and to getting people off Government support. One might think that they would embrace efforts to help working Americans support themselves. A higher minimum wage enables workers, most of whom are adults, to support themselves without turning to Government. Today, however, the majority flatly rejected a higher minimum wage.

The Republican majority speaks often of putting more dollars in Americans' pockets. One might think that instead of advocating tax cuts that benefit our Nation's most affluent, they would support a higher minimum wage, which gives working Americans more money every month for groceries, health insurance, heating bills, bus fare, and rent. Today, however, they not only rejected an increased minimum wage, they blocked the House from even voting on the matter.

The majority would have us believe that an increased minimum wage would, without a doubt, increase unemployment. According to many studies, however, this is not true. In fact, over 100 leading economists, including three Nobel Prize winners, have urged an increase in the minimum wage.

If Congress truly cares about working Americans, it will raise the minimum wage. Doing so would raise standards of living for many Americans, and would also be a significant step toward closing the income gap that threatens to do great damage to American society. As part of my continuing efforts to understand and combat this income gap, I am hosting a forum on April 12 at the Minnesota State Capitol in St. Paul, MN. The forum is entitled ''Renewing the Social Contract,'' and will address the questions of why working American families are struggling in today's economy. My special guest at this forum will be AFL–CIO president John Sweeney. Mr. Sweeney has been a tireless advocate on behalf of American workers, pushing for fair wages, good benefits, and honest labor-management cooperation.

The forum will explore what Government and business can do to ease economic anxiety, lessen income inequality, and increase job security. In addition to Mr. Sweeney, I will be welcoming representatives of business and academia, as well as workers who know what it is like to struggle for low wages and who have experienced the difficult search for livable-wage jobs.

I am hopeful that this event will shed additional light on the income gap, and will produce ideas for cooperation between Government, labor, and business that will enable all Americans to share in our growing economy.

A TRIBUTE TO CHAD THOMPSON

HON. WILLIAM M. ''MAC'' THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. THORNBERRY. Mr. Speaker, I rise today to pay tribute to Chad Thompson of Amarillo, TX who is the State winner of the Voice of Democracy broadcast script writing contest, administered by the Veterans of Foreign Wars of the United States. His essay is a reflection of our American heritage, to do what we can for our neighbors, community, and our Nation:

The great red sun peeked over the blue horizon. Just as dawn broke a young woman was strolling barefoot along the beach. She breathed in the cool morning air and felt the sand between her toes. The uniform stretch of beach was broken only by starfish washed in by the tide. There were thousands of them covering the beach.

Too bad, the young woman thought, that all of them would dry up and die before long. Starfish thrive in shallow water, but once they are beached there is no other option but death. She picked up one of the starfish, took a long look at it, and threw it far back into the ocean, giving it a second chance at life. Then she picked up another and hurled it back into the water too.

She had been doing this for a while when a casual jogger passed by and asked, ''Are you crazy? Do you realize there are millions of starfish here? You can't make a difference.'' She looked up at him, propelled another starfish to safety and replied, ''I made a difference to that one.''

Behind this simple story lies the solution to answering America's call. I believe America's call is for its citizens to love their country, to cherish its traditions while making room for new ones, and to work for the betterment of their fellow countrymen. Each person can make a tremendous difference—whether to the nation as a whole, their state, their community, or in their own neighborhood. The time is now for Americans to respond. Every American should realize large problems can be surmounted—that for every Goliath of society, there is a David who, with the courage to act, can solve what seemed to be an impossible task. David was able to conquer the huge giant Goliath with just one stone, in the same way we can eradicate any problem in America with a positive attitude and willingness to work hard.

I believe that cherishing America is to show pride in its symbols. For example, last summer, as I stepped out of my house early on July 4th to jog, something seemed a little strange. It wasn't anything that could hinder me physically, but it wounded by sense of patriotism. The problem was that no one had the American flag displayed.

Before I ran to the end of the street, I turned around, walked back in to my home, found the fabric of our nation, and proudly put it in its place in our yard. Afterwards I continued my job, but when I returned a smile came across my face, for the neighborhood was now splashed with red, white, and blue.

You see, as everyone around the block saw the flag in our yard, they put theirs out as well. This incident shows how the power of one small act can cause a chain reaction that makes a big difference. Independence day in my neighborhood was a little brighter which in turn made me proud to be an American.

In April of 1995 tragedy ate at America's heart. When the Alfred Murrah Federal building in Oklahoma City was bombed, it created a black hole that pulled everyone to its center. Everyone pulled together in the terrible tragedy that took so many lives. There were no problems to race, religion or politics—just fellow humans who needed help and the people of the community responded. Soon offers of help poured in from all quarters of the country. Americans took off work across the country in hopes of helping the victims. Some were only able to offer teddy bears for the wounded children, while others could offer free intensive care; either way though, the lives of all Americans were altered in some form or fashion from that senseless act.

Captain Scott O'Grady knows what it takes to make a difference. His fighter plane was downed over Bosnian territory, and while the nation feared he was dead or captured, he lay hidden in bushes surviving on ants and rainwater. His life was saved because his fellow soldiers kept listening for him long after common sense told them to give up. The United States military was flawless in his rescue. His willingness to survive as an American played an extremely important role, but the unsung heroes were the men who answered America's call by serving in the Marines. Just by his will to live and to return home, Scott O'Grady made a difference by focusing America's attention on the honor, strength and determination held by our servicemen.

America's call can be answered by young and old, by a small act such as helping a child learn to read, the heroic deeds of a fireman saving a life or a soldier defending the nation in war. Anything positive counts. It is up to every American to take part in this government. Make a difference, and fill out that ballot. Remember it is your obligation to do something.

It is time now to answer America's call. Like the woman on the beach saving one starfish at a time, decide today to be that person who can make a difference.

FIFTH ANNIVERSARY OF PERSIAN GULF WAR

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. TAUZIN. Mr. Speaker, this year marks the fifth anniversary of the Persian Gulf war—a war fought over oil in foreign lands. Although the U.S. troops and our allies displayed remarkable sophistication and prowess in bringing Sadam to his knees, our national security concerns remain and our position has weakened. In 1991, America imported 45 percent of the U.S. demand for oil; 5 years later our dependence has grown. Today we import over half, 52 percent of our annual consumption. The time has come for the Nation to decide to give our young men and women the option to take U.S. jobs on U.S. soil or go to war to protect foreign oil on which we are so dependent.

Our first commitment should be made to the Strategic Petroleum Reserve and its mandated 1 billion barrel mark. The mere threat of drawing down these reserves calmed the oil and gas markets and stabilized the price during the Persian Gulf war crisis. Instead of preserving this stockpile we have reduced the minimum fill level, ceased the purchase of new oil, decided to sell 7 million barrels of oil, maybe as many as 100 million barrels, and lost the use of a 75 million barrel facility at Weeks Island which is in my district. It is time to move in the other direction.

We must create incentives to produce domestically and keep jobs at home instead of driving companies and employees abroad. I encourage Congress and the administration to move forward with the technical suggestions that the oil and gas caucus presented to President Clinton, as well as, sign in to law a commonsense regulatory reform bill, the royalty simplification and fairness bill, and the Coast Guard authorization bill which contains important language dealing with OPA '90's financial responsibility section.

In addition, we should reject the EPA's efforts to expand the toxic release inventory to include certain oil and gas wastes, speak out against efforts to increase taxes on oil and gas production and reject mandating an OCS moratorium.

I ask that you join me and many Members in both bodies to enact these legislative and regulatory changes. We must send the message that America's dependence on foreign oil comes at the price of U.S. lives and U.S. jobs.

STEPHEN GEPPI, THOMAS D'ALESANDRO, JR., GOOD CITIZEN AWARD WINNER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Ms. PELOSI. Mr. Speaker, I rise to honor Stephen Geppi, the 1996 winner of the Thomas D'Alesandro, Jr., Good Citizenship Award. Named for the late, great Mayor Thomas D'Alesandro, this recognition is bestowed upon Mr. Geppi for his contributions to the Italian-American community.

Born in Baltimore, Mr. Geppi learned at an early age the importance of hard work when he had to leave school to support his mother. His first job, at age 9, was bundling comic books and magazines. He opted to take part of his wages in comics.

Even when, as an adult, he took a job with the U.S. Postal Service, his interest in comic books did not wane. He began asking customers on his mail route for old comic books to sell or trade, and soon earned more buying and selling comics than he did delivering the mail.

Mr. Geppi opened Geppi's Comic World in Baltimore in 1974, and soon expanded to four stores. By 1982, he moved into comic distribution, and in just over 10 years time he expanded his distribution business to over 28 cities across North America and Europe. In addition to distribution, he branched out to publishing, and 1 year ago opened Diamond International Galleries, devoted to comics, comic collectibles, and related art which draws visitors from all over the world.

Mr. Geppi's extraordinary professional success has not prevented him from active involvement in his community. In 1993, he was one of the consortium of local investors who brought the Baltimore Orioles back to local ownership. He has actively served on civic boards or committees with a number of local organizations, including the Maryland Science Center, the Baltimore Zoo, the Johns Hopkins Children's Center, the College of Notre Dame, the International Museum of Cartoon Art, and the Cystic Fibrosis Foundation.

This is not the first time Mr. Geppi has been honored for his many accomplishments. Most recently, he was named ''Business Owner of the Year'' by the Baltimore County Chamber of Commerce.

Mr. Speaker, I am pleased to salute Stephen Geppi for the honor he has brought to the Italian-American community by his many accomplishments and commitment to the community. He deserves this award for the contributions he has made in the spirit and tradition of its namesake, Thomas D'Alesandro.

A BILL TO AMEND THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to introduce a bill, for myself, Representative SHAYS of Connecticut, Representative FRANKS of New Jersey and Representative HORN of California, to amend the Occupational Safety and Health Act of 1970 to require that OSHA inspections of commercial and residential construction sites be conducted by inspectors who have been specifically trained for such work by the Department of Labor.

My proposal will require that inspectors of commercial and residential construction meet certain experience and training requirements and be specifically certified to perform construction site inspections. Although many construction inspectors take courses offered by OSHA, they are not required to do so, allowing many to perform this important work with little or no formal training in the often complicated procedures used in the construction industry.

Construction site inspections comprise nearly half of all inspections done by OSHA. More seriously, the rate of accidents in the construction industry is significantly higher than in other industries. Based on 1994 Bureau of Labor Statistics data, the rate of nonfatal injuries per 100 full-time workers is 11.8 percent for the construction industry compared to 8.4 percent for all private industry. Total deaths from occupational accidents in 1994 were 6,588 or 5.3 per 100,000 employed, but there were 1,027 deaths or 14.8 per 100,000 in the construction industry. Therefore, I believe that it is not only prudent and sound public policy to make sure that those who do construction site inspections are well qualified, but that this reform is overdue.

Under current OSHA rules, OSHA inspectors can go from inspecting beauty salons to inspecting high-rise steel structures on a daily basis. Since most work-related deaths occur in the construction industry, I believe that my proposal will significantly improve the quality of OSHA inspections, the overall effectiveness of OSHA, and save lives.

I urge my colleagues to join in support of this important effort to improve the way OSHA construction inspections are performed.

CORTLAND ZONTA CLUB NAMES WOMAN OF THE YEAR

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. WALSH. Mr. Speaker, I ask that my colleagues join me today in congratulating Ute Gomez from Cortland, NY, who will be honored on Sunday, April 14 as the Zonta Club of Cortland Woman of Achievement for 1996.

My personal esteem for Mrs. Gomez is based upon her positive attitude in a dire situation. She turned a personal health scare into a learning experience for many other women. In 1992, she was diagnosed with breast cancer after a self-exam and mammography. Since then she has created a support group and counseled scores of women with breast cancer.

Three-and-a-half-years-later, after a lumpectomy, a modified radical mastectomy, chemotherapy, countless visits to homes and hospital rooms, Mrs. Gomez was quoted in the Cortland Standard about being named the Zonta Woman of Achievement:

''I am embarrassed by this,'' she said. ''Not my breast cancer, but being honored. But if one woman can see this and do a self-exam, or get a mammogram done, or reach out for help, I feel I've accomplished something.''

Ute Gomez is an outstanding civic leader who meets that definition by caring for others and putting that love to work. She is involved with the Breast Health Partnership Committee of Cortland County, a State and federally funded program. She has taken it upon herself to arrange mammograms, counsel, and otherwise assist women who need her help.

My mother died a victim of breast cancer. I have tried in my public and private life to help in eradicating the disease and bringing comfort to those who suffer with it. I pledge further help now, and look forward to continuing to work toward those goals with Mrs. Gomez and others who have given so selflessly of their time and spirit.

A TRIBUTE TO THE CITY OF COALINGA ON ITS 90TH ANNIVERSARY

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. DOOLEY. Mr. Speaker, I rise before my colleagues today to recognize the city of Coalinga. On April 6, 1996, the city will celebrate its 90th anniversary, and I would like to honor the people of Coalinga by recounting a few of the highlights of the city's history.

Coalinga came into existence as an oil and coal mining town in the late 1880s. At the base of the coastal mountain range on the west side of the San Joaquin Valley, the town started out as little more than a coaling station for the Southern Pacific Railroad line that connects Los Angeles and San Francisco. The name apparently derives from its designation as Coaling Station A.

The mining of coal, and later oil, caused an economic boom at the turn of the century. By 1910, 4 years after the city incorporated, the Coalinga oil field was the largest in California. Oil continues to be one of the city's economic mainstays, along with agriculture.

As a relatively isolated settlement, Coalinga survived the aftermath of the boom years by relying on a tight-knit community. This close cooperation among its citizens was used to establish a drinking water supply in an area beset by hard water, to establish city-operated natural gas utility in a rural community ignored by the corporate utilities, and to establish a school and a library. This little community also had a strong patriotic element—it was World War I veterans from Coalinga who started the push to establish the American Legion in California in 1919. Coalinga is the home to American Legion Post 2, designated as the ''Mother Post'' of the California American Legion.

This sense of community was put to the test in 1983, when Coalinga was devastated by a 6.7 earthquake that leveled a significant portion of the business district and caused over $31 million in damages. There was open speculation that Coalinga would not survive this disaster.

Instead of surrendering to this speculation, the citizens rolled up their sleeves and rebuilt. In fact, the earthquake served as a stimulator, with the town leaders using the rebuilding effort as an opportunity to develop a new revitalization plan. That plan has resulted in the

placement of a State prison near Coalinga—a $36 million industry—the development of a 40-acre industrial park, and the building of an $8 million airport facility.

I am certain Coalinga will continue to persevere and to prosper into the future. It has 90 years of history to call on when facing the challenges of the years to come.

A TRIBUTE TO ROMAN MYCYK

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. GUTIERREZ. Mr. Speaker, I rise today to pay tribute to an individual who spent his life serving the people of the Ukraine and the people of Chicago. Roman Mycyk was one of the founders of the Self-reliance Ukrainian Federal Credit Union, which was chartered on July 2, 1951. He served as president of the Board of Directors, bringing leadership to the members of the Self-reliance FCU.

The Self-reliance FCU has 12,660 members and assets totaling more than 187 million dollars. Roman Mycyk's leadership touched the lives of all those who came in contact with him and brought unheralded success to the Self-reliance.

Mr. Mycyk was born in the Ukraine on April 10, 1909 and made his mark in his homeland as a scholar, achieving a Masters Degree in economics from the University of the Ukraine.

He was very active on behalf of Ukrainian independence from the Soviet Union. His belief in freedom for his people and his country led to his imprisonment for 7 long years.

Throughout his life, Roman Mycyk has worked with a number of Ukrainian community groups to enable immigrants to assimilate into American society. His work was proven invaluable in integrating thousands of Ukrainian immigrants into our Nation's political and economic life.

I take this time today, so that the memory of Roman Mycyk will be commemorated on March 31, 1996. I would also like to pay my respects to Mr. Mycyk's family, in particular his daughter Christine and son Roman Jr.

SENATE AMENDMENTS TO H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 27, 1996

Mr. STUPAK. Mr. Speaker, I rise today to express my support of the Senate amendments to H.R. 1833, legislation to ban partial-birth abortions.

I would like to share with my colleagues some highly cogent articles on the highly emotional issue of partial-birth abortions. I believe Dennis Byrne of the Chicago Sun-Times; George Will, writing for Newsweek magazine; and, John Leo, in U.S. News and World Report, convey some very important views that we should take into consideration as we debate and deliberate this legislation.

[From the Chicago Sun-Times, Dec. 12, 1995]

TRUTH IN REPORTING? GIMME A BREAK

(By Dennis Byrne)

Hands-down winner of the sleazy, dishonest journalism award is NBC's ''Dateline'' for its ''reporting'' on the partial-birth abortion ban. Not that NBC didn't have some stiff competition from other pro-choice media acolytes who blindly parrot the line that partial-birth abortions don't hurt the kid and are used only to save mama.

But NBC outdid all of them with a segment broadcast before the Senate voted Thursday to approve the ban on grisly partial-birth abortions. In it, NBC gave the white, middle-aged male senator who backed the bill (apparently no self-respecting woman of child-bearing age could be found to support the bill) a fraction of the time and none of the sympathetic treatment accorded the other side: a tearful woman who told Congress she had to have the procedure because of a defect in her fetus. The grieving, sensitive couple was even interviewed at graveside.

NBC neglected to make one critical fact clear, though: The couple's story had absolutely nothing to do with the ban. The whole story was irrelevant because the law would apply only to such abortions on live fetuses. This couple's was dead.

Continuing the parade of horribles: ABC's Sam Donaldson (M.D., Ph.D., etc.) explained Sunday that partial-birth abortions are used only for the most serious of health reasons. Which ignores what one doctor who performs them, Martin Haskell, told the American Medical Association's newspaper, American Medical News: ''In my particular case, probably 20 percent are for genetic reasons. And the other 80 percent are purely elective.''

The story also speared some other pro-choice myths, such as the idea that the fetus is dead before the abortion begins. ''No, it's not,'' replied Haskell, estimating that in his case, about two-thirds of the fetuses are alive at the start of the procedure. Naturally, pro-choice extremists attacked the publication for supposedly misrepresenting Haskell, but the paper stood by the reporting, and produced a transcript from a tape recording.

Then comes AP reporter Diane Duston, who, in a story Friday about President Clinton promising to veto the bill, wrote without attribution: ''Late second- or third-trimester abortions are performed to remove a severely deformed or already dead fetus that could cause the mother to die, become infertile or otherwise desperately ill.'' She ignores Haskell, who himself testified that ''agoraphobia'' (fear of open places) was among the reasons some women had sought a second-trimester abortion. Another physician testified that three of her own patients had gone to Haskell for abortions well beyond 4½ months into pregnancy—and that none were ill and all had normal fetuses. Another doctor who performed partial-birth abortions, the late James McMahon, acknowledged he performed at least 39 partial-birth abortions for ''depression'' and nine for cleft palate.

Then there is Kate (''I-make-it-up-as-I go-along'') Michelman, president of the National Abortion and Reproductive Rights Action League, who said that anesthesia kills the fetus before the abortion. That riled the American Society of Anesthesiologists, which said such claims have ''absolutely no basis in scientific fact.'' It doesn't kill the fetus, and may not even relieve its pain. Such false claims, the group added, endanger pregnant women and their unborn children because they might discourage medically necessary surgical procedures.

Finally, the Chicago Tribune weighed in Nov. 8 with a one-sided report of a National Organization for Women press conference opposing the ban. It was a moving story of a Naperville woman who had this procedure to spare her deformed child the trouble of living. But neither the Tribune nor NBC bothered telling the equally moving and eloquent story of an Oak Park woman, a Democrat, who also testified before Congress about how she decided not to have the procedure. More on her later.

[From the Chicago Sun-Times, Jan. 4 1996]

NEVER LET FACTS IMPEDE IDEOLOGY

(By Dennis Byrne)

Somehow the wacky idea has gotten out that giving pregnant women anesthesia is bad.

The American Society of Anesthesiologists worries that women will delay necessary or even lifesaving medical procedures because they fear anesthesia will harm their fetuses. Dr. David Birnbach, of the Society for Obstetric Anesthesia and Perinatology, says cases of maternal concerns about dangers to the fetus have recently surfaced, the American Medical Association's American Medical News reported. Rep. Tom Coburn (R-Okla.), who still delivers babies, said a patient even refused epidural anesthesia during childbirth.

Birnbach and other experts uniformly insist that the fear is unfounded. Dr. Norig Ellison, president of the American Society of Anesthesiologists, told Congress that more than 50,000 pergant women are safely anesthetized annually without ill effects to mother or fetus.

Yet some folks are saying otherwise, including Kate Michelman, president of the National Abortion and Reproductive Rights Action League. Their insistence that anesthesia administered during partial-birth abortions prevents fetal pain and causes fetal death is having an unfortunate consequence: Some women are becoming afraid that anesthesia will harm babies they're planning to have.

Ellison's group has no position on the controversial ban on partially-birth abortions, in which a live, late-term fetus is partially pulled feet first, from the womb, stabbed in the back of the neck and its brains sucked out. But they do feel strongly about Michelman's misinformation. Birnbach said assertions that anesthesia causes fetal death in such abortions are shocking and crazy.

Ellison branded as ''entirely inaccurate'' a claim by an abortionist that the anesthesia eliminates fetal pain and causes brain death before the abortion. The fact is, he said, only a small portion of general anesthesia crosses the placenta to reach the fetus, depending on the amount, and none administered regionally does. It is not ''absolutely known,'' he added, that the anesthesia even reduces the fetus' pain. ''I have not spoken with one anesthesiologist who agrees with [the abortionist's] conclusion, and in my judgment, it is contrary to scientific fact. It simply must not be allowed to stand,'' he said.

As their evidence, pro-choicers cite a letter from an Albuquerque physician (not an anesthesiologist), Lewis Koplik, who opposes the ban. I read the letter to Ellison, who branded its conclusions ''wrong'' and ''untrue.'' A dose of anesthesia massive enough to kill the fetus, as cited in the letter, places the mother's own health ''in serious jeopardy,'' Ellison said, and should require the presence of an anesthesiologist (which is not standard practice).

Despite all this, Michelman's misinformation continues to be repeated as the unqualified truth by, for example, Sen. Carol Moseley-Braun (D-Chicago), syndicated columnist Ellen Goodman, a USA Today editorial, KMOX–AM in St. Louis and Planned

Parenthood, said the National Right to Life Committee. Michelman repeated the assertion in a letter to the editor here on Sunday, attacking my support of the ban. (She also claimed I said that the anesthesia ''does not affect the fetus''—which I didn't. But accuracy apparently isn't Michelman's strong suit.)

Ellison confesses to frustration that Michelman's misinformation gets circulated without challenge, while his scientific evidence is barely mentioned. Welcome, Doc, to the abortion wars, as referred by the ever-objective media. Never let facts stand in the way of a favored ideological agenda. Not even at the expense of women's health.

[From Newsweek, Dec. 11, 1995]

THE LAST WORD—FANATICS FOR CHOICE

PARTIAL-BIRTH ABORTIONS, SONOGRAM PHOTOS AND THE IDEA THAT ''THE FETUS MEANS NOTHING''

(By George F. Will)

Americans are beginning to recoil against the fanaticism that has helped to produce this fact: more than a quarter of all American pregnancies are ended by abortions. Abundant media attention has been given to the extremism that has tainted the right-to-life movement. Now events are exposing the extraordinary moral evasions and callousness characteristic of fanaticism, prevalent in the abortion-rights lobby.

Begin with ''partial-birth abortions.'' Pro-abortion extremists object to that name, preferring ''intact dilation and evacuation,'' for the same reason the pro-abortion movement prefers to be called ''pro-choice.'' What is ''intact'' is a baby. During the debate that led to House passage of a ban on partial-birth abortions, the right-to-life movement was criticized for the sensationalism of its print advertisements featuring a Dayton nurse's description of such an abortion:

''The mother was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startled reaction, like a baby does when he thinks that he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out.''

To object to this as a sensationalism is to say that discomforting truths should be suppressed. But increasingly the language of pro-abortion people betrays a flinching from facts. In a woman's story about her chemical abortion, published last year in Mother Jones magazine, she quotes her doctor as saying. ''By Sunday you won't see on the monitor what we call the heartbeat.'' ''What we call''? In partial-birth abortions the birth is kept (just barely) partial to preserve the legal fiction that a baby (what some pro-abortion people call ''fetal material'') is not being killed. An abortionist has told The New York Times that some mothers find such abortions comforting because after the killing, the small body can be ''dressed and held'' so the (if pro-abortionists will pardon the expression) mother can ''say goodbye.'' The New York Times reports, ''Most of the doctors interviewed said they saw no moral difference between dismembering the fetus within the uterus and partially delivering it, intact, before killing it.'' Yes.

Opponents of a ban on partial-birth abortions say almost all such abortions are medically necessary. However, an abortionist at the Dayton clinic is quoted as saying 80 percent are elective. Opponents of a ban on such abortions assert that the baby is killed before the procedure, by the anesthesia given to the mother. (The baby ''undergoes demise,'' in the mincing words of Kate Michelman of the National Abortion and Reproductive Rights Action League. Does Michelman say herbicides cause the crab grass in her lawn to ''undergo demise''? Such Orwellian language is a sure sign of squeamishness.) However, the president of the American Society of Anesthesiologists says this ''misinformation'' has ''absolutely no basis in scientific fact'' and might endanger pregnant women's health by deterring them from receiving treatment that is safe.

Opponents of a ban say there are only about 600 such procedures a year. Let us suppose, as not everyone does, the number 600 is accurate concerning the more than 13,000 abortions performed after 21 weeks of gestation. Still, 600 is a lot. Think of two crashes of jumbo airliners. Opponents of the ban darkly warn that it would be the first step toward repeal of all abortion rights. Columnist John Leo of U.S. News & World Report says that is akin to the gun lobby's argument that a ban on assault weapons must lead to repeal of the Second Amendment.

In a prophecy born of hope, many pundits have been predicting that the right-to-life ''extremists'' would drastically divide the Republican Party. But 73 House Democrats voted to ban partial-birth abortions; only 15 Republicans opposed the ban. If the ban survives the Senate, President Clinton will probably veto it. The convention that nominated him refused to allow the Democratic governor of Pennsylvania, Bob Casey, who is pro-life, to speak. Pro-choice speakers addressed the 1992 Republican Convention. The two presidential candidates who hope that a pro-choice stance would resonate among Republicans—Gov. Pete Wilson, Sen. Arlen Specter—have become the first two candidates to fold their tents.

In October in The New Republic, Naomi Wolf, a feminist and pro-choice writer, argued that by resorting to abortion rhetoric that recognizes neither life nor death, pro-choice people ''risk becoming precisely what our critics charge us with being: callous, selfish and casually destructive men and women who share a cheapened view of human life.'' Other consequences of a ''lexicon of dehumanization'' about the unborn are ''hardness of heart, lying and political failure.'' Wolf said that the ''fetus means nothing'' stance of the pro-choice movement is refuted by common current practices of parents-to-be who have framed sonogram photos and fetal heartbeat stethoscopes in their homes. Young upscale adults of childbearing age are a solidly pro-choice demographic group. But they enjoy watching their unborn babies on sonograms, responding to outside stimuli, and they read ''The Well Baby Book,'' which says: ''Increasing knowledge is increasing the awe and respect we have for the unborn baby and is causing us to regard the unborn baby as a real person long before birth . . .''

Wolf argued for keeping abortion legal but treating it as a matter of moral gravity because ''grief and respect are the proper tones for all discussions about choosing to endanger or destroy a manifestation of life.'' This temperate judgment drew from Jane Johnson, interim president of Planned Parenthood, a denunciation of the ''view that there are good and bad reasons for abortion.'' So, who now are the fanatics?

[From U.S. News & World Report, Nov. 1995]

HARDER HEARTS ON ABORTION

(By John Leo)

Partial birth abortions are unsettling even to read about—the only version of abortion in which fetuses, either viable, or near viability, are partly visible outside the body while alive and inches away from birth before being dispatched.

They are typically performed at 20 to 24 weeks, but sometimes later. The fetus is manipulated so that its feet and sometimes part of its body are outside the mother. The head is left in the uterus. Then the skull is pierced and the brain is suctioned out, causing skull collapse and death.

Why is the head of the fetus left inside the uterus when the removal of the brain takes place? ''Avoiding trauma to the cervix'' is usually cited as the reason, but the bottom line is really legal. Stopping the head just short of birth is a legal fig leaf for a procedure that doesn't look like abortion at all. It looks like infanticide.

Brenda Shafer, a registered nurse who supports abortion rights, says she witnessed three of these operations during a brief assignment to assist Dr. Martin Haskell at an Ohio abortion clinic in 1993. She says the three fetuses, two normal and one with Down's syndrome, all three 25 or more weeks along were alive when Dr. Haskell inserted scissors into their skulls. ''I still have nightmares about what I saw,'' she said in a letter to an antiabortion Congressman in urging passage of the Partial Birth Abortion Ban Act.

Abortion-rights supporters have greeted the partial birth issue as the beginning of a new crusade to undermine *Roe* v. *Wade*. For some abortion opponents, it obviously is. But it also is true that a great many Americans. on both sides and in the middle are deeply troubled by the brutality and questionable morality of this particular procedure. It deserves to be judged on its own.

COSTLY VOTE

In the House vote, a dozen pro-choice Congressmen, including Ted Kennedy's son Patrick joined the lopsided majority and voted to ban partial birth procedures. They did this knowing they face some aggressive retribution from the abortion-rights lobby without gaining any support from the anti-abortion side. ''It was a costly vote.'' said Rep. Jim Moran of Virginia, an abortion-rights backer. ''I'm not going to vote in such a way that I have to put my conscience on the shelf.''

It should be noted that the abortion lobby is having trouble getting its facts straight. After Brenda Shafer made her statement. Dr. Haskell said he didn't recall any such person working at his clinic. An employment card was produced. Then Rep. Patricia Schroeder and others extracted a nondenial denial from Dr. Haskell's head nurse, saying that Brenda Shafer ''would not'' have been present at the three abortions she said she saw.

Kate Michelman and other abortion-rights lobbyists insisted that partial birth abortion is ''confined to extraordinary medical circumstances'' and that anesthesia ''causes fetal demise . . . prior to the procedure.'' Not true. A 1993 interview with Dr. Haskell in an American Medical Association newspaper quotes him as saying that 80 percent of these procedures are elective and two thirds occur while the fetus is alive. Dr. Haskell wrote a letter strongly implying he was misquoted. But an audiotape was produced showing that he wasn't.

And Michelman said. ''It's not only a myth, it's a lie'' that partial birth abortions are used to eliminate fetuses for minor defects such as cleft palates. But abortion practitioner Dr. James McMahon already had told Congress he had personally performed nine of these procedures solely because of cleft palates. Compared with the abortion-rights lobby, the O.J. defense looks obsessively ethical and tightly focused on verifiable truth.

In an article last month in the New Republic, feminist Naomi Wolf, an abortion-rights advocate, wrote that ''with the prochoice rhetoric we use now, we incur three destructive consequences . . . hardness of heart, lying and political failure.'' She wrote: ''By refusing to look at abortion within a moral framework, we lose the millions of Americans who want to support abortion as a legal right but still need to condemn it as a moral iniquity.''

The partial birth issue is a good time for abortion-rights supporters to reclaim the moral framework that Wolf says they have relinquished. This repellent procedure goes way too far. No other Western nation, to my knowledge, allows it. It was unanimously condemned by the American Medical Association's council on legislation. (The full association later decided to-duck the issue and take no position.)

Those who defend it reflexively because it may lead to other legislation are in the exact position of gun lobbyists who shoot down bans on assault weapons because those bans may one day lead to a roundup of everybody's handguns. they refuse, on tactical grounds, to confront the moral issue involved. More of the abstract hardness that Wolf writes about.

Killing a five-month or six-month fetus that's halfway down the birth canal raises a moral issue way beyond that of ordinary abortion. It's perfectly possible to support a woman's right to abort and still think that the anything goes ethic of this horrific procedure has no place in a culture with any reverence left for life.

A TRIBUTE TO JOHN CLARK

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. QUILLEN. Mr. Speaker, I am honored to have this opportunity to pay tribute to one of my fellow Tennesseans, John Clark from Elizabethton, TN. I respectfully submit the article that appeared in the Elizabethton Star, reporting his prisoner of war experiences during World War II. Mr. Clark is truly a fine man and a great American.

As time elapses, we often forget the many sacrifices made by Americans who fought against tyranny and for our fundamental values of democracy during World War II. The hardships encountered by Mr. Clark as a prisoner of war in Germany are to be studied for lessons in faith, courage, honor, duty, and fortitude.

I encourage my colleagues to read the account of this brave man who endured so much for our freedom, yet kept his love of our country and his religious faith inviolate.

All Americans are grateful to Mr. Clark, and we salute him for his valor and for his service to his country, and his generosity in sharing this personal history with us and others.

AFTER 50 YEARS, FREEDOM STILL SPECIAL FOR EX-POW

(By John Thompson, Star Staff)

Friday the 13th was the luckiest day in the life of John Clark. One that day in April, 50 years ago, American soldiers liberated the young Carter Countian and a group of other prisoners of war from the small town of Horsinger, Germany.

He remembers the scene vividly. Armored vehicles approaching, the roaring noise of the motors, the American flag flying in the wind.

''That American flag was the most beautiful thing I ever saw,'' Clark recalls a half century later.

That flag was a sight Clark had longed to see. He had heard allied machine guns the day before but he was not sure he would live long enough to see the men who were firing the guns. When he went to bed on April 12, 1945, he did not know if he had the strength to live through the next day.

Clark and his fellow prisoners had been forced marched 600 miles since February, staying one step ahead of the advancing Russian Army. The prisoners marched as much as 32 kilometers a day with little or no food.

Hungry prisoners who stole an egg or a potato from a German farm risked being shot. Clark saw prisoners executed this way. Others, who had lost the strength to go on were also shot when they staggered out of the formation.

Clark had been in perfect health and weighed 198 pounds when he was captured. By the time he reached an American hospital three days after his rescue, Clark, who is 5 feet, 11 inches tall, weighed only 127 pounds.

In addition to his malnutrition, Clark was also facing another threat to his life. The month before, Russian POWs had stolen one of his boots. His best friend, Bill Furay, had the opposite boot stolen. Since Clark wore size 9½ and Furay wore size 9, Clark gave Furay his other boot.

Clark marched for days without shoes. He finally got a pair of old galoshes and stuffed them with rags.

Worse was to come. After marching for several days in the galoshes, the Germans gave him a pair of new shoes. He had to break them in by marching 25 kilometers that day and 27 kilometers each of the next two days.

''My feet were solid blisters,'' Clark remembers.

Each day the agony of his starvation diet and his mangled feet only seemed to get worse. He shared his agony with Furay, not only his best friend but a buddy he had been with since basic training. They had remained in the same unit for their entire service, and had even been captured together.

The two had marched side by side from France to the prison camps and now were together on this forced march.

''The day before I was liberated I told Bill that I just did not think I could make it another day.'' He knew the Germans would shoot him if he did not keep up.

That is why that American flag looked so wonderful to the haggard prisoner and why Friday the 13th will always be special to him. He remembers that shortly after the rescue, he stooped over and blacked out from his hunger and pain. If he had done that while still with the German guards it would have meant certain death.

Clark's hardship had begun when he was captured during the Battle of the Bulge. He was a squad leader in the 106th Infantry Division. It was a new division, thrown together from replacement and green troops during the past few months. The unit had only been able to train together for a month in England before being committed to the front lines.

The Germans knew the 106th was green, and, naturally, it was a prime target in Hitler's desperate last gamble to reverse the tide of war.

The Germans attacked at 5:30 a.m. on Dec. 16.

Clerk's unit got the word to fall back. His platoon was the lead element. As they were retreating, German artillery caught them in the open. His platoon was able to keep going while the rest were pinned down. They were soon captured.

It was part of the greatest mass surrender in American history.

Clark was not yet one of them. He struggled on with fragments of the shattered division until they reached the middle of the storm: Hill 576.

A perimeter was established. More men kept coming until they were 500 strong. They would come to be known as ''The Lost 500.''

But 500 men could not hold out for long against the massive German offensive. Clark and the other men were told to destroy their weapons and surrender on Dec. 21.

As their German captors marched them away, Clark said he saw more Tiger tanks lined up against them than he had ever seen. There was not way the 500 could have survived against such firepower.

At the time, Clark said the men felt they had made the right decision to surrender. ''If we had known what was in the future, we would have stayed and fought to the death.

Clark's ordeal began with a three day march from St. Vith, Belgium to Prum, Germany. They were given no food during the march.

Finally, they reached a railhead, where they were loaded onto box cars, headed for POW camps. They had only been on the train for a part of the day before it had to stop because the American Air Force had bombed the trestles.

The boxcars were moved to a siding. Later, an American P–51 shot up the train, killing six and wounding 47. The soldier sitting on Clark's left and the one sitting on his right were both killed.

Clark said the prisoners then broke the doors down and laid in the snow, linking their bodies together to form the words ''USPW.''

''The plane came back and rolled its wings (in salute). This was the day before Christmas. We spent the night back in the rail cars. On Christmas, we got a half-loaf of bread and a spoon of jam. This was for two days.''

After marching for three days, they were put on another train. Again, they were bombed by their own planes but finally reached the prison camps.

During inprocessing, a German officer took all of Clark's possessions, handing him a receipt for the few dollars and francs he carried. Clark managed to hide two things from the officer which would become crucial to him as times got tougher.

Inside the pocket of his field jacket, Clark hid a tiny note pad he had picked up at a USO canteen. He used this note pad to keep a diary of his captivity and record his thoughts during his ordeal.

He also managed to hide a small New Testament.

With the Russians advancing from the east, the Germans began to move their POWs westward. Clark's camp was evacuated on Feb. 14.

At the end of each day's march, Clark and his fellow prisoners might expect a cup of ''grass'' soup and some bread.

Clark and the other prisoners sometimes managed to steal an egg or some potatoes from a German farm. If they were caught, they would be shot, and some were.

Each night, Clark recorded how far they marched that day and the name of the town where they stopped. Clark was able to record the distances by remembering the mileage on the road signs.

Cark also recorded occasional comments. On March 3, he wrote, ''Lined up to be shot because one of our group stole a chicken. They shot 3 prisoners the night before for stealing from a garden.''

On March 21, he wrote, ''Got out of line for water—dog turned loose on us.''

Other than these short notes, Clark's focus on the world got narrower and narrower. Finally, all that was on his mind was survival and food.

''I blocked stuff out of my mind. When I was liberated, the only thing I thought of was food and I thought about Christ and dying,'' Clark remembered. ''I could not get the thought of food out of my mind.''

Indeed, his diary is filled with page after page devoted to fantasies about food. There are pages on exotic recipes, undoubtedly gathered from his fellow prisoners from all parts of the country. New England recipes, country recipes, seafood recipes.

One page is devoted to a lavish meal he planned to eat when he was liberated. It was filled with meats, vegetables, fruits, desserts, breads and salads.

Finally, on April 12, he wrote, ''Germans told us President Roosevelt died—first true thing they told us.'' The next day he made another brief note: ''Freedom at 10 a.m.''

Freedom meant many things to Clark, but one thing it certainly meant was food.

He stuffed himself on five or six meals a day during his first weeks of freedom. Unfortunately, he was not able to gain weight because of a severe case of dysentery.

The medical stations served the former POWs Paregoric by the bottle. Clark took doses as often as he could. Finally, his feet and his body began to heal as he loaded onto a ship for a trip across the Atlantic and home.

Ironically, his mother did not learn he had been captured until after he was freed. The first notice she received was a telegram from the War Department on April 18, that Clark was a prisoner. She had received an earlier telegram on Jan. 12, informing her that he had been missing in action since Dec. 16.

Finally, on May 10, Mrs. Clark got the good news that her son had been liberated. Four days later, she received another telegram. It said ''Back in States feeling fine furlough soon—LOVE—S/SGT John R. Clark.''

Clark does not remember sending the last telegram. He thinks it may have been sent by the Army in his name. What he does clearly remember is a telephone call he made to his mother once he got back to the states. When they answered the phone, they mistook him for his brother. He learned that his brother had been severely wounded in the Pacific and was now in a hospital near him.

Clark had a reunion with his brother in the hospital. His brother never completely recovered from the wounds and lost an eye. He passed away a few years ago.

Sadly, Clark was never reunited with his old friend Bill Furay. He tried to look him up when he was in Colorado but learned he had died a few years before.

For over 30 years, Clark kept his memories to himself. He felt he had no one to talk to. Who in Carter County could understand what he had gone through? He simply blocked out his memories and tried to live like everyone else.

Then in 1976, a group of local ex-POWs came together to share their memories. For the first time, Clark had a chance to talk to others who could understand what he was saying. It took a long time to open up.

''I could not sit here and talk about it before I joined that group. I didn't need sympathy and I didn't need pity, and chances are no one would believe half the stuff we went through.''

Nowadays, Clark shares his memories and experiences with those who are interested. He frequently talks to school children about what it would be like to lose their freedom. He hopes they come away with a renewed appreciation of their freedom.

He also remembers how important his old tattered New Testament was to him in his captivity. That memory has led him to an active career in the Gideons. He hopes that someone else in pain may have the same comfort he had.

Unlike most Americans, Clark's memories mean that he has never taken for granted his freedom or his faith in God.

SEIZED IRAQI OIL PROCEEDS SHOULD GO TO U.N. ESCROW ACCOUNT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. HAMILTON. Mr. Speaker, on September 8, 1995, I initiated an exchange of correspondence with the Department of State concerning proceeds from the sale of seized Iraqi oil. According to U.N. Resolution 778, all such proceeds are supposed to be turned over to the U.N. escrow account, which funds such activities in Iraq as humanitarian assistance, the U.N. Special Commission [UNSCOM] which carries out the destruction of Iraq's weapons programs, and the Compensation Fund, which was established to pay the claims of victims of Iraqi aggression.

According to this exchange of correspondence, Kuwait, the United Arab Emirates and Saudi Arabia have yet to transfer all such proceeds from the sale of Iraqi oil to the U.N. escrow account. Saudi Arabia, in particular, has not provided what may be large sums of money to that account.

Unless the governments most at risk from Iraqi aggression are committed to provide funds, in accordance with U.N. Resolutions, to support the U.N.'s important work in Iraq, other governments are unlikely to support U.N. efforts in Iraq, either. This is detrimental to the United States national interest in pressing for Iraq's full compliance with U.N. Security Council resolutions.

At a hearing of the International Relations Committee this morning, I asked United States Ambassador to the U.N. Madeleine Albright to keep me informed on this issue.

The text of my correspondence with the Department of State follows:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 8, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write regarding the disposition of oil and of the proceeds of the sale of the oil from ships coming out of Persian Gulf ports with embargoed Iraqi oil.

It is my understanding that the United States has interdicted and impounded ships with Iraqi oil and has removed the oil cargo before releasing the ships and crews. I would like to know what we have done with the oil and with the proceeds from its sale and if all the funds obtained have gone into the compensation and escrow fund the United Nations administers pursuant to U.N. resolutions adopted at the conclusion of the Gulf War.

I appreciate your consideration of this matter and look forward to your reply.

With best regards,
Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, November 28, 1995.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, DC.

DEAR MR. HAMILTON: I am writing in response to your letter of September 8, 1995 regarding the disposition of diverted Iraqi oil and proceeds of the sale of oil from ships diverted by the Multinational Interception Force (MIF).

The United States is participating in MIF operations with the United Kingdom, Belgium, Canada, New Zealand, and Italy to enforce United Nations sanctions against Iraq authorized under U.N. Security Council Resolution 661. During the October 1994-November 1995 MIF operating period, ships of the MIF intercepted and diverted 27 vessels carrying illicit cargoes: 8 carrying Iraqi petroleum products and 19 carrying valuable Iraqi date cargoes. Under UN guidelines, non-oil shipments, such as dates, may be dumped, sold, or given away so as to deny the proceeds or benefits to Iraq.

The petroleum cargo vessels were turned over to the United Arab Emirates, Kuwait, and Saudi Arabia governments. The vessels carried approximately 30,000 metric tons of Iraqi gasoil cargo valued at about $6.00 million dollars. By accepting these vessels, the Gulf governments have assumed responsibility for carrying out sanctions enforcement measures. American responsibility concluded after the vessel interdiction and transfer to these states.

Regarding the disposition of oil and proceeds of the sale of the oil, UN Security Council resolution 778 invites Gulf government's to transfer the proceeds from the forfeiture and sales of Iraqi petroleum and petroleum products into an escrow account established by resolution 706, as provided for in resolution 778.

We understand that the UAE has sold approximately 20,000 metric tons of seized oil cargo and deposited the proceeds in a UAE special account awaiting further instructions from the UN Iraq sanctions committee. Kuwait has also sold approximately 5300 metric tons of seized oil cargoes and has deposited the proceeds locally pending transfer to the UN escrow account. Saudi Arabia is preparing to sell approximately 400 metric tons of seized oil.

We share your concern regarding the disposition of oil proceeds diverted by U.S. ships participating in the MIF. The UN sanctions committee continues to examine embargoed vessel seizures and oil proceed disposition. The UN Compensation Commission, which decides Gulf War compensation cases, is also helping to coordinate the receipt of the 30 percent share in sales revenue from the sale of the oil proceeds by Kuwait, Saudi Arabia, and the UAE.

If we can be of further assistance in this or any other matter please do not hesitate to contact us.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS, WASHINGTON, DC, DECEMBER 18, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write to follow up your letter of November 28, 1995 in reply to my letter of September 8, 1995 regarding the disposition of proceeds of intercepted Iraqi oil.

Your letter indicates that the Governments of Saudi Arabia, the United Arab

Emirates (UAE), and Kuwait have not yet transferred all proceeds from intercepted Iraqi oil to the U.N. escrow account. As I understand it, all States are obligated to transfer such proceeds as soon as possible to the U.N. escrow account, according to Security Council Resolutions 706 and 778. Paragraph 2 of Security Council Resolution 778 states:

'' . . . all States in which there are petroleum products owned by the Government of Iraq, or its State bodies, corporations, or agencies, shall take all feasible steps to purchase or arrange for the sale of such petroleum or petroleum products at fair market value, and thereupon to transfer the proceeds as soon as possible to the escrow account provided for in resolutions 706 (1991) and 712 (1991).''

I would appreciate your clarification as to why Saudi Arabia, the UAE and Kuwait have not transferred all proceeds to the U.N. escrow account.

You further indicate in your response that the U.N. Compensation Commission is ''helping to coordinate the receipt of the 30 percent share in sales revenue from the sale of the oil proceeds by Kuwait, Saudi Arabia, and the UAE''. I do not understand why the U.N. Compensation Commission is coordinating the receipt of a 30 percent amount, when the States are obligated to pay the full 100 percent of revenues to the U.N. escrow account. I would appreciate your clarification of this point as well.

Since my September 8 letter to you, I have received additional information which raises further concerns about this matter. I have been told that Iraqi oil intercepted by the United States and turned over to the Government of Saudi Arabia was sold by that Government in May, 1993 for almost $350 million, but that only $40 million of that sum was returned to the U.N. escrow account. I would like to know if this information is accurate and what is United States policy on the appropriate disposition of these funds.

In order to understand the full scope of activities related to the U.N. escrow account, I would appreciate answers to the following questions:

1. Since the inception of the Multinational Interception Force (M.I.F.), what is the total amount and estimated value of intercepted Iraqi oil that has been turned over to each of the Gulf States?

2. To your knowledge, how much of this oil has been sold by the Gulf States, by country, since the inception of the M.I.F.?

3. To your knowledge, how much of the proceeds from the sale of oil has been transferred to the U.N. escrow account, by country, since the inception of the M.I.F.?

4. Have you demarched Gulf States which have not transferred all proceeds to the U.N. escrow account? If so, what has been the response?

The integrity of the sanctions regime depends on cooperation between the M.I.F. and the Gulf States in transferring intercepted oil proceeds to the U.N. escrow account. If these funds are not in fact being transferred to the escrow account, it undermines the entire integrity of the sanctions regime, and calls into question the utility of the complex and costly M.I.F. effort.

I appreciate your consideration of these matters and look forward to your reply.

With best regards,

Sincerely yours,

LEE H. HAMILTON
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 28, 1996.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, DC.

DEAR MR. HAMILTON: I am writing in response to your letter regarding the disposition of Iraqi oil intercepted by ships of the Multinational Interception Force (MIF).

The MIF has been a highly successful operation by any standard. Iraq first attempted to export large amounts of oil from its Gulf ports in the fall of 1994 (after these ports were restored to working condition). The MIF intercepted the first and only two tankers which attempted to smuggle Iraqi oil from these ports. Since the interceptions and the penalties imposed on the vessels by the nations to which the vessels were diverted (Kuwait and the U.A.E.), Iraqi efforts to smuggle large cargoes of oil from the southern ports ceased. The MIF is not only responsible for stopping Iraqi exports. It also has successfully prevented the import into Iraq of non-humanitarian goods which smugglers attempted to bring to Iraq disguised as permitted humanitarian cargoes.

Vessels carrying Iraqi oil have been diverted to ports in the United Arab Emirates, Kuwait, and Saudi Arabia. Altogether, these smugglers carried approximately 30,000 tons of petroleum products with a value in excess of $6 million.

The U.A.E. sold approximately 20,000 tons of seized oil and deposited the proceeds in an escrow account in the U.A.E. while awaiting final instructions on disposition from the UN Iraq Sanctions Committee. Kuwait has sold approximately 5300 hundred tons of Iraqi oil and deposited the proceeds ($615,000) in the UN escrow account. Kuwait continues to hold the proceeds from a larger cargo seized from the tanker ''al Mahrousa.'' The Kuwaiti government is still awaiting payment from the ship's owner, of expenses relating to the diversion. Saudi Arabia has sold approximately 4,000 tons of seized oil and is preparing to transfer the proceeds to the UN escrow account. (States are permitted to deduct expenses related to the disposal of the seized oil from the proceeds of their sale.)

In your letter, you question why the UN Compensation Commission is coordinating receipt of only thirty percent of these proceeds rather than the entire amount. Under U.N. resolutions, all of the proceeds from sale of these oil cargoes (less expenses) are to be deposited to a U.N. escrow account, with the U.N. Compensation Commission entitled to thirty percent of this sum. The remainder goes to fund U.N. operations regarding Iraq (the northern Iraq relief program, the U.N. Special Commission, etc.).

At the time sanctions were imposed against Iraq, there was a substantial amount of Iraqi oil in the Iraq-Saudi Arabia oil pipeline and in storage at the pipeline's outlet at the Saudi port of al-Mu'ajjiz. Saudi Arabia subsequently sold this oil. According to Saudi Arabia's interpretation of its obligations under the UN resolutions, it deposited $40 million from the sale into the UN escrow account. While we have requested the Saudi government to reopen its accounting of this sale with a view to increasing the contribution to UNSCOM, the Saudi position remains that the $40 million deposit fully satisfied the requirements of the UN resolutions. We will continue to press the Saudis on this important matter.

Please feel free to write us in the future if we may be of further assistance.

Sincerely,

BARBARA LARKIN,
Acting Assistant Secretary,
Legislative Affairs.

EFFECTS OF ALCOHOL

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, the American Medical Association recently reported findings of a survey that should shake our complacency about alcohol problems among young people in this country. That survey dramatizes the extent of heavy, dangerous drinking by persons ages 18 to 30 years.

Some of these findings paint a disturbing picture of alcohol abuse among young adults: 15 percent said they drink six or more drinks a night, and nearly one in five is a frequent binge drinker—with males consuming five or more drinks and females four or more—and 7 percent say they drink this much every time they drink. As a result of these findings, the AMA has put us on notice that the most significant drug problem affecting young people is alcohol. Alcohol is the most widely used and abused drug by young and old alike.

Despite alcohol's crippling effect on young people, beer, wine, and liquor marketers position their products as if they are harmless, essential ingredients of a healthy, active lifestyle. Young people deserve a more responsible, balanced message about a drug that destroys so many young lives and careers.

For that reason, I rise today to salute John Soriano, a high school senior scholar-athlete from North Caldwell, NJ, for his contribution to balancing the messages that young people get about alcohol. John is the winner of a national writing contest, cosponsored by *Scholastic Choices Magazine* and Center for Science in the Public Interest. That contest asked teenagers to ''Talk Back to Alcohol Advertisers.'' His poem ''JoAnn,'' poignantly describes the disbelief, pain, and loss following a drinking-related car crash.

John Soriano's poem provides a message that most beer ads bury beneath endearing, animated animals or in their hype about how the brew will make you a man, help you win a girl, or make you a success in life. John's winning entry sends a message to advertisers that kids' lives are constantly threatened by alcohol, that the sanitized ads are misleading, and that more of the real story needs to be told.

We cannot continue to ignore how the promotion of drinking to young people—on television, on campus, in youth-oriented magazines, on billboards and transit signs, at rock concerts and sporting events, almost everywhere—helps disrupt futures and destroys young lives and robs our Nation of too many of its most important resources. We need to go beyond passing laws that criminalize young people for illegal possession of alcohol; we need to do more than support school-based education that has little chance of competing with over $1 billion of alcohol advertising that offers tantalizing personal rewards for drinking. We need to follow John Soriano's lead, and begin to ''talk back to alcohol advertisers.''

JOANN

Young and immune and I knew what was best.
I knew that I wouldn't end up like the rest.
JoAnn knew it too and she stayed by my side,

Through the times that we laughed and the times that we cried,
Social Distortion—we wouldn't give in,
This was never a battle that we couldn't win,
Future was bright, both of us knew,
We could handle it all, we thought this was true,
But a night and a dream that never would end
We decided to spend it with a drink and a friend,
A few bottles went by, to us it was fun,
We left for her home at a quarter to one.

Five years have gone by and I still feel the wheel,
But now I live on in a chair made of steel,
Thousands of times the pain has amassed,
When I think of my life and opportunities past,
I still see JoAnn about once a week,
And I usually end up in tears at her feet,
She talks to me softly but I don't hear a sound,
And the tears of my conscience fall hard to the ground,
As I lie on the grass moving up with my hands,
We talk about futures, our loves, and our plans,
I stay there and cry and talk for an hour,
When I'm ready to leave, I leave her a flower.

My soul is still trapped in the bottles that passed,
And the sorrow I carry is certain to last,
JoAnn says' she loves me and that should make me brave,
But I lose it each week when I visit her grave,
And the drinks and the dream and the one fateful night,
I love you JoAnn, I'm sorry; Goodnight.

A TRIBUTE TO ANGELA DENISE DILLARD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. CONYERS. Mr. Speaker, I rise today in tribute to Dr. Angela Denise Dillard, assistant professor of history and Afro-American and African studies at the University of Minnesota. A native of Detroit, Dr. Dillard recently received her Ph.D. in American culture from the University of Michigan. I take particular pride in offering this tribute because Dr. Dillard's family and mine long have been active in the struggle for justice, jobs, and opportunity. Dr. Dillard's mother, Marilynn Dillard, and my father, the late John Conyers, Sr., were among the earliest members of the Trade Union Leadership Council, an organization formed in the 1950's to combat racism in management and unions. Marilynn Dillard served as secretary of TULC. Dr. Dillard's father, Paul Dillard, is a probation officer with the State of Michigan.

In the 1960's the Dillard household was a gathering place for activities. The heated political and social discussions there left a lasting impression on Dr. Dillard and on her older brother, the Rev. Paul Anthony Dillard, Jr., who worked in my Detroit office as a congressional aide in the 1980's. The Rev. Dillard's premature death last year at the age of 36 ended an outstanding career as an advocate for the disadvantaged and the oppressed. At the time of his death, he was dean of the Imani Temple Cathedral in Washington, DC.

Dr. Dillard recalls that the conversations she heard as a child whetted her curiosity and shaped her professional life. ''I developed an early interest in the history of ideas, and how ideas influence political and social life, culture and race relations . . . people's day-to-day existence,'' she says. ''My family and my family's friends talked about these issues constantly. Years later I started to remember all the old stories I had heard, and I decided, ''Wow, that would make a wonderful project.''

Her doctoral dissertation, ''From the Reverend Charles A. Hill to the Reverend Albert B. Cleage, Jr.; Patterns of Change and Continuity in the Patterns of Civil Rights Mobilization in Detroit, 1935–1967,'' was a result of those discussions. The late Reverend Hill of Hartford Avenue Baptist Church was a community activist who formed broad-based religious and ethnic coalitions to bring about social change. The Reverend Cleage, of the Shrine of the Black Madonna, eventually discarded integrationist tendencies and turned to black nationalism and black theology in the 1960's.

Dr Dillard argues that Detroit underwent ''two major phases in its civil rights mobilizations, sustained by two distinct communities of protest. The first phase (and community) was generated by migration, depression, and the logic of industrial unionism; the second was generated by the rise of the southern civil rights movement and by the social and economic environment of post-World War II Detroit.'' Dr. Dillard's study emphasizes the tension, discontinuities, false starts, and realignments among those constituting and often reconstituting the city's civil rights-oriented left.

A graduate of Immaculata High School, Dr. Dillard received her B.A. in 1988 from Michigan State University's James Madison College where she majored in justice, morality and constitutional democracy. In 1991, she received her M.A. in political science from the New School for Social Research; the next year she received an M.A. in American culture from the University of Michigan. In 1995, she received her Ph.D. in American culture from the University of Michigan.

Dr. Dillard became an assistant professor at the University of Minnesota in September 1995. She taught African-American Political Thought in 1994 at James Madison College and she taught Tradition and Resistance: National Narratives and American Values, in 1993 at the University of Michigan. In 1991, she taught Political Implications of the ''Harlem Years.'' 1920–1935, at the New School for Social Research's Eugene Lang College.

Numerous organizations have recognized her outstanding ability by awarding her a variety of grants and fellowships. In 1996, the University of Minnesota awarded her the McKnight Summer Research Fellowship. In 1994–95, she received the Committee on Institutional Cooperation Dissertation Fellowship, and in 1994 the University of Michigan nominated her for the National endowment for the Humanities Dissertation Fellowship.

In addition to her dissertation, her papers and presentations include ''Rumblings on the right: Black Conservative Thought and the Lincoln Review,'' which was delivered at the Graduate Student Conference held at the University of Michigan's Center for African and African-American Studies in February 1994, and ''Sports, Race and African-American Autobiography,'' which was delivered at the Midwest Modern Language Association in November 1993. Her Master's thesis at the New School for Social Research was ''The Negro Problem and the Problem with 'Negro': Name Changes in the Black/African-American Community.

Through her scholarship and her teaching, Dr. Angela Denise Dillard keeps alive her family tradition of activism by focusing attention on the gallant struggles African-Americans have made for jobs, justice, and opportunity.

UNION SALTS

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. Fawell. Mr. Speaker, in two separate hearings last year, the Committee on Economic and Educational Opportunities heard from witnesses who shared their experiences with the union organizing tactic known as ''salting.'' Their testimony included stories about union organizers and agents who sought or gained employment with a non-union employer when, in fact, they had little if any intention of truly working for that company. In many cases, the organizers and agents were there simply to disrupt the employer's workplace or to increase the cost of doing business by forcing the employer to defend itself against frivolous charges filed with the National Labor Relations Board [NLRB]. For most of these companies—many of which were smaller businesses—the economic harm inflicted by the union's ''salting'' campaigns was devastating.

Equally troubling, Mr. Speaker, is the fact that union ''salts'' are often brazen in their efforts to inflict economic harm on non-union employers. Indeed, most union ''salts'' make clear when they apply for a job that their loyalties lie elsewhere and that they have little interest in working to promote the interests of the company.

Obviously, one might ask why any employer would hire an individual that he knows is there to hurt his company. The complicated answer to this question, Mr. Speaker, lies in broad interpretations of who is covered by provisions of the National Labor Relations Act [NLRA] that prohibit employers from discriminating against employees because of their union interests or activities. These interpretations have had the practical effect of presenting employers with a Hobson's choice: either hire the union ''salt'' who is sure to disrupt your workplace or file frivolous charges resulting in costly litigation; or, deny the ''salt'' employment and risk being sued for discrimination under the NLRA. Either way the employer is faced with a hiring decision that may threaten the very survival of his or her business.

To remedy this situation, I am pleased today to introduce the Truth in Employment Act of 1996. This legislation would amend section 8 of the National Labor Relations Act to make clear than an employer is not required to hire any person who seeks a job in order to promote interests unrelated to those of the employer. If enacted, the bill will help restore of the balance of rights that ''salting'' upsets and that is fundamental to our system of collective bargaining.

I want to make it clear, Mr. Speaker, that this bill is in no way intended to infringe upon any rights or protections otherwise accorded

employees under the NLRA. Employees will continue to enjoy their right to organize or engage in other concerted activities protected under the Act. And, employers will still be prohibited from discriminating against employees on the basis of union membership or union activism. The bill merely seeks to alleviate the legal pressures imposed upon employers to hire individuals whose overriding purpose for seeking the job is to disrupt the employer's workplace or otherwise inflict economic harm designed to put the employer out of business.

Mr. Speaker, the aggressive ''salting'' campaigns being waged in today's workplace are relatively new and were not contemplated when the National Labor Relations Act was first enacted. Surely, Congress could not have intended the NLRA to be used as the legal shield that union ''salts'' now commonly invoke in defense of their abusive behavior. Moreover, common sense tells us that employers should be entitled to some measure of confidence when making hiring decisions that the job applicants they consider are motivated by their desire for work for that employer.

The Truth in Employment Act will help instill that confidence, Mr. Speaker, while at the same time protecting the rights of employees and their union representatives. I urge my colleagues to support its passage.

SPRING MULTICULTURAL FESTIVAL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. VISCLOSKY. Mr. Speaker, it is my great honor to call attention to the School City of Hammond and the Parent Advisory Council of the bilingual education program for holding its Spring Multicultural Festival. This year's festival, entitled ''Linking Worlds,'' will be held today, March 29, 1996 at the Dynasty Ballroom and Conference Center in Hammond, IN.

The School City of Hammond possesses a population that is rich in diversity of backgrounds and languages. This is reflected in the growth of families with a native language other than English. From 1970 to 1990, the number of students from non-English-speaking homes has grown from 977 to 2,306. To meet the needs of these students, the School City of Hammond proposed and received a grant from the U.S. Department of Education, which was implemented in September, 1991.

The mission of the School City of Hammond Bilingual Education Program is to provide a quality education for all students requiring language skill development. The program implements individualized instruction with an emphasis on reading and language arts in the English language. All skills are reinforced by computer. While the focus of the School City of Hammond is English instruction, the bilingual education program also provides the opportunity to learn up to 33 other languages.

I would like to recognize the following administrators and board members who make this incredible program possible. The Hammond School Board of Trustees includes: Mrs. Rebecca Ward, president; Mrs. Albertine M. Dent, vice-president; Mrs. Linda C. Lawson, secretary; Dr. David O. Dickson, superintendent; Mr. Gerald J. Mazur; and Mr. Jay K. Potesta.

The School City of Hammond Bilingual Education Program staff includes: Ms. Peggy Dellahoussaye-Kroc, director, Ms. Elena Rivera-Cruz; resource coordinator; Ms. Graciela Kamer, parent coordinator; Mr. Piedad Kerr, language assessor; and Ms. Nilsa Santiago, divisional secretary.

The Parent Advisory Council includes: Ms. Rosa Leyva, president; Ms. Teresa Turrubiates, secretary; Ms. Josefina Acosta, assistant secretary; Ms. Agustina Alcantar, treasury; Ms. Norma Solis and honorary members, Ms. Norma Solis, and Mr. Guadalupe Turrubiates.

The success rate of the bilingual program has been phenomenal. Within 3 years, the program has expanded from serving 2 schools to 13 schools. Moreover, the School City of Hammond now has the largest limited English proficient population in northwest Indiana, and the bilingual program has prompted an outpouring of support from the Hispanic community for student activities, including a small folklore dance group. Furthermore, the program has collaborated with businesses, including American Maize, and NBD and Calumet National Banks.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in a heartfelt message of congratulations to the School City of Hammond and the Parent Advisory Council for their celebrated success with the bilingual education program. This truly shows that a school system and parental group can work harmoniously together to produce a beneficial program for everyone in Indiana's First Congressional District. The members of this collaborative project should be proud of their efforts to successfully preserve all ethnic cultures.

REPEAL THE TRADING WITH INDIANS ACT

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 29, 1996

Mr. HAYWORTH. Mr. Speaker, today I am introducing legislation to repeal the Trading with Indians Act.

The Trading with Indians Act was originally enacted in 1834, and at that time it served an important purpose: to ensure that Federal employees did not improperly influence native Americans. However, today this law is unnecessary and unproductive. It establishes a prohibition against commercial trading with native Americans by employees of the Indian Health Service [IHS] and Bureau of Indian Affairs [BIA]. In many cases, this prohibition also extends to transactions undertaken by the spouse of a Federal employee.

The penalties for violations include a fine of not more than $5,000, or imprisonment for not more than 6 months, or both. The act further provides that any employee who is found to be in violation should be terminated from Federal employment.

Enforcement of this outdated law has caused great difficulties for many native American families. It has also made it more difficult for IHS and BIA to retain quality Federal employees in certain facilities located on remote parts of reservations.

Both Health and Human Services Secretary Donna Shalala and Interior Assistant Secretary Ada Deer have expressed support for repealing the Trading with Indians Act. The Senate has already approved legislation identical to the bill I am introducing today.

Mr. Speaker, repeal of the Trading with Indians Act is long overdue. I hope that my colleagues will join me in supporting this commonsense legislation.

Daily Digest

HIGHLIGHTS

Senate/House passed Further Continuing Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S3171–S3250

Measures Introduced: Nine bills and five resolutions were introduced, as follows: S. 1655–1663, and S. Res. 236–240. **Page S3216**

Measures Reported: Reports were made as follows:

S. 1271, to amend the Nuclear Waste Policy Act of 1982, with an amendment in the nature of a substitute. (S. Rept. No. 104–248) **Page S3216**

Measures Passed:

Committee Appointments: Senate agreed to S. Res. 236, appointing members to certain Senate committees. **Page S3185**

Continuing Appropriations: By 64 yeas to 24 nays (Vote No. 60), Senate passed H.J. Res. 170, making further continuing appropriations for fiscal year 1996, clearing the measure for the President. **Pages S3195–96**

Adjournment/Recess Resolution: Senate agreed to H. Con. Res. 157, providing for an adjournment or recess for the two Houses. **Page S3202**

Legal Counsel Representation: Senate agreed to S. Res. 239, to authorize representation by Senate Legal Counsel. **Page S3247**

Legal Counsel Representation: Senate agreed to S. Res. 240, to authorize representation by Senate Legal Counsel. **Pages S3247–48**

Whitewater Investigation Extension—Cloture Filed: A motion was entered to close further debate on the motion to proceed to the consideration of S. Res. 227, to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and Related Matters and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, April 16, 1996. **Page S3249**

Immigration Reform—Agreement: A unanimous-consent agreement was reached providing for the consideration to increase control over immigration to the United States by increasing border patrol and investigator personnel, improving the verification system for employer sanctions, increasing penalties for alien smuggling and for document fraud, reforming asylum, exclusion, and deportation law and procedures, instituting a land border user fee, and reducing the use of welfare by aliens, on Monday, April 15, 1996. **Page S3249**

Authority for Committees: All committees were authorized to file executive and legislative reports during the adjournment of the Senate on Wednesday, April 10, 1996, from 10 a.m. to 3 p.m. **Page S3249**

Nominations Confirmed: Senate confirmed the following nominations:

Gaston L. Gianni, Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation.

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade. **Page S3250**

Nominations Received: Senate received the following nominations:

M. Margaret McKeown, of Washington, to be United States Circuit Judge for the Ninth Circuit.

Lawrence Baskir, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Colleen Kollar-Kotelly, of the District of Columbia, to be United States District Judge for the District of Columbia.

Leslie M. Alexander, of Florida, to be Ambassador to the Republic of Ecuador.

Prudence Bushnell, of Virginia, to be Ambassador to the Republic of Kenya.

Joan B. Gottschall, of Illinois, to be United States District Judge for the Northern District of Illinois.

Frank R. Zapata, of Arizona, to be United States District Judge for the District of Arizona.

4 Air Force nominations in the rank of general. **Pages S3249–50**

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

Mary Burrus Babson, of Illinois, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year, which was received by the Senate on January 22, 1996. **Page S3250**

Messages From the House: **Pages S3215–16**

Executive Reports of Committees: **Page S3216**

Statements on Introduced Bills: **Pages S3216–28**

Additional Cosponsors: **Pages S3228–29**

Amendments Submitted: **Pages S3229–32**

Notices of Hearings: **Pages S3232–33**

Authority for Committees: **Page S3233**

Additional Statements: **Pages S3233–47**

Record Votes: One record vote was taken today. (Total—60) **Page S3196**

Adjournment: Senate convened at 10 a.m. and, in accordance with H. Con. Res. 157, adjourned at 5:13 p.m., until 10 a.m., on Monday, April 15, 1996.

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces concluded hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on arms control, cooperative threat reduction programs and chemical demilitarization, after receiving testimony from Susan Koch, Deputy Assistant Secretary of Defense for Threat Reduction Policy; Theodore Procly, Deputy Assistant to the Assistant to the Secretary of Defense for Chemical/Biological Matters; and Kent Stansberry, Deputy Director, Arms Control Implementation and Compliance, Office of Principal Deputy Under Secretary of Defense of Technology for Acquisition and Technology.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces concluded hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on Army and Unmanned Aerial Vehicle (UAV) modernization efforts, after receiving testimony from Gilbert F. Decker, Assistant Secretary for Research and Development and Acquisition, Gen. Ronald Griffith, Vice Chief of Staff, and Gen. William W. Hartzog, Commanding General, United States Training and Doctrine Command, all of the Department of the Army; Rear Adm. Barton D. Strong, USN, Program Executive Officer for Cruise Missiles and Unmanned Aerial Vehicles (UAV)s; and Charles Heber, Director, High Altitude Endurance/Unmanned Aerial Vehicle, Advanced Research Projects Agency.

House of Representatives

Chamber Action

Bills Introduced: 32 public bills, H.R. 3198–3229; and 8 resolutions, H.J. Res. 170–171, H. Con. Res. 157–159, and H. Res. 397–399 were introduced. **Pages H3229–31**

Reports Filed: Reports were filed as follows:

H. Res. 395, providing for consideration of H.J. Res. 159, proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes (H. Rept. 104–513);

H. Res. 396, providing for consideration of H.R. 842, to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund (H. Rept. 104–514);

H.R. 2747, to direct the Administrator of the Environmental Protection Agency to make grants to States for the purpose of financing the construction, rehabilitation, and improvement of water supply systems, amended (H. Rept. 104–515); and

H.R. 842, to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund; adversely (H. Rept. 104–499, Pt. 2). **Pages H3184, H3229**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Gunderson to act as Speaker pro tempore for today. **Page H3173**

Journal: By a recorded vote of 323 ayes to 83 noes, with 1 voting "present", Roll No. 109, the House approved the Journal of Thursday, March 28. **Page H3184**

Order of Business: It was made in order that the Committee on Appropriations be discharged from the further consideration of H.J. Res. 170 when called up; and that it be in order at any time to consider the joint resolution in the House; that the joint resolution be debatable for not to exceed one hour, to be equally divided and controlled by Representative Livingston and Representative Obey; that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, without instructions. **Page H3176**

Product Liability Legal Reform: By a yea-and-nay vote of 259 yeas to 158 nays, Roll No. 110, the House agreed to the conference report on H.R. 956, to establish legal standards and procedures for product liability litigation. **Pages H3176–83, H3184–H3204**

H. Res. 394, the rule waiving points of order against consideration of the conference report was agreed to earlier by a voice vote. Agreed to order the previous question on the resolution by a yea-and-nay vote of 237 yeas to 173 nays, Roll No. 108. **Pages H3176–83**

Further Continuing Appropriations: House passed H.J. Res. 170, making further continuing appropriations for the fiscal year 1996. **Pages H3204–06**

District Work Period: House agreed to H. Con. Res. 157, providing for an adjournment or recess of the two Houses. **Page H3206**

Committee Election: House agreed to H. Res. 397, electing Representative Hayes to the Committee on Ways and Means. **Page H3206**

Legislative Program: The Majority Leader announced the legislative program for the week of April 15. **Pages H3206–07**

Resignations—Appointments: It was made in order that, notwithstanding any adjournment of the House until Monday, April 15, the Speaker and the Minority Leader be authorized to accept resignations and to make appointments authorized by law of the House. **Page H3207**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of April 17. **Page H3207**

Designation of Speaker Pro Tempore: Read a letter from the Speaker authorizing Representative Emerson to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Monday, April 15, 1996. **Page H3207**

British-American Interparliamentary Group: The Chair announced the Speaker's appointment of the following Members on the part of the House as delegates to the British-American Interparliamentary Group: Representatives Clinger, Brownback, Emerson, Linder, Molinari, Petri, and Pryce. **Page H3211**

Senate Messages: Messages received from the Senate today appear on pages H3173 and H3228.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H3183, H3184, and H3204.

Adjournment: Met at 10 a.m. and adjourned at 5 p.m.

Committee Meeting

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on the Commission on Security and Cooperation in Europe (Helsinki Commission). Testimony was heard from Representative Smith of New Jersey.

The Subcommittee also continued appropriation hearings. Testimony was heard from Members of Congress.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Secretary of Energy. Testimony was head from Hazel R. O'Leary, Secretary of Energy.

TRUTH IN BUDGETING ACT

Committee on the Budget: Ordered reported unfavorably H.R. 842, Truth in Budgeting Act.

CONSUMER PRODUCT SAFETY COMMISSION REAUTHORIZATION

Committee on Commerce: Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on reauthorization of the Consumer Product Safety Commission. Testimony was heard from the following officials of the Consumer Product Safety Commission: Ann Brown, Chairman; Mary Sheila Gall and Thomas Hill Moore, both Commissioners; the following former Chairmen of the Commission: Terrence Scanlon and Nancy Harvey Steorts; and Carol Dawson, former Commissioner.

SINGLE AUDIT ACT AMENDMENTS

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 3184, Single Audit Act Amendments of 1996. Testimony was heard from G. Edward DeSeve, Controller, Office of Federal Financial Management, OMB; Gene L. Dodaro, Assistant Comptroller General, Accounting and Information Management Division, GAO; and public witnesses.

OMNIBUS EXPORT ADMINISTRATION ACT

Committee on International Relations: Ordered reported amended H.R. 361, Omnibus Export Administration Act of 1995.

GOVERNMENT ACCOUNTABILITY ACT

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action H.R. 3166, Government Accountability Act of 1996.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Procurement and the Subcommittee on Military Research and Development continued joint hearings on the fiscal year 1997 national Defense authorization, with emphasis on Navy modernization. Testimony was heard from the following officials of the Department of the Navy: John W. Douglass, Assistant Secretary, Research, Development, and Acquisition; VAdm. Thomas J. Lopez, USN, Deputy Chief of Naval Operations, Resources, Warfare Requirements, and Assessments; and Maj. Gen. Jeffrey W. Oster, USMC, Deputy Chief of Staff, Programs and Resources, U.S. Marine Corps.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Committee on Rules: Granted, by voice vote, a modified closed rule providing for the consideration of H.J. Res. 159, proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes, in the House without the intervention of any point of order. The rule provides that an amendment in the nature of a substitute consisting of the Text of H.J. Res. 169 will be considered as adopted. The previous question shall be considered as ordered on the joint resolution as amended, and on any further amendment thereto to final passage without intervening motion except as specified. The rule provides 3 hours of debate equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. The rule further provides for an amendment by the Minority Leader or his designee, which will be considered as read, and which will be debatable for 1 hour equally divided between the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Barton of Texas, Shadegg, Hall of Texas, Skaggs, Frank of Massachusetts, Conyers and Geren of Texas.

TRUTH IN BUDGETING ACT

Committee on Rules: Granted, by voice vote, an open rule providing 2 hours of debate on H.R. 842, Truth in Budgeting Act. The rule makes in order the Committee on Transportation and Infrastructure and the Committee on the Budget. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The rule provides that each section of the committee amendment in the nature of a substitute shall be considered as read. Priority in recognition will be given to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD prior to their consideration. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Shuster.

MISCELLANEOUS MEASURES

Committee on Small Business: Ordered reported amended the following bills: H.R. 3158, Pilot Small Business Technology Transfer Program Extension Act of 1996; and H.R. 2715, Paperwork Elimination Act of 1995.

ADMINISTRATION'S BUDGET REQUEST

Committee on Veteran's Affairs: Held a hearing on the Administration's fiscal year 1997 budget request. Testimony was heard from Jesse Brown, Secretary of Veterans Affairs and Frank Q. Nebeker, Chief Judge, U.S. Court of Veterans Appeals.

Joint Meetings

OMNIBUS APPROPRIATIONS

Conferees continued to resolve the differences between the Senate-and House-passed versions of H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, but did not complete action thereon, and will meet again on Monday, April 15.

Next Meeting of the SENATE

10 a.m., Monday, April 15

Senate Chamber

Program for Monday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 2 p.m.), Senate will consider proposed legislation providing for immigration reform.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, April 15

House Chamber

Program for Monday: Consideration of H.J. Res. 159, the taxpayer bill of rights, constitutional amendment.

Consideration of H.R. 842, the Truth in Budgeting Act.

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