United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, MARCH 18, 1997 No. 35

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. DELAY].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 18, 1997.

I hereby designate the Honorable TOM DELAY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Alabama [Mr. HILLIARD] for 5 minutes.

ALEXIS HERMAN WILL BE A GREAT SECRETARY

Mr. HILLIARD. Mr. Speaker, it gives me a great deal of pleasure to stand before this House this day on behalf of my good friend and native Alabamian, Ms. Alexis Herman. At the present time her confirmation is before the U.S. Senate as Secretary of Labor. Alexis is the daughter of a single parent. She has labored her entire life working to help people stay employed and off welfare.

As President Clinton's assistant, she was a leader in making sure that women, Hispanics, African-Americans were equally involved in our Nation's agenda. She is a mover. She is a shaker. She has the credentials, the desires, the integrity, the purpose, the intellect, the capability, the personality and the grace to be Secretary of Labor. And in that respect, Mr. Speaker, I recommend her confirmation.

She appears as an American with qualifications of an all-American combination. Her background is a modern-day equivalent of being born in a log cabin, and her career successes mirror that of a Wall Street broker. That is an all-American combination.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Alabama for yielding to me.

Mr. Speaker, to live the life of a nun these days is not good enough if you want to serve your country. That is what Alexis Herman, the President's nominee to be Secretary of Labor, wanted to be. It is our good fortune that she decided to serve her country in this way.

To live a righteous life is not good enough. That is what Alexis Herman has done. Moreover, Mr. Speaker, Alexis Herman has lived a life which groomed her for this agency. When she was a younger woman, she served in a number of capacities in the Labor Department, in the Women's Bureau, and as assistant to Ray Marshall, who was then Secretary.

The Senate has been on a fishing expedition for 3 months now. It has come up empty. I find very few people in this life whose integrity I would personally vouch for. Alexis Herman is one of those people. I have seen this nominee up close. It is difficult to think of any American who would serve her country better as Secretary of Labor. I hope that the other body will soon recognize this and will in fact vote her to be the Secretary of Labor of the United States of America.

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

Mr. HILLIARD. Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, today is the first day of the confirmation hearings for Alexis Herman, a real American success story. I commend the President for choosing this outstanding woman for Secretary of Labor. Ms. Herman has devoted her life to public service. Ms. Herman has been involved in job placement programs throughout her career. Some of her accomplishments include leadership of the black women's employment program of Atlanta and director of the Women's Bureau at the Department of Labor during the Carter administration.

More recently, Mr. Speaker, Alexis Herman worked closely with former Commerce Secretary, the late Ron Brown. She made the White House Office of Public Liaison a dynamic part of the President's office. Throughout Alexis Herman's career, she has made equal opportunity for women and minorities a top priority.

I urge the other body to confirm Alexis Herman without delay. She is a great woman and a great role model for all of us.

Mr. HILLIARD. Mr. Speaker, I yield to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I want to thank the gentleman from Alabama [Mr. HILLIARD] for organizing this special order and affording me this time to say a few words in recognition and support of Alexis Herman, President Clinton's nominee for Secretary of Labor.

At this time, when America is challenged to meet the needs of the unemployed and underemployed and to bring training and job opportunities, not only to these, but to the millions who

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will no longer be eligible for welfare benefits, there is none more suitable to lead this agency.

Ms. Herman's background in job training and placement and her pioneering efforts to bring women and minorities into the workplace coupled with her sensitivity, her competence, and her private sector and White House experience makes her eminently qualified.

I have had the pleasure and good fortune to work with Alexis Herman at the Democratic National Committee, the New York convention, and in her position as public liaison at the Whited House.

Mr. Speaker, I am pleased to be able to speak in support of this outstanding individual, who in the President's own words, were his "eyes and ears working to connect the American people."

I urge the Senate to move expeditiously and confirm Alexis Herman as Secretary of Labor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to inform Members that they should not urge action by the Senate in the confirmation process during debate.

THOUGHTS ON CONGRESSIONAL RETREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. COMBEST] is recognized during morning hour debates for 1 minute.

Mr. COMBEST. Mr. Speaker, there will be several facilitators from the bipartisan Hershey retreat who will be taking the floor today to talk about the positive things that happened from that meeting.

Rather than me telling Members what I thought about it, I thought I would read to them some very quick quotes from Members who were there:

"Pleasantly surprised";

"Substantive";

"Very diverse group";

"Heard things we didn't think we would hear, in a positive sense";

"People were eager to get into it";

"Some people began hesitant but were comfortable once we got started";

"People wanted to come up with ideas that were realistic, that we could accomplish";

"Very good responses from spouses as well as Members";

"Ought to continue the bipartisan caucuses";

"Some of the greatest responses were from some who were the most skeptical";

"Spouses had great things to say";

"Good to have practical ideas, not so lofty as changing the spin of the earth".

Mr. Speaker, one of the quotes that I think meant the most to me was among these, "It almost leads you to believe we could change the House if we put our minds to it."

Mr. Speaker, it almost does lead you to believe that we could change the House if we put our minds to it.

SUPPORT FOR APPOINTMENT OF ALEXIS HERMAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. WATERS] is recognized during morning hour debates for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to take a moment first to join with my colleagues in a word of praise for Alexis Herman. As an African American woman, I am so very proud that she has been nominated.

Despite the growth that we have had in this country of tolerance and the work that has been done to get rid of racism and discrimination and to try and open up opportunities for all, it still has been rather slow in coming. And it is not often, as a matter of fact, it is extremely rare, that an African-American woman would have the opportunity to serve as secretary of an administration. Alexis Herman has done everything that your parents, your community would have you do to get recognized as a person who is capable and competent so the President has nominated her.

This woman served at the Department of Labor, where she headed the Women's Bureau. That is when I first met her. That was a number of years ago. And not only have I been impressed with her competence and her ability, she has been of assistance to so many people, to so many women. And of course her time and her service in the White House itself has exemplary.

So I am hopeful that everything will go well. I am extremely proud and I am hopeful that within a short period of time, we will be able to say Madam Secretary, Alexis Herman.

ON THE CIA

For the rest of my time, Mr. Speaker, I would like to continue because I have a statement that I would like to make about a very important matter.

I think this week we have the Members of our Permanent Select Committee on Intelligence here in the House examining the CIA. They are probably taking a look at a number of the activities of the CIA and starting to talk about its budget. We have been hearing a lot about the CIA, certainly about cases where our own employees in the CIA decided to become spies for other nations.

But beyond that, we have learned a lot about who the CIA deals with, and there are many people who will excuse who they deal with because they will tell you because of their covert operations they have to deal with the worst of them.

We have seen some efforts in recent days to do some scrubbing in the CIA. That simply means that they are going to try and disassociate with some of the terrorists, the drug traffickers, and the murderers that they have been working with for a number of years. They say that they are going to get rid of their relationships with them, and that is called scrubbing.

But I am very concerned about the CIA. It is a $30 billion budget. That is a lot of money when you are talking about balancing the budget. It is a $30 billion budget. And none of us knows what it is spent for. We just kind of give it over to the CIA. Then all these stories start to float back.

I have been involved for over 6 months now as a result of the revelations of the San Jose Mercury News about the CIA's involvement in drug trafficking in south central Los Angeles in the 1980's.

We identified Mr. Danilo Blandon and Mr. Norwin Meneses, two of the principals in the drug trafficking, one of whom, Danilo Blandon, has testified under oath that he was an operative for the CIA. You know this story. They sold drugs; they fueled the explosion of crack cocaine.

It spread out across the United States, and part of those proceeds were used to fund the Contras, because they were the supporters of Somoza down in Nicaragua when the Contras were fighting against the Sandinistas under the so-called banner of the freedom fighters. They were looking for money all over the world. And the CIA had created the Contras, the so-called resistance movement, and they had to fund the army of the Contras known as the FDN. So in looking for this money, it certainly appears that they turned their backs and they allowed the selling of cocaine in huge amounts that got cooked into crack cocaine that exploded in this Nation.

We have the investigations going on now. The inspector general of the CIA, the inspector general of the Justice Department, intelligence committees of both Houses, all are supposedly involved in these operations looking at them and investigating.

But beyond that, we find other information about the CIA in Venezuela.

MATTERS INVOLVING THE NBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. COBLE] is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, some weeks ago, after a Chicago Bulls star Dennis Rodman inexcusably kicked a cameraman during a National Basketball Association game, one of my constituents asked me if there was anything we in the Congress could do in response to Rodman's behavior.

The NBA will ignore the incident and it will be business as usual, my constituents declared. You in the Congress address the matter, he continued.

It is difficult to legislate character, I told him.

His words regarding the NBA's response were prophetic. The incident

was resolved very casually indeed. Many believe Rodman should have been suspended for the entire season. That would have been an appropriate conclusion.

Rodman was seen laughing about the incident and one of his teammates complained that the cameraman should have more promptly removed himself from the arena floor.

One is a victim of a senseless assault and battery and the victim should jump to his feet and promptly apologize to his attacker? Hardly.

The attitude of many of these NBA stars is reprehensible, Mr. Speaker. Some recent years ago an NBA star was accused of improper involvement with gambling interests and possible involvement with organized crime. His response was that most people did not appreciate the pressure that surrounded his life.

□ 1245

I have news for this self-appointed celebrity. He does not know the meaning of pressure. The guy under pressure is working for $9 an hour, who wants to purchase his son a ticket so he can watch these millionaire athletes display their wares on the hardwood. I am told that fewer fans, Mr. Speaker, are viewing televised NBA games. This may not be supported by polling data, but common sense tells me that many Americans are fed up with the condescending attitude expressed by these overnight millionaires.

Perhaps they should have to try their luck at $9-an-hour jobs. Then maybe they would appreciate the fact that fans who pay their hard-earned money deserve more respect. They might then appreciate the fact that millionaire athletes, or celebrities, are indeed role models. They are not required to be good role models, but they cannot on the one hand warmly embrace their money, fame, and celebrity status, and then on the other hand reject their casting as role models. It does not work that way, fellas, and this is the climate which the NBA is now extending to high school graduates.

I was recently asked, Mr. Speaker, if I would pay to attend an NBA game. One team has regional exposure to my congressional district; another team is coached by a good friend of mine. Aside from these two teams, I would pay to watch only one team in the NBA. That team has never won an NBA title, although they annually advance well into the playoff season, but no cigar is awarded. But this team is a class organization and if more NBA teams would emulate them, there would likely be an increase in spectator interest.

If these self-serving overpaid athletes do not get their acts together, spectator interest will continue to wane and perhaps they will have the chance at one of those $9-an-hour jobs, and then, Mr. Speaker, they will really know what pressure is.

SUPPORT FOR A BIPARTISAN CAMPAIGN FINANCE REFORM ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. MORAN] is recognized during morning hour debates for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I will not take the full 5 minutes, although I will yield to a colleague after I say a few words about the bipartisan Campaign Finance Reform Act.

This is an issue that has been with us since the founding of our democracy. I happen to represent northern Virginia, the home of George Washington at Mount Vernon. Some of my colleagues may not be aware that the first time that George Washington ran for office he was defeated. He ran for the House of Delegates for Virginia and he lost. His advisers came to him after he lost and said, ''General Washington, the problem is that you did not treat.'' They explained that the custom is to distribute whiskey to the landowners on election day. Sure enough, next election, he treated and he won overwhelmingly.

James Madison had the same problem. He did not learn from George Washington's experience and he lost, and then he went back to treating. Treating led to what they called macing, where essentially a candidate would dun the members of his political party for contributions. Well, one thing led to another, and now we have a system that is in desperate need of another major reform.

We have had many reforms. The 1974 reform was one such major reform. In fact, let me quote from Lyndon Johnson in 1967. In a special address to this Congress, he said, ''Our current campaign finance laws are inadequate in scope and now obsolete. More loophole than law, they invite evasion and circumvention.''

It took 7 years and the Watergate break-ins before Congress passed real reform. Those words, though, are equally true today. We have got to reform campaign finance law. It is corrupting the political process as well as the legislative process.

We have a bipartisan Campaign Finance Reform Act, terrific people on both sides of the aisle are cosponsoring it. We have the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from California [Mr. HORN], the gentleman from California [Mr. CAMPBELL], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Iowa [Mr. LEACH], and the gentleman from Delaware [Mr. CASTLE]. I can go on and on. And these Republican Members are in addition to a long list of Democratic cosponsors.

One of those folks, the gentleman from Tennessee [Mr. WAMP], is one of the Republican sponsors. Mr. Speaker, I will yield to Mr. WAMP now to conclude my 5 minutes.

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

I have to say in opening I am from Chattanooga, TN, home of the Cinderella team this year in the Sweet 16, the University of Tennessee at Chattanooga, the Moccasins; the Mockingbirds, excuse me. We have changed our name.

Let me say, Mr. Speaker, the businessman from Texas, Mr. Ross Perot, who sometimes I agree with, sometimes I may not, but he said that we have good people in Washington trapped in a bad system. I certainly believe that there are good people serving in the U.S. Congress but the system of campaign reform, which has not changed since 1974, needs to be changed.

There is no perfect bill, there is no silver bullet, there is no magic solution. It is very complex, but it is a bipartisan problem. This week the Democrats may be in more trouble on this issue than the Republicans, but who is to say that the system may not swing the other way. I really believe neither party has an exclusive on integrity or an exclusive on ideas. This is a problem that both parties share.

Some basic principles we should agree on and change is that a majority of our money in campaigns should come from our home States; that the influence of special interest political action committees should be reduced; that we should ban soft money, corporate contributions to the political parties that are funneled back into media advertising should be eliminated; and that we should somehow work to reduce the overall money spent on political campaigns in America.

I think we can agree on those basic principles. Conflict, Mr. Speaker, brings about resolution, and we have a conflict in this country. Yes, every day there is new revelations, but it is time to use these conflicts to bring about change. There is no perfect solution, but we must agree on some basic principles, come together in a bipartisan way.

I do not agree with everything in the bipartisan campaign bill but I believe we can change it and improve it as we go. The issue is, will we defend the status quo again this year in this body, or will we come together and change this system for the first time in 23 years? The status quo obviously is not serving us well in campaign laws. Reform is in order.

If Members have ideas, if they have disagreements, come to the reform movement. Do not fight it or look the other way or make excuses to get by any longer.

ENDING FEDERAL RACE AND GENDER PREFERENCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. CANADY] is recognized during morning hour debates for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, this afternoon I rise to address legislation I will soon introduce to end

the use of race and gender preferences by the Federal Government in Federal employment, Federal contracting and in the administration of other Federal programs.

The principles of equal treatment and nondiscrimination on which this legislation is based, are principles which are at the heart of the American experience. They embody an ideal which generations of Americans have honored and sought to realize, an ideal to which we as a people have long aspired, but an ideal which we have never fully attained in our life as a nation.

The first Justice Harlan once said, ''Our constitution is color-blind. The law regards man as man and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved.''

With the passage of the Civil Rights Act of 1964, the Congress established a national policy against discrimination based on race and sex. It is the supreme irony of the modern civil rights movement that this crowning achievement was soon followed by the creation of a system of preferences based on race and gender, a system contrived first by administrative agencies and the Federal courts and then accepted and expanded by this Congress.

The 1964 Civil Rights Act constituted an unequivocal statement that Americans should be treated as individuals and not as members of racial or gender groups, an unequivocal statement that no American should be subject to discrimination, which Senator Hubert Humphrey, the chief Senate sponsor of the legislation, defined as a distinction in treatment given to different individuals because of their race.

The system of preferences is based on the notion that we can only overcome our history of discrimination by practicing discrimination. Those who support preferences believe that to guarantee the equitable apportionment of opportunities, Americans must be divided, sorted, and classified by race and gender. They assert that it is a responsibility of the Government not to create a level playing field for all Americans, but to determine outcomes based on race and gender.

My legislation to end preferences rejects this vision of America. It would overturn the status quo of race and gender preferences and return to the principles on which the 1964 Civil Rights Act was based. In place of group rights, it would establish respect for individual rights.

It is important to note that this legislation does not affect our comprehensive regime of antidiscrimination laws. All forms of racial and sex-based discrimination that are illegal under current law would remain illegal.

It is also important to understand that the bill draws an important distinction between preferential treatment and affirmative action. Preferential treatment is prohibited, and affirmative action, as originally conceived, is permitted and expressly protected.

Under the legislation, the Government may continue affirmative action in the form of vigorous outreach and recruitment efforts. Steps taken to increase the size of the applicant pool for a contracting or employment opportunity, including steps targeted at women and minorities, are permissible, so long as at the decision stage all applicants are judged in a nondiscriminatory manner; that is, without regard to their race or sex.

Those who support the use of preferences have the burden of explaining why anyone should receive an advantage of any kind based on race or gender. Quite simply, they have the burden of explaining why it is just for the Government to discriminate.

The supporters of preferences based on race and gender need to face the truth. The truth is that the system of preferences unfairly denies opportunities to those who have been guilty of no wrongdoing, simply because of their race or gender, while granting benefits to individuals who are not victims of discriminatory conduct.

The truth is that the existence of the system of race and gender preferences unfairly casts a cloud over the accomplishments of individuals who are members of favored groups and deprives those individuals of the full measure of respect they are due for their individual achievements.

The truth is that the system of race and gender preferences sends a message from our Government to the American people that we should continue to think along race and gender lines, a message which only reinforces prejudice and discrimination in our society.

We should recognize once and for all that each American has the right to be treated by our Government not as a member of a particular race or gender group but as an individual American citizen equal in the eyes of the law. This Congress should end the unfair system of race and gender preferences and we should do it now.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, today I would also like to address the topic of campaign finance reform. As the Members of the House know very well, the issue of campaign finance reform has been garnering a lot of attention lately. Newspapers and TV news have been very busy in documenting the excess and abuses, and there is plenty of blame to go around.

However, this House needs to be more constructive. In my opinion, it would be a complete waste of our time and the taxpayers' money if we spend hours and hours on hearings and merely use them to score political points.

Mr. Speaker, I believe it is the solemn duty of this House to move in a more positive, forward-looking direction, and the issue of campaign finance reform is best resolved through legislation, not accusations. We can criticize and pontificate to each other, but something has to be put on the table, and quickly.

For this reason, Mr. Speaker, last week the House Democrats triggered a procedural motion in order to bring this discussion to the House floor. I know there are many on both sides of the aisle who want to deal with the issue of campaign finance reform, but the bottom line is that the Democrats are in the minority and the Republicans are in the majority. It is because the Democrats essentially are in the minority and have not been able to bring this issue to the floor that it is necessary from time to time to use procedural motions to get the Republican leadership to respond to this issue. It was necessary last week, since the House Republican leadership has so far not taken up campaign finance reform as an issue.

President Clinton challenged this House to bring the issue to a vote by July 4 and, instead, this House, for months, has embarked on a schedule so insipid and unambitious that even conservative pundits and rank-and-file Republicans are beginning to admonish their own House leadership. So far, essentially, the House Republican leadership has not responded.

Mr. Speaker, I just wanted to point out that when the Democrats were in the majority we were very active in trying to reform the campaign finance system, though oftentimes we were thwarted in our efforts. The very first campaign finance bill, which was passed following the abuses of the Watergate scandal, was passed by a Democratic majority.

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Then in 1989 the Democratic majorities in both the House and the Senate passed campaign finance reform only to have the bill vetoed by then Republican President George Bush. Most recently, during the 103d Congress, with both the House and the Senate in the Democratic majority and a Democrat in the White House, the House passed H.R. 3, that year's campaign finance reform bill, by a vote of 255 to 175. The Senate then passed S. 3 by a vote of 60 to 38 after several weeks of Republican delay, including 24 separate votes on amendments. Democratic leaders of the Congress announced a compromise bill then between the House and the Senate versions, but the Republicans in the other body successfully led a filibuster to prevent the Congress from doing its work and drafting a final bill.

Mr. Speaker, the habit of Republican filibusters in opposition to campaign finance reform also goes back to the 102d, the 101st and the 100th Congress. Mr. Speaker, there should be no doubt in my mind that the Republicans clearly have no problem with the current

system, which of course includes the PAC's and the soft money and the independent expenditures.

Just for the record, the Republicans did put forth a campaign finance reform bill during the last Congress, but that bill received a paltry 162 votes in a House comprised of 230 Republicans. I think that was an indication of just how little the Republican leadership wanted to change the campaign finance system.

The record I think is clear that the Democrats have put up serious legislation to deal with this issue and the Republicans have not. The Democrats in this House have known for years that the current system is flawed and is too easily abused, and basically what we will do, with procedural motions or however it has to be done in this Congress, is that we will continue to fight for reform in spite of whatever delays and inaction that the Republicans put forward. Over and over again in the next few weeks and the next few months until the Republican leadership agrees to bring campaign finance reform to the floor, you will see the Democrats continue out there calling for reform, calling for action.

I know there are several bills out there. I know that my colleague, the gentleman from Virginia [Mr. MORAN], and my Republican colleague, the gentleman from Tennessee [Mr. WAMP], both mentioned their efforts on a bipartisan basis. Clearly there is an effort here amongst the rank and file, I think on the Republican side, to try to come together on some kind of bipartisan bill that we can all agree on, but so far the Republican leadership has not allowed this bill or any kind of campaign finance reform to come to the floor, and I think that they have the blame at this point for not pushing on the issue.

PROPOSED LEGISLATION TO END GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore (Mr. DELAY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, I hope that I will lay less blame on the opposition than we heard from the previous speaker on the particular issue that he was addressing, because I want to talk about something that affects all of us and on which we can all participate to bring a good government result.

When I came to the Congress in 1983, I learned very quickly that this Congress, the Congress of the United States, then and now, is very faulty in meeting its budgetary deadlines. September 30 comes and the next fiscal year begins the next day, on October 1. Yet, on almost every occasion since I came to Congress, we have failed to meet that deadline. What does that result?

One thing that happens almost universally is that we enter into a period of temporary appropriations to keep the Government going pending the final budgetary result, and so those continuing resolutions, the temporary funding, takes us to our next step, another deadline, and then we fail to meet that one and we go into more temporary funding and the full budget is put off sometimes for a period of a year.

That is bad fiscal management under laws which we, the Congress, have passed to govern ourselves in the business of good government. What happened then is that we actually shut down the Government eight times since I have been a Member of Congress. I do not know how many times before that. The Government actually shut down about eight times.

Being desperate to try to bring about an end to this shutdown business, I went before the Democrat-controlled Rules Committee of that era, in 1989 or 1990, and offered a piece of legislation which would end Government shutdowns forever. How does it work? If on September 30, the end of the fiscal year, we have learned that we have not passed a budget timely and before the deadline that would come midnight that day, my bill would call for an instant replay the next day of last year's budget, thus averting the Government shutdown, continuing the effect of Government throughout a period, never depriving the Congress from getting down to business and passing a new budget, but in the meantime we would have an ongoing budget, albeit at last year's figures, until such time as the budget negotiations can produce a final budget.

Well, the Democrat-controlled Committee on Rules slapped me down time after time after time, from 1989, 1990, 1991, 1992, 1993, and 1994. Finally in 1995 I felt that we were going to have a great opportunity here because now the Republicans on the Committee on Rules would be controlling the agenda. So I went before the Republican-controlled Rules Committee for the purpose of introducing my legislation and getting approval for full floor debate. And what happened? I was knocked down by my fellow Republicans in this endeavor.

The reason that has been advanced is that adoption of my legislation would rob the appropriators of the leverage that they see at their disposal of bringing about a certain kind of result and pressure to suit the appropriations process, which is so murky to me that it does not survive close scrutiny. So I am imploring my colleagues to take a fresh look at the legislation which I have offered.

By the way, the Senate, the other body, has adopted in principle the idea behind my bill and they invited me over to a press conference, did those Senators who prefer this kind of legislation, and we had a joint result of an acceptance in principle of the prevent shutdown legislation. They are going to try to include it in the supplemental appropriations which are forthcoming in the next month or so.

On our side, on the House side, Congressman ISTOOK and Congressman MCINTOSH recently issued a letter in which they support the principle which I have outlined in my legislation. We do not have to stick with the percentages of money figures that we are talking about, but the principle of preventing Government shutdown by a transition piece of legislation that would carry us into a new fiscal year without any shutdown of Government, still leaving the Congress the opportunity to present and pass a new budget.

The other encouragement that I have received is from individual Members of the House and of the Senate who have sought ways and means to try to get this before the Congress of the United States, both in the House and the Senate.

Mr. Speaker, there are many off-beltway groups who deal with the Government that also support my legislation.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Tennessee [Mr. FORD] is recognized during morning hour debates for 5 minutes.

Mr. FORD. Mr. Speaker, I rise today in echoing really what some of my other colleagues have gotten up today to talk about on both sides of the aisle, calling for sweeping campaign finance reform.

We live in the greatest representative democracy in the world, Mr. Speaker. But the massive amount of money that has found its way into our political system threatens to eclipse one of democracy's fundamental principles that everyone's vote counts the same.

In the 1996 elections over $2 billion was spent in our political election system. More than $2 million of that was soft money. Some individuals contributed $2 million or more to one political party or another.

Today, Mr. Speaker, elections are financed by a small minority of Americans. Less than one-half of 1 percent of the electorate gives contributions in excess of $200. Over the past 30 years less than 20 percent of the electorate has contributed to elections.

Americans feel alienated from our political process, and they are demanding that we take action. Everyone involved in this system must be a part of the solution, both Democrats and Republicans. We must limit PAC contributions, restrict the use of soft money and temper the influence of independent expenditures by outside advocacy groups. In addition, we must give the Federal Election Commission real teeth to investigate, report, and discipline candidates who break the rules.

Finally, Mr. Speaker, the public airwaves belong to the people. An exponential increase in the cost of television advertising is preventing candidates from communicating with voters. The rise of the digital age presents

us with the rare opportunity to strengthen our democracy. Broadcasters, who will receive free digital licenses from the Government, have a responsibility to fulfill their public interest standards by allowing reduced advertising television time for candidates who comply with the rules.

Mr. Speaker, we must seize this moment and forge a bipartisan consensus to heed the American people's call to reform our campaign system.

SALUTE TO RALPH LAIRD, JR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. ROGAN] is recognized during morning hour debates for 5 minutes.

Mr. ROGAN. Mr. Speaker, there are occasions when the contribution of one of our citizens merits special note on the floor of the House of Representatives, and for 20 years I have had the privilege of knowing such an individual. His name is Ralph Laird from Pleasanton, CA. He hails from my home State.

Although I am a former resident of Pleasanton, I do not have the privilege of representing that community in this House. However, I am joined by my friend and colleague, the gentlewoman from California [Mrs. TAUSCHER], who does represent that particular district.

Mr. Speaker, I yield to my friend and colleague to join me in this presentation and salute to Ralph Laird.

Mrs. TAUSCHER. Mr. Speaker, I thank my Republican colleague from southern California for yielding.

Mr. Speaker, as the Representative of the 10th Congressional District in California, it is one of my great pleasures and honors to be able to recognize and praise distinguished constituents from my area. I rise today to honor the accomplishments of a gentleman from my district who throughout his life has worked to improve the lives of others. Although I have never had the pleasure to meet this man in person, I was lucky enough to learn of his service to my community and the State of California through the kind words and praise of Congressman ROGAN and through the admiration of his colleagues in the education community.

I speak of Mr. Ralph Laird, Jr., a man who has served his country in numerous ways throughout his lifetime. Mr. Laird began serving his country during World War II, in which he fought as a soldier in the U.S. Army. After returning from the war, Mr. Laird made a fortunate decision to return to California, where he chose to dedicate his life to education.

Mr. Laird has been a teacher, a coach of a championship basketball team, a vice principal, a principal, a dean, and an assistant superintendent. In my district, among other things, he has served as the principal of Pleasanton's Amador High School for 8 years and later as assistant superintendent of the Amador School District. In his spare time, Mr. Laird has served on the Pleasanton City Library Board, coached little league baseball, been an active member of the Pleasanton Rotary Club, and served as a camp director for the YMCA.

I believe that the people of the 10th Congressional District and the State of California have been enormously blessed to have someone like Mr. Laird working on their team. Again I would like to thank my colleague from southern California for bringing to my attention the accomplishments of this outstanding gentleman. Mr. Laird has done a great service to the people of my district and to California's children. Additionally, I would like Mr. Laird and his family to know that my prayers and the prayers of the people of the 10th Congressional District are with him during this very difficult time.

Mr. ROGAN. Mr. Speaker, I thank my colleague for her very gracious and kind comments. One comment she made is particularly true—when she referred to Ralph Laird as a gentleman. That he is. When I recently saw a very popular movie entitled ''Mr. Holland's Opus,'' immediately I thought of Ralph Laird. For those who have seen the movie, they will remember it as the story of somebody who gave their life to educating the children of a particular community and how, over the course of his professional career, the fruits of his efforts grew from one generation to the next. His legacy are the innumerable productive men and women who benefited from his counsel and example during his illustrious career.

That is Ralph Laird's legacy, not only to the people of Pleasanton, not only to the people of California, but truly to the people of this country. On behalf of the Congress of the United States, I thank him for his service to our country, and I salute him.

Mr. Speaker, I again thank my colleague, the gentlewoman from California [Mrs. TAUSCHER], for joining me in this presentation.

IN SUPPORT OF HERMAN FOR SECRETARY OF LABOR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New York [Mr. OWENS] is recognized during morning hour debates for 5 minutes.

Mr. OWENS. Mr. Speaker, I rise to speak in support of the nomination of Alexis Herman as the Secretary of Labor. Alexis Herman is facing considerable difficulties. They have slowed down the process of confirming her nomination. If you read the accounts in the press and the media, you will find they are rather bizarre.

Alexis Herman is criticized for being too effective. She is criticized for being a great communicator. She is criticized for knowing the ways through the political maze. All of these that are normally considered virtues, all these characteristics that are normally considered virtues have suddenly become barriers to Alexis Herman being confirmed as the Secretary of Labor.

□ 1315

What is going on, Mr. Speaker? I fear that when you compare the difficulties faced by Alexis Herman on the one hand and her difficulties, leaving the Department of Labor without any leadership for all this time, when you compare those difficulties with what is being offered in this Congress by the Republican majority, you might make a logical case for conspiracy.

The Republican majority that is holding up the confirmation of Alexis Herman, leaving the Department of Labor without leadership, has aggressively taken the lead in terms of placing legislation on the agenda which will definitely hurt working people.

The agenda of the Department of Labor is definitely under consideration here. We are proposing and will have on the floor of this House this week a bill which will change the Fair Labor Standards Act. The Fair Labor Standards Act has been in effect since the New Deal, Roosevelt, when we had abuses of labor that were abominable. And part of the way we curbed those abuses of working people where they were forced to work around the clock, on the weekend, and given the same hourly wage, one way to curb that, one way to make the employers divide up the pot and employ more workers instead of working a few long hours with no wages was to implement a Fair Labor Standards Act which says, ''You cannot work anybody more than 40 hours a week without paying them time and a half for their overtime pay. You work 40 hours a week, the wage rate must be raised to time and a half.''

Now we have on the floor a bill which will take that away. The Republicans are coming for the overtime of Members. They take away the cash payment. They want to say that employers who are now under the Fair Labor Standards Act should be taken out from under the Fair Labor Standards Act and given the option of giving comp time, time off, to workers. Oh, they say, this is going to be a choice that the employees will make. If they do not want to take time off, they want cash, they will have it. But we have statistics and we have studies which show that employers, people who employ people, are already swindling workers out of vast amounts of overtime pay.

One employer study group has admitted that as much as $19 billion was swindled away from workers in cash payments last year, so they do not really have a choice. Any employer will choose to want to invest his cash, he will hold onto the cash and give the employee time off.

This is going forward, it is on the floor, it will be on the floor this week.

Now in addition to that very anti-working person, anti-the-working-families out there legislation, we have a

TEAM Act passed in the Senate. The TEAM Act in essence says that employers may organize groups which run counter to the independent unions, actually undercut the activities of the independent unions or will guarantee that unions will never be organized; they are independent.

In addition to that, I just came from a hearing this morning where an attack was being made on organized labor's contributions to political campaigns. Organized labor is being singled out, and they are being pummeled by the Republican majority because they made contributions in large numbers to Democrats. The labor unions are being told you cannot do this. They want new regulations on labor unions.

Labor unions are already the most overregulated institutions in our society. The regulations on labor unions, as my colleagues know, do not compare with anything else. We do not regulate corporations as much as we regulate labor unions, but we are going to impose more regulations on them to keep them from making contributions to people they consider operating politically in their own interests.

I have a chart which shows that all of the sectors of the American economy are giving large amounts of money to political candidates. The chart is from the Center for Political Responsiveness which shows what the financial sector gave, the agricultural sector gave, the defense industry, the energy industry. All of these are greater than organized labor.

Alexis Herman should be put in place because we need that leadership in labor, and let us stop the attack on organized labor.

RECESS

The SPEAKER pro tempore (Mr. DELAY). Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 20 minutes p.m.), the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

We are appreciative of those women and men who devote their abilities to government service and who see in their tasks the opportunity to serve You, oh God, by being of service to others.

We are indebted to those public servants whose names we know and who occupy positions of great trust. But we especially remember this day those people whose names are not well-known, but whose commitment and enthusiasm to their tasks is acknowledged and valued.

Whatever our responsibility, let us go forward in unity and in trust to do the works of justice and mercy. This is our earnest prayer. Amen.

THE JOURNAL

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

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

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

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

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

Mr. LUCAS of Oklahoma. 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. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California [Mrs. TAUSCHER] come forward and lead the House in the Pledge of Allegiance.

Mrs. TAUSCHER 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.

CINCINNATI FLOOD YIELDS TWO YOUNG HEROES

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

Mr. CHABOT. Mr. Speaker, whenever natural disaster strikes, America gets a few new heroes, selfless individuals who come to the aid of their neighbors in need.

Earlier this month Cincinnati, my community, was one of those river communities in the Midwest that felt the effects of the worst floods in the last 30 years. And true to form, Cincinnatians were at their best, from the city and county employees who worked day and night, to the charitable organizations, churches, schools and businesses, to neighborhood folks who lent a helping hand.

One of the most heartwarming stories I heard centers around two young ladies from Oakdale School in Bridgetown: Paige Craynon, who is 9 years old, and April Pitman, who is 10. On their own, Paige and April went door-to-door collecting items to help suffering flood victims. Then their classmates at Oakdale School joined in and brought in supplies to help those in need.

That is what America is all about, Mr. Speaker. Let me join my colleagues and my fellow Cincinnatians in congratulating Paige and April and all their classmates at Oakdale School for a job well done.

A BALANCED BUDGET CANNOT WAIT

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

Mrs. TAUSCHER. Mr. Speaker, last week more than 100 members of the Democratic Caucus signed the Tauscher-Stenholm-Minge letter that called on both the President and the Republican majority to present a CBO-scored balanced budget proposal. This letter was an attempt to move the stalled budget process forward in a bipartisan manner.

As a former investment banker who spent 14 years on Wall Street, I find it is inconceivable that we could go yet another year without coming to a resolution on a balanced budget.

Today, I am encouraged to hear Speaker GINGRICH has suggested delaying tax cuts until a balanced budget is reached.

If the Speaker or any of our colleagues would like a blueprint for balancing the budget without raising or cutting taxes, I ask them to take a close look at the Blue Dog Coalition budget. Our budget deals with tax cuts outside the scope of the balanced budget plan while keeping them consistent with a balanced budget.

The coalition budget is a plan that can help us move forward toward achieving a truly bipartisan balanced budget. I implore my colleagues to listen to the American people who sent us here. Let us go to work on balancing the budget. We cannot wait any longer.

H.R. 400, THE 21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

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

Mr. COBLE. Mr. Speaker, opponents of H.R. 400, the 21st Century Patent System Improvement Act, have embraced a ''Chicken Little'' strategy distinguished by two attributes: First they announce H.R. 400 sells out the country and, second, they repeat it again and again. This dumbing-down approach only produces heat, not light.

If these same opponents took time to read H.R. 400 they would understand why it helps our national economy. The 18-month publication requirement in the bill would allow an American inventor to review a given application and decide if he should continue to develop his own idea or to pursue other

alternatives. H.R. 400 creates no opportunity to steal the contents of a published application.

Our opponents believe that the patent system should serve only the selfish interests of those applicants wishing to abuse the process by suing American inventors who develop technology and create jobs. In contrast, the Constitution charges the Congress with the responsibility of creating a system that balances the legitimate needs.

COMBAT BOOTS FROM CHINA?

(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, last week the Pentagon denied that combat boots made in China were issued to our troops. The Pentagon said they awarded four contracts to American companies. It was impossible for that to happen.

Mr. Speaker, it is evident that the Pentagon's left foot does not know what their right foot is wearing. I have Nighthawk combat boots in my possession, made in China, that were issued to a sergeant of the Air Force Reserve.

Now, let us tell it like it is. The Pentagon has always told us in debates, if they could not buy those cheaper imports, they could not keep their costs down. You know what I tell Congress to do? Tell the Pentagon that we can hire generals and admirals a lot cheaper from Korea, too, and we could keep the cost down.

I am asking my colleagues to join me in investigating this matter, why military combat boots were issued to our troops.

HOW COMP TIME WORKS

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I come to the floor today to give an example of how comp time would work under H.R. 1, the Working Families Flexibility Act.

Let us say an employee works 10 hours of overtime, 50 hours total in a week in January. She chooses comp time in compensation for the overtime hours. Her paycheck for the week reflects pay for 40 hours at her regular hourly rate. She puts 15 hours, one and a half hours for every hour of overtime, into her comp time bank. She decides to use her comp time during a week in May to visit a friend. During the week in May she works 25 hours, uses 15 hours of comp time, and her paycheck for the week is 40 hours. She pays taxes, and is credited with wages when she is paid for the comp time in May.

This is what public sector employees have been able to do for years. H.R. 1 would give private sector employees the same choice. H.R. 1 does not require employers to offer comp time. It protects the employee's voluntary choice whether or not to take time off as compensation for working overtime hours.

H.R. 1, the Working Families Flexibility Act, is commonsense legislation, and as we look at the public sector, we know it works. I urge my colleagues to support it. It is family friendly.

REPUBLICANS NEED TO OFFER BUDGET PROPOSAL OF THEIR OWN

(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, yesterday Speaker GINGRICH stood in the well of the Chamber and he reiterated the 13 points of the Republican agenda. One of these priorities, balancing the Federal budget, is one both Democrats and Republicans share.

But, Mr. Speaker, actions speak louder than words. We can all talk about the importance of balancing the budget, but it is only the Democrats who have put a balanced budget on the table. The Republicans have yet to offer a budget proposal of their own.

Every day American families find a way to balance their own household budgets. They expect Congress to do the same. We cannot let down these families. We must find a way to balance the Federal budget.

The Democrats have produced a balanced budget proposal. Now it is time for the Republicans to quit talking, to start acting. It is time for them to produce a budget proposal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. CAMP). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

VICTIM RIGHTS CLARIFICATION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 924) to amend title 18, Untied States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime, as amended.

The Clerk read as follows:

H.R. 924

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 ''Victim Rights Clarification Act of 1997''.

SEC. 2. RIGHTS OF VICTIMS TO ATTEND AND OBSERVE TRIAL.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''§ 3510. Rights of victims to attend and observe trial

''(a) NON-CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, make a statement or present any information in relation to the sentence.

''(b) CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, testify as to the effect of the offense on the victim and the victim's family or as to any other factor for which notice is required under section 3593(a).

''(c) DEFINITION.—As used in this section, the term 'victim' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by adding at the end the following new item:

''3510. Rights of victims to attend and observe trial.''.

(c) CLARIFICATION OF GROUNDS FOR EXCLUSION.—Section 3593(c) of title 18, United States Code, is amended by inserting ''For the purposes of the preceding sentence, the fact that a victim, as defined in section 3510, attended or observed the trial shall not be construed to pose a danger of creating unfair prejudice, confusing the issues, or misleading the jury.'' after ''misleading the jury.''.

(d) EFFECT ON PENDING CASES.—The amendments made by this section shall apply in cases pending on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Florida [Mr. WEXLER], each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Victims and their families often describe great frustration at the witnessing of the judicial process. Often this frustration comes from their feeling the process is not about them or their loss but all about the defendant. And while we all understand that the guilt or innocence of the defendant must be of primary concern to the Judiciary process, we become increasingly sensitive of the need to include the victim and victims' families in the criminal justice process in appropriate ways that they too can feel that justice has been done for them.

In 1990, Congress passed a law requiring that Federal prosecutors and others make their best efforts to ensure that victims of crime were accorded a number of rights, including the right to be notified of court proceedings, the right to confer with the attorney for the Government in the case, the right for information about the convictions,

sentencing, imprisonment, and release of the offender, and the right to be present at all public proceedings related to the offense.

In 1994, the crime bill of that Congress amended the Federal Rules of Criminal Procedure to provide that victims would have the right to make statements to the court in noncapital cases at the time of sentencing, in order to better ensure that the interests of the victims of crime would be known to the sentencing judges.

Also in that bill Congress authorized the Government, in capital cases, after the guilty verdict is returned, to call victim and victims' family members to testify during the postverdict sentencing hearing. This testimony may be in connection with any aggravating factors that the Government wishes to prove or to rebut evidence of mitigating factors that the convicted defendant is attempting to prove.

This so-called victim impact testimony often describes the effect of the crime on the victim or the victim's family. The Supreme Court has upheld the Government's right to present victim impact testimony against constitutional challenge.

Mr. Speaker, a recent ruling in the Oklahoma City bombing case has caused concern that it may be possible for trial judges to exclude victims and their family members from attending the guilt phase of a criminal trial solely for the reason that these persons desire to make victim impact statements during the sentencing phase of the trial.

While one of the Federal rules of evidence does allow judges to exclude witnesses from trial, this rule was formulated to prevent potential fact witnesses from changing their testimony after hearing the testimony of other fact witnesses during the guilt phase of the trial.

The ruling in the Oklahoma City bombing case, which will prevent many of the victims of the crime from attending or observing the trial, is a situation that has never before occurred in a Federal court, to my knowledge. It is important for Members to understand that the victims affected by the ruling are not fact witnesses. They seek only the right that already exists in law to give the victim impact testimony at such time as the guilt of the defendants may be adjudicated. As such, the risk of the testimony somehow being tainted by merely listening to the fact witnesses during the guilt phase of the trial is minimal, if not nonexistent.

□ 1415

The bill I have introduced on behalf of myself, the ranking minority member of the Subcommittee on Crime, the gentleman from New York [Mr. SCHUMER], and the gentleman from Oklahoma [Mr. LUCAS] is intended to make it clear that victims and their family members are not excluded from attending a criminal trial in Federal court as an audience member simply because they may exercise their rights that currently exist under Federal law to make statements during the sentencing hearing that takes place after a guilty verdict is returned.

Mr. Speaker, I want to point out to my colleagues that this bill will not amend those provisions now in law that allow judges to sequester fact witnesses, including victims and victim family members who testify during the guilt phase of trials. This bill applies only to persons who may make statements during the sentencing hearing of a Federal trial, which always occurs after the defendant is found guilty beyond a reasonable doubt.

Mr. Speaker, this bill is an important clarification of the rights that victims have in Federal criminal trials. I believe that it achieves a balance between ensuring that fact witnesses are not influenced by other testimony at trial while also helping to ensure, when appropriate, that every opportunity is given to victims and their families to see firsthand that our system is providing justice for them.

I want to thank the ranking minority member of the Subcommittee on Crime, the gentleman from New York [Mr. SCHUMER], for his assistance in moving this bill. I also want to thank the other cosponsor of this bill, the gentleman from Oklahoma [Mr. LUCAS], who represents the victims of the Oklahoma City bombing.

At this time as well I would like to comment that I have a letter from the office of the attorney general of the State of Oklahoma, signed by attorneys general from a number of States, including Massachusetts, Minnesota, Louisiana, Idaho, et cetera, my home State of Florida. This letter supports the legislation we have today and explains why it is very important that it become law.

Mr. Speaker, the letter referred to is as follows:

OFFICE OF ATTORNEY GENERAL,
STATE OF OKLAHOMA,
March 18, 1997.

Re Legislation on victim impact witnesses observing trial.

Sen. DON NICKLES,
U.S. Senate,
Washington, DC.

Congressman FRANK LUCAS,
U.S. House of Representatives,
Washington, DC.

Congressman BILL MCCOLLUM,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR NICKLES AND CONGRESSMEN LUCAS AND MCCOLLUM: On the even of the trial in the Oklahoma City bombing case, as Oklahoma's Attorney General, I join the undersigned Attorneys General from across America in urging your support of legislation to guarantee that surviving family members of all homicide victims can attend the federal criminal trial of an accused murder as well as provide victim impact testimony at sentencing.

Such legislation is desperately needed because of a ruling in the Oklahoma City bombing case affirmed by the 10th Circuit Court of Appeals. These courts have ruled that current federal law permits the trial judge to exclude family members who lost loved ones in the bombing from watching the trial if they will provide ''victim impact'' testimony at sentencing. Moreover, these courts held that current federal law precludes either the government or victims from even appealing such a ruling before the trial. This new interpretation of federal law, if left uncorrected, will deprive numerous family members of victims the chance to observe the trial and learn the facts surrounding the bombing, or worse, force them to forgo the right to testify in the event of a penalty hearing of the impact of this horrendous crime and the value of their loved ones.

There is no legitimate ground for the ruling. The traditional rationale behind sequestering witnesses—that a witness might ''tailor'' his testimony to that of other witnesses—has no application to surviving family members—they will not testify about issues pertaining to the guilt of the defendants, but will only provide the jury with sentencing information about the devastating effects of the crime.

In our states, family members who will only provide impact testimony are routinely admitted to watch the trial. Indeed, in many of our states, a constitutional amendment or other victims rights legislation guarantees victims the right to observe court hearings without sacrificing the opportunity to provide victim impact testimony. Such an approach fully protects defendants' rights, because defendants have no legitimate interest in excluding from public court proceedings those who have the most vital interest in attending.

The federal government needs to join the states and put in place these protections for victims. Congress has the power to set the rules for federal cases. The Tenth Circuit Court of Appeals acknowledged that its ruling ''may be seen as overly technical and unduly severe by those focused only on this particular controversy,'' however, the Court explained it must defer to the Constitutional authority of Congress, concluding that ''[i]t is only through legislative resolution'' that this painful result can be changed. Accordingly, Congress should act quickly to make sure justice is done in the Oklahoma City bombing case—and in the many other federal capital cases to be tried in the future.

Sincerely,

Bruce Botelho, Attorney General of Alaska; W.A. Drew Edmondson, Attorney General; Daniel E. Lungren, Attorney General of California; M. Jane Brady, Attorney General of Delaware; Margery S. Bronster, Attorney General of Hawaii; Carla J. Stovall, Attorney General of Kansas; Scott Harshbarger, Attorney General of Massachusetts; Mike Moore, Attorney General of Mississippi; Tom Udall, Attorney General of New Mexico; Robert A. Butterworth, Attorney General of Florida; Alan G. Lance, Attorney General of Idaho; Richard P. Ieyoub, Attorney General of Louisiana; Hubert H. Humphrey III, Attorney General of Minnesota; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Michael F. Easley, Attorney General of North Carolina; Heidi Heitkamp, Attorney General of North Dakota; Jeffrey B. Pine, Attorney General of Rhode Island; Jan Graham, Attorney General of Utah; Christine O. Gregoire, Attorney General of Washington; Betty D. Montgomery, Attorney General of Ohio; Dan Morales, Attorney General of Texas; J. Wallace Malley, Jr., Acting Attorney General of Vermont; William U. Hill, Attorney General of Wyoming.

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

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

Mr. Speaker, I rise in support of the amendment of the gentleman from Florida [Mr. MCCOLLUM] to H.R. 924. The purpose of this bill is to permit victims of a violent crime, or those whose loved ones have been victimized, to watch the trial of the person accused of committing the crime.

Traditionally, a criminal trial is viewed as being a confrontation between the State and the defendant. The victims of crime were left out of the picture. We need to make sure that victims are treated fairly by the justice system, especially when allowing greater victim participation will have no prejudicial impact on the trial and will not in any way compromise the defendant's rights.

In recent years, the Congress, like many States, has allowed victims in certain circumstances to make victim impact statements at the sentencing phase of the trial. This bill does not expand or affect the right under existing law to make such statements. However, in the case of the Oklahoma City bombing trial, the judge recently held that people who will make victim impact statements, if the defendant or defendants are convicted, cannot watch the trial.

Mr. Speaker, I believe the judge's ruling in the Oklahoma City case was a misinterpretation of Federal Rule of Evidence 615, and we must now clarify that rule to make it absolutely clear that the intent is not to exclude victims from trials.

The judge's ruling was apparently based on the evidentiary rule that in most cases people who are witnesses at a criminal trial cannot watch the testimony of other witnesses. The purpose for this rule is that we do not want one witness' recollections to be influenced by another witness' testimony. But that rationale simply does not apply to people making victim impact statements. The facts and issues they are addressing are totally different from the facts addressed by the other witnesses at trial. The idea that their testimony will be affected by watching the trial just does not make sense.

As one of the Oklahoma City survivors put it, a man who lost one eye in the explosion, ''It's not going to affect our testimony at all. I have a hole in my head that's covered with titanium. I nearly lost my hand. I think about it every minute of the day.''

That man, incidentally, is choosing to watch the trial and to forfeit his right to make a victim impact statement. Victims should not have to make that choice.

Mr. Speaker, this bill was reported out of committee on voice vote. The manager's amendment makes a number of changes to the bill as reported, but they do not substantively change the bill, with one exception. The exception is that the manager's amendment adds a new, unrelated provision that would make a technical correction to a provision of the Foreign Sovereign Immunities Act that Congress changed last year. This correction is uncontroversial.

Finally, I would like to note that the gentleman from Michigan [Mr. CONYERS], the ranking minority member on the Committee on the Judiciary, and the gentleman from New York [Mr. SCHUMER], the ranking minority member on the Subcommittee on Crime, have asked me to note their support on this bill for the RECORD.

Mr. Speaker, I urge support of this amendment and this bill.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. LUCAS], a prime sponsor of this bill.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in support of H.R. 924, the Victim Allocution Clarification Act of 1997. On behalf of the victims of the bombing of the Alfred P. Murrah Building, and all victims and survivors, I call upon the Members of this body to support this legislation.

I want first to thank the gentleman from Florida [Mr. MCCOLLUM] and his staff for their tireless efforts in bringing this bill to the floor. They heard the cry of the victims in Oklahoma and have responded. On behalf of the victims and survivors of the Oklahoma City bombing, thank you.

H.R. 924 addresses an important area of victims rights protections which has been overlooked before now. At stake is the right of victims to watch the trial proceedings and provide victim impact testimony.

In many States, family members who will only provide impact testimony are routinely admitted to watch trials. Many States have constitutional amendments or other victims rights legislation guaranteeing the right to observe court hearings without sacrificing the opportunity to provide victim impact testimony.

It is time that the Federal courts provide the same protections for victims. H.R. 924 guarantees the rights of surviving family members of all homicide victims to attend the Federal criminal trial of an accused murderer as well as provide victim impact testimony at sentencing. In 1990, Congress passed the Victim's Bill of Rights, and today, we are simply clarifying the protections which are currently in law.

Passing this legislation today will ensure that victims of the Oklahoma City bombing will be able to watch the trial proceedings and testify at any subsequent sentencing hearing. Many of these victims are my constituents, and I have seen firsthand the pain and devastation this bombing has brought. For many victims, the healing process is twofold. These men and women desperately want to know what activities led to this terrorist attack. In the words of one victim, ''When I saw my husband's body, I began a quest for information as to exactly what happened. The culmination of that quest, I hope and pray, will be hearing the evidence at trial.''

This woman, and many others like her also, want the opportunity to express the pain and devastation this act has brought to their lives. They want the chance for their story to be heard; to know they played an important part in ensuring a punishment equal to the crime. They want, and need, to express their loss in their own words.

The time has come for Congress to make its voice known on this issue, and protecting the rights of victims to both watch the trial and testify at sentencing is that needed statement. I ask all Members of this body to join me today and pass this legislation.

Mr. WEXLER. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, our Constitution created a government which is premised on checks and balances through a separation of powers among independent branches of government. The legislative branch is empowered to make laws subject to certain limitations such as constitutional prohibitions against bills of attainder, that special legislation, and ex post facto laws, those that are retroactively applied. The function of the legislative branch is to enforce the laws. The judiciary interprets the laws and adjudicates cases and controversies arising under them. In 1803, the Supreme Court said in the landmark Marbury versus Madison, ''One branch is not permitted to encroach on the domain of another.''

H.R. 924 violates the constitutional framework of separation of powers and its undue retroactive interference with a ruling in a pending criminal case. It is an obvious attempt to obtain legislatively a ruling in the Oklahoma bombing case different from the one already entered into by a Federal judge according to the law and according to the facts in the particular case and twice sustained on appellate review.

The constitutional prohibitions against the enactment of ex post facto laws and bills of attainder reflect the constitutional concern that the political process might be abused to unduly punish the unpopular or impose by legislation a special penalty against specific persons or classes of persons. As James Madison put it, retroactive legislation of this kind abusively affords special opportunities for the politically popular and powerful to obtain improper legislative benefits. Mr. Speaker, it is, therefore, unseemly for someone in the middle of a trial to seek congressional assistance to affect the outcome of that case.

Mr. Speaker, the judge in this case has determined that such sequestration of the impact witnesses was necessary to ensure that their testimony will remain in fact crime impact statements and not trial process impact statements. Whether or not Congress agrees with this ruling, the judge should have the ability to render it according to

the law and the facts before him in this particular case. He is in the best position to make such a difficult determination. The judge should be allowed to run his courtroom and conduct these trials without Congress grabbing the gavel from him after a ruling not to our political liking.

Intervention by Congress in a pending case is not only a blatant intrusion upon the constitutional principles of separation of powers, it also exposes a criminal trial to problematic publicity because the U.S. Congress has obviously weighed in on one side of a pending case. Due to the enormous pretrial publicity surrounding the Oklahoma bombing case, the trial of the case has already been removed not just from Oklahoma City, but entirely outside the State of Oklahoma. Additional complaints of prejudicial and pretrial publicity are under consideration in connection with alleged breaches of attorney-client confidentiality privileges. And so this highly politicized intervention in the case by Congress will only add to the possible case infirmities and, while addressing the understandable concerns of victims, may jeopardize the Government's case altogether.

H.R. 924 requires the court to allow victim impact witnesses to observe court proceedings, including viewing trial exhibits and the defendants and their lawyers over several months. This requirement stays in effect whether or not the judge determines that such viewing will prejudicially taint their testimony. While prejudicially tainted testimony is a problem in any case, it is especially problematic in a Federal death penalty case, and the legislation before us fails to consider the stark differences between the trial of a capital and noncapital case. In noncapital cases, the victims' crime impact statements are made directly to the judge alone during the sentencing phase of the trial. The judge has the experience in properly weighing emotional, inflammatory rhetoric and separating that which is relevant and irrelevant. In capital cases, however, the crime impact statements are made directly to a jury and may well include emotional, inflammatory and irrelevant testimony.

Unfortunately, an amendment to limit the application of this bill to noncapital cases was defeated in committee, and therefore all pending and future capital cases will be exposed to new challenges because of the passage of this bill.

Mr. Speaker, this is not the first time in recent years that Congress has acted as a super appellate court by intervening in a pending case to impose a politically popular ruling different from the results achieved through court deliberations. In the Morgan-Foretich custody case, Congress served as a super Supreme Court to overturn court decisions Members did not like. Just last week, the House served as an adviser to the Alabama Supreme Court in a pending case involving the Ten Commandments.

Furthermore, this is not even the first time that Congress has acted to control a court determination in the Oklahoma bombing case itself. Last year Congress added a special provision to the antiterrorism bill directing that in any trial where a venue is changed by ''more than 350 miles'' the court shall ''order closed circuit televising of the proceedings.''

□ 1430

Mr. Speaker, the Oklahoma bombing case is the only one which fits that description.

Mr. Speaker, this legislation violates the fundamental constitutional principle of separation of powers. It also risks further prejudicing the outcome of the pending criminal case which has already been moved out of State due to extensive pretrial publicity, and it fails to differentiate between the potential impact of inflammatory testimony in a capital case and a noncapital case. Finally, it creates the unseemly spectacle of Congress intervening to affect the outcome of a pending capital case.

Mr. Speaker, high profile cases are the truest test of the American Constitution. Congress should not act as an interlocutory court of appeals. In such cases, tinkering with the judicial process to affect the outcome of a particular pending case holds the entire process up to ridicule.

Mr. Speaker, I therefore ask that our colleagues vote no on this motion.

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

Mr. Speaker, I simply want to point out to the Members that while I have great respect for the gentleman from Virginia that this particular matter is one where nobody is going to be negatively impacted that I can see, the Oklahoma City bombing case is an ongoing, in progress trial, but we have not yet had it proceed. We are talking about the sentencing phase in this bill, we are not talking about the guilt or fact-finding phase, and there is no way I can conceive of anyone being prejudiced or any lawsuit or any of the criminal trial process being biased by allowing this bill to go through and become law.

Mr. Speaker, what it does is simply say that victims and their family members who want to testify under the law that we now have in the sentencing phase will be allowed to do that while at the same time being permitted to sit in and observe and watch the regular trial process on the guilt and innocence phase where they have no role whatsoever. So I really do not see any harm in doing this, and I do not think there is any harm doing it to affect the situation at hand. In fact, I cannot imagine that we would pass this bill for the future and not take care of it in terms of the ongoing criminal trial, particularly one as prominent as Oklahoma City.

For the benefit of the other Members, I would like to also take an opportunity to explain the manager's amendment that is part of this bill that I offer today. I will not be very long with that, but the changes made to 924 have been requested by the representatives of the victims of the Oklahoma City bombing and by Members of the other body on both sides of the aisle who support similar bills pending in that body. The sponsors of the bill in the House have agreed to these changes to improve it, and I believe that it will be very good and will get this bill passed, I hope, in both bodies before the President has an opportunity to sign it tomorrow when he leaves for his trip to Helsinki. So we are all hopeful we can get this legislation through both bodies and signed into law.

The amendment makes these changes:

First, the language has been added to make it clear that the provisions of this bill are to control over any other statute, rule, or provision of law, and while I believe the rules of statutory construction would have required the courts to interpret the bill in this manner without the language, I have agreed to put this in to make it less contentious.

Second, we have added the definition of victim to the bill by making reference to the definition of victim in the Victims' Rights and Restitution Act of 1990.

Third, we have restructured the operative portion of the bill in order to make it easier to read but without making any changes in the result that the bill will accomplish, and we have also added subheadings to these new sections to help people understand exactly how it fits into the situation. In addition, we have added a provision to the bill to make it clear that once a victim or family members have attended the trial, the fact that they have done so may not allow a judge to disqualify such individual from exercising the rights that presently exist under the law to make statements during the sentencing hearing that takes place after the guilty verdict is returned, which is another way of saying we have added clarifying language because that is the trust of the bill.

And finally we have amended the short title of the bill to read the Victim Rights Clarification Act of 1997 in order to make it more clear what the purpose of the bill is.

I believe Mr. Speaker, these amendments strengthen the bill. It was favorably reported by the Committee on the Judiciary by a voice vote and will not change the result that was intended. In fact it will, I think, clarify it. I know the gentleman from New York [Mr. SCHUMER] and the gentleman from Oklahoma [Mr. LUCAS] reported the amendment, and that is why it is part of the bill here today.

Mr. Speaker, for the benefit of the other Members, I wish to explain the changes made by the manager's amendment that I have offered to the bill, H.R. 924. The changes made by the manager's amendment have been requested by representatives of the victims of

the Oklahoma City bombing and by Members of the other body, on both sides of the aisle, who support a similar bill pending in that body. The sponsors of the bill on the House side have agreed to these changes in order to improve the bill before it becomes law and to help ensure passage of the House bill in the other body. It is the hope of those of us on the House side that the other body will act on the House bill tomorrow, and that the President will sign the bill before he leaves for his trip to Helsinki tomorrow night.

The manager's amendment makes the following changes: First, language has been added to make it clear that the provisions of this bill are to control over any other statute, rule, or other provision of law. While I believe that the rules of statutory construction would have required courts to interpret the bill in this manner without this language, I have agreed to specifically state this in the bill so that there is no doubt as to the intent of the Congress.

Second, we have added a definition of ''victim'' to the bill by making reference to the definition of victim in the Victims' Rights and Restitution Act of 1990. Third, we have restructured the operative portion of the bill in order to make it easier to read, but without making any change in the result the bill will accomplish. We have also added subheadings to these new sections to help reinforce the fact that this bill will benefit both those persons who are allowed by existing law—18 United States Code section 3593(a)—to testify as to ''the effect of the offense on the victim and the victim's family'' and other factors during the sentencing hearing of a capital case, and those persons who are allowed by existing law—Federal Rules of Criminal Procedure 32(c)(3)(E)—to ''make a statement or present any information in relation to the sentence'' during the sentencing hearing of a noncapital case.

Additionally, we have added a provision to the bill to make it clear that once a victim or family members have attended a trial, that fact may not allow a judge to disqualify such individuals from exercising the rights that presently exist under the law to make statements during the sentencing hearing that takes place after a guilty verdict is returned.

Finally, we have amended the short title of the bill to the Victims' Rights Clarification Act of 1997 in order to make more clear the purpose of the bill.

Mr. Speaker, I believe that these amendments strengthen the bill that was favorably reported by the Judiciary Committee by voice vote, and will not change the result that was intended by the bill as it was introduced. I want to again note that these changes are made at the request of victims' groups and the supporters of a similar bill in the other body. And I want to note that the changes have been agreed to by the two other sponsors of this bill—Mr. SCHUMER and Mr. LUCAS.

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

Mr. WEXLER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the bill. From the extraordinary dispatch with which this measure has been rushed, one might suppose it to be an uncontroversial piece of consensus legislation. We marked it up in the Committee on the Judiciary without so much as a hearing, and now it is being considered under suspension of the rules. Not only that, but this morning I was informed that the text that the House would be considering is a Senate version of that which never came before our committee at all.

What is the reason for such haste? And the proponents are quite honest about their intentions. They want the bill to become law in time to apply to a pending case, the Oklahoma City bombing case, because they wish to overturn a pretrial ruling made by the trial justice. The ruling that should be noted, and my friend from Virginia alluded to that, was affirmed by the 10th Circuit Court of Appeals. Now I do not necessarily dispute the merits of the bill as to future cases, but we have not had a sufficient time nor opportunity to properly evaluate this proposal's merits. However, I oppose the bill because I believe its efforts to influence a case now before the court strikes at the integrity of the judicial process and threatens the separation of powers doctrine on which our constitutional system is in fact based.

Congress should not be changing the rules in the middle of a trial; yet this is the second time that Congress has sought to create a special rule to govern this particular case.

Now I share the deep sympathy of every Member of this Chamber for the victims of the Oklahoma tragedy and their family. But we have a system in this country that, however imperfect, is still the best means yet devised for reaching a just result. We can all cite judicial decisions of which we personally disapprove, but there is nothing that qualifies us sitting in this House to substitute our judgment for that of the presiding judge. It is one thing for us to change the rules prospectively, but to interject ourselves into an ongoing trial is a dangerous and possibly unconstitutional assault on the judicial process itself.

Perhaps it is not surprising that we should be considering such a measure, given recent comments that we should consider impeaching judges who render unpopular decisions. Such talk should be deeply troubling to everyone who values the rule of law and this bill should be no less so. The irony is that our intervention may ultimately do far more harm than benefit. Judges are there to see that the trial is fair and impartial. This is just as important to those seeking a conviction as to those who seek an acquittal.

As a former district attorney, I know it does no good to secure a guilty verdict that is vulnerable to reversal on appeal. Defense attorneys have already announced their intention to challenge congressional action in this case. Whether or not their challenge succeeds, why would we go out of our way to increase the Government's burden and put a possible guilty verdict at risk?

While I am sure that this legislation is genuinely well intentioned, the proponents may ultimately do a disservice to the very victims to whom they purport to give voice. It would be truly unfortunate were our actions to create the possibility of a retrial, further compounding the terrible trauma suffered by both the victims and their families.

So let us think again, Mr. Speaker, before we take a step we may come to regret.

Mr. WEXLER. Mr. Speaker, I yield back the remainder of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume, and I do not intend to consume much, Mr. Speaker.

Mr. Speaker, I just want to point out to the gentleman from Massachusetts that I respect his views. I know he has had a prosecutorial background that in my judgment and I think in all the judgment of all of these attorneys general to support this bill there is no real risk at all in this, and the only conceivable way if any court were to return a decision based upon what we are doing today, the only conceivable effect would be on the sentencing phase, not on the actual fact determination of guilt or innocence.

But in any event I do not believe, nor do any of the experts I have consulted, that this matter would in any way or could in any way affect the outcome or the possibility of having to have a retrial or be successful in any motion to contest a pending trial where the new law comes into play.

In any event, Mr. Speaker, I encourage a ''yes'' favorable vote on this bill.

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

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 924, as amended.

The question was taken.

Mr. MCCOLLUM. 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, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 927) to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Attorney General.

The Clerk read as follows:

H.R. 927

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 ''United States Marshals Service Improvement Act of 1997''.

SEC. 2. APPOINTMENTS OF MARSHALS.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking ''The President shall appoint, by and with the advice and consent of the Senate,'' and inserting ''The Attorney General shall appoint''; and

(B) by inserting ''United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates.'' after the first sentence;

(2) by striking subsection (d) of section 561;

(3) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsection (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 1999, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed or until a successor is appointed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Florida [Mr. WEXLER] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, founded in 1789, the United States Marshals Service is the Nation's oldest Federal law enforcement agency. The Marshals Service is charged with many significant and difficult law enforcement responsibilities, many of which the average citizen is not even aware. For example, it is the U.S. Marshals Service, not the FBI or other Federal agencies, which successfully runs the witness security program, a program more important now than ever in the battle against retaliatory gang murders.

Since its inception in 1971, more than 6,600 witnesses, and this number does not include family members, have been protected and relocated by the Marshals Service under the witness security program. The Marshals Service is very proud of its record, Mr. Speaker, because they have never lost a Federal witness who remained in the program and followed the rules. Other critical Marshals Service duties include protection of the Federal judiciary, apprehension of Federal fugitives, management of seized and forfeited assets, and transportation of Federal prisoners.

The U.S. Marshals Service and U.S. marshals are currently appointed by the President with the advice and consent of the Senate. There is no criteria for the selection of U.S. marshals; neither managerial nor law enforcement experience is necessary.

H.R. 927, the United States Marshals Service Improvement Act, would change the selection process of the Nation's 94 U.S. marshals to appointment by the Attorney General. This bill would depoliticize the U.S. Marshals Service by requiring that U.S. marshals be selected on a competitive basis from among the career managers within the Marshals Service rather than being nominated by the administration and approved by the Senate.

Under this legislation, incumbent U.S. marshals would continue to perform duties of their office until their terms expire, unless they resigned or were removed by the President. Marshals selected between the date of enactment of the bill on December 31, 1999 will also be appointed by the President with the advice and consent of the Senate and will serve for 4 years.

Unlike all other Marshals Service employees, the presidentially appointed marshal is not subject to disciplinary actions, cannot be reassigned, and can only be removed by the President or upon appointment of a successor. This lack of accountability has resulted in numerous problems, including budgetary irresponsibility among individual marshals. Moreover, many U.S. marshals lack experience in Federal law enforcement. This inexperience, coupled with an unfamiliarity of the very demands of the Marshals Service necessitates a glut of middle managers to assist the U.S. marshals.

Chief deputy U.S. marshals, the career managers within the Marshals Service, provide the requisite leadership in the offices. They in turn are assisted by supervisory deputy U.S. marshals.

H.R. 927 would professionalize the Marshals Service by insuring that only knowledgeable career personnel would become marshals; thus there would no longer be a need for a surplus of middle managers and Federal dollars would be saved. In fact, the Congressional Budget Office estimates that once fully implemented, this bill would save approximately $3 million a year.

□ 1445

Mr. Speaker, I believe that H.R. 927 is a commonsense approach to professionalizing the U.S. Marshals Service. This identical bill was passed overwhelmingly in the 104th Congress by the U.S. House on May 1, 1996.

This legislation is a priority of the Federal Law Enforcement Officers Association and is supported by the Fraternal Order of Police. This bill is a small but important step in this committee's ongoing efforts to improve the administration of Federal law enforcement, and I urge my colleagues to support it.

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

Mr. WEXLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the purpose of this bill is to make the post of the U.S. marshal a professional position rather than a political appointment. Currently, marshals are typically designated by the Senators of the respective States. Under this bill, they would instead be appointed by the Director of the Marshals Service.

This bill was originally proposed by the President as part of his reinventing Government initiative. It is supported by the Federal Law Enforcement Officers Association because they believe it will improve the Marshals Service. I agree with them, and I urge support of this bill.

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

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

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 927.

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

A motion to reconsider was laid on the table.

TECHNICAL AMENDMENTS TO COPYRIGHT LAWS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 672) to make technical amendments to certain provisions of title 17, United States Code, as amended.

The Clerk read as follows:

H.R. 672

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

SECTION 1. TECHNICAL CORRECTIONS TO THE SATELLITE HOME VIEWER ACT OF 1994.

The Satellite Home Viewer Act of 1994 (Public Law 103–369) is amended as follows:

(1) Section 2(3)(A) is amended to read as follows:

''(A) in clause (i) by striking '12 cents' and inserting '17.5 cents per subscriber in the case of superstations that as retransmitted by the satellite carrier include any program which, if delivered by any cable system in the United States, would be subject to the syndicated exclusivity rules of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations that are syndex-proof as defined in section 258.2 of title 37, Code of Federal Regulations'; and ''.

(2) Section 2(4) is amended to read as follows:

''(4) Subsection (c) is amended—

''(A) in paragraph (1)—

''(i) by striking 'until December 31, 1992,';

''(ii) by striking '(2), (3) or (4)' and inserting '(2) or (3)'; and

''(iii) by striking the second sentence;

''(B) in paragraph (2)—

''(i) in subparagraph (A) by striking 'July 1, 1991' and inserting 'July 1, 1996'; and

''(ii) in subparagraph (D) by striking 'December 31, 1994' and inserting 'December 31, 1999, or in accordance with the terms of the agreement, whichever is later'; and

''(C) in paragraph (3)—

''(i) in subparagraph (A) by striking 'December 31, 1991' and inserting 'January 1, 1997';

''(ii) by amending subparagraph (B) to read as follows:

'''(B) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the copyright arbitration royalty panel appointed under chapter 8 shall establish fees for the retransmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions. In determining the fair market value, the panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

'''(i) the competitive environment in which such programming is distributed, the cost of similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

'''(ii) the economic impact of such fees on copyright owners and satellite carriers; and

'''(iii) the impact on the continued availability of secondary transmissions to the public.'; and

''(iii) in subparagraph (C), by inserting 'or July 1, 1997, whichever is later' after 'section 802(g)'.''.

(3) Section 2(5)(A) is amended to read as follows:

''(A) in paragraph (5)(C) by striking 'the date of the enactment of the Satellite Home Viewer Act of 1988' and inserting 'November 16, 1988'; and''.

SEC. 2. COPYRIGHT IN RESTORED WORKS.

Section 104A of title 17, United States Code, is amended as follows:

(1) Subsection (d)(3)(A) is amended to read as follows:

''(3) EXISTING DERIVATIVE WORKS.—(A) In the case of a derivative work that is based upon a restored work and is created—

''(i) before the date of the enactment of the Uruguay Round Agreements Act, if the source country of the restored work is an eligible country on such date, or

''(ii) before the date on which the source country of the restored work becomes an eligible country, if that country is not an eligible country on such date of enactment,

a reliance party may continue to exploit that derivative work for the duration of the restored copyright if the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the provisions of this paragraph.''.

(2) Subsection (e)(1)(B)(ii) is amended by striking the last sentence.

(3) Subsection (h)(2) is amended to read as follows:

''(2) The 'date of restoration' of a restored copyright is—

''(A) January 1, 1996, if the source country of the restored work is a nation adhering to the Berne Convention or a WTO member country on such date, or

''(B) the date of adherence or proclamation, in the case of any other source country of the restored work.''.

(4) Subsection (h)(3) is amended to read as follows:

''(3) The term 'eligible country' means a nation, other than the United States, that—

''(A) becomes a WTO member country after the date of the enactment of the Uruguay Round Agreements Act;

''(B) on such date of enactment is, or after such date of enactment becomes, a member of the Berne Convention; or

''(C) after such date of enactment becomes subject to a proclamation under subsection (g).

For purposes of this section, a nation that is a member of the Berne Convention on the date of the enactment of the Uruguay Round Agreements Act shall be construed to become an eligible country on such date of enactment.''.

SEC. 3. LICENSES FOR NONEXEMPT SUBSCRIPTION TRANSMISSIONS.

Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting '', or, if a copyright arbitration royalty panel is convened, ending 30 days after the Librarian issues and publishes in the Federal Register an order adopting the determination of the copyright arbitration royalty panel or an order setting the terms and rates (if the Librarian rejects the panel's determination)'' after ''December 31, 2000''; and

(2) in paragraph (2), by striking ''and publish in the Federal Register''.

SEC. 4. ROYALTY PAYABLE UNDER COMPULSORY LICENSE.

Section 115(c)(3)(D) of title 17, United States Code, is amended by striking ''and publish in the Federal Register''.

SEC. 5. NEGOTIATED LICENSE FOR JUKEBOXES.

Section 116 of title 17, United States Code, is amended—

(1) by amending subsection (b)(2) to read as follows:

''(2) ARBITRATION.—Parties not subject to such a negotiation may determine, by arbitration in accordance with the provisions of chapter 8, the terms and rates and the division of fees described in paragraph (1).''; and

(2) by adding at the end the following new subsection:

''(d) DEFINITIONS.—As used in this section, the following terms mean the following:

''(1) A 'coin-operated phonorecord player' is a machine or device that—

''(A) is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by the insertion of coins, currency, tokens, or other monetary units or their equivalent;

''(B) is located in an establishment making no direct or indirect charge for admission;

''(C) is accompanied by a list which is comprised of the titles of all the musical works available for performance on it, and is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

''(D) affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

''(2) An 'operator' is any person who, alone or jointly with others—

''(A) owns a coin-operated phonorecord player;

''(B) has the power to make a coin-operated phonorecord player available for placement in an establishment for purposes of public performance; or

''(C) has the power to exercise primary control over the selection of the musical works made available for public performance on a coin-operated phonorecord player.''.

SEC. 6. REGISTRATION AND INFRINGEMENT ACTIONS.

Section 411(b)(1) of title 17, United States Code, is amended to read as follows:

''(1) serves notice upon the infringer, not less than 48 hours before such fixation, identifying the work and the specific time and source of its first transmission, and declaring an intention to secure copyright in the work; and''.

SEC. 7. COPYRIGHT OFFICE FEES.

(a) FEE INCREASES.—Section 708(b) of title 17, United States Code, is amended to read as follows:

''(b) In calendar year 1997 and in any subsequent calendar year, the Register of Copyrights, by regulation, may increase the fees specified in subsection (a) in the following manner:

''(1) The Register shall conduct a study of the costs incurred by the Copyright Office for the registration of claims, the recordation of documents, and the provision of services. The study shall also consider the timing of any increase in fees and the authority to use such fees consistent with the budget.

''(2) The Register may, on the basis of the study under paragraph (1), and subject to paragraph (5), increase fees to not more than that necessary to cover the reasonable costs incurred by the Copyright Office for the services described in paragraph (1), plus a reasonable inflation adjustment to account for any estimated increase in costs.

''(3) Any fee established under paragraph (2) shall be rounded off to the nearest dollar, or for a fee less than $12, rounded off to the nearest 50 cents.

''(4) Fees established under this subsection shall be fair and equitable and give due consideration to the objectives of the copyright system.

''(5) If the Register determines under paragraph (2) that fees should be increased, the Register shall prepare a proposed fee schedule and submit the schedule with the accompanying economic analysis to the Congress. The fees proposed by the Register may be instituted after the end of 120 days after the schedule is submitted to the Congress unless, within that 120-day period, a law is enacted stating in substance that the Congress does not approve the schedule.''.

(b) DEPOSIT OF FEES.—Section 708(d) of such title is amended to read as follows:

''(d)(1) Except as provided in paragraph (2), all fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office. Such fees that are collected shall remain available until expended. The Register may, in accordance with regulations that he or she shall prescribe, refund any sum paid by mistake or in excess of the fee required by this section.

''(2) In the case of fees deposited against future services, the Register of Copyrights shall request the Secretary of the Treasury to invest in interest-bearing securities in the United States Treasury any portion of the fees that, as determined by the Register, is not required to meet current deposit account demands. Funds from such portion of fees shall be invested in securities that permit

funds to be available to the Copyright Office at all times if they are determined to be necessary to meet current deposit account demands. Such investments shall be in public debt securities with maturities suitable to the needs of the Copyright Office, as determined by the Register of Copyrights, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

''(3) The income on such investments shall be deposited in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office.''.

SEC. 8. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended—

(1) in subsection (b)(1) by striking ''and 116'' in the first sentence and inserting ''116, and 119'';

(2) in subsection (c) by inserting after ''panel'' at the end of the sentence the following:

'', including—

''(1) authorizing the distribution of those royalty fees collected under sections 111, 119, and 1005 that the Librarian has found are not subject to controversy; and

''(2) accepting or rejecting royalty claims filed under sections 111, 119, and 1007 on the basis of timeliness or the failure to establish the basis for a claim''; and

(3) by amending subsection (d) to read as follows:

''(d) SUPPORT AND REIMBURSEMENT OF ARBITRATION PANELS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall provide the copyright arbitration royalty panels with the necessary administrative services related to proceedings under this chapter, and shall reimburse the arbitrators presiding in distribution proceedings at such intervals and in such manner as the Librarian shall provide by regulation. Each such arbitrator is an independent contractor acting on behalf of the United States, and shall be hired pursuant to a signed agreement between the Library of Congress and the arbitrator. Payments to the arbitrators shall be considered reasonable costs incurred by the Library of Congress and the Copyright Office for purposes of section 802(h)(1).''.

(b) PROCEEDINGS.—Section 802(h) of title 17, United States Code, is amended by amending paragraph (1) to read as follows:

''(1) DEDUCTION OF COSTS OF LIBRARY OF CONGRESS AND COPYRIGHT OFFICE FROM ROYALTY FEES.—The Librarian of Congress and the Register of Copyrights may, to the extent not otherwise provided under this title, deduct from royalty fees deposited or collected under this title the reasonable costs incurred by the Library of Congress and the Copyright Office under this chapter. Such deduction may be made before the fees are distributed to any copyright claimants. In addition, all funds made available by an appropriations Act as offsetting collections and available for deductions under this subsection shall remain available until expended. In ratemaking proceedings, the reasonable costs of the Librarian of Congress and the Copyright Office shall be borne by the parties to the proceedings as directed by the arbitration panels under subsection (c).''.

SEC. 9. DIGITAL AUDIO RECORDING DEVICES AND MEDIA.

Section 1007(b) of title 17, United States Code, is amended by striking ''Within 30 days after'' in the first sentence and inserting ''After''.

SEC. 10. CONFORMING AMENDMENT.

Section 4 of the Digital Performance Right in Sound Recordings Act of 1995 (Public Law 104–39) is amended by redesignating paragraph (5) as paragraph (4).

SEC. 11. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—Title 17, United States Code, is amended as follows:

(1) The table of chapters at the beginning of title 17, United States Code, is amended—

(A) in the item relating to chapter 6, by striking ''**Requirement**'' and inserting ''**Requirements**'';

(B) in the item relating to chapter 8, by striking ''**Royalty Tribunal**'' and inserting ''**Arbitration Royalty Panels**'';

(C) in the item relating to chapter 9, by striking ''**semiconductor chip products**'' and inserting ''**Semiconductor Chip Products**''; and

(D) by inserting after the item relating to chapter 9 the following:

''10. Digital Audio Recording Devices and Media ..... 1001''.

(2) The item relating to section 117 in the table of sections at the beginning of chapter 1 is amended to read as follows:

''117. Limitations on exclusive rights: Computer programs.''.

(3) Section 101 is amended in the definition of to perform or display a work ''publicly'' by striking ''processs'' and inserting ''process''.

(4) Section 108(e) is amended by striking ''pair'' and inserting ''fair''.

(5) Section 109(b)(2)(B) is amended by striking ''Copyright'' and inserting ''Copyrights''.

(6) Section 110 is amended—

(A) in paragraph (8) by striking the period at the end and inserting a semicolon;

(B) in paragraph (9) by striking the period at the end and inserting ''; and''; and

(C) in paragraph (10) by striking ''4 above'' and inserting ''(4)''.

(7) Section 115(c)(3)(E) is amended—

(A) in clause (i) by striking ''sections 106(1) and (3)'' each place it appears and inserting ''paragraphs (1) and (3) of section 106''; and

(B) in clause (ii)(II) by striking ''sections 106(1) and 106(3)'' and inserting ''paragraphs (1) and (3) of section 106''.

(8) Section 119(c)(1) is amended by striking ''until unless'' and inserting ''unless''.

(9) Section 304(c) is amended in the matter preceding paragraph (1) by striking ''the subsection (a)(1)(C)'' and inserting ''subsection (a)(1)(C)''.

(10) Section 405(b) is amended by striking ''condition or'' and inserting ''condition for''.

(11) Section 407(d)(2) is amended by striking ''cost of'' and inserting ''cost to''.

(12) The item relating to section 504 in the table of sections at the beginning of chapter 5 is amended by striking ''Damage'' and inserting ''Damages''.

(13) Section 504(c)(2) is amended by striking ''court it'' and inserting ''court in''.

(14) Section 509(b) is amended by striking ''merchandise; and baggage'' and inserting ''merchandise, and baggage''.

(15) Section 601(a) is amended by striking ''nondramtic'' and inserting ''nondramatic''.

(16) Section 601(b)(1) is amended by striking ''subsustantial'' and inserting ''substantial''.

(17) The item relating to section 710 in the table of sections at the beginning of chapter 7 is amended by striking ''Reproductions'' and inserting ''Reproduction''.

(18) The item relating to section 801 in the table of sections at the beginning of chapter 8 is amended by striking ''establishment'' and inserting ''Establishment''.

(19) Section 801(b) is amended—

(A) by striking ''shall be—'' and inserting ''shall be as follows:'';

(B) in paragraph (1) by striking ''to make'' and inserting ''To make'';

(C) in paragraph (2)—

(i) by striking ''to make'' and inserting ''To make''; and

(ii) in subparagraph (D) by striking ''adjustment; and'' and inserting ''adjustment.''; and

(D) in paragraph (3) by striking ''to distribute'' and inserting ''To distribute''.

(20) Section 803(b) is amended in the second sentence by striking ''subsection subsection'' and inserting ''subsection''.

(21) The item relating to section 903 in the table of sections at the beginning of chapter 9 is amended to read as follows:

''903. Ownership, transfer, licensure, and recordation.''.

(22) Section 909(b)(1) is amended—

(A) by striking ''force'' and inserting ''work''; and

(B) by striking ''sumbol'' and inserting ''symbol''.

(23) Section 910(a) is amended in the second sentence by striking ''as used'' and inserting ''As used''.

(24) Section 1006(b)(1) is amended by striking ''Federation Television'' and inserting ''Federation of Television''.

(25) Section 1007 is amended—

(A) in subsection (a)(1) by striking ''the calendar year in which this chapter takes effect'' and inserting ''calendar year 1992''; and

(B) in subsection (b) by striking ''the year in which this section takes effect'' and inserting ''1992''.

(b) RELATED PROVISIONS.—

(1) Section 1(a)(1) of the Act entitled ''An Act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities'', approved November 9, 1987 (17 U.S.C. 914 note), is amended by striking ''orginating'' and inserting ''originating''.

(2) Section 2319(b)(1) of title 18, United States Code, is amended by striking ''last 10'' and inserting ''least 10''.

SEC. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SATELLITE HOME VIEWER ACT.—The amendments made by section 1 shall be effective as if enacted as part of the Satellite Home Viewer Act of 1994 (Public Law 103–369).

(c) TECHNICAL AMENDMENT.—The amendment made by section 11(b)(1) shall be effective as if enacted on November 9, 1987.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from Florida [Mr. WEXLER] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

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

Mr. COBLE. Mr. Speaker, I rise in support of H.R. 672, to make technical amendments to certain provisions of title 17 of the United States Code. An amended version of this bill is presented for passage under suspension of the rules.

The amendment to the reported bill corrects an error contained in the bill as introduced, which inadvertently strikes a provision of present law which should remain for purposes of maintaining consistency between certain sections in title 17. It reaffirms the current practice of the Copyright Office to allow participants in a rate-making proceeding to share the cost of that proceeding in direct proportion to their share of the distribution.

Mr. Speaker, I am unaware of any opposition to this amendment.

All the provisions contained in this bill are necessary for the proper functioning of the U.S. Copyright Office and the copyright system, and I am unaware of any opposition to this legislation. I urge a favorable vote on H.R. 672.

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

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

Mr. Speaker, I rise in support of H.R. 672, a bill to make a number of technical corrections to title 17 of the United States Code, including corrections to drafting errors in the Satellite Home Viewer Act, section 104(a), dealing with restoration of copyright protection in certain preexisting works; licenses for nonexempt subscription transmissions; negotiated licenses for jukeboxes; notice time for infringement actions, copyright office fee schedules, court proceedings, and reports pursuant to the Audio Home Recording Act of 1992.

Mr. Speaker, I am aware of no objections to any of these amendments to law and recommend their adoption under suspension of the rules.

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

Mr. COBLE. Mr. Speaker, I submit for the RECORD a letter from the Copyright Office of the United States regarding H.R. 672.

THE REGISTER OF COPYRIGHTS
OF THE UNITED STATES OF AMERICA,
Washington, DC, March 18, 1997.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Washington, DC.

DEAR MR. COBLE: We note that language in House Report 105–25 accompanying H.R. 672 regarding the Copyright Office not needing appropriations beginning in 1999 is not entirely correct. In contributing to those portions of the Report entitled ''Summary'' and ''Estimated Cost to the Federal Government,'' it appears that the Congressional Budget Office did not realize that some Copyright Office operations—for example, administration of the mandatory deposit requirements of 17 U.S.C. §407—are not fee services, and would not be covered by a fee increase, even to full cost recovery as permitted (but not required) by Section 7 of H.R. 672.

We would appreciate your confirming on the floor of the House that it is not the intent of Congress that the Copyright Office become self-sustaining under H.R. 672, or that it raise fees to cover the full cost of all services that it provides. As the section-by-section analysis states correctly, the bill grants the Copyright Office, subject to contrary Congressional action, authority to ''increase fees up to the reasonable costs incurred by the Copyright Office'' plus a reasonable adjustment for future cost increases, provided those fees are ''fair and equitable and give due consideration to the objectives of the copyright system.'' This allows the Register of Copyrights to ''decide that fees may be less than the costs of the services provided, if that furthers the objectives of the copyright system.''

Thank you for your consideration.

Very truly yours,

MARYBETH PETERS.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 672, as amended.

The question was taken.

Mr. COBLE. 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, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DISTRICT OF COLUMBIA INSPECTOR GENERAL IMPROVEMENT ACT OF 1997

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 514) to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 514

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 ''District of Columbia Inspector General Improvement Act of 1997''.

SEC. 2. WAIVER OF RESIDENCY REQUIREMENT FOR CERTAIN EMPLOYEES OF INSPECTOR GENERAL.

Section 906 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–610.6, D.C. Code) is amended—

(1) in subsection (a), by inserting ''or subsection (d)'' after ''subsection (c)''; and

(2) by adding at the end the following new subsection:

''(d) At the request of the Inspector General (as described in section 208(a) of the District of Columbia Procurement Practices Act of 1985), the Director of Personnel may waive the application of subsections (a) and (b) to employees of the Office of the Inspector General.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my thanks to the gentleman from Indiana [Mr. BURTON] for permitting expeditious consideration of this bill.

Mr. Speaker, H.R. 514 is straightforward legislation. It was part of H.R. 3664 which was approved by the Subcommittee on the District of Columbia and the Committee on Government Reform and Oversight last June 20. There are complications, however, with other parts of the bill and it was never taken before the full House.

This bill is being brought forward separately this year because there is an urgent need to pass section 2. That section allows the director of personnel of the District of Columbia to waive the residency requirement for employees of the Office of Inspector General at the request of the inspector general.

This legislation is necessary because the personnel in the IG's office are all defined as excepted personnel under the Merit Personnel Act and are required to reside in the District of Columbia within 12 months of employment. The bill would thus guarantee the widest possible talent pool for the inspector general to hire from. Considering the importance placed in this office when it was enhanced in the control board legislation, I agreed to pursue the waiver that this bill contains.

The IG's office currently consists of 35 individuals, a number of whom are not District residents. These individuals accepted employment on condition that their employment would not be barred by the residency requirement.

The Office of Personnel has determined that, lacking authority to grant a waiver, that the residency requirement will have to be enforced beginning as early as March 24. Thus, failure to pass this legislation, H.R. 514, at this time could result in a significant exodus of highly trained and qualified personnel at a time of numerous sensitive investigations. This would clearly be unacceptable, particularly in light of the fact that the inspector general has just announced her resignation from the District and this would really leave the office utterly rudderless.

The Congressional Budget Office has certified that this bill would not effect the Federal budget. I would urge passage of H.R. 514.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from Indiana [Mr. BURTON], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. WAXMAN] for their work on the District of Columbia Inspector General Improvement Act.

Mr. Speaker, it is noncontroversial. A lot of work has gone into it, and Mr. Speaker, I would hope that the House would pass the bill.

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

Ms. NORTON. Mr. Speaker, I thank the very kind gentleman from Virginia [Mr. SCOTT] for yielding to me. I want to thank the gentleman from Indiana [Mr. BURTON] and the gentleman from Virginia [Mr. DAVIS], as well as the gentleman from California [Mr. WAXMAN], the ranking member, for their work on the District of Columbia Inspector General Improvement Act, a bill that would allow the District's director of personnel to waive the residency requirement for employees in the office of the inspector general at the inspector general's request.

In April 1995, the Congress passed the District of Columbia financial responsibility and management assistance authority law, which expanded and strengthened the office of inspector general in the District of Columbia. Pursuant to the financial authority statute, Angela Avant was appointed inspector general in January 1996.

Because of the apparent delay in finding a suitable candidate, Ms. Avant was under considerable pressure from Congress and the financial authority to recruit staff. She received some criticism for not filling positions quickly enough, in part because the positions allocated to the inspector general are ''excepted service'' positions and thus were subject to the requirement of District residency. The inspector general found that the residency requirement made it difficult to recruit several highly specialized personnel to staff her office. To alleviate these concerns, Mayor Barry transmitted legislation to the council on March 28, 1996, which contained a provision that waived the residency requirement under very limited circumstances.

When it appeared that it would take some time for the Council Committee on Government Operations to consider the bill, I called council member Harold Brazil, then chairman of the committee, who said that he had no objection to the waiver going forward in the Congress. The residency requirement for the inspector general then became part of H.R. 3664, the District of Columbia Improvement and Efficiency Act of 1996, and on the assurance that this noncontroversial waiver was likely to be enacted, the inspector general hired several staff members who reside outside of the District of Columbia on a temporary basis.

H.R. 3664 was never brought to the floor because another provision of the bill violated the pay-go rule. To overcome that problem, the gentleman from Virginia [Mr. DAVIS] submitted the residency language to the House District of Columbia Committee on Appropriations for inclusion in the 1997 omnibus appropriations bill, but in the rush to finalize the language of the omnibus bill in the final days of the 104th Congress, this provision apparently was omitted.

Mr. Speaker, it is urgent that the Congress pass this bill to allow the Office of Inspector General to keep on staff personnel that have already been hired. Under the Merit Personnel Act, the temporary waiver of residency expires for employees who are ''excepted service'' after 6 months. Several of the employees hired by the inspector general will be in violation of this rule as early as March 24, if this legislation is not enacted.

Maintaining the inspector general's staff is a high priority for the Congress and the financial authority because of the urgent need to uncover instances of waste, fraud, and abuse in the D.C. government. By passing this bill, the House sends a message that it wants to encourage fast action on these important priorities.

I emphasize that this bill involves no violation of home rule because all branches of government, the Mayor, and the city council apparently agree that it should be passed expeditiously without going through the council, which would not be prepared to take it up as quickly as we have been.

I ask the House to pass this piece of unfinished business from the 104th Congress, the District of Columbia Inspector General Improvement Act, H.R. 514.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the gentlewoman from the District of Columbia [Ms. NORTON] for her comments and help in bringing this to the floor as well as the gentleman from California [Mr. WAXMAN] and the gentleman from Virginia [Mr. SCOTT] the gentleman from Virginia for his remarks.

As the gentlewoman from the District of Columbia [Ms. NORTON] has noted, the Mayor and the council support this legislation, as does the control board.

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

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

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill H.R. 514, as amended.

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

The title was amended so as to read: ''A bill to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 514.

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

There was no objection.

OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 94 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

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

Mr. Speaker, the resolution provides for consideration of H.R. 412, the Oroville-Tonasket Claim Settlement and Conveyance Act under an open rule. The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Resources. The rule makes in order the Committee on Resources amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment. The amendment in the nature of a substitute shall be considered as read. The rule further provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 412 approves the settlement reached between the U.S.

Department of the Interior and the Oroville-Tonasket Irrigation District in order to avoid litigation concerning the construction of the Oroville-Tonasket Unit Extension in my district.

This settlement was initiated by the Bureau of Reclamation and is widely supported by all concerned parties, including the Colville Indian Tribes. Under the terms of the settlement, legislation must be enacted prior to April 15 of this year or the proposed settlement is voided.

We began work on this bill in the 104th Congress and, thanks to the support of the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. DOOLITTLE], H.R. 412 was reported by voice vote out of the Committee on Resources on March 5.

Mr. Speaker, the legislation we will consider today would ratify what I consider to be a very solid agreement. It is the result of a good faith effort by the Interior Department and my constituents to resolve a situation that both parties wish had never developed.

This agreement will save taxpayers millions of dollars and avoid a lawsuit the Federal Government would almost surely lose. Members doubting that the Government would lose this should ask the question, Why would the Bureau of Reclamation have been so eager to initiate this proposed settlement if they had not thought that they would be on the losing end?

Mr. Speaker, we had hoped to bring H.R. 412 to the House under a suspension of the rules. However, during full committee markup we learned for the first time of the gentleman from California's concern about the bill and, accordingly, we are pleased to request an open rule so that the gentleman from California [Mr. MILLER] may put before the full House an amendment seeking to perfect the bill.

Although I plan to oppose the gentleman's amendment, I look forward to its consideration in the Committee of the Whole later today.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for yielding the time to me.

Mr. Speaker, this is an open rule that will allow full debate on this bill, and I ask my colleagues to support the rule so that we may proceed with consideration of the merits of the legislation.

As my colleague has noted, H.R. 412 approves an agreement between the Bureau of Reclamation, an agency of the Department of the Interior, and the Oroville-Tonasket Irrigation District of Washington. This agreement would transfer the federally funded irrigation project to the irrigation district at no cost.

Proponents of the measure note that the irrigation system does not work as planned and that operation costs are higher than projected. Several of my colleagues expressed concern, however, that this conveyance amounts to a giveaway of Federal assets, a giveaway that has had little to no congressional oversight. It is their strong belief that the district should be allowed to take possession of the project only after paying fair market value based on an independent appraisal.

Furthermore, it is my understanding that the Department of Justice did not participate in this settlement agreement and thus opponents argue that Congress should have the opportunity to address the dispute in question and to reach an equitable settlement. Since this is an open rule, however, I urge my colleagues' support for the rule to allow full debate.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 94 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 412.

□ 1508

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, with Mr. EVERETT in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. MILLER] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

H.R. 412, the Oroville-Tonasket Claim Settlement Act approves the settlement of a lawsuit filed by the Oroville-Tonasket irrigation district against the United States regarding an irrigation works poorly designed and shoddily constructed by the Bureau of Reclamation in north central Washington State. Despite literally decades of repairs and reconstruction, the system does not work as planned and is very expensive to operate and maintain.

When the bureau notified the district that the project was substantially complete in 1990, thus triggering a repayment obligation under Federal reclamation law, the district sued for $51 million in damages and relief from its repayment obligation. The Bureau of Reclamation, the Justice Department and the district have negotiated a settlement agreement for this lawsuit, which must be ratified by law by the date of April 15, 1997. Under the agreement the district agrees to release all claims against the United States associated with the faulty irrigation system estimated by the bureau at $4.5 million plus an estimated $14 million requirement the U.S. Government presently has to repair deteriorating pipes, indemnify the United States from third party claims, pay $350,000 and release the United States from its obligation to remove existing dilapidated structures and accept limited power generation for irrigation water pumping.

In return the United States agrees to transfer title to the defective irrigation system of the district and forgive the district's repayment obligation calculated by the bureau to have a present value of $4.2 million.

Mr. Chairman, the Justice Department in fact did participate, contrary to the representation that was earlier made. It recommends that this settlement be entered into. As we can see from the facts, the district has more in claims against the Government acknowledged as valid by the Bureau of Reclamation than it has those in the amount of money to be repaid under the contract.

The district did not seek to take title to these irrigation works. That was a condition insisted upon by the Government itself. I would point out that the administration, even the Clinton administration supports this bill.

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

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 412, the Oroville-Tonasket Claim Settlement and Conveyance Act. This district has yet to pay a dime toward the $14 million that it owes the taxpayers to repay their investment in the Oroville-Tonasket project. Yet this legislation would transfer the projects to the district for free and commit the Federal Government to continue to provide cheap power for pumping water through the year 2040, 45 years of additional subsidies to an irrigation district that is seeking now to get the project for free.

While this irrigation district argues that these problems of the project should be corrected, the need to repair the project certainly does not justify giving it away and having the taxpayers absorb the loss. The taxpayers have spent $88 million to build this project, and the power users in the region from Bonneville and others will subsidize this with power to the extent of somewhere around $75 million. What we are arguing here is over $14 million which the district owes and has refused to pay because they have not liked the design and the problems that we are having with the project. But the fact of the matter is that this district, this project has been delivering a benefit to

this irrigation district now for a number of years, and it certainly is envisioned that it will deliver a benefit to this district for the next 50 years.

Ordinarily what we would do in this situation is we would sit down and we would discuss whether or not they have got all of the benefit that they felt that they were deserving of. We have been through this in the central Arizona project, and we have been through it on other reclamation projects. But in this situation what we now see is the suggestion that they should pay nothing for what they got. The fact of the matter is, why do they not give the project back? It was suggested by the chairman of the subcommittee that this is a lemon law, that you have to give the car back. Well, you would, you would give the car back and you would cease making payments. Here they keep the project. They continue to get the water. They continue to get the economic benefit somewhere around 8,000 to 10,000 acres of orchards, and the fact of the matter is now they seek not to pay for it.

What my amendment suggests and what I will offer later when the House reconvenes is an amendment that says we ought to have an appraisal. We ought to determine the fair market value, take into consideration their arguments and let them pay that for the project. That may be net present value. That may be some other figure, but the taxpayers are entitled to have something back for the benefit that they bestowed on these individuals.

□ 1515

Because the simple fact of the matter is that they are going to continue to get that benefit.

Now, they will continue to get subsidized power. They will continue to get subsidized power for a long time. Why do we give people subsidized power? Because when we calculate these projects, the fact of the matter is that these farmers and others are not able to pay for this project.

They could not have financed this back in 1962, they could not finance this in 1976, so what we do is we reach into the pockets of all of the other power users in the area and we say they have to pony up money so that these farmers can stay in business because they have to pay the Federal Government back.

Now these people will not pay the Federal Government back, but they want to keep their hands in the pockets of the power users. Everybody else that gets subsidized power is in the business of paying the Government back. These people, in fact, are not going to pay the Government back.

The point is that their costs are about the same as other districts in the region. Their O&M costs are about $35 an acre foot. That is consistent with what other projects in the region pay. So what is the extraordinary expense? What is the extraordinary detriment of this project that so diminishes the benefits that now the taxpayer is entitled to nothing from the beneficiaries of this project? I suspect what is so extraordinary is the Bureau of Reclamation is somewhat embarrassed by their design and the implementation of this plan. The farmers have them on a hook. They got into a room and they cut a fat hog in the rear.

The point is that it is the public that is getting stuck. We are getting stuck because we are not getting repaid from the district. And those people who buy their power are paying higher rates for power because they are paying subsidized rates, they are dishing off subsidized rates to this district.

This is not to punish this district, this is not to deny this district what they are fairly entitled to. It simply says before we give the project away, why do we not determine if, in fact, there is fair market value in this for the United States of America, which is financed by the taxpayers that we all represent.

What we are saying is, have an appraisal, pick independent parties, let them make their determination and let the district decide whether or not they want to pay this. I think that is fairer to the taxpayers. I think it removes any notion of precedent by other projects that think that now maybe this is the way to do it. Just refuse to pay your bills and eventually the Federal Government says, ''Oh, forget it, you never were going to pay us so we will not collect anything from you.''

All those people paying their taxes on April 15 would like to know they could get such a deal; that they could get such a deal if they refused to pay their taxes over a period of years and then the Government says, ''Forget it, you guys probably never were going to pay us.''

So what do we do now? We bail out the deadbeats and the people that refuse to pay even though they are getting the benefit? I do not think that is what this Congress should be involved in. It is not a lot of money. It is $14 million. But it is $14 million, and if people are getting a benefit from that expenditure they should pay something back.

We go after people on student loans who are in hardship, we go after people on welfare, we go after people on food stamps, we go after people who do not pay their taxes, but here we set up a structure and they decide ''We do not want to pay for this because we do not think it is worth it.'' They certainly thought it was worth it when they came to Congress in 1952, 1962, 1976, 1982, and in 1995 and 1996, and now in 1997. They think there is something worth it here.

What is worth it is that they continue to get water to their lands to grow their crops to economically benefit from. And they should pay back the venture capitalist, the people of the United States, that put the money in up front. They ought to pay them back for the benefit that they are receiving.

If that benefit is not 100 percent of what they thought it should be, then let the appraisers make that determination. I think what we should do is get the interested parties out of the room of cutting this deal, put some independent parties into the room in determining what the value is, and let the taxpayers receive that.

Mr. Chairman, I will be offering that amendment when the House reconvenes for that purpose. If that amendment is not accepted, I would urge people to vote against this legislation.

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

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington, [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for yielding me this time, and let me just give a little background on this bill from my perspective, and I want to respond to a few remarks that the gentleman from California made earlier.

Mr. Chairman, this bill is a result of settlement negotiations between the U.S. Bureau of Reclamation and the Oroville-Tonasket irrigation district, which is located in my district in central Washington.

As explained by my colleague from California, H.R. 412 transfers the title of the irrigation facilities to the local authorities and relieves the Bureau's responsibility for any repair, which is substantial, and future operational costs to the district. It also ends the current lawsuit against the Bureau of Reclamation.

Let me assure my colleagues that this settlement is a fair solution for all parties involved. These facilities have not performed as the Bureau promised, and the district, after lengthy negotiations, has agreed to fix the current problems and pay for future operations of the facilities. To me, that is fair.

The Bureau has said that they do not have the money to fix the problems of the Oroville-Tonasket irrigation district. They want the district to start paying for something that is not finished. That is a very important point, paying for something that is not finished. So we have a long court case ahead of us, and one that the Bureau, in all probability, would lose.

I have seen the problems firsthand, and these are pictures of some of the work that was done and which is at issue. These are main water-carrying pipes, 24- and 21-inch pipes that have broken in 2 different years after it was supposed to have been substantially complete. I can tell my colleagues, in an area where rainfall is approximately 10 to 12 inches, to have a break of irrigation pipes in July and in April, at the time when the irrigation season has started and in the middle of the irrigation season, is not a very good situation.

This is the work that is in dispute right now. There are other pictures here also to substantiate. This is a

blow-up of one of the other pictures I alluded to earlier.

I have seen the project firsthand, and this project is a poorly constructed irrigation unit that has plagued farmers in my district, frankly, long enough. Right now, over 1,000 farms depend on these irrigation facilities. And I want to emphasize the point that the rainfall in that area is 10 to 15 inches. We need the irrigation.

Apple, pear and cherry orchards, some of the most valuable and world renowned crops of Washington State, are jeopardized every time one of the Bureau's inadequate pipes explode. Every time the system cannot pump clean water and instead pumps mud, which has happened, as we can see the silt here, where it pumps mud through the farmers' pipes and out through their sprinkler heads, and that has happened, where they have had mud literally come out of the sprinkler heads, I can tell my colleagues that the trees they are trying to irrigate are in jeopardy.

A perfect example of the problems associated with these facilities happened in 1990, and those were the pictures I just showed, where the main pipes exploded. I know some of my colleagues are not from farming districts, but I can assure them that those people who depend on water at the opportune time need to have this water when it is timely.

What is the solution, then, after this problem that has built up over time? Clearly, the easiest solution would be to come back to Congress and ask for another appropriation to fix something that was mishandled in the first place. That costs money. It would probably waste taxpayers' dollars one more time. The irrigation district came to this conclusion also, and they started negotiations with the Bureau.

So what we need to do is turn these facilities over to the irrigation district so they can upgrade the facilities and pump water, not mud, to the farmers of central Washington. Preferably, I would like to see them working in perfect order before the Bureau transfers them to the district but, frankly, that is not going to happen. The best that we can do is let the district replace the pipes and control the mud entering the system and get the Federal Government out of the Oroville-Tonasket irrigation district.

Let us stop mishandling this facility, let us end the potential $51 million lawsuit against the U.S. Government, and help assure the farmers of my district a stable source of irrigated water for the future. I think this is a fiscally responsible solution. In fact, I might add, it is endorsed by the organization known as Citizens Against Government Waste, that all of us are familiar with.

I want to respond to a few points that the gentleman from California, the distinguished ranking member, made. He opened his remarks by talking about this is a giveaway of $14 million. The $14 million that the gentleman is alluding to would be the potential payback if everything were set and the contract was fulfilled. This contract has not been fulfilled. So there is nothing there from that standpoint.

We are not giving away anything other than air, and no one would want to pay for air if it was not performing correctly. That is really what the issue is.

The gentleman also talked about the power issue. And I think the gentleman from California recognizes that in the West, when we started reclaiming land with the Bureau of Reclamation, irrigation always got first call at that power. That was the incentive to allow people to come out and to create new wealth. This was all part of reclamation law. It applies to Washington State, it applies to California, it applies to Colorado, it applies to Idaho and Oregon, and all the Western States. This is nothing unusual.

As a matter of fact, when the gentleman suggests that we shift costs to the customers that are using the electricity, I might add that the people that use electricity are in the Northwest. We accept that.

Finally, it has been alluded to that we should correct this lemon law. I will give an analogy that I think is appropriate in this case. I ask my colleagues to put themselves in the situation where they have a house and that house is substantially built and completed and paid for, with just the exception of maybe a small part of the mortgage and the contractor is asked to come in and build a guest room.

As a result of going through that process, the contractor had to get into the house, change the roof, change the electricity, change the heating and all those sort of things. Now, there was an agreed-upon time line that this should be completed and all of a sudden the contractor says, Okay, I want to get paid because that was what was in the contract. At that time it rains and the discovery is made that the roof leaks, that the wiring may cause a fire, and the duct work does not work.

Do any of my colleagues think they would want to pay that contractor for that work? Of course not. No one would do that. As a matter of fact, we would probably sue the contractor and try to get the thing corrected.

That is precisely what is going on here with the Oroville-Tonasket irrigation district. It is nonperformance by the Bureau. And one of the reasons why this nonperformance and why this analogy works so well in my mind is the Bureau sees this makes sense. That is why they asked to enter into this agreement with the irrigation district.

So, Mr. Chairman, this bill, I think, corrects something. It is a settlement bill. It is a bill that will transfer authority and obligations and whatever lawsuits that may come up in the future away from the Federal Government and put it back to the district.

Now, as a result of that, the CBO has scored this and the CBO expects that the Federal Government would probably save money if this bill were enacted. CBO estimates that there would be no effect on 1997 spending and that any potential effect on 1998 spending would be savings relative to the current law.

So this is budget neutral and makes perfectly good sense to me that this bill ought to be passed. And, as a matter of fact, in the long run, because if we avoid a lawsuit, it would save a potential easily of $50 million.

So I urge my colleagues to support H.R. 412 when we vote on final passage. I would also urge my colleagues to vote against the amendment that will be offered by the gentleman from California, because if that amendment were to be adopted, it would, frankly, be a killer amendment on a bill that settles a potential claim.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume to note, in terms of the figures we have heard, the gentleman from California [Mr. MILLER], represented that this is $14 million, but $13.9 million is the amount due the Government. But it is due over the next 45 years. It is not due today.

So the present value, the accountants calculate that amount, $13.9 million over 45 years, today's value of that, is $4.2 million. Now, the Bureau of Reclamation acknowledges the validity of the district's claims against the Federal Government in the amount of $4.5 million. So already there is $300,000 more dollars that is owed to the district than they owe to the Federal Government based on the present value.

There is also another 14 million dollars worth of repairs to the pipes that the gentleman from Washington [Mr. HASTINGS], showed us in the pictures that are the obligation of the Federal Government. That obligation would be removed and would not be a burden on the taxpayer in this settlement.

Mr. Chairman, I just want to make sure everybody understands that even the Government itself acknowledges that the district is owed money, more money from the Government than the district owes to the Government for this. Essentially, this disastrous project, which I called in the committee a lemon, has no worth.

□ 1530

It was not the district that seeks title; it was insisted that title be given, that the lemon be stuck with the recipient, because the Government does not want the lemon. They are the ones who insisted on that title transfer from the Federal Government to this Oroville-Tonasket Irrigation District. This settlement saves the taxpayer money.

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

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the interpretation, the spin my learned colleagues would put

on my remarks. I said this is about $14 million. Nobody has suggested that the district pay $14 million. What I have suggested is that we have some independent voices and an appraisal of what this district ought to pay for the benefit it received.

As I said, it is not that these lands now lie fallow. It is not that these orchards are out of production. They are in fact engaged in raising crops and engaged in an economic benefit. If it is $4.2 million in the net present value for this project, maybe that is what they ought to pay. They can have the project, if that is what they want, if they want to have the project. All I am asking is, should they not pay something for the benefit they are receiving? My colleagues are using two words over there. One argues it is sort of substantially completed, but not completed, and then it is of no value. It is somewhere in between. If it is substantially completed, then you have an obligation for $14 million. If it is somewhat less than that, then you have an obligation somewhat less than that. This is not about punishing the district. It is about protecting the taxpayers on the way out.

The Bureau has never acknowledged that it is $14 million or that this whole pipeline has to be replaced. That is not here, and the Bureau has not put a value on this project. That is my reason for opposing this legislation and for offering the amendment, that in fact that we get a realistic value, that we get a true value.

The fact that this money is not going to be paid over 45 years, what we normally do with these districts when they want to buy out the project, when they want to buy out their obligations, we let them claim net present value of the project because the Government gets the value of having the money sooner. Nobody has suggested that is not the case here or could not be the case.

I appreciate that both of my colleagues are wonderful counsels for the plaintiff in this case and are making their case. It is just not clear that their case accurately reflects the interest of the taxpayers in the granting of this millions of dollars of relief to the district.

If you were not to do this, if it turns out that the $14 million is needed to rebuild, although the Bureau has not acknowledged it, that would be an obligation of the district under current law. It is not like that is an obligation you relieve us of. There is a repayment obligation. I just think this is about taxpayer equity. I will offer my amendment later, but let us just be clear on the figures.

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

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

I will just observe that there are other claims as well that the district in the settlement will forgo against the Government. If we delay this settlement, in essence not delay it but we will abrogate the settlement by failing to pass this bill, the taxpayer is at far greater risk. Right now that $13.9 million of obligation for repayment by the district to the Federal Government is over 45 years. But, in fact, the net present value, which I think is undisputed of that $13.9 million, is $4.2 million. That is what the district is agreeing is the net present value and they are offsetting their payment to the Government of that $4.2 million against the $4.5 million that the Government acknowledges is valid in the district's claims against the Government. And then these other claims that are referenced in a CBO letter and that we have talked about, those other claims are also being forgone.

So I think it is not fair to say the district is not paying anything. The district has been saddled with this thing for years. It does not work. The Government would not go ahead and admit that the claims by the district were valid if they did not feel that they had an overwhelming liability on their part.

This is, after all, the Justice Department that is involved in this. The Clinton administration itself supports this. The Citizens Against Government Waste supports this bill. They are pretty good spokesmen, some think, for the taxpayers.

I think, Mr. Chairman, that the bill of the gentleman from Washington [Mr. HASTINGS] is a very timely bill. We support this bill, precisely because it saves the taxpayers money. We are not seeking to give anything away here. We are seeking to save the taxpayers money that will otherwise have to be paid when this goes to court and when the full $51 million in claims by the district is asserted against the Federal Government. They stand a lot to lose. They know that. That is why the Clinton administration itself supports the Hastings bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for yielding me this time.

We will discuss, I think, at length the amendment that will be offered, and that appears to be the crux of the argument that the gentleman from California is talking about, is that part of the fair value, and I think that is certainly something valid to debate. But I want to make this point. This irrigation district was started right after the turn of the century when all the reclamation projects in the West were started. Part of this settlement, which has already been paid, the $350,000, satisfies the repayment obligation back of the initial irrigation project. What is in dispute here is the extension unit. That is what is in dispute.

The extension unit, of course, affects the whole district, and that is why the Bureau settled precisely this way with the irrigation district, by saying, OK, the whole thing really is in jeopardy. We acknowledge that you needed to fulfill your obligation earlier, which is part of this settlement.

The irrigation district has some claims currently on the extension unit against the Bureau in excess of $4 million. The current value of the extension unit is slightly over $4 million. In other words, it is about a wash. When you sit down and negotiate these things, they say, OK, let us just kind of wash these things out.

In return for that, of course, you have to assume all of the liabilities and all of the obligations heretofore, and if there are any claims against the irrigation district, you cannot come back to the Federal Government and ask for relief.

So the irrigation district, after being under Federal Bureau law for all these years, is really assuming quite an obligation that could happen, because they are going to have to clean up this district, that, I might add, their operation and maintenance has increased by some 200 percent over the period of time that this project started. So there has been a real time cost to those irrigators.

I can tell you, if you are in cherries, you are in cherries and you are ready to harvest and all of a sudden a rainstorm comes. Believe me, your whole crop can be wiped out in one day. They roll the dice on this and unfortunately, I will not say unfortunately, I admire farmers because they do that. But within this district, they are assuming a responsibility in the future on this, and I think the fact that the Bureau in this dispute felt that they may in fact lose this suit, that is why they wanted to work out an accommodation with the irrigation district. I think that is why this is in the best interests, and I think that is why the Department of Interior and the President support this settlement claim.

So I think that we can debate the merits of the gentleman's amendment when he brings it up later on, but I think for now, Mr. Chairman, that this bill, H.R. 412, needs to be adopted by this House so we can get this legislation passed, so that the claim can be settled before April 15, 1997.

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. I thank the gentleman from California [Mr. DOOLITTLE] for yielding me this time.

Mr. Chairman, I rise in support of H.R. 412 and the American taxpayer. That is what really this bill is all about. I appreciate the leadership of the gentleman from California [Mr. DOOLITTLE] and the gentleman from Washington [Mr. HASTINGS] on this issue.

Frankly, I am very concerned about the future fiscal impact that rejecting this bill would have. The Congressional Budget Office has said that this bill

would have no effect on 1997 spending and that there would be a future savings to current law if this bill is passed. I think we need to look carefully at really the background of this case, as Congressman DOOLITTLE and Congressman HASTINGS have set forth. This was a settlement agreement by the administration, the administration that the gentleman from California [Mr. MILLER] I believe supports more often than not, and I find myself not always in agreement with this administration on matters of policy but in this one they are right.

I have been practicing law for years and I know that a settlement is a good settlement if both parties agree, and it saves everybody a lot of time and effort and liability and exposure and money in the future, and that is really what this is about. We are going to have a savings of $51 million plus legal fees ranging up to $1 million. So I think that is something that all of us ought to take into great account as we decide whether this is a good bill or a bad.

Another thing that is very important, in my judgment, is that if this irrigation district wins only a partial settlement the U.S. taxpayers are still liable for whatever the court decides. The Bureau of Reclamation has stated that they are probably liable for at least $4 million, but that is only an estimate.

My judgment is, let us get this settled, let us move on. If the United States were to win this lawsuit and not be liable for the $51 million of exposure that they have, the taxpayers would still have to pay to maintain and operate these facilities. Taxpayer dollars can be better spent, Mr. Chairman, and the Colville Confederated Tribe in my district supports this, the Oroville-Tonasket Facilities District supports this, the Federal Government, Mr. Clinton, Mr. Babbitt support this. We should support it, too. Let the local officials of this irrigation district run this project. Repair the damage that exists and make it work for the farmers of this area.

Mr. Chairman, I conclude certainly by saying this is a cost saver. This is a taxpayer saving by passage of this bill. I urge my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 412, Congressman DOC HASTINGS' bill to approve a settlement in a lawsuit filed by the Oroville-Tonasket Irrigation District against the Bureau of Reclamation.

This is a lawsuit which should not have happened. The Bureau of Reclamation was charged with designing and building an irrigation system for the District in north-central Washington State. Although the original canal and flume system date from the early 1900's, Congress has authorized rehabilitation, repair, redesign, and construction of new works in 1962, 1976, and 1987 in ever increasing amounts. But the system has never worked as promised. In 1990, the Bureau told the District that it was washing its hands of the system and sought repayments of approximately $300,000 per year for the District's small share of the project. However, the District refused payment, arguing that the irrigation system does not work as planned and that the project operation and maintenance costs were much higher than the Bureau of Reclamation had led them to believe. The District has filed two lawsuits in this case, the latest seeking $51 million in damages and forgiveness of its repayment obligations.

I don't blame the District for withholding payment, because as you can see from the photographs of the project displayed in the chamber, this project is a turkey. I am also embarrassed for the Bureau, which has had decades to make this irrigation system work and failed. The District believes it can make the system deliver usable water by repairing it at a lower cost than the Federal Government. The Government agrees and is also seeking to be relieved of what could be substantial liability for this faulty system.

CBO believes enactment of H.R. 412 will probably save the U.S. Treasury and the taxpayers money. The vast majority of the project costs are not borne by the District, but the Bonneville Power Administration and by any calculation the District is foregoing much more in claims than is the Federal Government. This is not a give-away of a Federal asset, as some might have you believe.

Therefore, I ask Members to support H.R. 412 as reported from the Committee on Resources. The bill has bipartisan support from Members, the Administration, and even Citizens Against Government Waste. Let's put an end to this public works nightmare and settle what could be an expensive, protracted lawsuit.

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

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

Mr. DOOLITTLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. EVERETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, had come to no resolution thereon.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 412.

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

There was no objection.

□ 1545

RECESS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 12 of rule I, the House stands in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 5 p.m.

OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 94 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 412.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, with Mr. EVERETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for debate again had expired. The Committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of an amendment, and pursuant to the rule each section is considered read.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oroville-Tonasket Claim Settlement and Conveyance Act''.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are to authorize the Secretary of the Interior to implement the provisions of the negotiated Settlement Agreement including conveyance of the Project Irrigation Works, identified as not having national importance, to the District, and for other purposes.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''Reclamation'' means the United States Bureau of Reclamation.

(3) The term ''District'' or ''Oroville-Tonasket Irrigation District'' means the project beneficiary organized and operating under the laws of the State of Washington, which is the operating and repayment entity for the Project.

(4) The term ''Project'' means the Oroville-Tonasket unit extension, Okanogan-Similkameen division, Chief Joseph Dam Project, Washington, constructed and rehabilitated by the United States under the Act of September 28, 1976 (Public Law 94–423, 90 Stat. 1324), previously authorized and constructed under the Act of October 9, 1962 (Public Law 87–762, 76 Stat. 761), under the Federal reclamation laws (including the Act of June 17, 1902 (ch. 1093, 32 Stat. 388), and Acts supplementary thereto or amendatory thereof).

(5) The term ''Project Irrigation Works'' means—

(A) those works actually in existence and described in subarticle 3(a) of the Repayment Contract, excluding Wildlife Mitigation Facilities, and depicted on the maps held by the District and Reclamation, consisting of the really with improvements and real estate interests;

(B) all equipment, parts, inventories, and tools associated with the Project Irrigation Works realty and improvements and currently in the District's possession; and

(C) all third party agreements.

(6)(A) The term ''Basic Contract'' means Repayment Contract No. 14–06–100–4442, dated December 26, 1964, as amended and supplemented, between the United States and the District;

(B) the term ''Repayment Contract'' means Repayment Contract No. 00–7–10–W0242, dated November 28, 1979, as amended and supplemented, between the United States and the District; and

(C) the term ''third party agreements'' means existing contractual duties, obligations, and responsibilities that exist because of all leases, licenses, and easements with third-parties related to the Project Irrigation Works, or the lands or rights-of-way for the Project Irrigation Works, but excepting power arrangements with the Bonneville Power Administration.

(7) The term ''Wildlife Mitigation Facilities'' means—

(A) land, improvements, or easements, or any combination thereof, secured for access to such lands, acquired by the United States under the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e); and

(B) all third party agreements associated with the land, improvements, or easements referred to in subparagraph (A).

(8) The term ''Indian Trust Lands'' means approximately 61 acres of lands identified on land classification maps on file with the District and Reclamation beneficially owned by the Confederated Tribes of the Colville Reservation (Colville Tribes) or by individual Indians, and held in trust by the United States for the benefit of the Colville Tribes in accordance with the Executive Order of April 9, 1872.

(9) The term ''Settlement Agreement'' means the Agreement made and entered on April 15, 1996, between the United States of America acting through the Regional Director, Pacific Northwest Region, Bureau of Reclamation, and the Oroville-Tonasket Irrigation District.

(10) The term ''operations and maintenance'' means normal and reasonable care, control, operation, repair, replacement, and maintenance.

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. AGREEMENT AUTHORIZATION

The Settlement Agreement is approved and the Secretary of the Interior is authorized to conduct all necessary and appropriate investigations, studies, and required Federal actions to implement the Settlement Agreement.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

Page 5, line 14, strike ''The Settlement Agreement is approved'' and insert ''Upon payment to the United States of fair market value for the property and facilities transferred, and upon consideration and satisfaction of outstanding obligations as provided in section 5, the Settlement Agreement is approved''.

Page 5, line 17, after the period insert: ''Fair market value shall be determined by majority vote of a panel of 3 impartial appraisers qualified in accordance with State regulatory requirements. The District shall select one member of the panel. The Secretary shall select one member of the panel. The third member of the panel shall be selected by the other two members.''.

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, I have consulted with the gentleman from California [Mr. MILLER] and I ask unanimous consent that the debate on all amendments to H.R. 412 be limited to 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleagues for that agreement.

Mr. Chairman, earlier this afternoon we had general debate on this legislation, and I said at that time I would be offering an amendment. This is the amendment that I discussed during general debate. The purpose of this amendment is to get a fair appraisal of the value of this project before the Federal Government gives this project to the irrigation district.

As some may remember from the general debate, in fact what we have here is we have an expenditure by the Federal Government of some $88 million, a portion of that which will be paid by power users to subsidize the power to the irrigation district and pay back some of the obligations to the Federal Government, and then the question of the $14 million that this irrigation district owes with respect to its repayment contract for this project.

This is a project that has been plagued by problems, that has not operated in a manner in which the irrigators believe that it should but, in spite of all that, is delivering a benefit to the irrigators within this district. And I believe that before we turn this project over to those irrigators and to the beneficiaries of this expenditure of public moneys, we ought to have an independent appraisal as to the value of this project. If it turns out that the benefit and value have been diminished, so be it, they should pay us back a diminished value. What we ought not to do is to have the parties of interest get into a room and negotiate this and then decide that this is a fair deal when in fact we can end up with the irrigators of some 10,000 acres of orchards paying the Federal Government nothing for a project that is in fact delivering a benefit to them.

During the general debate, the suggestion was that the Federal Government is on the hook for a lot of additional costs and that therefore we should settle this agreement. Those are allegations, I appreciate, in the complaints of the district. In its lawsuit they choose to sue the Federal Government rather than negotiate and correct this project and pay the value of those corrections, but we do not know whether or not the Federal Government is in fact on the hook for those. The Bureau of Reclamation has not admitted that in spite of the allegations that that is the suggestion.

I think what this amendment does is it guarantees simply fair value for the taxpayers and a fair deal for the irrigation district, and I think that is important. In the past when we have had these problems, we have corrected them, the Federal Government has absorbed those costs, but we have not allowed people who continue to get a benefit to escape all of their obligations to the Federal Government. And the fact of the matter is that this district, even its O&M and others is in line with what other people in the area are paying and we ought not to make an exception in this case.

I would hope that people would support this amendment on behalf of the taxpayers.

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

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

Mr. Chairman, I rise in strong opposition to the amendment. This amendment, although perhaps on its face it appears reasonable, is really a killer amendment. It will void the settlement agreement which has taken the irrigation district and the Federal Government 6 years to develop. If the amendment is adopted, the parties are right back where they started with the Federal Government on the hook for at least $51 million in damages and the irrigation district refusing to make payments on this defective irrigation system. If title is not transferred to the district, the Federal Government will still have to make the repairs to this lemon of a public works project.

Given that the Bureau of Reclamation has had 30 years to get the project

right, without success and with the greater costs involved whenever we get the Federal Government building something, I would say it is the taxpayers who will be taking a bath if the Miller amendment is adopted.

That is why Citizens Against Government Waste is supporting H.R. 412. That is why the Clinton administration is supporting H.R. 412. I think we ought to give the irrigation district the chance to fix the system.

I just remind you, Mr. Chairman, that indeed it was the Federal Government; they know this is such a bad project, they insisted that the district take title. The district did not want title but the Federal Government insisted that the district take title, and by giving the title of the works, this nonprofit entity should be able to get the financing it needs to make these expensive, far-reaching pairs.

Despite what my colleague from California has been implying, this is clearly not a case of something for nothing. Let us look at what the district has agreed to under the settlement agreement:

First, it has agreed to pay $350,000 in cash; second, to repair deteriorating water pipes at a cost of at least $14 million which the Federal Government will otherwise have to pay absent this settlement; third, it agrees to waive its claims against the United States which have been estimated by the Government to be at least $4.5 million; fourth, the district agrees to accept the United States liability for third party claims associated with the project; fifth, it agrees to reduce the time and the amount of power it will receive to help pump irrigation water, where under current law the district is entitled to unlimited power forever; and sixth, it will provide free water for federally-owned wildlife mitigation facilities.

In turn, the Federal Government will, first, transfer the defective water system to the district which is causing untold damage to public and private property; and second, it will forgive the district's contract repayment which the Government estimates has a present value of $4.2 million, not 13.9, which is over 45 years at present value of 4.2 million, an amount even less than the value of the claims the district has waived against the United States.

As my colleagues can see, enactment of H.R. 412 as reported from the Committee on Resources will save the Federal Government money according to the CBO. By voiding the settlement agreement and subjecting the United States to a lengthy lawsuit, the Miller amendment will only increase the exposure of the Federal purse and ultimately result in higher costs to the taxpayer.

What is the market value of this defective water irrigation system? Zero. These works are not portable sprinklers, but are gigantic fixed pipes and flumes which have a single use, to supply the water for irrigation to the Oroville-Tonasket region, a job that it does quite poorly. The water in the system already belongs to the district so to what other use can the delivery system be put?

I think these facts illustrate the real reason this amendment is being offered. Mr. MILLER opposes transferring any Federal asset to local ownership. This local government unit can repair and operate this Government facility and save taxpayer money. The Government does not want this decrepid system and wants to avoid the substantial liability associated with it.

This transfer will not serve as precedent. This lawsuit involves the total and complete failure of the Government to design, build, and deliver a working irrigation system, an event which I hope should be rare.

In addition, the committee report clearly states that, H.R. 412 also should not be regarded as precedent for legislative action to transfer Bureau of Reclamation facilities at other projects. The litigation problems surrounding the transfer of the Oroville-Tonasket unit and continued provision of power at low project power rates are unique.

This is one of those times when the Clinton administration and I agree on something. I urge the Members to oppose the killer Miller amendment and let the people in north central Washington correct this substandard irrigation works while saving the Federal Government money.

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

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to this amendment. While on the surface of it, it may appear that there is some merit to it, I would say that in the implementation, trying to appoint a three-member panel that could accurately ascertain the fair market value of a project which is subject to a lot of exigencies and their impact in value would make it impossible for that group to come to an accurate conclusion.

The bottom line is we have the Government agency which has the greatest knowledge about the value of this project that entered into an agreement willingly with the water district in order to transfer title to it. They made that decision in order to minimize the costs to the Federal Government and made that agreement in order that they would also be working in the best interests of the taxpayers of the United States.

The Miller amendment, I fear, would scuttle this agreement; it would expose the taxpayers to greater potential costs. We should defeat this amendment, and we should pass the bill which has the support of the Clinton administration.

Mr. DOOLITTLE. Mr. Chairman, may I inquire, does the gentleman from California have further speakers? I know he wishes the right to close.

Mr. MILLER of California. No, it is just me.

Mr. DOOLITTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, let us take a look at the facts. This is a very narrowly drawn claim settlement bill. There is no net market value to this project. For example, the CBO in their scoring of this, weighed what the district owed versus what the Federal Government was for and determined that the Government would save money by having the Government unload this district. In other words, liabilities in this case exceeds the value.

I believe that the gentleman from California [Mr. MILLER] knows this. I believe that he knows there is no market value to this project. I believe that he knows that no one except the district would even consider taking over this project; and furthermore, Washington State law prohibits any irrigation district in that State from raising its fees to purchase a project.

So I wonder why is the gentleman offering this amendment at this eleventh hour?

□ 1715

I think it is simple. I think the gentleman knows that this amendment would kill the agreement between the Clinton administration and the local irrigation district; and I might emphasize, by law, this agreement must be approved by April 15 of this year. Failure to ratify this agreement will simply send the issue back to the courts and will mean the district would pursue its pending $51 million lawsuit. That is a bad deal for Uncle Sam, and it is a bad deal for this Congress.

That is why the Clinton administration, and not the local irrigation district, proposed the transfer of this facility. It is the only way for the Government to avoid millions of dollars in court costs, millions of dollars in repair costs, and millions of dollars in damages that they would be forced to pay if they should lose the court case.

Mr. Chairman, let me propose three reasons to oppose this amendment. First, a vote for the Miller amendment is a vote to stick the taxpayers with tens of millions of dollars in repair costs. Second, a vote for the Miller amendment is a vote to stick the taxpayers with untold billions of dollars in damages as a result of the court case. Finally, a vote for the Miller amendment is to send the issue back to the court and stick the taxpayers with hundreds of thousands of dollars in additional legal fees to the Government. As I mentioned from the outset, this is a very narrowly drawn bill.

Mr. Chairman, as a result then, I urge my colleagues to oppose the feel-good Miller amendment and support my commonsense bill to relieve the

Federal Government of this tremendous liability.

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

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it rather interesting that the proponents of this legislation keep standing up and saying that there is no value to this project, but the beneficiaries of this project are willing to take this project, and they say they are going to have to spend millions of more dollars on this project, but they will take it anyway, because there is no value to it.

The fact of the matter is there is value to this project. There may not be value to this project for people in Pennsylvania or California or Washington, DC, but to the beneficiaries this project, with the expenditure of over $88 million, Federal dollars, is delivering water to the land of the members of this irrigation district, and they are receiving an economic benefit from it, a gross income of about $3,000 an acre, according to the Bureau of Reclamation, and that is the benefit of this project.

They can have the project. There is nothing in my amendment that does not let them have the project. They can have the project. All I want is an impartial appraisal as to the value of this project in its diminished state, if that is the case, and then pay the taxpayers for what they created for us.

They keep saying no value, it is not worth anything. Yes, it is. It is delivering thousands of acres of feed of water to land that otherwise would not have it. That is why they came back here in 1952 and 1962 and 1976 and 1995 and 1996, because there is value.

Mr. Chairman, what we ought to do is recognize two things: The project was not properly designed and this operation has been impaired and the value has been diminished, but what we ought to do is get an appraisal as to what that means and then ask the district to relieve the taxpayers of that burden. They can have the project, they can manage it, they can make the improvements if they want.

So I think it does not quite add up when something has no value, but some are fighting so hard to take it, and then they say what they are giving up is millions of dollars in benefits that they could receive in the cost of a court case and millions of dollars in future expenditures, and they still want to take on the project. So there is something that does not ring true here.

The fact that the Committee on the Budget has said that this is budget-neutral in an opinion, in a letter that they sent to the committee, they said, while seemingly perverse, this estimate may in fact accurately represent. Yes, it is perverse, when it is said to people who have refused to pay the Government what they owe them, then there is a finding that they probably would have never paid us; therefore, there is no budget implications.

If we keep doing business that way, I say to my colleagues, we will end up with no money in the Federal Government. We do not say that to people who cannot pay their taxes or decide not to pay their taxes. We do not say that to people who do not want to pay for services rendered. But all of a sudden, they can say, we do not like this, we are not going to pay for it, and then the CBO comes along and says, because they did not pay for it, they probably will never pay for it, and therefore, we are not going to charge it against the Treasury.

The fact of the matter is the Treasury is owed this money, these people signed a contract for this, this project is delivering a benefit, and what we ought to do now is simply protect the taxpayers in the process of transferring this project to the beneficiaries of it. I urge an ''aye'' vote on the Miller amendment.

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

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

I think it is very clear that both the Clinton administration and Citizens Against Government Waste and the bipartisan opponents to the Miller amendment understand that this amendment will cost the taxpayers money.

The gentleman from California [Mr. MILLER] argues in favor of the taxpayers, but advances a proposition that will expose the Government to much greater liability than it already has. For that reason we oppose the Miller amendment. For that reason, the Clinton administration has actually come out in support of this bill as the settlement was reflected in the bill.

That is something I have noted that has been very rare. I cannot think of another time we have had that happen in the last couple of years, when the administration has actually supported something like this. Why? It is because they believe it is in the best interest of the Government. Over here, the taxpayer groups represented by Citizens Against Government Waste also believe it is in the best interest of the Government.

The facility, as we pointed out, is in a terrible state of repair. There are significant claims that this district has that can be asserted against the Government. The Bureau of Reclamation has recognized that at least $4.5 million are valid claims, according to the Government, that the district has against them, and for that reason this settlement has been proposed.

The Miller amendment is a bad amendment because it will nullify the settlement and will force renegotiation and force a court action. For that reason, I urge a ''no'' vote on the Miller amendment and a ''yes'' vote on H.R. 412.

Mr. YOUNG of Alaska. Mr. Chairman, Congressman MILLER has offered similar fair market value amendments on the floor before.

In the 104th Congress, H.R. 535 transferred the title of the Corning National Fish Hatchery from the Department of the Interior to the State of Arkansas. In committee and on the floor, Mr. MILLER offered an amendment much like the one he offers today to require the payment of fair market value before the asset is transferred. He also offered this same amendment to H.R. 584, which transferred the Fairport National Fish Hatchery from the Department of the Interior to the State of Iowa.

His amendments both failed resoundingly, in one case 96 to 315 the other by voice vote.

The arguments made against those amendments apply equally here:

First, the Federal Government does not want this asset—in this case the irrigation works. As you can see from the photographs displaying the deplorable state of the irrigation system and the harm that it has caused other public and private property, I can certainly see why the Federal Government is happy to transfer the works and avoid any past or future claims associated with its failure to operate.

Second, the recipient has made some investment in the project in the past and will make substantial financial commitments to the project in the future. The Oroville-Tonasket Irrigation District has already paid $350,000 and will be obligated to pay at least $14 million to repair deteriorating water pipes. This district is also waiving its claims against the Government, estimated even by the Bureau of Reclamation to be $4.5 million at a minimum. In addition, the district is accepting liability for third party claims associated with the project. Finally, the district is also accepting a reduction on the time and amount of power it will receive to help pump irrigation water. This is clearly not a case of something for nothing.

The district is a not-for-profit entity and having title to the project will allow it to raise the funds needed to repair the extensive piping system so that it will operate as promised by the Bureau of Reclamation.

Third, transferring the project under the bill as reported from the Resources Committee will likely save the Federal Government money—these are the words of the Congressional Budget Office, not mine. If the Miller amendment is adopted, the settlement agreement will be void and the parties will default to the courts. The Government will continue to be exposed to liability for damages. When the suit was filed in 1995, the irrigation district claimed $51 million in damages; these may have increased since then. In addition, the Government may ultimately pay for court costs and interest on the claims. These can be substantial. In the Whitney Benefits, Inc. versus U.S. case filed under the surface mining law, where the initial claim filed was for $60 million, the Government's failure to timely settle meant the U.S. Treasury was held liable for $150 million in principal and interest after 8 years of additional litigation. The Miller amendment will not save the taxpayers money but will only increase the exposure of the Federal purse and ultimately to the taxpayers.

Fourth, like the fish hatchery transferred under H.R. 535, it is unclear what, if any, fair market value the irrigation works have. It is not as though these works are portable sprinklers so that other purchasers could make use of them. They are gigantic, fixed pipes which have a single use—to supply water for irrigation to the Oroville-Tonasket region, a job

these works do poorly. The water in the system already belongs to the district. I know that I would not be quick to purchase these faulty, single-purpose works even at fire sale prices and I can't imagine others would either. The fair market value is likely to be zero or less.

Fifth, opposition to transferring assets from Federal to local government ownership. Perhaps the real reason that this amendment is being offered is that its author is opposed to transferring any asset out of Federal ownership, whether a fish hatchery in Arkansas or an irrigation system in Washington. If this local government unit can repair and operate this Bureau of Reclamation facility and in doing so save the Federal Government money, then I say, let it.

The proponent of the amendment also argues that this bill sets a dangerous precedent for future asset transfers. I should hope not, where the whole reason for the transfer is the total and complete failure of the Federal Government to design, build, and deliver a working irrigation system in the first place, an event I hope will be rare.

Therefore, I ask my colleagues to once again defeat this killer Miller amendment and allow the parties to settle this lawsuit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

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

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 195, noes 232, not voting 5, as follows:

[Roll No. 51]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Fawell
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fazio
Foley
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Eshoo
Istook
Kaptur
Tauzin
Turner

□ 1744

The Clerk announced the following pair:

On this vote:

Ms. Kaptur (OH) for, with Mr. Istook (OK) against.

Messrs. CHAMBLISS, SUNUNU, HANSEN, and BONO changed their vote from ''aye'' to ''no''.

Ms. KILPATRICK, Ms. DEGETTE, and Messrs. SCOTT, ALLEN, FAWELL, and FORBES changed their vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Without objection, the Clerk will designate sections 5 through 11.

There was no objection.

The text of sections 5 through 11 is as follows:

SEC. 5. CONSIDERATION AND SATISFACTION OF OUTSTANDING OBLIGATIONS.

(a) CONSIDERATION TO UNITED STATES.—Consideration by the District to the United States in accordance with the Settlement Agreement approved by this Act shall be—

(1) payment of $350,000 by the District to the United States;

(2) assumption by the District of full liability and responsibility and release of the United States of all further responsibility, obligations, and liability for removing irrigation facilities constructed and rehabilitated by the United States under the Act of October 9, 1962 (Public Law 87–762, 76 Stat. 761), or referenced in section 201 of the Act of September 28, 1976 (Public Law 94–423, 90 Stat. 1324), and identified in Article 3(a)(8) of the Repayment Contract;

(3) assumption by the District of sole and absolute responsibility for the operations and maintenance of the Project Irrigation Works;

(4) release and discharge by the District as to the United States from all past and future claims, whether now known or unknown, arising from or in any way related to the Project, including any arising from the Project Irrigation Works constructed pursuant to the 1964 Basic Contract or the 1979 Repayment Contract;

(5) assumption by the District of full responsibility to indemnify and defend the United States against any third party claims associated with any aspect of the Project, except for that claim known as the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed as of the date of the Settlement Agreement; and

(6) continued obligation by the District to deliver water to and provide for operations and maintenance of the Wildlife Mitigation Facilities at its own expense in accordance with the Settlement Agreement.

(b) RESPONSIBILITIES OF UNITED STATES.—In return the United States shall—

(1) release and discharge the District's obligation, including any delinquent or accrued payments, or assessments of any nature under the 1979 Repayment Contract, including the unpaid obligation of the 1964 Basic Contract;

(2) transfer title of the Project Irrigation Works to the District;

(3) assign to the District all third party agreements associated with the Project Irrigation Works;

(4) continue power deliveries provided under section 6 of this Act; and

(5) assume full responsibility to indemnify and defend the District against any claim known as the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed against the United States as of the date of the Settlement Agreement.

(c) PROJECT CONSTRUCTION COSTS.—The transfer of title authorized by this Act shall not affect the timing or amount of the obligation of the Bonneville Power Administration for the repayment of construction costs incurred by the Federal government under section 202 of the Act of September 28, 1976 (90 Stat. 1324, 1326) that the Secretary of the Interior has determined to be beyond the ability of the irrigators to pay. The obligation shall remain charged to, and be returned to the Reclamation Fund as provided for in section 2 of the Act of June 14, 1966 (80 Stat. 200) as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707, 714).

SEC. 6. POWER.

Nothing in this Act shall be construed as having any affect on power arrangements under Public Law 94–423 (90 Stat. 1324). The United States shall continue to provide to the District power and energy for irrigation water pumping for the Project, including Dairy Point Pumping Plant. However, the amount and term of reserved power shall not exceed, respectively—

(1) 27,100,000 kilowatt hours per year; and

(2) 50 years commencing October 18, 1990.

The rate that the District shall pay the Secretary for such reserved power shall continue to reflect full recovery of Bonneville Power Administration transmission costs.

SEC. 7. CONVEYANCE.

(a) CONVEYANCE OF INTERESTS OF UNITED STATES.—Subject to valid existing rights, the Secretary is authorized to convey all right, title, and interest, without warranties, of the United States in and to all Project Irrigation Works to the District. In the event a significant cultural resource or hazardous waste site is identified, the Secretary is authorized to defer or delay transfer to title to any parcel until required Federal action is completed.

(b) RETENTION OF TITLE TO WILDLIFE MITIGATION FACILITIES.—The Secretary will retain title to the Wildlife Mitigation Facilities. The District shall remain obligated to deliver water to and provide for the operations and maintenance of the Wildlife Mitigation Facilities at its own expense in accordance with the Settlement Agreement.

(c) RESERVATION.—The transfer of rights and interests pursuant to subsection (a) shall reserve to the United States all oil, gas, and other mineral deposits and a perpetual right to existing public access open to public fishing, hunting, and other outdoor recreation purposes, and such other existing public uses.

SEC. 8. REPAYMENT CONTRACT.

Upon conveyance of title to the Project Irrigation Works notwithstanding any parcels delayed in accordance with section 7(a), the 1964 Basic Contract, and the 1979 Repayment Contract between the District and Reclamation, shall be terminated and of no further force or effect.

SEC. 9. INDIAN TRUST RESPONSIBILITIES.

The District shall remain obligated to deliver water under appropriate water service contracts to Indian Trust Lands upon request from the owners or lessees of such land.

SEC. 10. LIABILITY.

Upon completion of the conveyance of Project Irrigation Works under this Act, the District shall—

(1) be liable for all acts or omissions relating to the operation and use of the Project Irrigation Works that occur before or after the conveyance except for the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed as of the date of the Settlement Agreement;

(2) absolve the United States and its officers and agents of responsibility and liability for the design and construction including latent defects associated with the Project; and

(3) assume responsibility to indemnify and defend the United States against all claims whether now known or unknown and including those of third party claims associated with, arising from, or in any way related to, the Project except for the Grillo Claim, government contractor construction claims accruing at any time, and any other suits or claims filed as of the date of the Settlement Agreement.

SEC. 11. CERTAIN ACTS NOT APPLICABLE AND TERMINATION OF MANDATES.

(a) RECLAMATION LAWS.—All mandates imposed by the Reclamation Act of 1902, and all Acts supplementary thereto or amendatory thereof, including the Reclamation Reform Act of 1982, upon the Project Irrigation Works shall be terminated upon the completion of the transfers as provided by this Act and the Settlement Agreement.

(b) RELATIONSHIP TO OTHER LAWS.—The transfer of title authorized by this Act shall not—

(1) be subject to the provisions of chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedure Act''); or

(2) be considered a disposal of surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and the Surplus Property Act of 1944 (50 U.S.C. App. 1601 et seq.).

(c) DEAUTHORIZATION.—Effective upon transfer of title to the District under this Act, that portion of the Oroville-Tonasket Unit Extension, Okanogan-Similkameen Division, Chief Joseph Dam Project, Washington, referred to in section 7(a) as the Project Irrigation Works is hereby deauthorized. After transfer of title, the District shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Act supplementary thereto or amendatory thereof.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. EVERETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee has had under consideration the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, pursuant to House Resolution 94, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitue.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 789

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 789.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, WORKING FAMILIES FLEXIBILITY ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–31) on the resolution (H. Res. 99) providing for consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 993

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado, DAN SCHAEFER, be removed as a cosponsor from H.R. 993, which I introduced on March 6.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 924, de novo; and H.R. 672, de novo.

VICTIM RIGHTS CLARIFICATION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 924, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 924, as amended.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 9, not voting 5, as follows:

[Roll No. 52]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—9

Clay
Delahunt
Hastings (FL)
Hilliard
Jackson (IL)
Meek
Scott
Waters
Watt (NC)

NOT VOTING—5

Farr
Granger
Kaptur
Tauzin
Turner

□ 1807

Mr. JACKSON of Illinois, Mrs. MEEK of Florida, Ms. WATERS, and Mr. CLAY changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TECHNICAL AMENDMENTS TO COPYRIGHT LAWS

The SPEAKER pro tempore (Mr. EWING). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 672, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 672, as amended.

The question was taken.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 2, not voting 6, as follows:

[Roll No. 53]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh

McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—2

Barton
Kucinich

NOT VOTING—6

Ganske
Granger
Kaptur
Slaughter
Tauzin
Turner

□ 1827

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING EFFECTIVE DATE OF INVESTMENT ADVISORS SUPERVISION COORDINATION ACT

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 410) to extend the effective date of the Investment Advisors Supervision Coordination Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. MANTON. Mr. Speaker, reserving the right to object, I am pleased to join the gentleman from Ohio [Mr. GILLMOR] on this unanimous consent request, and I rise in strong support of S. 410, a bill that will simply extend the effective date of the Investment Advisors' Supervision Coordination Act for 90 days.

This act was passed last year as title III of the National Securities Markets Improvement Act. In essence, this title shifts the registration and regulatory responsibility for smaller advisors from the SEC to the State where the advisors have their principal place of business. Without S. 410, the Securities and Exchange Commission will have inadequate time to comply with this title which could, in turn, jeopardize State regulatory and enforcement programs.

Mr. Speaker, our goal in enacting this provision was to allow for more efficient and effective regulation of the investment advisory industry and the 22,500 investment advisors currently registered with the SEC. Under the new set of rules, the SEC is the primary regulator of advisors with assets under management of $25 million or more, while those advisors handling assets below this amount are required to register and be regulated by their State.

The new system, set up by last year's bill, requires a great deal of coordination and interaction between State and Federal regulators. By providing the Commission with an additional 90 days to complete its work under this provision, we will give investment advisors much needed time to comply with the new rules and thereby avoid any disruption of the State's regulatory efforts.

I would like to commend the SEC for all of its hard work in getting their rulemakings out for public comment by December of last year. However, understanding the amount of work still needed to be done, I urge all of my colleagues to support S. 410 so that the SEC has sufficient time to implement the important reforms intended by this title.

I would like to thank the gentleman from Ohio [Mr. OXLEY] for addressing the SEC's concerns in this matter in such a timely fashion.

Mr. DINGELL. Mr. Speaker, I rise in strong support of S. 410, a bill that would extend the April 9 effective date of the Investment Advisers Supervision Coordination Act by 90 days to July 8, and urge its immediate adoption by the House.

These investment adviser provisions were enacted as title III of the National Securities Markets Improvement Act in October of last year. The process by which a final agreement was brokered between the House and the Senate involved a take-it-or-leave-it package that was delivered by the Senate to the majority on Friday, October 27, and to the minority conferees on Saturday, October 28, a mere 3 hours before the conference report was due to be taken up on the House Floor. We were reading the final language on the House Floor in the minutes before it was brought up, leaving no time or process for the correction of technical errors or substantive problems. S. 410 corrects the problems created by the other body having allowed just 180 days, or 6 months, for the Securities and Exchange Commission to adopt all the necessary rules and rule changes, and for the necessary registrations and deregistrations to be effected at both Federal and State levels as required by the act. This timing makes absolutely no sense and would result in the statutory reforms being frustrated and would provide regulatory breaches for crooks to operate in.

To remind my colleagues, the number of investment advisers registered with the SEC has increased dramatically from 5,680 in 1980 to approximately 22,500 today. By 1995, the SEC was able to examine smaller advisers on a routine basis only once every 44 years on average. Investment advisers, no matter what their size and complexity, only pay a one-time fee of $150 to register when they apply for SEC registration. House efforts over three Congresses to enact an industry-crafted graduated-user-fee table to give the SEC more resources to supervise investment advisers were repeatedly frustrated by opposition in the other body. Alternatively, therefore, title III of NSMIA, among other things, reallocates Federal and State responsibilities for the regulation of approximately 22,500 investment advisers currently registered with the SEC by providing that the SEC will be the primary regulator of first, investment advisers managing assets of $25 million or more and second, investment advisers to registered investment companies, with smaller investment advisers required to be registered with and regulated by the State in which the adviser has its principle office and place of business. The role of the States is not entirely preempted for federally regulated investment advisers. A State where an adviser has a place of business may continue to require licensing of the adviser's individual representatives. Moreover, NSMIA also preserves the right of States to bring enforcement actions for fraud and deceit against any adviser, and to require notice filings of all documents filed with the SEC, as well as a consent to service of process. Furthermore, the availability of the Federal preemption is conditioned on the payment of current fees for the next 3 years. Title III also requires the SEC to establish and maintain a readily accessible telephone hot-line for investors to access information about disciplinary actions and investor complaints, if any, involving investment advisers they contemplate doing business with.

As Members can clearly see, this new scheme involves a lot of hard work and coordination between State and Federal regulators. The SEC is to be commended for getting a very complex set of rulemakings out for public comment in December. The proposals have received a large number of thoughtful comment letters and the agency is actively reviewing them and working toward final rules and forms as well as interpretative responses to a myriad of complex questions. However, it is nowhere within the realm of possibility for all this work to be completed by April 9. It is unfortunate that the author of the investment adviser provisions did not provide for an adequate and reasonable effective date. S. 410 corrects that deficiency so that the important reforms of title III can be achieved.

Mr. MARKEY. Mr. Speaker, I rise in support of S. 410, the Investment Advisers Coordination Act.

This bill would extend the April 9 effective date of the Investment Advisers Supervision Coordination Act by 90 days to July 8. This change is needed to give the SEC time to adopt appropriate rules, and for the necessary registrations at both the Federal and State levels to be made, as required under the act. Unfortunately, because this title of the National Securities Markets Improvement Act was added by the Senate at the last minute, it contains several technical and other drafting errors, some of which require correction. Giving the SEC additional time to issue its rules before the title becomes effective will prevent any regulatory gaps from developing.

While I strongly commend the SEC's Herculean efforts to promulgate a complex package of rules within the tight time limits set by the Improvement Act, I am compelled to express serious concerns with certain aspects of the SEC's proposed rules that, if uncorrected, will have a highly negative impact on investors. I note and concur with the comment letters submitted to the SEC by the Secretary of the Commonwealth of Massachusetts and the Office of the Attorney General. For the benefit of Members, I included copies of these letters in the RECORD at the end of my remarks.

It is important to keep in mind that Congress struck a careful balance in the Improvement Act's investment adviser provisions between the roles of the SEC and of the States. I am very concerned that the SEC's proposed definitions of investment adviser representative [IAR] and of place of business seek to limit the authority of State regulators beyond the intent of Congress. The definition of IAR is so different from the NASAA Uniform Securities Act as to virtually guarantee a wide divergence between State investment adviser registration requirements and SEC investment adviser registration requirements for firms having investment adviser representatives. I therefore strongly urge the SEC to withdraw the proposed definition and for the SEC and NASAA to move quickly to develop a national uniform definition of the term that both levels of government can support.

I am also concerned that the place of business definition in the SEC's proposed rule could impede the ability of State regulators to take action against fraudulent or deceptive practices by investment advisers over the phone or the Internet. I urge the SEC to assure that State regulators will be fully capable of protecting investors from false or deceptive telemarketing or Internet-directed activities by investment advisers.

I also strongly oppose the SEC's attempts to broaden the scope of the Improvement Act's Federal preemption for SEC-registered investment advisers and supervised persons beyond that contemplated by the Congress. Congress refused to place overly broad and unwise restrictions on the ability of the States to police the licensing of and prosecute fraudulent advisers and their representatives. It is incomprehensible that the SEC would willfully roll back State protections that Congress intended to apply, thereby leaving investors prey to abusive practices by unscrupulous advisers and planners seeking to avoid State regulation and enforcement authority.

Finally, I would note that the Improvement Act contains a provision mandating establishment of a toll-free 800 number or Internet site that investors can use to check on the disciplinary records—if any—of their investment adviser and its supervised persons. It is consistent with the intent of the Congress for the Commission to delegate this responsibility to the self-regulatory organization which already administers the broker-dealer hotline—the NASD. In doing so, the SEC must assure that the NASD is effectively disseminating all the information that investors need to make informed choices about the financial professionals they are considering doing business with, whether the NASD is carrying through on the commitments it has made to expand the types of disclosable information disseminated to investors, whether the NASD is carrying out its promise to do more to publicize the existence of the hotline, and whether the NASD is moving quickly to provide for Internet access.

Again, while I have some concerns about some of the pending rulemaking efforts and intend to closely monitor implementation, I rise in support of this bill.

THE COMMONWEALTH OF MASSACHUSETTS, SECRETARY OF THE COMMONWEALTH,

Boston, MA, February 7, 1997.

Re rules implementing amendments to the Investment Advisers Act of 1940; release No. IA–1601; file No. S7–31–96.

Mr. JONATHAN G. KATZ,

Secretary, U.S. Securities and Exchange Commission, Washington, DC.

DEAR SECRETARY KATZ: I am writing to formally comment as the Chief Securities Regulator of the Commonwealth of Massachusetts on the above-captioned proposed rules.

I am gravely concerned that several of the proposed rules will seriously and adversely affect Massachusetts investors. In many instances these proposed rules are in direct conflict with the intent of the NSMIA as annunciated by various members of Congress in the Congressional Record. As an active participant in the external discussions relating to NSMIA, I am very disturbed to see rulemaking that so clearly contradicts the often stated and well understood purpose of this statute. In particular, the attempt of the Commission to define the term ''investment adviser representative'' and thus limit the authority of state regulators is a direct contradiction of the Act in which Congress deliberately declined to define the term. Under the terms of the Act, only the states are specifically required to license or otherwise qualify investment adviser representatives. The authority to license must, by implication, contain the ability to define. The Commission should not impede the rights of the states in this regard.

Of even greater concern to Massachusetts consumers would be the effect of the proposed preemptions of state enforcement authority against dishonest or unethical conduct which does not rise to the level of fraud. This proposed rule is clearly anti-consumer and would provide safe harbor to those who deftly mislead. Moreover, it has the potential to drain the resources of state enforcement authority by possibly causing them to repeatedly litigate the enforceability of state regulation on a case by case basis. I strongly urge this portion of the rule be significantly amended or stricken.

Another portion of the proposed rule which represents an inappropriate preemption of state authority would be the effect of the proposed rule to limit state authority over investment adviser representatives to those that provide advice to natural persons. Such a preemption would leave a significant void in the regulatory plan. Not only small businesses would be left unprotected, but also many family trusts, retirement trusts and charitable institutions. This is a most unwise and unnecessary restriction.

On behalf of Massachusetts investors, I strongly object to the proposed exemption for individuals licensed as broker dealer agents from the definition of investment adviser representatives. This is a wholly inappropriate exemption since investment adviser representatives are fiduciaries who are much more likely to have discretion over client funds and, therefore, should be held to a different and higher standard.

Lastly, I would urge the Commission to eliminate the term ''regularly'' from the definition of ''place of business''. The use of this undefined term can only cause confusion in the interpretation of the rules particularly in an era of multiple media communications by investment agents.

All of these are significant issues which I urge the Commission to address before proceeding further with the rules.

Respectfully submitted,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE ATTORNEY GENERAL,

Boston, MA, February 10, 1997.

Mr. JONATHAN KATZ,

Secretary, U.S. Securities and Exchange Commission, Washington, DC.

DEAR SECRETARY KATZ: Thank you for the opportunity to comment on the SEC's proposed Rules Implementing Amendments to the Investment Advisers Act. The Commission should be commended for continuing the efforts begun last Congress, with the National Securities Market Improvement Act of 1996 (''NSMIA''), to eliminate existing duplicative and inconsistent federal and state oversight efforts which sometimes result in greater delay, expense, and confusion without any apparent tangible benefit to investors. I have been very supportive of the federal/state efforts to streamline specific regulatory areas, such as mutual fund disclosure practices.

However, I am writing today to reiterate the important protections and preventative measures afforded by state regulatory and enforcement action. As a state Attorney General who often prosecutes enforcement cases involving fraud and deception in the securities and financial services area, I believe, as I did when the legislation was under consideration, that it is critical to preserve the necessary state enforcement powers in the area of sales and distribution practices.

On many of the occasions when my office investigates and prosecutes consumer protection related issues, elders are all too often the victims of fraudulent or deceptively sold investment schemes, financial planning abuses and other financial exploitation. In my opinion, protection of these small dollar, often elderly investors generally is provided by vigorous state involvement in the securities area. Yet, some of the language of the proposed Rules, through which the Commission attempts to achieve national uniformity, suggest an unknown, if not troublesome, impact on the states' ability to investigate, prosecute and regulate these areas. I especially feel compelled to bring this to the Commission's attention, given that I have made elder protection a top priority in my present tenure as President of the National Association of Attorneys General, and in my past 14 years as a public prosecutor.

For example, language which purports to prohibit states from prosecuting or regulating ''dishonest'' or ''unethical'' business practices could seriously impede the broader state antideception and fraud enforcement efforts. The Commission's attempt to implement a new, narrow federal standard in this area is unwise and constitutes a clear threat to investor protection. In Massachusetts, for

example, cases involving deception may be difficult to pursue under the Commission's standard. Moreover, cases that typically are pursued by a rigorous Attorney General or state securities division, may not trigger the Commission's or the U.S. Attorney's inquiry or involvement, particularly given that the Commission only audits smaller investments once every four years.

Additionally, the Commission should proceed cautiously before implementing rules which may have an adverse impact on state revenue, and more importantly may place broad and unwise restrictions on the ability of state regulators, securities agencies and legislatures to police the licensing of and prosecute fraudulent brokers, dealers, advisers, planners and their agents. In particular, the definition proposed by the Commission seeks to limit state registration and licensing requirements to include only those ''investment adviser representatives'' who provide advice to clients who are ''natural persons.'' This specifically excludes ''investment adviser representatives,'' whose clients are investment companies, businesses, educational institutions, charitable institutions and other entities, but who historically have been regulated by the states, not the Commission. Indeed, this would preempt even minimal criteria established by securities enforcement authorities in virtually all states which often protects less-sophisticated retail entities, such as small businesses and charitable institutions. In the wake of the New Era debacle and other large-scale scams targeting our non-profit sector, I urge the Commission not to leave our public charities easy prey to abusive sales practices in the investment area.

The Commission's definition of ''place of business'' limiting state registration and qualifications to those who have ''regular'' contact with residents of Massachusetts also is troublesome in light of the telemarketing and Internet activities by unscrupulous investment advisers, many of whom prey on the elderly and less sophisticated investors. Of questionable legality in our federalist system, this limitation on the reach of state law to protect its own citizens may make it even more difficult for state prosecutors to target and punish fraudulent out of state telemarketers who frequently relocate and purposefully avoid physical presence in various states. This proposed federal definition of ''place of business'' inevitably will cause confusion and legal challenge given that jurisdictional issues raised by Internet activities remain unresolved. Without a more comprehensive definition, this could result in unfettered telephone or Internet-directed contact to any Massachusetts residents given the uncertainties surrounding where a person who sends out a general message on the Internet is doing business. Courts only now are beginning to address such questions arising out of where the computer is located, where the home page is listed, and where all or some of the customers or potential customers reside.

Finally, in the Commission's otherwise prudent efforts to streamline and eliminate duplicative state/Commission registering and de-registering within the same year, it proposes a standard by which new applicants could avoid state qualification (and registration) based on a ''reasonable expectation'' they will exceed $25 million in assets. However, this standard is subject to manipulation, may be difficult to monitor, may result in arbitrary enforcement, and may become vulnerable to abuse by unscrupulous advisers seeking to avoid state regulation and authority.

Congress attempted to maintain the correct balance while promoting uniform regulation and more efficient division of responsibility for regulation between the Federal and State governments. The Commission should avoid now setting forth sweeping and legally unsound federal preemption standards, that could endanger elderly and other small dollar investors by adversely impacting state enforcement of state securities anti-fraud and consumer protection statutes. In addition, the continued state-level registration and review of small dollar/regional securities offerings, investment advisers and financial planners is essential to consumer protection.

I urge the Commission to promulgate rules that will ensure that federal laws continue to permit states to gather the resources and retain the authority to effectively and comprehensively continue their role in securing investor protection and market integrity.

Thank you for your consideration.

Sincerely,

SCOTT HARSHBARGER,
Attorney General.

Mr. GILLMOR. Mr. Speaker, will the gentleman yield to me under his reservation for an explanation?

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

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding. As the gentleman has said, this bill does provide a 90-day extension of the effective date of title III of the National Securities Markets Improvement Act of 1996. The reason for the extension, which has been requested by SEC Chairman Arthur Levitt, is necessary to ensure the orderly implementation of the provisions of the Investment Advisors Supervision Coordination Act, which is title III of the Improvement Act.

Pursuant to that act, the regulatory status of over 22,000 investment advisors in the country will change. The SEC has proposed rules that will guide the investment advisors as to whether they are subject to either Federal or State regulation under the act, as opposed to being subject to regulation at both the Federal and State levels under the current law.

Chairman Levitt has expressed concerns that the effective date of title III, which is April 9, will not permit adequate time to permit investment advisors to consult with counsel to determine their regulatory status, and to submit the necessary forms to the commission to deregister if they are deemed to be small advisors and therefore subject to State, rather than Federal, regulation.

Lack of sufficient time would cause these small investment advisors, who are intended by the act to be regulated by the States, to be unable to deregister from the Commission prior to the effective date. That would result in the State being preempted from regulating the very advisors that they are intended to regulate under the act.

Accordingly, the Chairman has requested this extension in a letter to the gentleman from Virginia [Mr. BLILEY], the Chairman of the Committee on Commerce, dated February 12. This is a responsible request that I strongly support. I think Congress in the last session marked a significant achievement with the passage of the improvement act, which is going to bring greater efficiency and effectiveness to the regulation of U.S. security markets, including the regulation of investment advisors, and I would urge my colleagues to support S. 410.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 410

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

SECTION 1. EXTENSION OF EFFECTIVE DATE.

Section 308(a) of the Investment Advisers Supervision Coordination Act (110 Stat. 3440) is amended by striking ''180'' and inserting ''270''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider to laid on the table.

GENERAL LEAVE

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 410.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, the pending business is the question de novo of the Speaker's approval of the Journal.

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House a communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 1997.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, in addition to Ms. Julie Perrier, Assistant Clerk, I herewith designate Ray Strong, Assistant Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 105th Congress or until modified by me.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONFIRMATION OF ALEXIS HERMAN AS SECRETARY OF LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, I am proud to rise to urge the confirmation of Alexis Herman as the next Secretary of Labor. Mrs. Herman will make a great Secretary. Her background is a modern day equivalent of being born in a log cabin, and her career successes mirror that of a Wall Street broker. That is an all-American combination.

Mrs. Herman is well aware of what this Nation needs to keep its labor force on the great track already established by the President. That is why she will make a great Secretary of Labor. She worked at the Labor Department during the Carter administration as the department director of the Women's Bureau, the youngest in history to hold that office. She did a tremendous job. She excelled in assisting women to find meaningful employment in those breakthrough years for women, and she will bring this same type of creativity, the same zeal with her as she confronts the issues of the 21st century.

Throughout her career, Alexis has been one who has tried to bring workers and employers together, white collars and blue collars, black and white, men and women together.

Mr. Speaker, we need a Secretary of Labor who will bring people together, who will aid and assist people in being trained for the new technologies and the new jobs of the 21st century. We need someone with the strength and the desire to bring diversity to the workplace. Alexis Herman is the one to deliver.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on National Security for the 105th Congress and ask that they be printed in the RECORD at this point.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

U.S. HOUSE OF REPRESENTATIVES—REVISED MARCH 1997

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken on such matters would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of nine committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Reasonable notice shall be given to all witnesses appearing before the committee.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct cross-examination by counsel. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

Transcripts.—A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify.—The committee or subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member

or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing Hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of a majority of the subcommittee.

There are hereby established the following subcommittees: (1) Human Intelligence, Analysis and Counterintelligence; and (2) Technical and Tactical Intelligence.

The Chairman and Ranking Minority Member of the full committee are authorized to sit as ex officio members of each subcommittee and to participate in the work of the subcommittee, except, when sitting as ex officio members, they shall not have a vote in the subcommittee [nor be counted for purposes of determining a quorum].

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee; or

(2) at the written request to the chairman of the full committee of at least five members of the committee, except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or designated committee staff members.

7. SUBPOENAS

Unless otherwise determined by the committee, the chairman, upon consultation with the ranking minority member, or the committee, shall authorize and issue subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee. In addition, the Speaker and minority leader each may designate a member of their leadership staff to assist them in their capacity as ex officio members, with the same access to committee meetings, hearings, briefings, and materials as if employees of the select committee, and subject to the same security clearance and confidentiality requirements as employees of the select committee under this rule.

The appointment of committee staff shall be by the chairman in consultation with the ranking minority member. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into such person's possession while a member of the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee, or, in the event of the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by rollcall vote, determines, in a manner consistent with clause 7 of House Rule XLVIII, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

10. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL

(a) Committee staff offices shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

(b) Pursuant to clause (7)(c)(2) of House Rule XLVIII and to clause (2)(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such transcripts, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings or briefings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings or briefings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of

each individual request. The committee shall take into account, in its deliberations, such considerations, as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(c) Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413) and to clauses 3(a) and 7(c)(2) of House Rule XLVIII, the committee shall call to the attention of the House or to any other appropriate committee or committees of the House any matters requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States; (B) whether the matter in question involves sensitive intelligence sources and methods; (C) whether the matter in question otherwise raises serious questions about the national interest; and (D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submissions from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that a matter requires the attention of the House or a committee or committees of the House which the committee deems appropriate, it shall make arrangements to notify the House or committee or committees promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matters to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case, the committee shall consider whether to request an immediate secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question pursuant to clause 7 of House Rule XLVIII.

(d) Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(e) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee report as authorized by the committee in a manner consistent with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

(f) Before any member of the committee or the committee staff may have access to classified information the following oath shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the committee or the House of Representatives.

Copies of the executed oath shall be retained in the files of the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

A report on all foreign travel shall be filed with the committee clerk within 60 calendar days of the completion of said travel. The report shall contain a description of all issues discussed during the trip. If a member of the committee or an individual with the committee staff fails to comply with this requirement, no further travel requests requiring the authorization of the chairman will be authorized for these individuals until compliance is achieved.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

15. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

ALEXIS HERMAN—EXCELLENT CANDIDATE FOR SECRETARY OF LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. BROWN] is recognized for 5 minutes.

Mrs. BROWN of Florida. Mr. Speaker, I rise today in support of Alexis Herman, who is the most appropriate person to head this country's Department of Labor. As many of my colleagues know, Mrs. Herman has spent much of her life preparing for this job. Almost 20 years ago, Mrs. Herman headed the women's division of the Department of Labor under President Carter and she has been building on that success ever since. Mrs. Herman has spent most of her working life as an advocate for minorities in businesses, including the corporate sector.

□ 1845

She has been an effective leader, and she has looked out for the interests of the working people of this country. Because of her efforts, this country is now a better place for business and for the workers. Mrs. Herman has done a great job heading the President's liaison office for the last 4 years, and she will do even a better job as heading the Department of Labor.

As an African-American and a woman, Mrs. Herman has overcome many obstacles in her rise to become one of the leading advocates for business and economic development in our country. I implore my colleagues in the Senate to confirm the nomination of Alexis Herman without delay.

Ms. Herman has earned our support and our confidence.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. HILLIARD] for a colloquy.

Mr. HILLIARD. Mr. Speaker, I understand the gentlewoman from Florida has a fantastic story she would like to tell us about Ms. Alexis Herman.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman.

Recently in Eatonville, a little town in my district, a young lady came up to me and asked me did I know Mrs. Alexis Herman because she was from Mobile, AL. And speaking of family values, she told me about her mother who was the librarian in the little school there and taught them the importance of taking care of what they had since they did not have much. Her father was a community leader and sent best wishes to Ms. Alexis Herman. So when we talk about family values, it is important to understand that Alexis Herman comes from the kind of roots that has made this country great.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding to me. Once in a while good people come into government, good people who base their decisionmaking on experience, good people who base their decisionmaking on the love of God and faith in the people. Alexis Herman is that kind of person.

I stand to ask support of the Senate to confirm Ms. Alexis Herman. They could not find a better person, both from an educational point of view, from a professional point of view and from a personal point of view. They will find someone who is a team player, who will look through both parties, not one, who will look to the education of our children to be sure that they learn to work. She understands the work ethic. She understands labor. She is fair.

Mr. Speaker, to my dear colleagues, I think today this country and our wonderful Nation did itself proud in the U.S. Senate, because there was a very, very good and positive hearing about Alexis Herman's qualifications. I am very pleased that we are here today to say that. We have a person who understands. She is no ordinary person. She is no ordinary government worker. She is an extraordinary person who understands how to do ordinary things.

GENERAL LEAVE

Ms. BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore [Mr. EWING]. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members that they should refrain from referring to the confirmation proceedings in the Senate by advocating that it take certain action with respect to a Presidential nominee.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

[Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ORDER OF BUSINESS

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that I be able to switch times with the gentleman from Pennsylvania [Mr. GEKAS].

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

There was no objection.

PARTIAL BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, this evening my comments are going to be about a procedure that I did not even know existed as of 2 years ago, and that is called partial birth abortion. What is partial birth abortion? I think it is incumbent upon every citizen of this country, every American in this country to understand what that procedure is.

Now, let me explain it to my colleagues without trying to get too graphic. What it is, it is the abortion in the late term of a pregnancy. What do I mean by that and how does this procedure carry it out? What I mean is that in this country it is legal for a pregnant individual to go into the delivery room on delivery date, 9 months, upon delivery date and have that fetus aborted.

How is the procedure carried out? The baby is actually delivered feet first all the way out of the woman's body except for about 1 inch of the baby's head. At that point in time, a procedure is instituted which pierces the skull and, frankly, sucks the brains out of this individual. This is at 9 months or 8 months or 7 months. This is not the usual term of abortion as we think about it or hear about it. This procedure is actually performed not rarely, by the way. Even an advocate of this procedure admitted that he lied last year when he said that it was a rare procedure. It is a procedure that is performed on a fairly common basis.

Think of it in our country. We have some of the most advanced hospitals in the world. On one end of the hospital we will use whatever technology is available, whatever cash resources are necessary to save the life of a premature baby that on a lot of occasions may be no larger than your hand. On the other end of the hospital, a 9-month delivery, a regular delivery, no prematurity, a regular delivery, we allow under our laws in this country for any reason whatsoever for that child's life to be terminated, terminated through this procedure.

Some will tell us that this is a rare procedure, that it is a procedure performed for medical necessity.

Let me quote from C. Everett Koop: ''I believe Mr. Clinton was misled by his medical advisors on what is fact and what is fiction on the matter,'' he said.

Such a procedure, he added, cannot truthfully be called medically necessary for either the mother or, he scarcely need point out, for the baby.

Dr. Romer, Dr. Smith, Dr. Cook and Dr. DeCook:

> None of this risk is ever necessary for any reason. We and many other doctors across the United States regularly treat women whose unborn children suffer the same conditions as those cited by the women who appeared in the veto ceremony held a year ago by the President. Never is the partial birth procedure necessary.

Let me quote from the Wall Street Journal, Thursday April 25:

> With capital punishment back in vogue, we ought to devise a modern method of execution for particularly fiendish criminals, the

Unabomber, if convicted of these diabolical acts of which he is suspected, for example. We have a modest proposal. Why not stick a catheter in his brain and suck it out until his skull collapses. We jest, of course. No one would think of doing this to another human being, even the Unabomber, but the President of the United States stands up foursquare for doing to it babies still in the womb but nearing birth, vetoing Congress's attempt to ban this procedure in late term abortions. And of course he gets plaudits from all those eager to brand the Christian right or other abortion foes as extremists.

Let me say, the Wall Street Journal is not a pro-life publication. These columns, speaking of the Wall Street Journal, have never been part of the pro-life movement.

Lay aside the Unabomber, how about a baboon, for that matter a white rat? The Federal Government has extensive sets of rules and regulations on the humane treatment of animals in biomedical research. There are U.S. government principles on the utilization and the care of vertebrate animals, for example, and a Federal Animal Welfare Act. Each research institution must ponder these issues through a committee with at least one outside member representing the public. The regulations mandate ''avoidance of minimization of discomfort, distress and pain,'' and specify ''Surgical or other painful procedures should not be performed on unanesthetized animals paralyzed by chemical agents.

To the people of this country, to my colleagues in this Chamber, understand what partial birth abortion means. It is wrong. Understand that this procedure is not an abortion performed the day after intercourse takes place. This is a procedure that legally in this country can be performed 9 months after that intercourse takes place, on delivery date. It is important that we all support the ban on this procedure. It is wrong to allow it to happen in this country.

SUPPORT FOR NOMINATION OF ALEXIS HERMAN

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

Ms. KILPATRICK. Mr. Speaker, as most Americans know, March is the month for women. It is Women's History Month in the United States.

I first want to commend the five women in Aberdeen last week who came forward and recanted their stories that they had been raped by their drill sergeants. I think that was an outstanding tribute to women, and I think their courage for coming forth and telling the truth must be congratulated.

Today the Senate started their hearings for a fine African-American woman, Alexis Herman, to become the next Secretary of our Labor Department. We are almost in the second quarter of 1997. Nearly 3 months have passed and we do not have yet the President's nominee for the Department of Labor. I commend the Senate for beginning the hearings for Ms. Alexis Herman.

Ms. Herman, like me, is an African-American woman. Ms. Herman is a lover of education and is well documented and degreed like myself.

Ms. Herman is a civil rights activist for men and women, black and white in this country, and her record speaks for itself.

With all that said, that is not why I believe Alexis Herman ought to be confirmed. She is qualified. She is dedicated, and she will provide for this U.S. Labor Department what we need, which is a strong fighter for jobs, one who will make opportunities available for our young people, one who will give her best to see that our Labor Department reaches its goal of full employment in America.

I strongly support Ms. Herman. Her record of advancing programs for young people, for going that extra mile to develop creative, innovative work experiences for young and old, black and white, is to be commended.

Alexis Herman will make a fine Labor Secretary. Her hard work up to this time has proven that she is one who will take risks. She will speak out. She will look out for our young people and take care of our labor movement.

I urge my colleagues, all of us, to work together, to speak out, to see that this most important department in our government, the Labor Department, confirms this fine woman. What better tribute could we give to women in this country than to confirm Alexis Herman as our new Secretary of Labor?

EDUCATION AT A CROSSROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, over the last few months we have been engaged in a process which we call Education at a Crossroads, visiting different parts of the country, visiting different school districts within my congressional district, getting feedback on the effectiveness, the quality, and the impact that Federal education programs have had.

There has been some dispute about some of the findings that we may have received, but what we have been hearing consistently is that there is significant room for improvement in how the Washington establishment, how the Federal bureaucracy delivers programs to the classroom, how we help kids at the local level.

A couple of weeks ago in Delaware, Bill Manning, the local superintendent of the Red Clay School District in Wilmington, DE, said he would rather see safe and drug free schools money go to academic programs of the district's choosing, asking for district flexibility. ''It is time to ask ourselves whether the time we take out of the classroom for drug awareness programs is time well spent,'' he said.

He is looking for more flexibility to do for the kids in Wilmington, Delaware what they believe is most needed.

Mr. Carper, the Democratic Governor of Delaware, said, We must free the schools of regulations.

In California, Arizona, Delaware, we have heard time and time again that there are too many regulations associated with the hundreds of Federal programs that we have for education in America today. Marian Berguson, representative of Governor Wilson in California said, Federal requirements and dictates are stifling. That is not what we want in education at the local level. We want innovation; we want creativity, and we want results.

Lisa Graham Keegan, Arizona State Superintendent, noted that 8 percent of Arizona's education money comes from the Federal Government and that easily more than 50 percent of the work in the State Department and in the school district is a result of receiving this 8 percent of their money. Ten percent funds versus 50 percent of the paperwork? It does not make sense to me.

We are going to continue these hearings to get a better idea of exactly whether Federal programs are helping or whether they are hurting.

□ 1900

What is working and what is wasted in education in America today.

We are also engaged in another process. We are taking a look at somewhere in the neighborhood of 700, 800, maybe 900 Federal programs. There are some people who ask where do we come up with the number, and it is pretty tough because when we ask the executive branch they cannot give us one. But we went to a document which is called the Catalog of Federal and Domestic Assistance. For short, and this is about the only short thing there is associated with it, it is called the CFDA.

It is, very simply, if we go to the section marked education and go through the pages we find out that this document, which lists all Federal grant programs, take a look at this, all Federal grant programs, and the title under education lists about 660 programs.

We then went to the Congressional Research Service and said, ''They tell us there are 660 programs. What do you think?'' They went out and they came back and they said, ''There are probably more. We have identified a total of 116 programs that might be added to the 661 programs that you already have identified.'' That puts us well over 750 programs.

They went on to say that we do not claim to have identified all Federal programs related to education, it is virtually impossible that this will be exhaustive, but we are aware of no better source of this information than the CFDA. So we know that there are the hundreds of programs. This is as we take a look and ask Federal agencies to identify it.

We then go out and we take a look at outside sources. What do outside sources say that we have in Federal education programs? This is an independent, outside, small little cottage

industry, the Guide to Federal Funding for Education, volume one and volume two. They mark it as saying there are over 500 programs receiving funding that approach education.

As we begin a debate on who cares more about education and the impact that the Federal Government has on education, the most important question that we can ask before we do additional funding is what works and what is wasted. Is there not some money in these 700-plus programs, that go through 39 different agencies, that spend $120 billion, to fund some of the President's new initiatives?

We do not need a new layer of programs. If we want some additional programs, now is the time to dig through these two binders, to go through this binder and say enough is enough, let us get reasonable, let us find out what works and what is wasted before we create any more programs.

THE ALEXIS HERMAN NOMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, Alexis Herman is more than qualified to serve as America's next Secretary of Labor.

None can question her training, experience and preparation for this position.

But, she brings more than those important qualities to the task.

She is a hard worker, with excellent skills, a reputation for fairness, superior intellect and is known to have the highest integrity and ethical conduct.

These are vital attributes as we begin to grapple with some of the toughest labor issues of our time.

The massive transition of millions from welfare to work will be greatly helped by the rich background of Ms. Herman.

And, the difficult budget issues we face in our efforts to reduce the deficit will be made easier by one who understands the complex, yet necessary tension between labor and management.

At this time in our Nation's history, we need leaders who are the best, the brightest, the most honest and honorable among us. Alexis Herman meets and exceeds all of those critical qualities. She has earned confirmation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. CANADY] is recognized for 5 minutes.

[Mr. CANADY of Florida 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 California [Ms. MILLENDER-MCDONALD] is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE FIGHT TO CURE DIABETES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. NETHERCUTT] is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, March 19, 1997, is a very important day in the fight to cure diabetes. Between 11 a.m. and 3 p.m. tomorrow, in the Rayburn House Office Building foyer, Members of Congress, the U.S. Senate, staff, family, and the public are invited to undertake a very important test. It is called a blood glucose test. It is free of charge.

It takes about 1 minute, and what will happen is this: If you show up in the Rayburn foyer tomorrow morning between 11 in the morning and 3 p.m., there will be a test administered. Your finger will be stuck and a drop of blood will be placed on a test strip and put into a little computer and it will measure your blood glucose level. That test will determine whether or not you may have diabetes.

This testing is part of an NIH, National Institutes of Health, study which will focus on a cure for diabetes, and literature will also be there available for members of the public and Members of Congress to learn about this very important disease. It is a very serious disease in our country.

Over 16 million Americans have diabetes. About half of that 16 million do not know that they have this disease and they will not be diagnosed until serious complications develop. Diabetes affects all races, both genders, all religions, Democrats, Republicans, it is indiscriminate. All are subject to becoming diabetic and over a million children in our country have insulin-dependent diabetes.

The incidence of diabetes is prevailing throughout the world. The earlier diabetes is diagnosed, the easier it is to slow the progression of this disease and prevent very, very costly complications; costly in terms of health status and dollars and cents.

This diabetes screening test on Capitol Hill is sponsored by the Congressional Diabetes Caucus. It has 51 Members of Congress who are associated in this fight to cure diabetes. This test is also in association with the Diabetes Prevention Program, which will conduct this test; Eli Lilly & Co.; the American Diabetes Association; the Juvenile Diabetes Foundation; the American Association of Diabetes Educators; the Endocrine Society; and many others who care deeply about curing this disease.

Diabetes is a silent disease. It is a serious disease. Taking this simple test could save your life. So I urge my colleagues and the staff who may be listening and watching and learning about diabetes, as well as the public, to come and take this test tomorrow in the Rayburn foyer from 11 a.m. to 3 p.m. And I urge others across the country to take this simple test in your hometown or in your area and learn if you have diabetes. It could save your life.

I hope that there will be a great turnout tomorrow, with a lot of press focusing on this very important and very serious disease.

KUWAITI POWS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to highlight a serious issue that still has not been resolved, even though we have, in fact, seen the success of the operation of the United States and a number of other nations of the world in removing the illegal Iraqi Government from the independent nation of Kuwait. While we celebrate that fact that occurred on February 26, 1991, we must remember that the U.N. also passed resolutions 686 and 687 as part of a broad cease-fire agreement which was accepted by Iraq.

Now, there are those in this institution and around the country who think that we should begin to normalize, to some degree, relations with Iraq. But, Mr. Speaker, I think it is important that we in this institution highlight the fact that the government of Saddam Hussein and the Iraqi nation still has 608 people that are still unaccounted for.

These are prisoners of war that were taken hostage by the Iraqi Government. These include both military personnel and civilians. These are individuals who represent the broad spectrum of the population in Kuwait. They are husbands and wives, they are children, they are people who are not all Kuwaitis, in fact. In fact, there are a number of other nationalities who happened to be in Kuwait and who were taken hostage by Saddam and they still have not been accounted for.

My interest in this, Mr. Speaker, dates back to my chairing the Kuwaiti Task Force for the Human Rights Caucus, where we documented the atrocities Saddam perpetrated on the people of Kuwait both before and during the illegal occupation. But I also have one constituent who was, in fact, a POW captured by Saddam and actually was in the control of Iraqis up until we went and did the liberation.

This individual, who I took back to Kuwait with me 1 week after the liberation, has documented to me on a number of occasions the illegal actions of the Iraqi Government and the fact that there are these hundreds of people, who are ordinary people in many cases, who were not involved in the conflict itself, who are now being held against their will by the Iraqis.

Mr. Speaker, this is violation not only of the U.N. resolutions, it is a violation of every human rights agreement that this world acknowledges between countries. It is about time that America spoke out loudly and strongly that we will not sit idly by and allow

these 608 citizens, each of whose cases has been individually documented, each of whose situations has been chronicled, so that this is factual information. In fact, some of these people have been sighted within the territorial limits of Iraq. Yet the international Red Cross has not been able to bring these individuals back to their homeland.

Mr. Speaker, this is outrageous and this is wrong. This institution needs to go on record on a regular basis, letting Saddam and the Iraqi Government know that we are watching and that we are asking the question why these people are not being allowed to be reunited with their loved ones. The war is over. The conflict has ended. Saddam, in fact, accepted the terms of U.N. resolution 686 and 687, and yet here we are in 1997 in March and we still do not have these people returned to their homeland.

I would say, Mr. Speaker, that if Saddam Hussein ever expects to have the world community give him the kind of respect and perhaps the cooperation that he has said that he would like to have, and in fact that he says he deserves, he should start by coming to the public, to the world public at large, and explaining why these people are being held; and, in fact, he should take the effort to return these people back to their homeland.

As I said before, Mr. Speaker, the documentation for these individuals is, in fact, very substantive. The National Committee of Missing and POW Affairs has reported the number to be 608. This committee knows the exact numbers because they have a separate file and a separate computer database established for each of these POWs.

What we are saying, Mr. Speaker, I know what my good friend and colleague, the gentleman from California, DANA ROHRABACHER, who wanted to be here with me this evening. He would say, if he were here, that we want the Iraqi Government to allow these people to go back to their homelands and that we want to have a full accounting for these individuals, and that we expect the United Nations and the world community at large to assist us in making sure that we do not, in fact, allow these people to be kept under the illegal control of Saddam Hussein and the Iraqi Government.

There have been concerted efforts through an allied coalition, but these efforts have largely been unsuccessful. We are saying it is about time now that these other nations respectfully demand that which we are demanding, and that is a full accounting and return of these hostages.

Mr. Speaker, I yield to my good friend and colleague, Mr. ROHRABACHER, for such time as he may want to use.

Mr. ROHRABACHER. Mr. Speaker, I join with the gentleman from Pennsylvania [Mr. WELDON] and my colleagues tonight in calling on Saddam Hussein to release his captives. The war in the gulf is not over until the hostages that Saddam Hussein is holding have been released.

The United States should not normalize relations with the regime in Iraq until these innocent people, the sons and the daughters, the husbands and the wives of the people of Kuwait have been released by their Iraqi captors.

KUWAITIS STILL BEING HELD PRISONER BY IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, it is my pleasure tonight to join with the gentleman from Pennsylvania, Mr. CURT WELDON. The gentleman and I have both been active in working with the Kuwaitis on this issue.

Most people do not even understand that there are hundreds of people being held by Saddam Hussein in Iraq, who are just innocent women and children, husbands and wives, men and women, just ordinary Kuwaitis who have been whisked away by the Iraqi Army during the Gulf War and have never been returned.

It is one-tenth of 1 percent of the population of Kuwait that is still being held by Saddam Hussein. That is the equivalent in the United States of 250,000 people being held prisoner by a foreign hostile power.

□ 1915

The United States can be proud and we Americans can be proud in particular of the role that we played in freeing the people of Kuwait from the aggression of Saddam Hussein and from the hold of Saddam Hussein. We can be proud that our soldiers, our men and women marched off and struggled for peace and freedom and succeeded. But the job is not done when the equivalent of 250,000 Kuwaitis are still in the hands of Saddam Hussein. One thing that we can be proud of, we won the war against Saddam Hussein. We won it. In fact, I was just in Kuwait several months ago and they have initiated democratic reforms in that country that seem to make it all worthwhile. They now have free newspapers and radios and criticism of the government, opposition parties. This is one of the highlights of the Middle East. This is a shining example of what happens when people really do want to try to set up a free society. The human rights abuses that Kuwait used to be known for have somewhat disappeared. But now they turn around, the people of Kuwait, their sons and their daughters are gone. Their husbands and wives are missing. Over 600 people are missing. The United States should make it clear that there will be no normalization of relations with Iraq until those prisoners are released.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. I would just add for the record that as I mentioned earlier, we also include nationals from nine other nations who are being held illegally by Iraq. These are not all Kuwaitis, these were people living in Kuwait, but some of them were actually of the nationality of nine other countries which include India, Bahrain, Oman, the Philippines, Lebanon, Syria, Egypt, Iran, and Saudi Arabia. There is a total of nine other nations. And we are not just talking about military personnel, we are talking about 29 people from the private sector, we are talking about 128 students, students that were taken away from Kuwait, their parents have no idea where they are or what happened to them. We are talking about 3 housewives, 18 retired people, and 26 who are unemployed. So it was across the broad spectrum. These are ordinary people.

Kuwait's point is and the world community's point should be if these people have been killed, then Iraq should come forward and say they have been killed. They should tell the families the whereabouts of these individuals. But that has not happened. We should not sit still while this atrocity continues.

I thank my colleague for joining me and for yielding to me.

Mr. ROHRABACHER. As I say, we have every reason to be proud of what the United States did during the gulf war to protect Kuwait and the other people of the Middle East against aggression. We have every reason to be proud of Kuwait since then because they have become a more democratized system. They have more of a functioning, representative government and they have reached out to end human rights abuses and moved forward to establish freedoms they did not have before.

We can also be very proud of the Kuwaitis for what they did when they were being held hostage and occupied by Saddam Hussein. They in fact risked their lives, common Kuwaitis risked their lives to protect the lives of American citizens who happened to be in Kuwait at the time that Saddam Hussein invaded. Just as the Kuwaiti people risked their lives for those Americans they did not even know, we should tonight make it our business to tell Saddam Hussein and the regime in Iraq that those Kuwaitis who they hold must be released and we must think about them. We may not know them but we know the Kuwaiti people risked their lives for Americans they did not know. Let us pay that courtesy back and insist that Saddam Hussein release all those prisoners.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, for tonight's special order, the topic that I would like to address is campaign finance reform.

I wanted to point out that today at a press conference that was held by several of the women members of the Democratic Caucus, they basically urged Speaker GINGRICH and the Republican leadership to stop the delay on campaign finance reform, and I know that some of the Members who were at that press conference will be joining me tonight to discuss the issue.

Obviously campaign finance reform is certainly not a new issue to Members of this House or to the American people. The Democrats have been leaders on this issue for several years and the Republicans, I believe, have been obstructionists. As I mentioned in my remarks to the House this morning, for the past five Congresses the Republican leadership has pulled every legislative maneuver known to the Congress to keep campaign finance reform bills from becoming law. Now of course there is a renewed interest in the issue, and of course the flaws that the campaign finance system and that the Democrats have highlighted for years are becoming more prevalent and the American people have had enough. According to one poll, 85 percent of the American people think the campaign finance system is now in a crisis state. I have to point out, though, it did not have to come to this. If reforms the Democrats have been proposing since 1989 had been in place today, the country might well have been spared the abuses and excesses that we are hearing about. Unfortunately the Republicans stopped us cold. They have delayed and filibustered and stalled in really every conceivable way on this issue. I just wanted to point out, and then I would like to yield to my colleague from Hawaii, that on the first day of this session of Congress, every single House Republican voted against requiring action on campaign reform in the first 100 days of the new Congress. That was rollcall vote No. 4. Then when the President and the congressional leaders met in February, Republican leaders rejected the Democrats' suggestion that campaign finance reform join the priority list for bipartisan action. In the agenda Republicans laid out for the 105th Congress on March 6, their stated position is the status quo, to ensure that current laws are followed and enforced and require full and timely disclosure of all campaign contributions. Specifically in the case of the Speaker who testified before the House Oversight Committee on November 2, 1995, he said, quote, he would emphasize far more money in the political process.

Recently one of our colleagues from the Senate, MITCH MCCONNELL, stated, ''We're not spending too much on politics in America. This whole notion that we're spending too much on politics is nonsense.''

Clearly again the Republicans are in the majority and they have done nothing to suggest that they will be willing to move on campaign finance reform this session.

I would like to yield now to my colleague the gentlewoman from Hawaii [Mrs. MINK] who was one of the Democratic women Members who participated in this press conference today.

Mrs. MINK of Hawaii. I thank the gentleman for yielding.

The press conference that the Democratic women held at noon today was to emphasize our great frustration at the failure of the leadership to schedule even hearings at the committee level on this very critical problem. Any blind person, I think, could realize that the whole system is in crisis and it is really up to us. No one else can change it. No one else can fix it. It is up to the Congress of the United States to take this issue and to hear all the different versions. I am not certain exactly where I am going to stand in the final analysis on many of these aspects of the reform legislation, but I do think it is time to start, and so the women gathered today to make a special appeal to the country to contact the leadership of this House and to stress the point that they, the public, is really exhausted with their patience in waiting for this Chamber to begin its deliberations.

Last night, the Speaker took the floor during special orders and outlined a 13-point program in which he explained in great detail in his 1-hour special order exactly what positions and programs the Republicans were supporting. I listened the entire hour because my special order came afterwards, and I was astounded that he did not include mention of campaign finance reform, something which really goes to the very heart of our democracy. It is challenging the viability, the essence of our democracy, all the things that we read about. When $2.7 billion is being spent in campaigns to elect us and the President, something is strictly wrong, and we need to fix it. There have been a lot of different suggestions that have come forward and the gentleman in the well pointed out to me a short little column which I am sure he will explain later in detail from the National Journal on March 13, reported that a group of political science professors forming a task force by the Citizens Research Foundation came up with certain recommendations on campaign reform. They are saying, ''Put aside all the stuff that you have been debating in the past. Start anew. Look at this problem fresh.'' And I think that is a very interesting approach and something which this House probably ought to consider.

We have had no hearings yet. There are investigations which I certainly support. One of the reporters asked at our press conference, well, does it mean since we are pushing for campaign reform that we are minimizing the importance of the investigations of the past activities?

Certainly not. We want to see those investigations carry forth. But they have no ending if we at the same time are not considering ways in which we can make the system better, bring back the importance of ordinary people, not big financial contributions.

The campaign reform report that the Citizens Research Foundation task force recommended said, abolish soft money. I totally agree with that. And many of the suggestions that have come forward have made that suggestion. I do not know if it will be in the final form. I hope so. I have introduced a bill to do exactly that. I do not think the American public out there wants to read in the paper night after night about contributions coming in to the various party organizations, of $500,000, $600,000, maybe cumulatively over a 2-year period of $1 million. Something has gone amuck if we tolerate that kind of interventions of big money into a political process that should belong to the ordinary citizen.

The gentleman and I running for Congress operate under severe limits. Our individual contributions are limited to $1,000 for the primary, $1,000 for the general. We have PAC contributions that come to us, but they are limited, $5,000 in the primary, $5,000 in the general. Why can the others in our society that want to participate in a different way, not to our campaigns but to our parties or to independent organizations not operate under the same rules, $1,000 for individuals and $5,000 for the larger entities or committees that are contributing? I think that is fair.

The Supreme Court's decision with regard to campaign contributions was that the limitations on how much people can give is a perfectly legitimate limitation, and we operate under that. No one has said those limitations are not proper or are unconstitutional. We have lived under it for many, many years.

What the Supreme Court has been challenging as a free limitation is the spending end and that brings into picture a much more difficult part of this whole reform effort. But for the moment, it seems to me the people are concentrating on the whole idea of these uncontrolled contributions, and the court has never said that we cannot establish limits there.

And so I support this task force report. It is remarkably in line with what I think. But that is really not the point of my presence here tonight, because myself together with the other women who joined in the press conference are not championing any particular reform or particular items. What we want to see is the beginning of serious consideration of this issue, putting it on the priority list, for instance, that the Speaker came to the well last night to announce to the American people. Why is it not on his agenda for America? Americans are concerned about it. The pollsters are telling us 85 percent of the Americans think there is a crisis today in campaign spending and campaign contributions. And so what this tells us and

what our mail certainly tells us, what the phone calls are telling us that are coming in from our districts, we better pay heed. The American people are really disillusioned about this process and we cannot afford to let this go by unattended.

Again I join the gentleman who is doing a wonderful job in leading us in this whole effort about campaign reform, to get with it and call upon the Speaker and the leadership to bring this matter to a head, call the hearings, let us have a chance to express ourselves on behalf of our constituents, bring together both sides, call task forces, bring in the parties. They do not want to give up this opportunity to raise large money. We cannot expect them to come in with voluntary solutions, voluntary limits.

□ 1930

It is time for us to enact laws to safeguard that very precious element of the public's right to really participate in the electoral process, and they cannot if they are swamped by big money.

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

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Hawaii and particularly in your pointing out that after all we, as Democrats, are in the minority here. What we are asking is that the majority, the Republican majority and their leadership, bring this issue to the forefront and make it a priority, and, as you mentioned, they have had several opportunities to do that: first with the President who called for this issue to come to the floor and be resolved by July 4; and then there were bipartisan meetings at the White House, and once again the Republicans refused to put it on a priority list; and now the Speaker has come forward again, and it is not on the priority list of his agenda for this Congress.

All we are asking is that this be prioritized and a date certain be set when it is going to come to the floor, and, as you know already, some of our colleagues, some of our Democratic colleagues, have started to use procedural motions, motions to adjourn, on other bills to try to make this point because that is really the only avenue we have to make the point to speak out and say that it must come forward.

I just want to mention one more thought that you pointed out and I think, as we have been saying, we just want to bring this issue up and we want it to be heard. We have not necessarily come up with a specific proposal about how to address it. But you made a very good point when you said that when it comes to our individual races for Congress we have very strict requirements in terms of how much money we can raise, a thousand for individuals, $5,000 for PAC's, and all of that has to be disclosed.

And when you look at this report that was done by the Citizens Research Foundation at the University of Southern California, one of the points that they make in their summary, and of course it is endless and you know we are not going to be able to go through it all tonight, is that they are very concerned about the lack of disclosure for sources and receipt of money outside the confines of individual races. They talk about the issue advocacy now, the independent expenditures, issue advocacy being done by party committees, independent expenditures being done by various organizations, and in each case the biggest problem there is lack of disclosure. And I think that is one of the things that I think is almost universal. Regardless of what program or bill comes to the floor, the real problem is that one of the major problems is once you go outside of our individual races, disclosure is much more difficult, it is more difficult to track where the money is coming from and where it is going to.

Mrs. MINK of Hawaii. If the gentleman will yield, that is precisely the point why the public is so disillusioned, because this matter is being disclosed in the newspaper. Nobody has access to the records. We cannot go anywhere to see the degree to which this type of fundraising has gone on and who has contributed. We wait every day for new announcements.

That is simply not the way to preserve democracy in America, so I really commend the gentleman for his point. It is very, very critical to this debate.

Mr. PALLONE. Well, thank you, and I see my colleague from Connecticut, Ms. DELAURO, who joins with me on a regular basis here. I would like to yield to her. I know she has made a major point of this issue of campaign finance reform.

Ms. DELAURO. Mr. Speaker, I want to thank my colleagues for taking up this special order tonight, and I am sorry I was not here for the first part of the dialog, but I think in what I have been listening to, the issue of the 1996 elections, I think it was clear that the 1996 elections prove that there is too much money in politics.

What does it mean when you say that? It means that there is too much influence for special interests, not enough representation for people who work hard every single day and who want government to represent their views and their needs, and government is not in a sense an abstract concept. Government means that they want the people who they have elected to represent them, to make sure that their views are put forward.

I wanted to join with you tonight just simply to say that I want to call on the leadership of this House to take action to reform our campaign finance system. Again I am sorry that the 1996 elections were record breaking in what I view as the wrong way. The final tallies reported in the Washington Post show that the campaign was the most expensive ever with an estimated cost of $2.7 billion. If we were to adjust for inflation, spending on campaigns tripled during the past 20 years, and what they reinforced was that we need less money in our political system.

Now if you take a look at the leadership of the House, Speaker GINGRICH thinks that we should have more money in the political system. The majority leader of the House believes that there should be more money in the system. The majority whip believes that there should be more money in the system. The former head of the Republican National Committee believes that there ought to be more money. Now I am not making that up. Those are statements that are on the record.

So, in fact, there is a philosophical difference in terms of the Republican leadership wanting more money in the process, and a Democratic position in the House has been to see limitations put on the amount of money spent in the process. The Washington Post further showed that 8 in 10 Americans agree that the money has too much influence on who wins elections. When you take a look at what the preponderance of views are amongst the Republican leadership, you can see that there is that tie on why we see a refusal, if you will, to bring campaign finance reform to a vote, and I have to believe it is a sincerely held view that they do not think that there is a problem with the role that money plays in the American political system.

I think that the American public believes differently from that, as I am sure that you have talked about and our colleague from Hawaii is talking about, but I think it is so real to the American public that there is too much money in the system. I think it has been reflected in their staying away from the polls in their, if you will, disappointment and potentially even their disgust with government. They have little faith in government. You know, in terms of staying away from the polls, we have had less than half of those eligible to vote voted last November.

One 50-year-old woman in the article who said she might expect to live to age 80 said, ''I will be dead in the ground long before anything changes.'' It is a sad day if her words accurately reflect our perceived ability to tackle the challenge of campaign finance reform.

I think we have a wonderful opportunity here, and that opportunity is to restore faith in the Government, in the Congress. But in order to do that we have to prove that we are serious about reforming campaign finance and that we have to do that now. Waiting would push campaign finance reform efforts closer to the next election season and likely doom campaign finance efforts as happened in past Congresses.

I was pleased that the President, in his State of the Union message, talked about a realistic challenge for the Congress, and that is to pass campaign finance reform by the Fourth of July.

Lest their be any confusion about what we are talking about here tonight, I would just say very forthrightly that we do have investigations underway and if there was any wrongdoing, then in fact wrongdoing should be punished. No one is suggesting that that is not the case. I think very honestly, and investigations will go on, but what we need to do is to—we know that the system needs to be reformed. So let us have the opportunity to debate the number of initiatives that already on both sides of the aisle have been brought to the table, including the Meehan-Shays bill and the Senate Feingold—the Feingold-McCain bill. Our colleague from California, SAM FARR has a good working piece of legislation. There have been two constitutional amendments that have been introduced or that you put a limitation on the amount of money that is spent to contravene a Supreme Court decision a number of years ago. So that we have opportunities here to have a debate, and a number of people have talked about, you know, different pieces which can be debated so that in fact we can come to some consensus on both sides of the aisle about how we ought to be raising money for campaigns in the future.

I think if we can use the goal post of July 4, it is a decent period of time in which to have the debate, and it is also symbolically, I think, very important in terms of it being Independence Day in that we, in fact, you know, wrest the control of our campaigns from the special interests and return it back to the people. And I would urge the House leadership to move to campaign finance reform by that time, and we can start working now at this effort.

I was proud to join my Democratic colleagues. The women, Democratic women of the House, today had a press conference to talk about this issue to have a full debate, which I am sure my colleague from Hawaii talked about. I understand that Members of the freshman class on both sides of the aisle, a bipartisan effort is underway to talk about how we can move this forward.

I am a cosponsor of our colleague Sam Farr's bill. I think there have been some good suggestions about the broadcasters and issuing free time, especially in light of what is going on with the sale of the spectrum in which the broadcasters are going to reap, you know, myriad of benefits. Therefore, in fact, they could talk about free airtime to candidates. I think there are some good measures is essentially what I am saying, and I know my colleague from New Jersey feels the same about this.

And let us take this opportunity to take some of these good measures to develop consensus on this issue and move forward to meaningful campaign finance reform. I think it would do so much for our ability to go to the American public and say, ''We're responding to what you are talking about with your disgust and with your lack of faith.'' Let us do this, and let us talk and then allow them to believe us when we talk about wanting to ensure, making sure that 10 million kids in this country have health insurance, which they now do not have, and that we are serious about doing something about their ability to be able to send their kids to school and so forth. I think it would go a long way in restoring faith in what we do in this body.

So, as my colleague has also called for, I join him in calling for the passage of campaign finance reform as soon as possible. But first and foremost let us have the debate and the hearings that are necessary in order that we can pass campaign finance reform, and I thank you for calling this special order.

Mr. PALLONE. I thank you too and, you know, I think that one of the things that you pointed out which is, I think, very sad, and of course I do not buy it, is that many people do believe, and I hear it all the time, that we are just never going to see this, it is not possible for Members of the House of Representatives to limit campaign finance reform. It is not going to happen, it is not in their interests, they will not do it. And of course I have been here long enough to know that the reality is around this place fortunately because it is a democracy, and we are representatives, that if people demand that certain action be taken on this floor, it will be taken, and I need to, you know, stress that again. I think our colleagues all understand and I think the people should understand that if there is enough pressure, if people speak out and they feel strongly that there needs to be reform, and I think that is the sentiment out there now, this House will take action, and I think that the President's proposal to have a date certain—he mentioned July 4—is really what we need. We need to set a deadline and say, OK, this is when we are going to do it, and we need to have Republican leadership basically come forward and say July 4 is going to be the deadline or whatever the deadline is.

You mentioned a few things though that I just wanted to add to, if I could, when Congresswoman MINK was here from Hawaii and we talked a little bit about disclosure and the need to have disclosure. You stressed the problem of too much money in the system and the need for spending limit which I think, as much as disclosure is important, the need for spending limit is also important. And I have been very upset really to hear some of the leadership and some of our colleagues on the other side of the aisle talk about how there is not enough money in campaigns. And we mentioned before, I think, on the—in the other body Senator MCCONNELL who stated just recently we are not spending too much on politics in America. His whole notion that we are spending too much is nonsense. That is simply not the case. We are spending too much.

I mean there is a need for some kind of spending limit. I think that has to be the heart of this thing. And also again the cynicism with regard to small donors. I have people come up to me now and say, ''Well, why should I contribute $5 or $10 or even $100 to the campaign?'' You know, this is all big money now. This is $1,000, $5,000, $10,000, a million—you know, depending on whether it is going to a national committee or independents. This is big money; the little guy does not matter.

□ 1945

That is not true and we need to dispel that. I think that a spending limit could go far to dispel that.

What I would like to see, just my own view, not even in a bill form, but I really think that if we had a spending limit, and we said, say it was $5,000, which really is a lot of money, but that could be a limit, I just take it out of a hat, and then we say that we will use existing means, we can still have $1,000 for individuals and $5,000 for PAC's, but we have some requirement of small donor contributions, either small donor individuals, or small donor PAC's, and then we couple that with public financing. I know it probably is the case that the majority of the Members of this body are not in favor of public financing. I happen to be in favor of it.

Ms. DELAURO. Mr. Speaker, if the gentleman would yield, so am I.

Mr. PALLONE. Mr. Speaker, I think that if we take a spending limit and we then require a small amount of donations and then we still have larger donations, individual donations and PAC's, and then we have a public mechanism to match it, that would go far toward keeping the amount of money down and also making people understand that the small donations really are meaningful in this process, which I think that they are. However, again, the issue right now for us is not what the reform is going to be, but that we need to address reform.

Ms. DELAURO. Mr. Speaker, if the gentleman would yield, that is the point. We did pass a bill in this House, and then when it went over to the Senate and the current Senator from Kentucky, who is still of the view that there is not enough money in politics, filibustered it and in the last session it was turned away. In a prior session when it was passed in this House, the then President George Bush vetoed the legislation.

The fact is that we passed here spending limits. We need to limit the amount of money it takes to run for a congressional seat or a Senate seat.

There are differences with regard to public financing. I support public financing, a voluntary, that is nobody should be coerced, or the other pieces, the ban on soft money which is in the Farr bill, which I support, a ban on soft money. These are all pieces, again, the constitutional pieces, the broadcasters you can deal with. We have to get to the point where we can have a good,

hard debate on these issues, and a place in which they can unfold so that we can try to come to some consensus and viewpoint as to what we ought to pass.

Without that debate, we are not going to see anything happen here. We are just going to go along and the public will be reconfirmed in their view that this body is not able to police itself or to look at ways in which the amount of money can be curtailed.

There are a number of ways in which we can go after this goal. What there has to be is the willingness and the will, if you will, or the political will, to determine that we are going to pass meaningful campaign finance reform and that we are going to take it on.

Mr. PALLONE. Mr. Speaker, I agree. The gentlewoman did mention this idea with regard to the broadcast time, and if I could just develop that a little bit more, because I think that is important. One of the proposals that has been laid out is with regard to premier time for political ads.

The gentlewoman is in Connecticut and I am in New Jersey, so we are both in the New York metropolitan area. Members who live in the New York metropolitan area know how expensive the radio and TV market is for New York. If one is in New Jersey and one is running statewide for Senate, for example, one has to contend with not only New York, but Philadelphia; in both cases very expensive markets for TV time.

So I think that when the President recently suggested linking free broadcast time to the stations' interest in some of the spectrum, or I guess it is this digital high definition television, these licenses that are now being put forth, I thought that was particularly interesting.

There was an article in the New York Times on March 13, just a few days ago, and if I could just bring out a couple of points in that. It said, ''Supporters of free political ads have proposed a national political time bank into which every radio and TV station would deposit one or two hours of prime advertising time for each two-year political cycle.'' It says, ''Based on the $500 million and the time back, the Federal Election Commission would dispense vouchers redeemable at any station. Half the vouchers would go to qualifying congressional candidates * * * Using vouchers, candidates could buy blocks of time at any station during any program, and such flexibility is critical, because different campaigns have different audiences.''

The way I understand the President's proposal, he asks that broadcasters surrender time to candidates in exchange for new licenses to provide this digital high definition TV.

The President said that the free broadcast time would take the pressure off candidates to raise money, obviously, and the time bank would reimburse stations that provided more than 1 or 2 hours worth of free time using money from the stations that provided fewer.

I thought it was an interesting proposal. Again, this is something that the President put forward. We obviously can debate it. If we look at one of the reasons why so much money has to be raised, particularly I think for races in the other body, but also for many in the House, it is because of the cost of TV time in these very expensive markets. This would go far toward alleviating some of that problem.

Ms. DELAURO. Mr. Speaker, I think most campaigns, and this is across the board, if we talk to anyone on both sides of the aisle about where the bulk of their money goes in a campaign, and it is to pay for the TV costs, for the broadcast costs.

I was just looking at an article from the Hartford, CT, paper, which actually said what the broadcasters could do here in terms of what they are about to reap in profit from the sale here and the licenses is that they ought to give back something and take on some responsibility here in terms of the free air time. I think we ought to move in that direction, because the costs obviously vary in different parts of the country, but the fact of the matter is that we do run for reelection and we do have to raise money. But whenever we are listening to people, it is mostly because the volume of money that they are trying to raise has to do with trying to be on TV and to pay those costs. Even some of the solicitations from Members to folks that they want contributing to their campaigns, say such and such an amount of money will allow me to be on television so many times, so that that is where the bulk of the money is being spent. I think we need to take a very, very hard look at that and a look at the various proposals that are on the table with regard to that issue.

I think what we have to do on this is do what similarly was done with regard to the minimum wage legislation in the last session of the Congress, and that is to use every opportunity that we can on this floor to raise the issue. Some Members were engaged in that effort last week. I suspect that they will continue to try to raise the issue.

This has now been, what is it, January, February, March, and there have been letters. I do not know if it has been mentioned before, but a bipartisan list of Members sent a letter to the leadership asking that campaign finance reform be made a high priority, and so far we have seen nothing as an opportunity for us to move in this direction.

So what we need to do is to utilize the opportunities that this institution offers to raise the issue continuously so in fact we can have some meaningful dialog on this issue.

Mr. PALLONE. Mr. Speaker, I have noticed, I am certainly not an expert on it, but if we look at some other countries in Western Europe and other democracies, many of them do in fact have the free TV time or the free newspaper time or whatever. It is not an unusual thing to do that. In fact, I think it is very common in a lot of other democracies. So there are precedents for doing that, and I think we need to look at some of these precedents in deciding what kind of a forum we should make.

I guess we are running out of time, but I just wanted to finish our special order.

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

Mr. PALLONE. Mr. Speaker, the gentleman has his special order next, so I am not going to yield to him at this time.

Mr. GEKAS. The gentleman is not going to yield to me?

Mr. PALLONE. No, I am not.

Mr. GEKAS. I feel offended. There is certain blame being cast here that I wish we could rebut at this time. I am offended.

Mr. PALLONE. Mr. Speaker, I did mention earlier this report on this task force of campaign finance reform that came out from the Citizens Research Foundation of the University of Southern California, and this is something that we could talk about and we probably can discuss more as we go on, but it is called New Realities, New Thinking. I think the one thing that it points out that I am thinking about a lot, because I think it made me rethink the whole idea of what we need for campaign finance reform, is it says that ''Campaign finance today is characterized by an expanding political arena in which significant amounts of money flow in new and constantly changing ways.''

This is a quote.

> We have gone from a process where parties ran campaigns to an area where candidates ran their own campaigns and now we are experiencing a much more dynamic, diffuse funding system in which a broad range of political entities, political parties, individuals, PAC's, issue organizations and others spend money in campaigns that candidates neither raise nor control.

The report indicates that these new realities, basically, raise serious questions about accountability, electoral competitiveness, the sources of campaign funds and resources. So you are thinking new realities, and what they are saying is that the nature of campaigns have changed dramatically in the last few years, with the issue advocacy, with the independent expenditures, and I think that that is the reason why there is a need for reform, because there is so much more money now and it is going in so many different ways. We do not know where it is coming from, disclosure, enforcement, all of these things that were mechanisms that we relied upon in the past where we were only dealing with our own campaigns, this is increasingly a thing of the past.

That is why the system cries out for reform. There need to be changes. We just cannot pretend that we are living with a system that we lived with 5 years ago or 10 years ago. It is not the same anymore. So that is why I think that we need to continue with our effort to say that this campaign finance

reform issue has to be addressed on the floor.

I just want to thank the gentlewoman again. I know this is just the beginning of our effort to make sure that this issue is raised by the GOP leadership and that we do have the time when it is considered.

GREEK INDEPENDENCE DAY, 176 YEARS OF FREEDOM AND DEMOCRACY

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, I rise this evening to honor the spirit of freedom by commemorating 176 years of Greek independence. March 25 is Greek Independence Day, and every year I speak on the House floor to recognize this important historical event.

The significance of Greek Independence Day can never be overstated. Like the Fourth of July, it continues to remind all of us to honor freedom regardless of the price.

Mr. Speaker, I yield to the gentleman from Pennsylvania, my very good friend and colleague [Mr. GEKAS], at this point.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. We have grown accustomed to the gentleman from Florida and his repetitive and necessary emphasis on Greek Independence Day and its celebration throughout the world.

The most noteworthy part of the celebration in which Americans of Greek descent yearly participate has to do, in my judgment, with the historical partnership of the American democracy and the way our country, the United States, gained its independence, and that which followed in the 1820's when the Greek nationals began their movement for independence.

□ 2000

What was the common bond that the American institution of independence had with its later Greek movement for independence in the 1820's? It was their own Greek heritage. That is, the ideals of democracy and self-government which were first practiced by the classical Greeks were the foundation for the Jeffersons and Madisons and the Adamses and the Washingtons as they moved strenuously to bring their country into a mode of freedom. The Declaration of Independence and the Constitution that followed all were based in the authorship of the American Founders themselves, founded on the principles of classical Greek democracy, Athenian democracy.

And so 50 years later, when Greece itself felt the need to overthrow the yoke of Turkish domination, they were harking back to two historical events: First, the American independence movement and, still further back, in which both democracies had relied so heavily, the classical Greek democracy.

So how did I learn this lesson? In the parochial setting of our Greek school, church-related studies, it became evident to me that America was as much a part of the Greek revolution in 1821 as was the raising of the flag by Father Germanos and all the heroic exploits of the great generals of Greek independence.

As a matter of fact, in the city of Philadelphia, the City of Brotherly Love, the public officials of that day in the 1820's spoke mightily of the need for the international community to come to the aid of the Greek independence movement. And in fact President Monroe, on many occasions, was insistent upon American spiritual and moral and material aid for the potential overthrow of the Turkish domination of Greece.

Members of the House of Representatives in which we stand tonight were eloquent in their phraseology of freedom, just as the gentleman from Florida began his dissertation this evening, with the celebration of freedom. His predecessors and mine on the floor of the House of Representatives in the 1820's were repetitive and strongly exhortative of the movement of freedom on the Greek mainland.

So when the gentleman says, as he does rightly, that this is a celebration of freedom, it is a celebration of American freedom just as much as it is this small setting of Greek independence that arose in the 1820's. That is what makes it so extraordinarily valuable to us of Greek descent, Americans of Greek descent. Here we are, privileged enough to be Members of the Congress of the United States where our every day, our every breath is spent in trying to improve our country, the United States. And it happens that our heritage, the parents that we had who came from another world and from another era, were able to inculcate in us the spirit of freedom and independence and democracy which they and their forefathers knew so well in their country of origin, and then they make sure that we in our education, in our commitment to faith, in our interrelationships with our fellow Americans, that we never forget that the spirit of freedom that began with that wonderful Athenian democracy can be practiced by their sons and daughters on the very floor of the most, the strongest station of freedom that the world has ever known, the Congress of the United States.

I thank the gentleman for yielding to me.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman. He is always so very eloquent on all subjects, I might add.

I now yield to the gentleman from New Jersey [Mr. PAPPAS], one of our newest Members of the House, very welcome here.

Mr. PAPPAS. Mr. Speaker, I proudly rise today and join my distinguished colleague and dear friend from Florida in recognizing the great achievement of the 176th anniversary of Greek independence from the Ottoman Empire.

Over 200 years ago, America's Founding Fathers turned to Greece, the birthplace of democracy, as an idol in setting the course as a new nation. It was only fitting that Greece in turn look to the United States 50 years later as a role model for democratic government after struggling under the oppressive Ottoman Empire.

Living under the rule of the Ottoman Empire fostered a revolutionary spirit in its people who had been subjected to decades of slavery, abuse, and cultural deprivation. It is this spirit that we recognize today. We recognize the spirit of Greeks that have gone on before, the Greeks that have brought so much to this country and those Greek-Americans living here today.

A well-known Greek revolutionary who was burned alive by the Turks said in one of his famous poems that ''I would rather live free for one hour than suffer slavery and imprisonment for 40 years.''

The United States-Greek relationship is among our strongest. Greece has fought by the side of the United States in numerous tests throughout the years. Both countries share a passion for freedom. Greece has sent some of its brightest to the shores of America to pursue dreams in this, the land of opportunity.

My grandparents emigrated to the United States of America early in this century. My mother's parents, Stelios and Olga Macaronis, were born in a village called Atsiki on the island of Lemnos in the Aegean Sea. My paternal grandmother, Anastasia Pappas, was from Athens, and my father's father, whose name was Mike Pappas, was born in Smyrna, which is now part of Turkey.

They worked hard to learn the language and supported a growing family. They became U.S. citizens. They started businesses. They had children and, yes, they had grandchildren. One of these grandchildren today is a Member of the U.S. Congress.

The United States has given our Greek-American family the opportunity to see these dreams come through. As a Member of this Congress, I share the responsibility to ensure that the opportunity for the realization of these types of dreams will always be possible for others.

Winning the election last year to the U.S. Congress was a great responsibility or is a great responsibility and honor. However, in reading the papers the day after the election, my favorite pictures are not the ones with me and my supporters at the election celebration. It was the pictures of me taking my grandmother, Olga Macaronis, to vote just as I have done for many years.

My grandmother, Olga Macaronis, is 94 years old today, and I do not think that she has ever missed an election in

her many years since becoming a citizen. While taking her to vote to the polls, you can sense her sense of civic duty. I guess the respect and sense of responsibility rubbed off on me, and that is part of the reason why I became involved in public service.

Another great quality that you cannot help but notice within the Greek-American community is its strong entrepreneurial spirit. Not only strong businesses but strong families, churches, and communities.

The reason I come to the well of this Chamber and talk a lot about tax relief, regulatory relief, small businesses, and balancing our budget is because of the basic commonsense upbringing that I had in a small business with my dad, Jim Pappas, or talking to my friends like George and Peter Stavrianidis. The tight interrelationship between family, friends and community businesses is critically important to all Greek Americans.

As a new Member of Congress, I am very honored to see so many leaders on both sides of the political aisle recognize the significance of the United States-Greek relationship. I hope to add to this as the newest Member of this Congress of Greek descent.

Greece has survived through a lot of turmoil over the years and has reached maturity because of its people: proud, God-fearing, freedom-loving, and, yes, peaceful. And that has nourished and upheld the ideals on which their modern nation was conceived on March 25, 1821. It is this heritage that we, the thousands of Greek-Americans, bring to the United States of America.

I want to thank my colleague and friend from Florida, chairman of the Hellenic Caucus, for the opportunity to address this issue which is so close to my heart.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for doing so very well.

The Greek struggle for independence, as has already been related by Mr. GEKAS and Mr. PAPPAS, is filled with stories of heroes and acts of heroism. It is the story of the Hydriots, seafarers who broke the Ottoman naval blockade. It is the story of Bishop Germanos of Patras who raised the Greek flag at the Peloponnese Monastery of Agias Lavras and cried out, Eleftheria I Thanotos, liberty or death.

It is the story of Philhellenes, like Lord Byron, who gave his life for this cause. It is also the story of U.S. President James Monroe, who said the following in his 1822 State of the Union Address, and I quote:

> The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret to generous minds for ages past. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

These acts of courage, Mr. Speaker, and the words of President Monroe serve to highlight an important bond between America and Greece: the love of freedom. Like our Founding Fathers, the Greek people sought the right to govern themselves and to determine their own destiny. They felt that there is nothing more precious than freedom and democracy.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just want to begin as I do every year, by thanking the gentleman from Florida [Mr. BILIRAKIS] for organizing this hour to honor the anniversary of Greek independence day. As you know, he is the chairman of the Hellenic caucus. He works tirelessly and is an outspoken champion really of Greek-American relations. I thank him for his tireless effort to strengthen the ties between our two countries.

I just wanted to say, many of us here in Congress are staunchly committed to preserving and strengthening the ties between the Greek and the American people. It is very important. I think sometimes people diminish the significance of these commemoratory evenings as we are having now, but I think it is very important that we speak out and talk about Greek independence day and talk about the ties that bind the Greek and the American people.

I usually try to find a quote for this occasion. And I just wanted to mention, I found one from Daniel Webster, who just 2 years after the Greek people began the revolution that would lead to their freedom, mentioned, and this is a quote, he talked about the oppression that the Greeks were having to deal with under rule by the Ottoman Empire and he said, and I quote, ''This, the Greek people, a people of intelligence, ingenuity, refinement, spirit and enterprise, have been for centuries under the atrocious and unparalleled barbarism that ever oppressed the human race.''

If you think of Congressman Webster's words in describing the Greek people, intelligence, ingenuity, refinement, spirit and enterprise, they are certainly no less apt today as they were when he said those words, I guess it is, I do not know how many years ago. I am sure it is over 100 years ago now.

The other thing that I think we need to point out and we have and Mr. BILIRAKIS has many times is how Greece has been a staunch military ally of the United States in World War I. In War II, when Hitler's war machine was decimating Europe, Greece joined the United States to repulse perhaps the greatest threat to freedom the world has ever seen.

We hear about the historic battle of Crete in which the spirit of the Greek people forced Hitler to delay his planned invasion of Russia, one of the most important battles of the Second World War. Of course, in the aftermath of the Second World War, Greece became a NATO ally and has been to this day joining forces with the United States and played no small role in preserving and protecting the freedoms enjoyed by an unprecedented number of the world's people.

The other thing that I think about is the contribution that Greek-Americans have made to this country. If you think about Webster's words again, these values that have guided the Greek Americans to the top of some of the Nation's most competitive professions, law, the arts, entertainment, the sporting world, education and medicine and, of course, government, we see so many Greek-American Congressmen here tonight and in the Congress, but perhaps the most enduring of Greek qualities is that of endurance itself.

The Greeks gave the world democracy, and today the world is as free as it ever has been. There are more democracies now than there ever have been, I think, historically. Four hundred years of control by the Ottoman Empire could not, as Webster observed, overcome the Greek people's determination to be free. And this is no less advisable in modern times.

□ 2015

I just wanted to mention Cyprus, because for almost 23 years now Greece has stood firm in its determination to bring freedom and independence to the illegally occupied nation of Cyprus. Like their forefathers, who were under the control of a hostile foreign power for four centuries, the Cypriot people hold fast in defiance of their Turkish aggressors with every confidence that they will again be a sovereign nation. And I believe they will, and the United States will be by their side in both the fight to secure that freedom and the celebration to mark the day when it finally arrives.

I want to say in conclusion, again, to congratulate the Greek people for 176 years of independence, thank them for their contributions to American life, and thank the gentleman again, Mr. BILIRAKIS, for making sure that we do this special order every year on a regular basis.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for again joining in this special order, this remembrance and this celebration.

Mr. Speaker, I would like to say at this time that the gentlewoman from New York [Mrs. MALONEY], my cochairman of the Hellenic caucus, was on the floor, but she took ill and had to leave and asked me to insert her remarks in the RECORD, and I do miss her attendance here today and her participation.

But Mr. Speaker, the gentleman from California [Mr. FILNER] is with us today and I would recognize him at this time.

Mr. FILNER. Mr. Speaker, I thank the gentleman, and like the previous speakers, I thank Mr. BILIRAKIS for this annual special order in which we take some time to remember our relationship and our debt to the people and the

nation of Greece. It is a privilege and an honor to participate with him.

We all know that March 25 will mark the 176th anniversary of the struggle that ultimately freed the Greek people from the Ottoman Empire. Back then, in 1821, the Greeks raised the flag of revolution against 400 years of Turkish rule and began a series of wars that lasted a full decade and resulted in freedom for the nation of Greece.

We look to Greece for many of our cultural attributes, whether it is science, literature, art, architecture, philosophy. For over 2,000 years we have looked to Greece for inspiration.

Before I entered this Chamber, Mr. BILIRAKIS, I taught a course on the history of science at the university level; spent a good part of that course on the contributions of ancient Greece.

It was in the 6th and 5th century B.C. that the Athenians and the Greeks living in the Ionian cities for the first time asked rational questions about the natural world we live in and demanded rational answers. Whether it was on the structure of the universe or the nature of the human body, they invented what we call science. The process that they began back then, in fact, became the most productive and the most profound method of trying to discover truth in the world, and we owe the Greeks that.

We look at Greeks, of course, foremost for the model of democracy that they gave us. I think every democratic nation on earth, past and present, has owed a debt to the Greeks, who said that human beings can rule themselves. We have the capacity, we have the intelligence to, in fact, rule ourselves. We do not have to look at kings, we do not have to look at outside forces. We can do it ourselves.

As the gentleman knows, there was some debate earlier on spending limits. I think the Greeks might have laughed at that. They believed, in terms of their democracy, that everybody who was a citizen could serve in their assembly or other offices, and they chose their leaders each year by lot, by random selection. There were no campaigns for office that they had to put campaign spending limits on. Term limits were also built into their system. An individual served for a year and then returned to their job, and it seemed to work very well, at least for the cities of Greece at that time.

Our Founding Fathers certainly looked to the Greek model of democracy as they drafted our Constitution. During World War II, as we have heard, Americans and Greeks stood shoulder to shoulder in the battlefields of Europe as we fought for freedom. And certainly in recent years Americans and Greeks have watched with pride as nations all over the world have rejected tyranny and embraced the democratic ideals we both share. Americans and Greeks alike understand the importance of supporting the seeds of democracy around the world and working toward a day when everyone is permitted the rights and liberties that our country so cherishes.

Mr. Speaker, Greek Independence Day celebrates the fight against oppression and the struggle for freedom. We thank the gentleman again for helping us to remember that each year. This weekend when I go back to San Diego, I am proud to be joining the Greek community in my hometown for a grand celebration of Greek Independence Day, and I wish the entire Greek-American community a joyous celebration of Greek and American democracy.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his very profound remarks and for participating in this special order. And I suppose maybe the most draconian but possibly best form of campaign reform might be the lot process. I am not sure whether we would all agree that that is the way we should go.

Continuing on, Mr. Speaker, at one time or another we have all read the passionate and stirring words of our American patriot Patrick Henry. It was 222 years ago on March 23, 1775, that Mr. Henry admonished all of history when he proclaimed, and I quote, ''Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death.'' We all learned that certainly in our schooling.

This same yearning for freedom, Mr. Speaker, would echo throughout the hearts and minds of every Greek patriot fighting for liberty. As these Greek freedom fighters boldly challenged Ottoman-Turk domination, they too proclaimed the defiant battle cry, ''eletheria I thanatos!'' Liberty or death.

During this battle for freedom rose the exceptional figure of Demetrios Ypsilantis. In 1825, Ypsilantis, along with 300 soldiers, defended the Castle of Argos for 3 days against an army of 30,000 Turks. After they had exhausted their ammunition, Ypsilantis, along with his 300 men, secretly escaped through Turkish lines without any losses.

This brave feat moved the whole world. The story reached as far as the United States. In fact, so inspired were the inhabitants of a new town in Michigan that they decided to name the town after Ypsilantis. Today the town of Ypsilantis, MI, has 30,000 people and a statue of Demetrios Ypsilantis still stands next to the old water tower.

This epic account certainly illustrates the common bond and heritage that both the United States and Greece share. The relationship between our two countries is based on mutual respect and admiration.

Like many Americans, Mr. Speaker, I am the son of immigrants who taught me a great love for the United States. I am proud that the values of freedom and democracy that we as Americans hold so dear originated in ancient Greece. We are all reminded that these democratic principles born so long in Greece were embraced by our Founding Fathers. Others have said this. It is an example of the ancient Greeks that we recognize each March the 25th.

We also celebrate the return of democracy to Greece on this day of glory for the Greek people. The spirit of democracy lives on. Many today continue to give their lives in order to defend its principles. We owe it to those defenders of democracy that we honor the freedom and independence of Greece on the floor of the House of Representatives here tonight, the world's greatest hall of democracy. In doing so, I think that we reaffirm the democratic heritage that Greece and the United States have shared throughout the years.

These principles are not uniquely Greek or American. However, our battles for democracy have given courage to the rest of the world. Freedom and independence form a legacy that we cherish and have a responsibility to protect and to defend. We must ensure that the light of liberty shines bright throughout the world. Wherever it is not, we have a responsibility to share our example.

Unfortunately, today liberty is not shining in all parts of the world. One need only to look at the current civil unrest in Albania or the dictatorship in Cuba to realize that more work must be done. While the Berlin Wall has been dismantled and Russia has been opened to the world, the Nicosia wall continues to divide the country of Cyprus.

Mr. Speaker, we must stop this senseless division. A divided Cyprus only serves to fuel more tension between Greece and Turkey. In fact, Secretary of State Madeleine Albright, in her own testimony before the House Committee on International Relations stated that, and I quote her words, ''The dispute divides more than two Cypriot communities; it continues to act as a wedge between two NATO allies, Turkey and Greece. In doing so, it threatens European stability and our vital interests.''

According to Secretary Albright, the United States, and I quote her, ''Is prepared to play a larger role in promoting a resolution to the conflict.''

As lovers of freedom, Americans cannot continue to tolerate the aggressive behavior of Turkey, which still suppresses the light of liberty in Cyprus. As we celebrate democracy today, let us remember that our fight is not over; that more work must be done, but that together we can ensure that freedom and democracy comes to Cyprus.

Mr. HORN. Mr. Speaker, this is the 176th anniversary of Greek independence, following 400 years of control by the Ottoman Empire. As the birthplace of democracy, America has a special debt to Greece.

America is committed to Greece as an ally in the fight for freedom and democracy. That commitment was renewed by the Truman doctrine and more recently within the NATO community.

America also is indebted to the great service of the Greek-American community, including Members of this House such as Congressman BILIRAKIS.

Ms. PELOSI. Mr. Speaker, I rise today to join with my colleagues to pay tribute to Greece, a nation that has contributed much to the civilized world. On March 25, we celebrate the 176th anniversary of Greek independence.

It was on this day in 1821 that, as one of the stories goes, Bishop Germanos of Patras declared in St. George's Square ''Eleftheria I(ee) Thanatos'': Freedom or death. The phrase became the battle cry of the Greeks and all who came to their aid in the ensuing revolution to end 400 years of Ottoman rule.

More than 2,000 years after it brought forth the concept of democracy, Greece would begin its long struggle for independence, and the right to claim for itself that which it had so selflessly given to the rest of the free world: governance by the people. It is the etymology of the word ''democracy'': ''demos'' meaning people, ''kratos'' meaning state, hence the people's state.

Half way around the world, another young nation was in the midst of its growing pains. The United States of America, barely 45 years old in 1821, was putting into practice, the principles of ancient Greece. The ideals of Greek democracy were not lost on our forefathers who drew inspiration from the ancient traditions. ''To the Ancient Greeks,'' said Thomas Jefferson, ''we are all indebted for the light which led ourselves out of Gothic darkness.''

Time and again, the Greeks have shown themselves to be fierce protectors of democratic ideals. During World War II, in the mountains of northern Greece, shepherds turned rebel fighters used the terrain and meager arms to baffle the Axis and slow the Nazi march into the Balkans. One in seven Greeks died for freedom during the war.

In times of peace and prosperity too, the contributions of the Greek community are immeasurable. Greek-Americans have played a significant role in all aspects to American life. Here in this Chamber, the children of Greek immigrants have brought their legacy and inspiration, and have made this place a better one for their contributions. The social fabric that is San Francisco would be less vibrant, less vital were it not for the presence of the Greek-American community which has worked tirelessly in the best interests of diversity.

Mr. MEEHAN. Mr. Speaker, I rise today in celebration of Greek independence from the Ottoman Empire. March 25, 1997, will mark the 176th anniversary of the start of Greece's struggle for independence. A historic series of uprisings against the Greek's Turkish oppressors began on this day. Soon the nation would erupt into a revolution attracting international attention and support.

The struggle of the Greek people against the Ottoman Empire exemplifies the remarkable ability of a people to overcome all obstacles if the will to endure is strong enough and the goal, freedom, is bright enough.

Today, the United States of America represents what we know as true freedom and democracy. Although no nation is perfect in its policies, America is still considered the standard by which citizens around the world compare their own governments. People living under oppressive regimes have looked to the United States for generations to gain strength in their struggles to overcome their oppressors.

The parallels between the two countries, the United States and Greece, are remarkable. American political thought was influenced just as much by Greek [philosophy as the Greek revolution of 1821 was inspired by the American fight for freedom in 1776. In fact, Greek intellectuals translated our Declaration of Independence and used it as their own declaration. The incredible historical struggles we share have created a bond between our two nations that goes far beyond present day foreign relations, trade agreements and security pacts.

Mr. Speaker, I am proud to represent a large and active Greek community in the Fifth District of Massachusetts. As a supporter of issues of concern in the Greek-American community, I would like to recognize this population and their interests. Greek civilization touches our lives as Americans, and enhances the cultural existence of this great Nation.

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to the 176th anniversary of Greek Independence Day, which is on March 24. I use this occasion not only to mark Greek independence, but also to celebrate the unique relationship that exists between the Greek and American peoples.

As almost every school child knows, modern democracy has its roots in the ancient Athenian system of government that was developed over 2,500 years ago. While the democratic ideals developed during this time did not always rule in Greece, the writings of its leaders and philosophers have influenced generations of people in almost every country around the world.

Among those who were influenced by ancient Greek philosophers was American Founding Father Thomas Jefferson, who taught himself how to read Greek at an early age. In his adulthood, Jefferson called upon his knowledge of the Greek tradition of democracy when writing the Declaration of Independence and other important works, which were a catalyst to American independence from the British. Years later, Jefferson's writings helped inspire the Greek people to rise up and successfully win their independence from the Ottoman Empire—the very event that we celebrate today.

This close and symbiotic relationship continues to this day. Greece is one of the only countries to have supported the United States during every major international conflict this century, and it plays a vital role in the North Atlantic Treaty Organization. The United States, in turn, has worked to bring a peaceful solution to the situation on the island of Cyprus, which was brutally invaded by Turkey in 1974.

Mr. Speaker, I am proud to join my colleagues in celebrating Greek Independence Day. I salute the Greek people for having the courage to break the bonds of oppression 176 years ago and I look forward to continued cooperation between our two nations. Finally, I would like to salute my distinguished colleague from Florida, Mr. BILIRAKIS, for arranging this special order today.

Mr. WELDON of Pennsylvania. Mr. Speaker, in commemoration of March 25, 1997, the 176th anniversary of Greek independence from oppressive Ottoman rule, I would like to acknowledge and honor the tremendous contributions that the Greek people have made to the world. The invaluable scientific, philosophical, and cultural gifts of the Greek people are countless, and all have come in spite of the historical adversity this determined nation has faced.

March 25, 1821, marked the Greek Declaration of Independence, a day ending almost 400 years of subjugation and persecution at the hands of the Ottoman Empire. Deprived of civil rights, as well as access to the educational and religious institutions for which they were famous, the Greeks waged a valiant war of independence to reacquire for themselves the vital rights they themselves had established for the rest of the world to enjoy.

The hard-won victory for independence has been followed by continuous adversity which the Greeks have repeatedly overcome and still been able to thrive. Greece has been a true friend to America and has aligned with the United States for every major conflict in the 20th century. This loyalty and dedication to the tenets of freedom did not come at a cheap price—over 600,000 Greeks lost their lives in World War II while fighting against the Axis Powers. Since that time, Greece again unflinchingly sided with the forces of democracy by joining the North Atlantic Treaty Organization [NATO] in 1952 in spite of Soviet threats of dire consequences for such action.

Greece continues to inspire the rest of the world with its persistent dedication to democracy and freedom, and it has particularly blessed the United States with 1.1 million Americans of Greek ancestry who continue to exemplify the importance of family, education, and hard work. Born right here in our Nation's Capital, Pete Sampras, the No. 1 tennis player in the world, is but one Greek-American whose work-ethic and determination epitomizes the rich heritage for which all Americans should be thankful.

I am proud to represent the many Greek-Americans living in the Seventh Congressional District of Pennsylvania and contributing to the diverse culture we enjoy. These hard-working families demonstrate the values and cohesion to which all Americans aspire.

As we look to March 25, let us bear in mind the tremendous sacrifices made by Greece and appreciate the democracy that we, as Americans, enjoy in large measure because of Greece's role as the birthplace of democracy.

Mr. MANTON. Mr. Speaker, I am proud to join my colleague and friend, Mr. BILIRAKIS, to mark the 176th anniversary of the revolution liberating the people of Greece from the nearly 400 years of domination by the Ottoman Empire.

We, as Americans, owe much to the country of Greece. The very foundation of our form of Government and the freedoms we enjoy are based upon the democratic teachings of early Greece. The Greek culture has played a crucial role in fostering freedom and democracy throughout the world. In the great words of Charles Eliot Norton, ''A knowledge of Greek thought and life, and of the arts in which the Greeks expressed their thought and sentiment, is essential to high culture.''

The relationship between Greece and the United States is one based on mutual respect and admiration. This is illustrated in Greece's national anthem, ''* * * There was heartfelt joy in the land of Washington remembering the chains which had tied them too.'' Our Founding Fathers and the American Revolution served as ideals for the Greek people

when they began their modern fight for independence in the 1820's. The Greeks translated the United States Declaration of Independence into their own language so they could share in the same ideas of freedom as the United States.

Mr. Speaker, the relationship between the United States and Greece has continued and thrived in modern times. Greece is one of only three countries in the world that has been allied with the United States in every international conflict this century. More than 600,000 Greek soldiers died fighting against the Axis Powers during World War II. Many Greek soldiers continued their fight for freedom and democracy after World War II when they fought against Communist rebels who threatened the liberty of the Greek people, however, the Greeks were successful in ensuring the stability and strength of democracy in their victorious nation.

On this occasion of commemorating the unique and historic relationship between the United States and Greece, I invite my colleagues to join me as a Member of the Congressional Caucus on Hellenic Issues. It is an excellent chance for Members to work together in a bipartisan manner on issues which effect all Greeks and Greek-Americans.

Mr. Speaker, I intend to continue my strong commitment to the Greek Community on issues which effect them, including the permanent solution of the Cyprus problem; promoting a positive relationship between Greece and Macedonia; as well as ensuring that the countries of Turkey and Albania cease their infringement on human rights and violations of international law.

Mr. Speaker, I urge my colleagues to join me in celebrating the strong friendship between the people of the United States and Greece and pay tribute to the important contributions the Greek culture and Greek-Americans have made throughout the world.

Mrs. LOWEY. Mr. Speaker, I rise today to commemorate the 176th anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic heritage of Greece and the United States. I thank my colleague from Florida, Congressman BILIRAKIS, for organizing this special order and for his leadership on issues of importance to the Greek-American community.

On March 25, 1821, after more than 400 years of Ottoman Turk domination, Greece declared its independence and resumed its rightful place in the world as a beacon of democracy.

The people of Greece and the United States share a common bond in their commitment to democracy. Our Founding Fathers looked to the teachings of Greek philosophy in their struggle for freedom and democracy. And the American experience in turn inspired the Greek people who fought so hard for independence 176 years ago.

This bond between our two peoples stretches beyond the philosophy of democracy. The relationship between the United States and Greece has grown stronger and stronger through the years, and Greece remains today one of our most important allies.

And the contribution Greece makes to life in America is even stronger than the ties between our two countries. Greek-Americans are a vital part of our cultural heritage. My district in New York would not be what it is today without the valuable contributions made by the Greek-American community.

I am proud to stand today in commemoration of Greek independence and in recognition of the contribution Greece and Greek-Americans have made to our country.

Mr. LOBIONDO. Mr. Speaker, I rise as a member of the congressional caucus on Hellenic issues to again recognize Greek Independence Day. This is a day to honor the sacrifices made by the Greek people over hundreds of years in their struggle against the oppressive rule of the Ottoman Empire.

This day also reminds us that Greece and the United States share much in common, including the 1.1 million American citizens who are of Greek ancestry. I am pleased to join New Jersey's Greek-American citizens in their celebration.

Many artistic and intellectual traditions have been handed down to the people of the United States of America by the people of Greece. Our Nation is richer for these traditions, and we remain grateful to Greece.

The ties that bind America to Greece are not only historical, but also modern. Americans have fought side by side with Greeks in two world wars as well as in the Persian Gulf war. Today, Greece is our invaluable ally in the North Atlantic Treaty Organization. I call upon President Clinton and the Secretary of State, Madeleine Albright, to make Greece—and the protection of Greeks in Cyprus and Turkey—a primary focus of United States foreign policy.

Mr. Speaker, in closing, I would ask all Members of the House to join with me in honoring the historical ties between the United States and Greece and in continuing to foster the close relationship between our two countries that has proven so successful.

Mr. LAFALCE. Mr. Speaker, I rise today to commemorate Greek Independence Day—a national day of celebration of Greek and American democracy. March 25 marks the 176th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire.

An historic bond exists between Greece and America, forged by our shared democratic heritage. America is truly indebted to the Ancient Greeks for giving the world the first example of democracy. As this neoclassically designed building provides a protected place for our own democratic government to flourish, the philosophical and democratic influences of the Ancient Greeks provides the inspiration. It is therefore fitting that Members of this Chamber join in paying tribute to the long struggle for freedom that Greece endured.

On March 25, 1821, when Germanos, the archbishop of Patros, proclaimed Greek independence, another link between Greece and the United States was forged. The American Revolution served as a model for the Greek struggle for freedom, and the Declaration of Independence, translated into Greek, served as the declaration of the end of the Greek struggle in 1830.

The interconnection between Greek and American democracies lies not only in the philosophical underpinnings of our government, but in many areas of American life. The English poet Percy Bysshe Shelley once said, ''We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece.'' The tremendous influence that Greece has had on American life continues today through the activities of the dynamic Greek community in America. In every field—politics, entertainment, business, and education—Greek-Americans continue to make a valuable contribution to American life.

I am honored to pay tribute to the Greek community on the anniversary of their independence day.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today is a great day in Greece's history for we are once again celebrating the independence of Greece, one of our Nation's closest allies. I want to commend the gentleman from Florida, for assembling this special order and for organizing the congressional caucus on Hellenic issues. I am pleased to be part of an organized and concerted effort to speak out on those issues which are important to Greece, Cyprus, and our constituents of Hellenic descent.

It is time to celebrate the beginning of Greece's struggle for independence from the oppression of the Ottoman Empire. The people of Greece began their struggle for freedom on March 25, 1821. The colonists of America offered an example to Greece in the struggle against oppression, and, also, Athenian democracy was an inspiration to our revolutionary heroes.

Today, we honor the ties between these two countries. Each day that we meet is a celebration of the debt America owes to Greece for founding the idea of democracy. We pay homage to this every day when we meet and debate and vote and freely share ideas.

Furthermore, there is much to be attributed to the hard work of the sons and daughters of Greece who have come to the United States have made a tremendous impact on their communities.

In my State of Rhode Island, there are incredibly strong and productive Greek communities. Since the turn of the century, Greek immigrants have settled in Providence, Pawtucket, and Newport, RI. There they built businesses, neighborhoods, churches, schools, and raised families. Rhode Island is richer because of all they have given.

Today, we celebrate what Ancient Greece gave to the founding of our Nation, the success of the Greek Independence movement, and what Greek-Americans have devoted to the development of the United States. I thank my colleagues for all of their hard work in making this special order possible and look forward to further work with the Hellenic caucus.

Mr. GILMAN. Mr. Speaker, I'm pleased to be able to rise to speak on this occasion which marks a day of historical significance for Americans and all who revere the blessings which a democratic way of life have afforded us. I thank the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order, and I wish to let him know how much we appreciate his efforts in the House to keep Hellenic issues before us.

On March 25th, Greece will celebrate the 176th anniversary of its declaration of independence from foreign domination. We revere and honor the contribution that Greek civilization has made to our democratic traditions.

The cause of Greek independence and the adherence of the Greek nation to the path of democracy and true respect for the will of the people to determine their political course has always been dear to the hearts of democrats (with a small d) everywhere. Modern Greece rekindled the flame of democracy that first burned in the hearts of the citizens of ancient

Athens when it threw off the tyrannical yoke of the Ottoman overlords in 1821, an act that inspired all the peoples of Europe and this hemisphere.

Mr. FROST. Mr. Speaker, I am pleased to again rise in support of our annual special order in recognition of Greek Independence Day.

Today, as we pay tribute to the movement for Greek independence that began 176 years ago, I would like to espouse the importance of this island nation to the lives of all Americans. Greece has been called the birthplace of democracy, having contributed much to the structure of our society and to the establishment of this very institution. While today we may take it for granted, the concept of majority rule with full respect for the rights of the minority was first developed in ancient Greece. This notion is deeply embedded in our own Declaration of Independence and Constitution. Today, as we struggle with problems and crises that were unimaginable two thousand years ago, we are guided by the philosophies of ancient Greece.

Of course, the influence of Greece continues to this day. Here in the United States and throughout the world, Greek-Americans continue to make significant contributions to all aspects of our culture.

So, in recognition of all of the achievements and contributions the Greek people have made to this country and toward the betterment of the human race, I salute Greece in their celebration of independence and freedom.

In particular, we in America are gratified by Greece's role as a close American ally, and by the contribution that the Greek-American community makes to this country—and we only have to look around this chamber to see our members of Greek heritage with whom I know we are all proud to serve. We also appreciate the role that Greece plays as a stable anchor in the heart of the turbulent Balkans as anarchy wracks its neighbor to the north, Albania.

Mr. Speaker, we look to Greece to continue to play the strong and responsible role it has played in assuring that the Aegean and eastern Mediterranean remain a region of peace and stability. I trust that our government will also continue to support a free, prosperous, and strong Greece. I urge all our members to join in wishing the people and government of Greece our best wishes and heartfelt hopes for a bright future.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to join with my colleagues to celebrate the 176th anniversary of Greek Independence Day, a day in which the United States and Greece share our democratic ideals. Our mutual respect for freedom and liberty dates back to the late 18th century when our Founding Fathers looked to ancient Greece for direction in writing our own Constitution. Benjamin Franklin and Thomas Jefferson persuaded a noted Greek scholar, John Paradise, to come to the United States for consultation on the political philosophy of democracy. As a result of this earlier friendship, the Greeks adopted the American Declaration of Independence as their own, sealing a bond which has endured between our two nations ever since.

For Greek-Americans and those who practice the Greek Orthodox faith, March 25 marks the date when in 1821, the Greek people rose against four centuries of Ottoman rule. Under the leadership of Alexander Ypsilanti, the Greek people fought valiantly in pursuit of freedom and self-rule for eight years. Finally, in 1827, the Allied powers lent support to the Greek effort. In 1829, not only did the united forces defeat the Turks, but the Greek people also gained recognition of their independence by the very power that had oppressed them since the Fifteenth Century.

The Greek people continued their struggle against the threat of undemocratic regimes into the 20th century. At the height of World War II, when it appeared that Nazi forces would soon overrun Europe, the Greek people fought courageously on behalf of the rest of the world—at a cost of a half a million lives. The Greek people dealt a severe blow to the ability of the Axis forces to control the Mediterranean and sealed off the Black Sea which helped to turn the tide of World War II.

Today, Greece is still threatened by outside forces and knows too well that freedom and independence come at a price—vigilance. While March 25 marks Greece's accomplishment as an independent nation, it also symbolizes the Greek people's continued defense of democracy, an idea given birth by the great philosophers in Athens more than 2,500 years ago. Greece's presence as a free and lasting democracy in an often unstable region of former totalitarian states is one reason why some of the infant democracies of the Balkans may yet survive and flourish. In fact, just this week, the Greek government sent humanitarian aid to her strife torn neighbor, Albania. Greece remains a shining example of democracy in the Balkans.

Once again, I am grateful for the opportunity to join my colleagues and my constituents in observing this very important celebration. Each March, I remember where America's own democratic principles were derived, and I honor the invaluable contributions Greek-Americans have brought to this country. The more than 700,000 Greeks who have come here, have benefitted us with a stronger, civilized and more cultured heritage. Mr. Speaker, I salute Greece and Greek-Americans for their outstanding achievements and their commitment to the ideals of freedom.

Mr. DOYLE. Mr. Speaker, I rise today in support of Greek Independence Day.

Throughout the 20th century, Greece has stood strong, first in the face of imperialism during World War I, then against the Fascist incursion of the Axis Powers during World War II, and finally in facing down the Communist threat during the cold war.

The shared victory of Western democracies in defeating communism would not have been possible without the dedicated participation of Greece. Also, as Americans, we must continue to recognize the pivotal role played by Greece in meeting our goal of maintaining and enhancing the economic and political stability of Europe and the Mediterranean.

Greece continues to stand firm as a bulwark of stability in an otherwise volatile region. Just today, Prime Minister Costos Simitis has called for a summit of Balkan leaders to deal with the crisis in Albania. It is this type of action—working for regional stability when it is most needed—that clearly demonstrates the important role the people and Government of Greece continue to play in the modern world.

Again, I congratulate the people of Greece on their ongoing positive contribution to peace and democracy throughout the world, and wish them all the best on their independence day.

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community to celebrate the 176th anniversary of Greek independence.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra Monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule were turned aside.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson, ''to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness.''

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek-Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Clair Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

Mr. COYNE. Mr. Speaker, I rise today to join in this special order commemorating Greek Independence Day.

In 1821, 176 years ago, the Greek people undertook a prolonged, uncertain, and painful struggle to win their independence. The cause of Greek independence required nearly 10 years of courage, persistence, and sacrifice. The price of freedom was very heavy. In the end, however, the Greek people were successful in winning their freedom and establishing an independent nation.

Congress recognizes Greek Independence Day because we believe that it is important to commemorate the struggle of the Greek people to secure the right of democratic self-government. This triumph in itself is significant as a testament to the importance of freedom, but given the special place that Greece holds in world history as the birthplace of democracy, the story of the 19th-century Greek struggle for independence takes on added poignancy. Congress also recognizes Greek Independence Day because the concepts of personal liberty and self-government that were developed in ancient Greece were subsequently adopted by 17th- and 18th-century philosophers and formed the basis for the political beliefs that fueled the French and American Revolutions.

Greece and the United States have much in common. Greece and the United States can each legitimately claim to be the cradle of democracy. Each country's legacy inspired patriots of the other country in their struggle for independence. And each country has had an important influence on Western culture and modern intellectual thought. Moreover, both

the Greek and the American people share many common qualities—qualities like energy, creativity, entrepreneurship, and courage. It should, then, come as no surprise that Greek Independence Day is being observed today in the U.S. House of Representatives. I am pleased to join my colleagues and our country's Greek-American citizens in celebrating Greek Independence Day.

Mr. BLUMENAUER. Mr. Speaker, I rise today to offer my congratulations and support to the nation of Greece and Greek descendants everywhere in the celebration of Greek Independence Day. As a nation that has played and continues to play a dramatic and important historical role, Greece deserves our every respect and admiration on their day of independence.

Ancient Greece served as a model for many ideas that have transformed the world for the better. Two of those ideas, democracy and the Olympic games, serve to bring people together in the spirit of friendly debate and competition, and bring out the best in everyone involved.

When our Founding Fathers looked to the lessons of the ancients and their system of government in order to build a government that could both respond to the people's concerns and stand the test of time, they used the Greek system of government as their primary inspiration. When Thomas Jefferson wrote ''I consider the people who constitute a society or nation as the source of all authority in that nation,'' he was building on the example that the ancient Greeks set over 2,000 years ago.

This body's bipartisan retreat last weekend in Hershey, PA, was certainly an example of where the Greeks inspired us to work together. The Olympics have always been an opportunity for athletes to put aside their differences and compete honestly and in the spirit of fair play. Our work together in Hershey was an effort to bring that way of thinking back to this body, and I'd like to think that the spirit of the Greeks watched over us at that retreat and guided our actions to produce better and more civilized debate about the issues that we are working on.

I represent a large number of Greek descendants, and the Greek community is a very active one in my hometown of Portland, OR. Their contribution to our culture and our community is an overwhelmingly positive one, and it is one I enjoy taking part in every year. Today, I am happy to honor not only the members of the Greek community in my district, but around the State of Oregon and the nation, by celebrating their nation's independence day.

Mr. BLAGOJEVICH. Mr. Speaker, on behalf of the 200,000 Greek Americans of Chicagoland, I am proud to pay tribute to the 176th anniversary of Greek Independence Day. Theirs is a rich heritage to be celebrated by all Americans and those who enjoy the freedoms of democracy across the world.

Greek-Americans have played a vital role in shaping the progress of the city of Chicago. Their leadership in areas including commerce, civics, the arts, and education has extended far beyond the benefits of their historic legacy of democracy. They are good neighbors and citizens who share a culture for which Chicagoans hold the deepest affection. Recently undergoing a wonderful restoration to host America at the Democratic National Convention, our city's Greek Town community has come to be nationally renowned for its authenticity and devotion to ethnic tradition.

And while I am proud to be a part of a Nation that recognizes the contributions of Greek-Americans and the fundamental significance of this historic day, I am quick to remember that this is a spirit to which we must be true each and every day. A spirit that must never be forgotten or taken for granted for a single moment. Ironically, Greece is one nation that knows this only too well.

For over 20 long years, the world has shared the outrage felt by the residents of Cyprus whose land has been illegally occupied by Turkish forces, and shared the pain of the families of the 1,619 Greek Cypriots who are still missing from the invasion. In the midst of our celebration of the freedoms we enjoy as a result of Greece's contributions to society, we must not overlook this issue.

In honor of all those who have struggled in the cause for democracy, I ask that we renew our commitment to reaching a fair resolution to the conflict in Cyprus.

Until then, I wish all of the Greek-Americans of Chicago and across the Nation a very happy Greek Independence Day. On this and every day, their invaluable contributions to our society will not be forgotten.

Mr. ACKERMAN. Mr. Speaker, I rise today to join in recognition of the 176th anniversary of the independence of Greece.

Greek Independence Day, which is celebrated in a variety of ways nationwide, commemorates the birth of modern Greece. Whether the festivities take the form of parades, dances, songs, or feasts, the common thread of freedom runs through all activities. The battle for liberty fought by the Greeks ended with the triumph of democracy. This struggle has significant relevance for the United States. Sacrificing for the principle of democracy is a fundamental value Greece and the United States share.

The commemoration of Greek Independence Day also represents the special relationship between Greece and the United States. The bond reaches back to the early 19th century when Americans went to aid Greece in their war of independence. Now, approaching the 21st century, we're embarking upon a reinvigorated alliance. Sharing in the NATO partnership and working toward a sustained peace in the Balkans are two prominent examples of this relationship.

Another praiseworthy element exemplified by Greek Independence Day is community involvement. In the United States, Greek-Americans make invaluable contributions to the cultural, educational, and social fabric of American society. As a lifelong New Yorker, I know firsthand about the robust civic spirit the Greek-American community embodies. The hard work demonstrated by the many volunteers to put the Greek Independence Day celebrations together represents this strong sense of community. All members of the Greek community should be very proud of the multiplicity of events celebrating Greek Independence Day.

I want to thank my colleague from Florida, Mr. BILIRAKIS, for organizing this special order to celebrate Greek Independence Day. We should take this moment to salute the heroic feats of Greeks in their struggle for independence, recognize the strong bonds that exist between the United States and Greece, and applaud the contribution Greek-Americans make to communities across the country.

Mr. ROTHMAN. Mr. Speaker, I rise today to join with my colleagues in paying tribute to Greek Independence Day.

Some 61 years ago President Franklin Delano Roosevelt remarked that, ''In the truest sense freedom cannot be bestowed, it must be achieved.'' It is this very achievement, the embrace of liberty by the Greek nation, that we celebrate here today. And in a sense, today we celebrate not only the 176th year of Greek independence, but we honor the ideals upon which independence was secured in 1821. Values like honor, dedication, and perseverance were the call-words in the establishment of an independent Greek state.

For the thousands of Greek-Americans living in my congressional district, this day is representative of the determination of the Greek people to secure freedom against all odds. After being under Ottoman rule for four centuries, the Greek people realized their national aspirations by securing their independence in 1821. It was that realization that began a new era for Greece and has resulted in a warm relationship with the United States of America.

Today, Greece is a prosperous country and a fully engaged member of NATO and the European Union. And today, in all walks of life, Greek-Americans continue to make remarkable contributions to our country in the arts, humanities, and the areas of sport and commerce.

Mr. Speaker, as a strong supporter of issues dear to the Greek-American community, I am proud to recognize Greek Independence Day and I wish to extend on this special day my congratulations to all Greek-Americans and all the citizens of Greece.

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to join my colleagues today in remembering the 176th anniversary Greek Independence Day. I especially wish to thank my friend and fellow Floridian, Congressman MIKE BILIRAKIS, and my other good friend, Congresswoman CAROLYN MALONEY, for calling the special order to raise the public's awareness of the history of Greece and the important role Greece has played in the United States and the world.

When we celebrate Greek Independence Day we need to note that March 25 is not the day that all of Greece gained its independence. March 25 was the day that Athens and a small portion of Greece gained independence and then areas populated by Greeks were liberated one by one until we have the Greece of today.

It has often been said Greece's great gift to the United States and to the world is the governmental system of democracy. Well that is indeed a great gift which has brought much happiness to the world. But, it was the Greek courage, spirit and desire for liberty which helped the world to understand that democracy is the best way for people to join together in common association.

The Greek people, through their history, have shown an indomitable will to fight for their freedom. The Greek victories are well known throughout history. There was the Greek war for independence that freed part of Greece from the Ottoman Empire and later during World War II the Nazi invaders. But Greeks have suffered less known tragedies that would have broken the spirit or destroyed a lesser people.

Today Greek minorities in Turkey and other places in Eastern Europe are suffering political

and religious persecution. That is why this special order is so important. In addition to reminding the American people of their roots to the cradle of democracy in Greece, we need to continue raising the public's awareness of the constant threat Greeks live under in Eastern Europe.

The Greek Cypriots in occupied northern Cyprus live under intolerable inhuman conditions since their land was occupied by a military force. Tensions continue to rise around Cyprus and I urge the administration to apply the same degree of commitment to finding a peaceful solution to the Cyprus crisis that it applied to the Bosnian crisis.

I introduced legislation last Congress to help relieve the suffering of the enclaved Greek Cypriots and am considering similar legislation in this Congress. We must end the senseless persecution of these brave people. I just hope that the administration does not allow this situation to continue to fester hoping it will go away.

Mr. Speaker, the link between the United States and Greece is a strong bond and I believe the United States should thank the Greek people for not just being a good ally to America but for their gifts of our heritage of democracy and individual liberty. I am happy to join my colleagues in celebrating this joyous anniversary.

Again, I thank my friends Congressman BILIRAKIS and Congresswoman MALONEY for calling this special order and for their leadership on Hellenic issues.

Mrs. MALONEY of New York. Mr. Speaker, I first of all want to thank the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order to celebrate Greek Independence Day.

I am very fortunate and very pleased and privileged to represent Astoria, NY—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Greek-American friends that I have come to know are one of its greatest rewards.

I have also had the pleasure of establishing the Congressional Caucus on Hellenic Issues with the gentleman from Florida. This caucus allows Members of the House to join together to find ways to work toward better United States-Greek and Cypriot relations.

March 25, 1997, will mark the 176th anniversary of the day when Greece declared her independence, beginning an 8-year struggle for freedom.

From the fall of Constantinople in 1453, until the Declaration of Independence in 1821, almost 400 years, Greece remained under the heel of the Ottoman Empire. During that time, the people were deprived of all civil rights. Schools and churches.

One hundred seventy-six years ago, the Greek people were able to resume their rightful place as an ideal of democracy for the rest of the Western world.

The ancient Greek paradigm of democracy and individual liberties inspired our country to seek its own independence, and in that sense, as the American philosopher Will Durant observed, ''Greece is the bright morning star of that Western civilization which is our nourishment and life.''

Yet half a century later, the American Revolution became one of the ideals of the Greeks as they fought for their own independence. Since their independence, Greece has become one of the most trusted partners allied with the United States in every major international conflict in this century.

In light of this special and longstanding relationship, some recent actions taken by the administration are particularly troubling. The proposed sale of Seahawk naval helicopters sends the wrong signal to Turkey, particularly given the tense situation on Cyprus.

The Hellenic Caucus responded by sending a letter condemning this sale to President Clinton that was signed by over 80 Members of Congress. I believe that it is time for the administration to reach the same conclusion and end unfortunate weapons sales until certain actions are halted. We need a rational policy that does not encourage aggressive actions and attitudes. There can be no middle or neutral position between those who uphold the rules of law and those who violate it.

Mr. Speaker, I am proud to join in celebrating Greek independence and the indomitable, life-giving spirit of its people.

FAIR LABOR STANDARDS ACT TO BE CHANGED BY H.R. 1

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. I want to alert everybody to the fact that we are going to be considering H.R. 1, the bill which deals with the denial of cash payments for overtime pay work to workers.

H.R. 1 is called, rightly by the Democrats, the Paycheck Reduction Act, or some of us call it the Employer Cash Enhancement Act.

I will have an amendment on the floor tomorrow in connection with H.R. 1. That amendment deals with two-thirds of the American work force, two-thirds of the people out there in the work force making $10 an hour or less, and my amendment deals with trying to protect their interests.

I have been given the grand sum of 10 minutes to debate my amendment. That is 5 minutes for the opposition and 5 minutes for myself to debate an amendment which impacts on two-thirds of the work force.

We are going into the session tomorrow with the most important bill that we have considered thus far in this session. It is called H.R. 1 because the majority party, the majority Republicans, consider it to be so important as to give it that distinction of being H.R. 1.

It is first in priority, and it deals with changing the Fair Labor Standards Act, which has existed since Franklin Roosevelt and the New Deal. The Fair Labor Standards Act will now be changed to remove from it the mandate that when workers work more than 40 hours a week, they must be paid at a rate of time and a half. If an individual is making $10 an hour and they work over 40 hours a week, every hour over 40 hours must be paid at the rate of $15 an hour. It is that simple.

This bill did not fall from heaven. The act did not fall from heaven. It was the result of exploitation of workers by employers in large numbers, exploitation in terms of low payment of wages in general and working workers around the clock, late hours each day, weekends, Sundays, Saturdays. There was great exploitation at the time this New Deal legislation came into being.

It did two things: It made the workers fortunate to have jobs get better treatment and better pay; and it also made employers employ more workers. If employers were going to have to pay time and a half rate to people who were employed, instead of driving the work force that they have incessantly, they are likely to want to hire people, more people, and pay them at the regular rate.

So it had both effects, that more people got jobs, and those who had the jobs had better working conditions.

Now we are about to make a drastic change. It is a revolutionary change in labor law. This is no small item. It is a revolutionary change in labor law. It is an extreme measure, an extreme step to take. It is an extreme step to take and it does not have to be that way. If we want flexibility in the law, and no law is written in stone, it does not have to be forever. Things change. Each generation has the right to look at the laws that it might be bound by and change those laws. There is nothing sacred about laws made by mankind.

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So we can change it. But why take a great step which just happens to be a step on the backs of the people at the bottom of the economic structure? The lowest income people will suffer the most. Why do that when you do not have to? You could take some steps toward changing the law, making the law more flexible, without hurting so many people.

The statistics show that two-thirds of the people who are working, fortunate enough to have a job, are earning less than $10 an hour. I propose that if you have to go forward and change the labor law, the Fair Labor Standards Act, and it looks as if the votes are there, the majority Republicans have the vote in the House of Representatives. In the other body, in the Senate, they are steam rolling forward. They have the votes. So the likelihood is that this Republican-controlled Congress will come out with a bill that they both agree on, and it will have to be negotiated with the White House.

The White House is saying that they will not sign such a bill, they will veto the bill as it is. But when the White House says it will veto a bill as it is, that is a clear statement even to a sophomore in high school that what they are saying is we will negotiate.

What will the negotiations be? What I am saying is that it is likely that this revolutionary change in labor law which is rolling forward, it is likely that it is going to pass, it is likely that we are going to have some change in

the next couple of years. Before this session is out, something is going to change.

I hope that nothing changes. I am in the same position as those who say just vote no, but I see the change coming. Just vote no is a beginning position. I will vote no. But I realize that just voting no is not enough. One of the reasons that just voting no is not enough is that there is a great deal of sentiment in certain quarters in this Nation, and I have said this before, I do not want to be redundant, there is sentiment among upper income, middle-income folks to have more flexibility in the way their employers treat them. They would like to have time off instead of having the employer being bound by the labor law to pay them in cash. There is no reason why we cannot accomplish that and relieve the anxiety or the bind that certain upper income people find themselves in without hurting those at the very bottom.

The compromise that I have proposed in the spirit of this bipartisan Congress is that let us go forward and make the changes and give the flexibility to the people at the very top of the wage structure, that one-third of the work force that is above the $10 an hour. Let us have an experiment, let us do it for 2 years, 5 years.

I understand that the bill the Republican majority will have on the floor tomorrow will modify the bill to say we shall have a sunset provision in the bill and in 5 years reconsider it. OK, let us reconsider it in 5 years. In the meantime, have a bill which exempts the two-thirds of the work force making $10 an hour or less and go forward with the experiment for those people at the top who want this so badly. It is a win-win situation.

I did not go to the Democratic-Republican retreat. We had a bipartisan retreat, and part of the retreat's purpose was to see to it that we work together in a more civil manner, that we work together in this session of Congress in a more productive manner, that we avoid gridlock, that we avoid ideological locks just for the sake of defending positions.

I am all in favor of reason prevailing. So I offer this reasonable proposal and I will offer the amendment on the floor tomorrow to take care of those people at the very bottom of the work force, those folks who make 2.5 times the minimum wage, and that formula is used in order to make certain that as wages rise we are still protecting the people at the very bottom.

I say this as a repetition of what I have said before in the last 10 days. I will not go any further in that vein. I just want to spin from that, the fact that this bill will be on the floor tomorrow, to the larger issue. The larger issue is that H.R. 1 is a bill which hurts workers as it is now. What this Republican-controlled 105th Congress has done is laid on the table its battle plan for the destruction of working families. We are going to pursue a course of action very similar to the one pursued in the 104th Congress, and in many ways the signals have come clear to us that this is going to be a different Congress. Certainly in the area of education, we are going to cooperate and have some productive, forward movement on the improvement of education in America. But the signal that is being sent now for working people and the laws and regulations that govern the lives of working people, the signal is also clear, nothing is different from last year.

The Speaker said that politics is war without blood, and with respect to organized labor and the things that affect working people, that still holds. Politics is war without blood, and war has been declared on working people. War has been declared on those laws. What will be on the floor tomorrow, H.R. 1, is just the beginning.

There is also a TEAM Act that is in the works. The TEAM Act is similar to the TEAM Act that was on the floor last session. There is also a move to curtail the participation of labor unions in politics, the ability of labor unions to support candidates that are supporting their interests. There are also other efforts going forward to curb the Davis-Bacon law. Across the board there are things occurring which make it clear that war is still the modus operandi of the Republican Party in respect to things that affect working people. If they were happening one by one, I would not be as alarmed as I am, but they are not happening one by one. There is a clear battle plan. Part of the battle plan also extends to the failure of the other body to move forward to confirm Alexis Herman as the Secretary of the Department of Labor. The Department of Labor is without a head, no direction, no general. The troops are there, the functions of the agency cannot go forward. It is in limbo in respect to the Secretary of Labor. The denial of the Secretary of Labor's immediate confirmation sort of demoralizes the people who are in organized labor, the people who are workers. It is all psychological warfare, too.

So the warfare is there, and we should take it very seriously. I am here again to talk about this because it needs to be seen in the broader perspective. I also talked last week about the fact that everybody is not paying their taxes in the way which the Internal Revenue Code defines they should be paying their taxes. Corporations are not paying their taxes in accordance with the code. The Tax Code says that corporations cannot do certain things and on a wholesale basis they are doing them.

As we approach April 15, every taxpayer ought to stop and think about the fact, they try to obey the law and our society is based on the rule of law and any group that does not obey the law is automatically a threat to society. Every time the law is systematically downgraded, held in contempt, ignored, then the whole rule of law concept is in jeopardy.

I want to link that up with what is happening with organized labor. On the one hand, you have this brutal scrutiny of everything related to organized labor, a brutal scrutiny. There was a hearing this morning related to the contributions that labor unions give to political candidates for political education purposes. The other party, the majority party, is very alarmed about the fact that large sums of money were spent last year by the AFL–CIO on political education that they thought hurt some of their Members, unduly criticized them, and they are waging this vendetta against organized labor by developing legislation which will curtail their use of their own dues. The dues paid by the members are now being subjected to more regulations. Labor unions already are the most regulated institution in our society. You do not find corporations being regulated in the same way. You do not find educational organizations. There are a number of other bodies, the Red Cross, all kinds of groups that exist in our society that collect money and have money, wield influence, and they are not as regulated as labor unions. But they are going to enforce, try to add to that another layer of regulation. The majority party in this House is determined to get rid of regulations.

What I am saying is there is a linkage between the fact that we have this series of moves being taken against working families and any kinds of laws, regulations, rules that affect working families or help them, and on the other hand we have certain Tax Code laws being ignored, and big corporations and rich people are the ones who are ignoring those tax laws. I made the speech about the need to have the Tax Code enforced last week. I just want to link these two items up.

What I said last week is there is a provision in the Internal Revenue Code which says that corporations cannot buy back their own stock. They cannot buy back their stock except if it in some way relates to their capital needs. That is, any business has a right to take parts of its profits and put those profits into taking care of certain capital needs. They have a right to put the profits into certain options for the executives. There are certain things they can do. But once they have used their profits for that purpose, they have to justify any additional purchase of their own stock and show that they are not doing that in order to, first, prevent the payment of taxes by their shareholders, and, second, they are not manipulating the stock market. The IRS is not concerned about the manipulation of the stock market. That is the SEC. But the IRS is concerned about having corporations buy back their own stock in large quantities that are not needed for legitimate purposes and their shareholders do not pay any taxes then because they do not get those shares distributed among themselves and the corporations end up hoarding large

amounts of money that it should not be hoarding, it should distribute them. It is not fair to the shareholders, first. Some shareholders may not want to have their shares distributed to them because they do not want to pay the extra taxes that year, but most shareholders probably do want any profits that they have received, any dividends that have been accrued, to be distributed. The law is very clear. It has existed since 1913. It says a corporation may not do this.

It is not against the law, by the way. It is interesting that the Tax Code does not make this illegal. Nobody will go to jail. What the Tax Code says at this point, sections 533 to 537 of the Tax Code, Internal Revenue Code, it says you will have to pay a 39.6-percent penalty if you do this. That is a pretty stiff penalty; 39.6-percent of what you did not handle properly, you must pay in penalties. You can see if you have $1 billion that you use to buy back stock improperly, a 39.6 percent penalty on that is a considerable penalty. That is in the code, since 1913.

For a long time corporations and other people tried to misinterpret that to mean only closely held corporations, family corporations. But in 1984 the Congress, the Ways and Means Committee, made it crystal clear that this provision shall apply to all corporations. It is not being enforced. The buyback phenomenon has been taking place for the last 10 years, large amounts of stock being bought back by corporations, and it has accelerated and escalated.

So what I am saying is that when it comes to the rich, nobody is looking. When it comes to corporations and their power, nobody wants the law enforced. When it comes to labor unions, on the other hand, with much smaller amounts of money, and they are operating within the regulations, they are under intense scrutiny.

Now, one might say, well, the problem is that labor unions made large contributions to Democrats during the last election and they spent a large amount of money on what you call political education. They asked for trouble.

I have a chart here which shows that labor unions were little spenders compared to what other groups spent on the last election, labor unions were small fry. The biggest spenders were in the area of finances, corporations, financial institutions of various kinds.

□ 2045

This chart shows that across the board, when you look at the various sectors of our economy, if you look at agriculture, construction, defense, energy, health, law, transport, miscellaneous business, labor, you look at all of them, they all spent large amounts of money. But the one thing that stands out about labor, the labor contributions were the only ones where the contributions to the Democrats exceeded the contributions to the Republicans. All of these other categories in great amounts exceeded—the contributions to the Republicans exceeded the contributions to the Democrats right across the board.

So you can see from this chart why it is that the Republicans spent seven times more money in the last election than the Democrats, seven times more, and yet we are scrutinizing, focusing a microscope only on this sector, labor, at present. We are not looking at the kinds of activities that took place in respect to corporations, financial institutions, et cetera. Are we examining their practices? Are we saying to them did you get the permission of your shareholders? Did you ask them who to support in the election?

That is what we are asking labor unions. You did not get the permission of the people. They had the right to decide who their money was going to support, you should not be using their dues to support anybody that they do not agree with, that they do not themselves, each one of the members. If a union has a million members, you have got to have agreement among—all million have to support somebody. Otherwise give the people their money back.

No other institution in America operates that way, but that is what is being proposed in my committee, the Committee on Education and the Workforce. The Subcommittee on Employer-Employee Relations had a hearing this morning where the Republican Members in the majority were saying in essence, ''You have committed a gross unethical violation by not asking your members who you should support,'' and the answer of the union members who were testifying, and there were not many of them, there were only two of them, and seven of the people there were brought in to testify against the unions, but at least they did allow us to have two witnesses in defense of union policy. What they said was, unions are democratic organizations and as democratic organizations what the majority decides the minority must go along with.

I mean that is the way America operates. The majority elected the Members of this House of Representatives. They happen to give the majority to the Republicans. So the Republicans are in the majority of the House of Representatives. They rule. We have certain rights; sometimes they are violated wholesale, but we do have—we pretend to have rights in the minority and that is across America. The minority is supposed to have certain rights; the majority rules. So why are we asking unions to behave differently and allow the minority to determine what the union does or does not do?

There is a set of myths that we went through this morning relating to this whole matter, how unions operate. I am not going to go a great deal, but it is called ''Separating Myth from Fact Regarding Beck.'' There was a Beck decision of the Supreme Court, the Communications Workers of America versus Beck, and it dealt with this whole problem of how unions can spend the dues of members and what kinds of activities it cannot engage in, and that is what is back on the table. The Republican majority wants to interpret Beck, the Beck decision, to mean that unions should be almost paralyzed.

I am not going to read all of it because this is not really the primary topic of discussion. I would like to submit a statement called ''Separating Myth from Fact Regarding Beck.'' I ask unanimous consent to submit this statement in its entirety. It is just two pages, and I think it is illuminating at this point.

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

There was no objection.

SEPARATING MYTH FROM FACT REGARDING BECK

Fact: Unions are voluntary organizations. A union exists only where a majority of the employees democratically decide to form a union.

Fact: No one can be forced to join a union. The ''closed shop'' is illegal. Where a union exists, it is up to each individual employee to decide whether to join a union.

Fact: Unions are democratic organizations and union members control their activities, including spending decisions, by voting at union meetings and conventions and by electing their union officers.

Fact: Under Federal law, union membership dues levels are set by the members themselves; any dues increase must be approved by majority vote.

Fact: As with other voluntary membership organizations, those who do choose to join a union and enjoy full membership rights are expected to pay the organizations' regular dues.

Fact: Unlike other kinds of organizations, however, unions must represent all employees in a bargaining unit including those who do not choose to join the union, equally and without discrimination. All employees—members and non-members alike—receive the benefits the union negotiates with the employer. And all employees—members and non-members alike—can use the union's grievance procedures.

Fact: In many states, unions and employers may agree to require non-members who are represented by the union to pay an ''agency fee'' to the union for the representation provided by the union. But under the National Labor Relations Act, as it currently exists, those who object to paying an amount equal to union dues cannot be required to pay more than their pro rata share of the union's cost of ''activities germane to collective bargaining, contract administration, and grievance adjustment.'' That is the precise holding in the Supreme Court case, *Communications Workers of America* v. *Beck*, 487 U.S. 735 (1988).

Fact: The NLRA, as definitively construed by the Supreme Court in Beck, thus already assures that no employee can be required, over objection, to contribute to a union's political communications to union members, a union's voter registration and ''get-out-the-vote'' campaigns, or to any other expenditures by a union for political and ideological purposes unrelated to collective bargaining.

Fact: To assure that no employee is compelled to support union's political or ideological activities, the National Labor Relations Board has held that a union which

seeks to collect agency fees must notify non-members of their right to object to paying for such activities and their right to pay a reduced fee based upon the union's cost of activities germane to the cost of collective bargaining. The NLRB has further held that the union must provide non-members with sufficient information about the union's activities to enable the non-member to decide whether to object. This, too, is already the law.

Fact: There are approximately 50,000 local unions in United States, thousands of state regional unions, and over 75 national and international unions. These unions range in size from a handful of members to over 1,000,000 members, and differ greatly from each other in terms of accounting systems, methods of communication, and the like. Procedures that work in one union will not work in another, and Washington should not impose a straitjacket on what varying unions do to meet their obligations under Beck.

Fact: Any nonmember who believes that he or she is being required to support union activities unrelated to collective bargaining or who believes that the union's the right either to file a complaint with the NLRB or to go directly to court. In such cases, the NLRB and the Federal courts will decide whether particular procedures the individual union has developed are legally adequate.

Mr. OWENS. But what I am trying to show is that on the one hand we have labor unions under attack. This Beck decision and its interpretation is just one of the ways that labor unions and working people and laws that benefit working people are under attack, just one of the ways they are under attack.

Another way is the TEAM Act. The TEAM Act allows union employers to select groups of employees that they want to form a TEAM committee with, and those employees are empowered to work with the management in order to do the things that management wants done. Well, you will never be able to organize an independent union if the labor law is pushed aside and you can have employers and management selecting people that they want to bond with among the employees. Unions are supposed to be independent; that is the whole thrust of labor law. And yet the TEAM Act would eliminate that independence by allowing the management to select who they are going to bargain with, who they going to work with and negotiate with in the plan. That is another problem.

The other problem that I mentioned before is Davis-Bacon is being attacked. Of course comp time, and you know NLRB is under attack, National Labor Relations Board, being attacked. All of these institutions that were set up under Franklin Roosevelt, the New Deal, under attack now.

You know, here we have a situation in America where when Franklin Roosevelt became President, there were people saying that you can never make America work if you have things like Social Security. You can never—America will never work if you have a National Labor Relations Board. If workers can organize and they can confront management, our whole society is going to collapse.

It did not happen. We had the great sit-down strikes and the plants in Detroit, we had organized labor all over the country getting together, and they created a situation where the workers were paid decent wages, some of the best wages in the world for a long time, and because they were paid the best wages in the world they created the biggest consumer market in the world. That consumer market is still the biggest in the world. Despite the fact that we have less population than many nations, our consumer market is the biggest in the world. We are the engine for capitalism all over the world.

The Chinese have a booming economy only because they have a place to sell the products. Unfortunately, I wish they were not selling their products here. I wish we had our own workers manufacturing the products that they are making in China and not having the Chinese workers making products there at very low wages and bring them here and sell them at high prices so that the people who own the factories, they make a killing. They get things produced at a very low price, they bring them here and sell them at a high price, and they are making a killing, and they are destroying our labor force and eventually they will destroy the consumers. That great body of consumers that makes the world go is here in America. The great overwhelming part of our gross national product is consumer spending.

Now these are not conjectures or these are not theories of MAJOR OWENS. These are facts. Consumer spending drives our economy still, despite the fact that you have a lot of other things happening, you know, with the age of information, electronics, and you have a lot of investment in equipment and capital. All kinds of things are happening. Consumer spending still drives the economy.

If you destroy the great consumer base, the masses of consumers in America—there are some people in the rest of the world that think the closest they will ever get to heaven is if they come to America, but we have it here already. Normal, ordinary people live better, eat better, have better accommodation in terms of housing. We have better clothing, drive cars. Nothing else like this has ever happened on the face of the Earth.

Why do we want to destroy it? Why do we want to destroy the workers and the work force which becomes the consumers, which establishes the wealth and drives the economy of capitalism all over the world? Is there a danger of destroying it, or is this some farfetched set of assumptions that I am making here? Is there any danger if we let corporations and people with power not obey the law? We are back to the taxes. If they do not obey the law in one respect, and they do not obey it in another respect, and they have it galloping on, they buy influence either in the Senate or the House, or they buy influence in the White House, and they are able to run roughshod over certain laws and certain regulations and get things done outside of the channels of our democratic processes. Then you will have a situation where you may have a threat to this engine that drives capitalism all over the world. You may have a lopsided situation created where to facilitate the short term gains of making money in the corporations, we destroy the labor unions, we destroy the capacity of our working class to demand good wages, and we destroy our consumer market. You know, we can have that if we have a lopsided situation, if we wipe out the Government's involvement and the Government's protection of workers.

One of the people who testified this morning was a professor from somewhere in Texas, and his proposal was that we follow the example of New Zealand, that New Zealand has almost wiped out all of their laws with respect to labor. It is up to the management and the unions to negotiate, and they do not have any guidelines and any parameters that are set by government, and he wants America to become that way.

That would be a risky experiment indeed. That would be an extreme experiment. It would be a revolutionary experiment.

We should not become so complacent that we think our great American society is not susceptible to great collapses. We have not looked at it closely enough, but we ought to take a look at the savings and loan swindle. The savings and loan swindle was a partial collapse of our economy that never has been really recognized because the forces that control that situation were so great until most Americans do not realize what happened to them.

You know, about $500 billion in taxpayers' money will go down the drain as a result of the savings and loan swindle. Five hundred billion. Most people cannot comprehend that. You know it is very hard, you know. An aircraft carrier costs $3 billion. You can comprehend that maybe if you stretch your mind; an aircraft carrier costs $3 billion. But when you get up to 500 billion, it is just hard to comprehend, but when you add all the money that went down the drain in the savings and loan association that the taxpayers have to put back in because fortunately for the economy, fortunately for our system, we had a Federal Deposit Insurance Corporation. Government regulation was in place so that people whose money was jeopardized by the savings and loan swindle, which was a massive swindle that spread across the whole Nation—never before has anything in the history of the world happened on the scale that the swindle of the savings and loan association demonstrated to us.

We really do not understand yet what happened. Part of the reason we do not understand is because this country is so rich. There is so much wealth here until you can have a massive swindle

like that take place, and resources and money were moved in mainly from the American taxpayers to cover it so that you did not have any massive dislocation.

What if we had been in the position of Albania? Now little Albania is tiny, but I am going to use Albania as an example because it is a recent development. Most people I am certain will listen to me are not concerned with Albania. People are concerned about what is happening in Africa where the disruptions and the collapse of societies in certain places means that people get massacred. The Hutus and the Tutsis, the fight there, people massacred in large numbers, bodies floating down the rivers; it is very dramatic, and rightly so we should be concerned.

People are concerned about, you know, other kinds of upheavals that have happened. In Cambodia you had the killing fields where millions were murdered in Cambodia by political forces, the Pol Pot Red Army. You know we should be excited about those kinds of collapses, and of course, the collapse that took place in Nazi Germany, the collapse of society where some people said German society did not collapse, the subways are running on time. You know, they were very efficient. You know, some of the most educated people in the world were in Germany. The German army was the most efficient army ever created in the field. All kinds of things, civilization. The German army troops sometimes sang Beethoven and Bach as they marched. So there was no collapse of society. But when you have a situation where millions of people within that Nation were massacred, and then millions of people in the surrounding Nation were massacred, and you had a barbarous war perpetrated on a scale never before seen, there was a collapse in the German society. It was a collapse. It was a failed society, and that failed society dragged a whole lot of other innocent human beings and the surrounding societies down with them.

So societies can collapse that are very sophisticated. Societies can collapse that are very educated. Societies can collapse. Society of Tojo in Japan, they went like savages through China massacring people; you know, very educated, sophisticated people, very high degree of science, very high degree of education. But it collapsed.

Albania is not a jungle. Albania has been suffering for years, almost 50 years, as a result of the overwhelming domination of the Soviet Union; isolated, forced to operate under the Communist hammer, but they have educated people, they have scientists, they have a structure. But Albania in the transition into capitalism has suffered a gross collapse. You know what has happened there is outrageous.

□ 2100

The Albanians happily embrace capitalism. The government did not protect the citizens who invested their money in certain investment schemes. There was deregulation on a scale of the kind that is requested here often on this floor: Just get out of it; the government should get out of it. So the people of Albania had no government protection.

They had hopes. They believed in capitalism coming to their rescue after so many years of communism. They put their savings into various investment schemes, and most of them have lost them completely. The investment schemes have blown up. Those that had some basis have just collapsed because they were unreal; others were complete swindles, and the people who took the money have disappeared.

So what is Albania? Albania is now a collapsed, failed society, a collapsed society, a society that has subways, buses, government structure, parliament, that a few months ago looked like a civilized place but now there is complete anarchy.

Let me just read to my colleagues from one of the items related to Albania. This is March 18, that is today's Washington Post:

> In Albania, the army and the police have ceased to exist and the navy and air force have relocated themselves to Italy or Greece. One leaking ship or decrepit airplane has gone at a time. The prisons have been emptied. That fellow on the corner with the newly liberated AK–47 may be your neighborhood grocer or he may be a murderer who recently liberated himself. U.S. ships are plucking desperate refugees from choppy, open seas.
>
> The anarchy that has descended on the impoverished Balkan nation just north of Greece and across the Adriatic from Italy should make us appreciate the relatively smooth transitions that most of the other nations of the formerly communist world have managed to accomplish. Albania was one of the most isolated of all of those nations, sealed off for decades by a lunatic regime that expected attack from anywhere and everywhere. It remains the most impoverished of European nations.
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> People have risen up now with an anger that is more primal than political, a rebellion against not only 45 years of Communist rule, but also the past 6 years of disappointment and disillusion. It was only 6 years ago, after all, that 300,000 jubilant Albanians jammed their capital's central square to see visiting Secretary of State James Baker and the arrival of democracy, free markets and the West. What they have gotten instead is corruption and Mafia politics. Because the government refused to regulate the financial sector, massive numbers of people have been defrauded and total anarchy has broken out in Albania.

A civilized society in the civilized sense that we usually mean, a society with educated people, a society with structure, et cetera, has completely collapsed. Let it be a warning that we are not above the same thing happening.

What would have happened if the savings and loan swindle had taken place? Billions of dollars, people losing their money and when they went to the bank, the Federal Deposit Insurance Corporation of America was not standing behind every deposit up to $100,000. People would have gone crazy, mad in the street. They would have good reason to. But the government was regulated. The government was not only regulated, it was standing behind these banks, ensuring that people who had deposits of $100,000 or less would not lose their money.

The government had resources. Massive amounts of dollars were poured into the savings and loan swindle, so we did not have any collapse of that sector of our society. In fact, there were very liberal policies put forward to save the banks because certain people felt it would lead to a collapse of the economy or a great deal of strain and dislocation in the economy, and that was the reason they gave for being so generous of the people who had stolen so much money.

Mr. Speaker, if my colleagues want to know about the continuation of the savings and loan scandal, recently one of the most celebrated crooks, the most celebrated, most heinous criminals in the savings and loan swindle was released from jail. Charles Keating was told that due to technicalities he does not have to stay in jail any more, although his savings and loan association was guilty of swindling the American people out of more than $2 billion. Two billion dollars. Now, that is almost an aircraft carrier; that is a submarine; $2 billion, $2 billion by one savings and loan association.

Mr. Charles Keating was responsible for that, and he went to jail originally in California because after he had gotten through swindling people via that route, he went a little further and went out, had his workers go out in the lobby and sell securities that did not have the FDIC standing behind them, had no government insurance behind them, and lots of elderly people lost their savings and they did not have any insurance by the FDIC to back up the bank failure. And on and on it goes.

There have been Members of Congress involved with savings and loan associations that have gotten away. The Vice President, he was Vice President at the time, Vice President Bush's son was involved with Silverado Bank in Colorado. Silverado in Colorado also was above the $1 billion mark, close to $2 billion.

Silverado was guilty of doing something that was celebrated. They actually loaned a borrower $26 million, and the borrower had come to them asking for $13 million. They told the borrower, ''We will give you twice as much as you are asking for, if you will put the extra back in the bank because the auditors are coming and we need to show we have some more money in the bank.'' So they actually loaned the guy $26 million, he only needed $13 million, and he redeposited the extra $13 million back.

This was revealed as one of many crimes committed by the Silverado Bank, of which a relative of Vice President Bush at that time, and President Bush later, was sitting on the board. It reached to high circles.

The savings and loan swindle; most writers found it defied description. They gave up. Most reporters were told by their editors to just cool it, it is too complicated. But, I think that it is an example of how the media, instead of going to bat to analyze events and to inform the public, obeys some forces that are unseen that control their paychecks.

So the savings and loan swindle is not clearly understood. It would have been like Albania if it had not been for tight government regulation, government insurance. You would have a little bit of Albania, but we are too big to have a total collapse.

But societies do collapse totally when you have a corruption among the leadership where nobody confronts the evils. If we are going to stand still and let the forces of this Government beat upon organized labor, beat upon the working people, and we are going to let a lopsided situation develop where workers have no leverage against employers, we are going to destroy capitalism as we know it. We are going to tilt the scales so much until corporations will be determining what our Government does.

Everybody knows, we learn early in high school or college that we have a doctrine of laissez-faire. Laissez-faire means the Government should leave the private sector alone; that is the usual interpretation. What we need is a two-way laissez-faire. Laissez-faire, leave it alone. The Government should leave the private sector alone as much as possible, and the private sector should leave the Government alone as much as possible.

These furors about contributions to campaigns that are raging now, the furors relate to the fact that people are waking up and for a brief moment we have a snapshot of how much money has gone into politics. This last political race shook everybody up. The Lincoln bedroom was up for sale, coffee in the White House. Nobody is talking about what the Republicans were doing out of sight, without a White House, but they raised 7 times and spent 7 times as much as the Democrats, so sooner or later the spotlight will fall there and we will find some very unusual things happening with the way both parties raise money.

But money is in the driver's seat; money, money, money is in command. Money commands a lot that happens in the world outside of the United States as well as inside the United States. Never before has there been a Nation as rich as this. We are the wealthiest Nation that has ever existed in the history of the world. Rome was just a little colony compared to the imperial power of the United States of America, compared to our wealth that has been accumulated, that exists.

God must be proud of what the American democracy has done. The combination of American democracy and American capitalism has produced something we have never seen before, and the question is, what shall we do next? What good is it all? How does it redound to the good of man, that here we have a vast population of more than 250 million people who have, for the most part, enough to eat, enough clothes to wear, and they enjoy life a great deal.

When the human creatures created by God reach that point, how do they behave? Will they have compassion, and will they use their leisure time and their comfort to look out at the rest of the world, first in their own world, to make sure that there is compassion and sharing? Or do they look out at the rest of the world and say that we cannot sit next to Haiti and see the misery in Haiti without taking some ways to see how we can help?

We cannot sit here because Haiti and the problems of Haiti are partially problems created by the people who live in this part of the hemisphere. We installed a regime in Haiti that endured for many decades. Our Army went in and trained the Haitian army that kept in power a mulatto class that oppressed the great majority of the Haitians, and all movement in that economy was governed by what that grand mulatto group that we protected with our Army and our diplomatic maneuvers and our threats.

So what happens in Haiti now cannot be separated from what happened in the past and what we have made to happen. We recently redeemed ourselves by going in to liberate Haiti from a criminal regime, and that is to our credit.

There is a collapse of government in the Congo, what used to be called the Congo, its called Zaire now. Zaire has a rebel army that is marching through, taking control from the government because the government is so corrupt the people hate the government. What is the government that the people hate so much? It is a government installed by the United States of America, the government of Mobutu. Mobutu was installed by the CIA because at that time they feared that the Congo, as it was called at that time, would fall into the hands of the Communists, under their influence.

There was a poet from the post office who had made a political party and a political movement. His name was Patrice Lumumba. His son was recently in my office. He met with the congressional Black Caucus delegation, his son. Patrice Lumumba was assassinated with the assistance of the CIA, and the CIA took control of that country. Billions of dollars from taxpayers in the United States flowed into the Congo, which later became Zaire, to support Mobutu. I am sure Mobutu got a lot of the money from the American taxpayers that the CIA put in. I am sure that many CIA agents put a lot of money in their pockets. But the criminals were cutting it up.

Under the false notion that Zaire was a strategic country and we must keep it out of the hands of the Communists, we poured billions and billions of dollars in. We made Mobutu the strong man that he is. He has billions of dollars in European banks now.

But Mobutu is mortal, Mobutu is sick, Mobutu is about to die, and all of the people that he oppressed with our help for so many years are rising up to get revenge. And we say the Congo is falling apart and Zaire is falling apart. That is one more example of how African nations cannot govern themselves. Look at what happened in Rwanda, look at what is happening in Zaire. It is proof that Africans cannot govern themselves.

I want to close on a brief review of a book called ''Out of America: A Black Man Confronts Africa,'' by Keith B. Richburg, and it is all about these failed societies, these failed nations in Africa where Mr. Richburg, who was a reporter, a correspondent for the Washington Post, and Mr. Richburg has gotten a lot of attention later because Mr. Richburg is black. ''Out of America: A Black Man Confronts Africa,'' by Keith B. Richburg.

Mr. Richburg is appalled. It is somewhat of a traumatic experience for him to have been a reporter in Africa for several years, because as a reporter he is dispatched and assigned to cover all of the developments that are violent and most gruesome, so if he lived in a state of trauma, we cannot be surprised or shocked. If he had to watch bodies flowing down the river in large numbers as a result of the massacre of the Tutsis by the Hutus in Rwanda, I can understand the trauma of that and how that would impact on him; if he had to be in Liberia and watch the Liberian society fall apart after we had held, we had, America, had kept the regime in power in Liberia, the Tubman regime. Tubman was kept in power by the American Government, so much so that the people began to hate them and an army sergeant named Sergeant Dole took over Liberia.

□ 2115

And he did not know what he was doing. So following Sergeant Doe was a set of rebellions that destroyed the country completely. The country went down in chaos as a result of a Sergeant Doe taking over from a corrupt regime that had been kept in power by America.

Mr. Keith Richburg has watched all this over a 3-year period in which of the most violent events developed. And he has concluded that the Africans, I will read from one of the reviews where they quote Mr. Richburg and in what is a shocking statement. And I understand his shock, but what he is saying is that Africa is the way it is because the people have not fully evolved as human beings. Africa is the way it is because they have not finished the process of evolution.

I find that statement shocking, that a black man would hate himself so much and hate his people so much that he would subscribe to the theory that

we are inferior beings who have not yet fully evolved. That is a very shocking statement.

Mr. Richburg is a journalist, and journalists are supposed to report what they see and to some degree interpret it. But in his book he becomes a philosopher, and journalists are not automatic philosophers. Most philosophers were not journalists. Plato was not a journalist, Socrates was not a journalist, Jesus was not a journalist. I mean journalists should stay in their place and understand that they are not philosophers and do not try to get too far in your conclusions.

Mr. Richburg concludes that it is fortunate that Africa was raided by the slave traders. The slave traders brought millions of Africans to America. The millions of African Americans who suffered for 232 years under the bonds of slavery, another 100 years in the oppression of discrimination, second class citizenship, they are fortunate. We are fortunate that we were snatched from Africa where people are still evolving and brought into civilization. That is part of his conclusion.

He saw terrible things but he came to the conclusion as a journalist and he did not have the equipment to deal with it. Because if he was a philosopher and a real thinker, he would not conclude that savagery and the failure of a society mean anything about the evolution of a people. If savagery and the killing of large numbers of people, if the bodies floating down the river as a result of the massacres in Rwanda are the result of people not having fully evolved, then what was the Holocaust all about? What was the systematic extermination of 6 million people by the Germans, the Nazis, the gestapo, what was that all about? Were they not fully evolved? When do you stop evolving? They had the world's best science. They invented rockets. We copied our rockets from German advanced science in rocketry and German scientists. The German composers and the German artists are the bedrock of certain parts of our civilization. Did the murder of 6 million Jews in gas chambers, did the burning of bodies in crematoria signify that they had not fully evolved?

What happened in Cambodia in a short period of time, the Pol Pot regime in one of Asia's oldest societies, they had been around much longer than most Western societies. And yet a million people in a short period of time were murdered in the Pol Pot killing fields. Does that mean they have not fully evolved?

What happened in Bosnia, in Croatia? All across the world there are examples of millions of people being slaughtered by various collapsed societies, failed nations. They have failed and been taken over by dictatorial oligopolists or dictatorial individuals, and their aims are not civilized aims and, therefore, terrible things happen.

America, the taxpayers' dollars in this country have been used to support some of that. Certainly in the case of the Congress, we must bear responsibility for the collapse of society, the brutality, corruption that has existed for so many years in Zaire under Mobutu, our CIA had a direct link there. In Haiti, we had a direct link there.

We have a direct responsibility for not taking steps in other places to ameliorate or to end savagery, and we have future responsibilities. Why? Because God has blessed us, we are among all nations the most blessed. We are blessed with high technology, blessed with peace. We did not endure World War I on our soil. We did not have to put up with World War II on our soil. Our cities were not destroyed. Our universities were not destroyed. Yes, we gave a lot in those wars. Some of the greatest examples of bravery that ever have been exhibited by mankind were exhibited by American troops going into World War II. The beaches of Normandy, fantastic in terms of the sacrifices that were made there and the bravery that was exhibited.

America has risen to the occasion to protect the world from a total takeover by savage, well educated, scientific beasts. But we have to do more. And we have to be careful.

The warning here is that we have to be careful that we do not collapse from within. America from within can collapse if we lose our sense of proportion, if we destroy certain segments of society which help balance us off and keep us going. If we destroy our workers and their working class and the workers energy and the workers contribution to the economy, we begin the downhill slope where only one class of people is in charge. We, too, might face some kind of shallow analysis in the future where conclusions are made that we have just not evolved fully as human beings. That is rubbish.

We are what our society is willing to do in terms of taking what is learned from the past, taking the leisure time that we have, the information on the Web sites, the information on the Internet, all kinds of knowledge and information that are flowing to us. Let us use it in ways which expand the compassionate parameters of mankind, in ways that say, we want in our own society, in our own Nation to share as much of the wealth as possible and see to it that nobody goes hungry, that no segment of the population is oppressed unduly by another segment, that no segment of the population is pushed to the point where it is not a part of the economy, that no segment of the population has to bow down politically and not exercise its full rights in this democracy. That is step one.

Step two is to go beyond our own society and say that our richness, our fortunate wealth, the fact that we are fortunately located in this hemisphere, with the right kinds of climates and a number of things that have happened, we had the land to expand on, we had the European background to help in many cases. We relied on, we had the Native Americans to help us through some critical periods and we never thanked them for that or did not treat them very well. Nevertheless, all these fortunate occurrences came together to create a great America.

The great America should go forward never to take the position where they never will allow a Zaire to happen where our forces were used to oppose people. We will never allow another Haiti to happen. And we will see to it that our institutions are constantly working to improve the world without condemning the world. And never should we come to the conclusion Mr. Richburg has come to, that certain people are in certain kinds of positions and they are having trouble because they have not fully evolved.

All human beings are guilty of unspeakable atrocities, and we must work to make certain that that does not prevail. Our civilization, our structures, our patterns of government, our mores, everything must operate to make sure that the best comes out in mankind and not the worst.

ISSUES OF IMPORTANCE TO THE 105TH CONGRESS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to address my colleagues tonight on a number of issues that are of importance not only to the 105th Congress in the House, but to the Senate and the American people as well. I asked that the opportunity be given to the gentleman from Michigan [Mr. HOEKSTRA] to join me in this dialog, and we will be discussing a number of topics, not the least of which, Mr. Speaker, is one important to everyone in each State, and that would be the balanced budget.

By what we have seen in the last 12 to 24 months, Mr. Speaker, is no longer are we just talking about whether we are going to balance the budget. Now it is going to be, how we do it? And one realizes that there are great advantages to balancing the budget.

We know the State governments have to balance their budgets. Home budgets are balanced. Local governments are balanced, school districts, small townships, boroughs, cities all across America have to balance the budget. Only in the U.S. Federal Government do we not balance our budget. That is how we have acquired a $5 trillion debt.

So, hopefully, in a continuing dialog with the American people, we can make those kinds of meaningful changes where valuable and important government programs continue but those best left to the private sector will be maintained. And we can have the kind of economy that is going to thrive, because with lower interest rates that will be the direct result of a balanced budget, we will be able to reduce home mortgage costs for each

family. We will be able to reduce college loan costs and, as well, be able to reduce our monthly vehicle loan costs.

So I really believe that we are on the threshold here in the 105th Congress of being able to get our budget in a situation which is in control, is going to do right by the American people as far as the Federal Government's interrelationship with the State governments in providing services that do not duplicate but actually enhance the quality of life, quality of each life here in the United States.

I now call on my colleague, the gentleman from Michigan [Mr. HOEKSTRA], to join me and to give us his perspective as a more senior Member of Congress, as chairman of the reform caucus, a gentleman who has been at the cutting edge of the debate in Congress on how we can achieve this balanced budget and from his perspective why it is so important for his district and from his personal perspective.

I yield to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding to me and for allowing us to really have this dialog this evening about the need for, and I have moved away from the term, I do not know what works for you, but I have moved away from the term ''balanced budget''. When you are talking about $1.6 trillion, $1.5, we will never get it into balance. In reality, we will either be at deficit or we will be at surplus. And I think it is important for us to move to a position where we are in a surplus budget and not in a deficit mode.

I think the thing is, I had three town meetings over the weekend, and it really becomes an issue of talking about how we can save the American family, the traditional American family which over the last number of years has really come under attack.

One of the biggest reasons that the American family has come under attack is that we develop a brochure which we call the Tale of Two Visions. It is a tale that has one vision which says our future is by growing Washington. And we use this and say, you know, the street that you and I cross each and every day when we come to the Capitol and we have the opportunity to vote is called Independence Avenue. And over the last number of years, it may have become more appropriate to call it Dependence Avenue. Because when you take a look down the street and you see who is lined up along that street, it is a whole series of Federal bureaucracies that have assumed control and power and tax dollars away from the American citizens and have moved it here to Washington.

Last year, we together were engaged in a historic debate on welfare and moving control and power back to the States and the local level. And it appears in many ways that this welfare reform bill is working exceedingly well. So this is more of a story of getting to a surplus budget, but it is also very much a story of taking a look at problems that America faces and trying to design a more effective way to solve those problems.

When we talk about the budget, some things that we talk about in our tale of two visions, the case for saving America's families, is that we move from what we call now a two-wage requirement back to where it is a one-wage earner.

□ 2130

And that a two-wage-earner family is an option, it is not a requirement. Think about the number of families today that one of the parents might want to stay home, but they really believe that they have to go to work. The primary reason is one of them is working for Government and one of them is supporting the family.

Mr. FOX of Pennsylvania. Mr. Speaker, the fact is the gentleman's vision, and the correct vision for America, is where he is headed by saying instead of having two parents both forced to be working, not only do they not have a chance to get the family together and time to be with the children, but we have lost that independence of being able to make the choice because we have created, I think, to some extent, so much bureaucracy here in Washington of telling people how to run their lives instead of, as we did last year with our welfare reform legislation, take that back to the States, let them run it closer to the people, closer to where the local Government is, less expensively, and in this case, obviously, where direct services can go right to the people they want to serve.

Mr. HOEKSTRA. That is right. I think the Republican vision, I think Congress' vision for where we need to go with the budget is more than a surplus budget. For all we know the Soviet Union ran surplus budgets. I do not know what their budget was, but our vision is to get to a surplus budget, but a surplus budget that can be funded by a one-wage-earner family and not a requirement that we need two wage earners in the family to support this government and this bureaucracy in Washington.

I think another key debate that we have as we work toward getting to a surplus budget is the whole question of whether new spending equals new tax burdens.

One of the major things that we see in the budget that the President has presented to us, and that the gentleman and I are concerned about when we take a look at this budget, under the best of circumstances, the most optimistic economic assumptions, we believe that this budget barely comes into a surplus mode. But under a more realistic assumption, the most likely set of assumptions, this budget is still going to be $70 billion in the red in the year 2002.

One of the primary reasons that this is happening is that this President has decided to move more power to this town by significant new increases in the number of programs that we have. This is not about slow growth and increasing the spending on Social Security because we have more seniors, or increasing the spending on Medicare because we have more seniors and those kinds of things. This is a conscious effort by this President to have an overlay of significant new programs on what we already have in Washington.

I have taken a look at roughly the baseline between where the President is and where our conference may come out with a budget, and it looks like the President is somewhere between $250 and $300 billion above our baseline. The vast majority of that spending is new programs.

There may be issues that we have to deal with, but when we have a $1.6 trillion budget, over 5 years we are going to spend $8 trillion, one would think that we could find, for new priorities, $250 billion out of that $8 trillion and just say there are some programs that we have had for years that are not working anymore, they are not as effective, we have a better way of solving the problem. Let us stop that program and move the money to this new priority rather than overlaying on what already exists.

If this President would just be disciplined, and I think this is where I am, and the gentleman and I have not had the opportunity, but where I am, this Congress is going to have to be measured by the statement of ''Just say no.'' Just say no to new spending. If we just say no to new spending, if we kick the habit of new programs and new spending, we will be well on our way toward getting to a surplus budget without doing anything else.

We can deal with tax cuts and those other kinds of things in the process, but what we talk about now, the biggest tax savings, the biggest reduction in tax burden to the American taxpayer is to stop the $250 to $300 billion of new spending that this President wants.

I know exactly what we will do. We will not ask the American people to pay for it. We will put this $300 billion of new spending onto our kids and we will increase the debt and we will hope that we will get to a balanced budget or a surplus budget by the year 2002. This Congress should really say no to new spending until we get to a surplus.

Mr. FOX of Pennsylvania. I think the American people want what the gentleman is talking about. They want to make sure we maintain Social Security and that it is there to take care of our grandparents and our parents and eventually our generation. They want to make sure that Medicare is fully funded to take care of the health care for seniors.

But when it comes to those new programs the gentleman is speaking about, our communities are reaching out to do things on their own. There are corporations, there are civic associations. We are about to have, in

Philadelphia in April, a national volunteer conference with several of our past Presidents and our current President, for the purpose of reaching out.

The best programs I have found, and we are speaking of some of these new programs the President is talking about, can best be accomplished by a public-private partnership, where universities, schools, civic groups, hospitals all work together to provide the kind of networking and the American spirit that Alexis de Toqueville spoke of many years ago. That is the America I dream about. And I think our constituents want us to let them be part of that American dream and not have to take so much of their dollars. Because, frankly, we spend more on paying the interest on the debt than we pay for all our Defense Department, and that is an alarming figure.

Mr. HOEKSTRA. I am glad the gentleman brought that up. We have a sheet on that.

Our choice is between new or expanded government programs or new or expanded nonprofit faith-based organizations. It is not a dream, what the gentleman was talking about: Corporations and individuals and churches and nonprofits being involved. It is happening every day.

Last night I had the opportunity to speak to a group in a church that has reached out, and 1 hour every week a number of the members from this congregation go into their local school and they tutor the children in that school, one-on-one, 1 hour every week, and they form a lasting and an important relationship with that child. Some of them have been involved for 3 years.

That is how we make the difference. The question is, are we going to suck the money out of the local community, creating more two-wage-earner families, and create these programs that are run out of these buildings here in Washington; or are we going to leave some of the money in the local community, and a parent or an adult saying, ''I have some free time, I am going to go to that school and I am going to help. I will go out and reach out and form a personal relationship with a child in that school.''

It is a wonderful way to improve the community. We help the child but we also personally get a great benefit out of that kind of an activity.

So it is a choice between more new government programs versus some more free time that enables our nonprofits and our faith-based and our individuals to step up in the community.

I see we have been joined. The gentleman from Pennsylvania may want to yield to our colleague from Georgia.

Mr. FOX of Pennsylvania. Mr. Speaker, I do want to yield to the gentleman from Georgia [Mr. KINGSTON], to give us his perspective on what he sees not only in his State but in the country, the value of balancing the budget, the value of giving back in tax decreases to our families a chance to realize the American dream.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Pennsylvania. I want to reinforce what the gentleman from Michigan was saying, because there is often, I would say, a Washington, big government bias toward the government running something as opposed to the nonprofit private sector doing it. It is similar to the accusation of saying, ''Well, I have the Boy Scouts and they do a good job, but if you want to win a war, you send in the U.S. Army.'' That is not an accurate comparison when we are talking about charity and the private sector.

In 1995, Americans donated $147 billion to charity, to churches, to museums, to just private causes of all nature, and that does not count the casseroles, the cakes, the soft costs that happen when a neighbor is sick or someone has died and people step forward in that good old American way, as we have done for over 200 years. So we have a hard cost of $147 billion in direct donations to charity. In addition to that, we have 90 million Americans donating 4 hours each and every week to charity.

Now, if we do the math on that, we will find we have donated each year about $19 billion manhours, each year, running T-ball, running the hospice, running the United Way, running all kinds of church institutions and faith-based charities that the gentleman has already mentioned. If we do the math on 19 billion manhours times $10 an hour, some of it will be worth less, some of it, though, far more, and we will find $190 billion that would be donated through hours.

If we add the two of those together, America is not new at handling problems, at having volunteers go out and doing all sorts of things. Yet there is this Washington bias that unless there is a government program and unless there is legislation, unless there is law, that it cannot happen. There is just no way it can go without the blessing of Congress.

So I certainly think that the budget that deemphasizes command control problem solving out of Washington, returning it back to the streets of America, I think, is absolutely the right direction to move to.

Mr. FOX of Pennsylvania. If I can carry forward, Mr. Speaker, with what the gentleman from Georgia was just saying, the fact is that not only do we have to have a balanced budget, which will have the opportunity for the economy to grow, we also need to reduce the taxes on our American families, whether it is a $500-per-child tax credit, reducing capital gains for individuals and businesses to encourage investment, savings and jobs, or reducing inheritance taxes.

How many family farms across the country cannot be exchanged or given to the next generation without fear that all the taxes are going to take away the lands and take away the farm? We need to make sure that we unbridle some of the regulations that we have that are stifling America's businesses from growing, America's families from achieving the American dream.

Mr. Speaker, I yield once again to the gentleman from Michigan.

Mr. HOEKSTRA. The gentleman is a pretty good lead. We are developing two other segments in what we call our tale of two visions, because one of the things that we talk about when we talk about more government spending, whether it is increasing spending or reducing taxes, the choice is pretty clear. The choice is between government spending versus family savings. A very clear choice.

We take a friend with us almost wherever we go just to talk about this, and the choice is sending money to a Washington bureaucrat or leaving it with a family. It is a decision between Washington bureaucracy versus our children.

What we are going to do in each of the next few weeks is build on this tale of two visions and discuss each one of those: Washington bureaucracy versus our children; government spending versus family savings; a one-wage option versus a two-wage requirement; deficit spending versus surplus savings; and new government programs versus new nonprofits.

Those are things that are important. That is what a budget sets. A budget tells us who we are, what is important to us. We are more than about a surplus budget. We are about strengthening families; restoring and strengthening our families and designing a system.

I think in a few minutes we are going to talk about education. I have had the opportunity to go around the country, in my oversight capabilities, to schools in New York and California and Arizona and Delaware, and talk about education. Somebody said, ''Well, Mr. HOEKSTRA, maybe you should come to my classroom and you can see what is really going on in the classroom.'' I said I do not know if I will ever be an expert in the classroom, but what we in Washington and what people in the State bureaucracy are supposed to be good at doing is designing systems that empower teachers and parents to help their children at a classroom level, at the local level.

Soon we will talk about the kind of systems that we currently have in place. We are about empowering people at the local level to make a difference because systems at the local level, most often, are the ones that have the greatest impact.

□ 2145

Mr. FOX of Pennsylvania. The fact of the matter is the gentleman from Michigan [Mr. HOEKSTRA] hit the nail on the head. Because the school districts back home in each of our States, we elected those people, in some cases they may have been appointed in certain cities, and they are the ones who have been entrusted locally to take

care of the local educational policy. And while they may receive, and should, funds from the Federal Government for transportation for the students, schoolbooks and maybe even school lunches, of course, the policy implementation of what is important for that district and what is important for that State should be left to the local district. That is really integral, I believe, to the American education system.

Mr. KINGSTON. On that subject, I am fascinated with the hard work the gentleman has done in his subcommittee because you have certainly been all over the country.

One of the stories the gentleman came out with is that the Federal Government has a kitty litter policy. Perhaps the Federal Government should have a manure policy, for obvious reasons, but kitty litter seems to be stretching it a little bit. As I understand it, it had to do with the housing, a HUD program that you gentlemen unearthed, and I have it with me. I am cheating a little bit on the gentleman from Michigan, but I am a fan of your newsletter, as I told you earlier today. Section 5.350 part 2 of the HUD manual of the Federal——

Mr. HOEKSTRA. If the gentleman will yield, I encourage my colleague from Pennsylvania to listen to this very closely, because there are some bureaucrats in HUD who thought that this was a very important regulation, and you can see the wisdom of some of the people in our bureaucracies and the kind of issues that they are dealing with.

Mr. KINGSTON. This is none other from the Secretary of Housing and Urban Development, Secretary Henry Cisneros, created rules regarding pet ownership by the elderly and disabled in public housing.

It says under section 5.350:

> In the case of cats and other pets using litter boxes, the pet rules may require the pet owner to change the litter but not more than twice each week; may require pet owners to separate pet waste from litter, but not more than once a day; and may prescribe methods for the disposal of pet waste and used litter.

I am so glad that the Federal Government is finally addressing the kitty litter problem. We have got a $5.1 trillion debt, and we are getting into the kitty litter business.

Mr. FOX of Pennsylvania. It seems to me that we have to make sure we have quality housing and make sure those who are coming from shelters for the homeless have transition housing, and first-time home buyers, but I do not understand how we are spending time in the Government working on kitty litter when that is something that probably could be left to homeowners and individuals on their own. It just occurs to me, but maybe that is a new idea.

Mr. HOEKSTRA. If the gentleman will yield, we have two cats at home, and it is not too difficult to tell when you need to change the kitty litter. I am not sure we need a Federal regulation for doing it in public housing. I think in public housing they can tell as quickly as what we can at home about what happens.

Mr. KINGSTON. What I am concerned about is what about hamster owners? Why do they not have to have the same regulations? And what about people with goldfish, should they not be required to change the water? And Mynah birds. Do you know anybody with a Mynah bird? They are filthy.

In this era when the end of big government has come, it just seems amazing to me that we are so inconsistent with administering the pet policy. And when I say us, let us make sure that the folks understand, this is not the U.S. Congress, these are the unelected bureaucracies who never have to have town meetings, never have to have their name on the ballot and never have to answer constituent mail. They are the ones making these rules.

Mr. FOX of Pennsylvania. Perhaps in our housing subcommittee, we can certainly address that. It seems to me that one of the items of legislation that I have introduced that I think would address this is sunset review of Federal agencies, to say if they are not really fulfilling their original purpose, maybe they need to be downsized, privatized, or eliminated. The fact is while we need to have a housing policy to take care of assisting those in need, I do not think it goes to the assistance on pet deportment.

Mr. HOEKSTRA. If the gentleman will yield, in the same issue, the February issue of Tale of Two Visions, if my colleague from Georgia read on, he would know that we took care of the kitty litter. We also went on in the Federal Government to take care of rabbits. This gets to be interesting. The National Institutes of Health required one university to replace all of the school's rabbit cages. This carried a price tag of $250,000. We care about rabbits as much as we care about kitties. However, less than a year later, the Agriculture Department declared that the cages were the wrong size. The university had to once again replace the cages.

We should feel really good that we have two agencies in Washington that are caring about rabbits. The frustrating thing is, I think, and the gentleman has talked about the sunset legislation for rules and regulations. There are a couple of other bills that have been introduced, one of which would require congressional review of rules and regulations before they actually go into effect, and I have introduced a piece of legislation. Can you imagine how frustrated this university was after they had just spent $250,000 on rabbit cages and another department came in and said, ''You've got to change it.'' We have said where you have got conflicting regulations, we have to provide an expedited way to review that and you are held harmless for following one set of guidelines when another agency comes in and tries to tell you that you did the wrong thing, so we protect the people in those cases.

Mr. KINGSTON. If the gentleman will yield, I have heard, and Georgia has a lot of poultry processing and poultry processing is very water intensive and you have to keep the area very, very clean for the USDA inspectors. You have to have it clean. But then the Occupational Safety and Health Administration comes in and they say the place is too wet. So you clean it enough to process the food and then it gets too dangerous for the workers and you have two Federal agencies once again responding to the same problem that many times they are creating.

Mr. HOEKSTRA. The key to this is, it is not that these rules or regulations are good or bad, I think they go too far. This is taxpayer dollars. This is why we have too many families in America today that are two-wage-earner families as a requirement, not by choice, not by option, to support these kinds of activities.

Mr. FOX of Pennsylvania. I would point out that some of these two-wage-earner families actually have more than one job apiece.

Mr. HOEKSTRA. The gentleman is correct.

Mr. KINGSTON. I know the gentleman has done a lot of study on the U.S. Department of Education, how big it is, but before we get to that I want to mention another bureaucracy that has 111,000 employees, and that is the IRS.

Listen to this story that was from an article written by Dan Gifford in Insight magazine, April 29, 1996:

A man's brother was killed in the 1988 terrorist bombing of Pan Am Flight 103. The IRS demanded that he pay $64 million to them because they had guessed that he had received about $11 million in a settlement.

They wanted $64 million from the guy because they had guessed he had received $11 million, and the fact was that he had never received one dime for the settlement at the time the IRS wanted it.

Another story said there was a 10-year-old girl, the daughter of a man, and the IRS claimed he owed $1,000 in taxes, $600 paper route savings since she had a little paper route, $600 in her savings were seized by the IRS. This is a 10-year-old girl. I have an 11-year-old son. This is somebody who rides bicycles. So the IRS seizes $600 in a paper route savings and would not give it back to her until her father paid the $1,000 on taxes that he owed. It is just absurd. It is a bureaucracy out of control and out of touch.

Mr. HOEKSTRA. Going back to the Tale of Two Visions, we all know how complex our Tax Code is. It is so complex that the IRS has spent in the neighborhood of $8 billion trying to design and automate and computerize the system. They now acknowledge that $4 billion of this will never be able to be used. When you talk about a two-wage-

earner family, that is 2 million families where the second wage earner paid $2,000 to the Federal Government and did not get one dime of value. Two million families where the second wage earner paid $2,000 in taxes and the Government threw it away, because our Tax Code is too complex. That is why 2 million men or women went to work for a year and got absolutely no value. That is waste, that is wrong, and that is what is killing America's families today.

Mr. FOX of Pennsylvania. There are two other points I want to add. Both the gentlemen have made good points about the need for the IRS reform. It seems to me we need a couple of other areas of reform. We have the problem with IRS in that we do not have a simplified form. There are so many complications to the IRS Tax Code that we do not even have a simplified form that people can use. I do not think that is fair. No. 2, we have a situation where most of our Anglo-American law, the person who is involved in court is presumed to be innocent, whether it is a defendant involved in one court case or another, the Government has the burden of proof and the defendant in a criminal case, my God, is presumed innocent.

Here you have a taxpayer, there can be no presumption he did anything wrong, but the current code says they are presumed to be wrong and the IRS Commissioner is presumed to be right. I think this Congress has got to take the bull by the horns and switch that presumption and put the burden back on the Federal Government and not on the taxpayer.

Mr. KINGSTON. Here is another interesting statistic. From 1954 to 1994, the number of words in the section of the IRS code relating just to income taxes, not all the other taxes but just to income taxes went from less than 200,000 to over 800,000.

In 1994, businesses across America spent more than 3.6 billion hours preparing their tax returns, and individuals spent more than 1.8 billion hours preparing their tax returns. Looking at it this way, that approximates to 3 million people working full-time 12 months a year just to comply with the Tax Code. You talk about wasted energy and wasted manpower. That is absolutely ridiculous. We have got to move toward a simplified tax system. I do not know if the answer is the flat tax, but we have got to give it serious debate, and we have got to do it very soon.

Mr. FOX of Pennsylvania. If the gentleman from Michigan would continue for the benefit of our colleagues of what he has learned in his educational survey, I know that the gentleman from Georgia [Mr. KINGSTON] and I would certainly like to hear more about it.

Mr. HOEKSTRA. We are going to be coming to your States. What we are doing is we are working on a project which we call Education at a Crossroads: What's Working and What's Wasted. We have evidence that there are problems in education around the country, but we know that there has been a Federal response. It is kind of interesting. We have kind of gotten into a debate with how many programs are there really. Nobody can really tell us. Are there 500 programs? Are there 700 programs? We started this process a year ago and we went to this book, which is called the Catalog of Federal Domestic Assistance. This is one big book.

Mr. KINGSTON. Was it good reading?

Mr. HOEKSTRA. I have some very qualified staff people who have the opportunity to read these.

But this Catalog of Federal Domestic Assistance, you go to the section that is called Education, and this is all in fine print, and you read this, and you count them, and you find in this document that there are at least 660 education programs just under the Education title.

You then go on to the Office of Management and Budget, and you ask them how many programs there are, and you go to the Congressional Research Service, and they say, ''Well, we think you maybe don't have all the programs,'' so they find about another 116 programs. Here is what the Congressional Research says, and the Department says:

''As is noted below, these counts do not include possible additions of education-related programs in the areas of foreign aid, educational or cultural exchanges bringing foreign citizens to the United States.''

They also go on to say that they cannot verify the completeness of this information.

''We are aware of no listing or other source of information on Federal education-related programs that is sufficiently comprehensive in detail to fully meet your needs.''

Remember, our need was a very simple question: How many Federal education programs are there? That was our need. They said there is not an exhaustive list. ''At the same time we are aware of no better source of this information than the CFDA,'' which is the big binder that I held up.

So we know that, according to Government documents, there are well over 750, 760 programs that go through 39 different agencies and spend over $120 billion per year. What it means is that for a long time, Washington has been working on a program, and we are doing different lessons in education every week, but this is lesson No. 2, that we like kids, we care about kids in Washington, but we have designed a system that has given us this kind of mechanism and this kind of cottage industry.

□ 2200

And this is two binders, OK? These are two big binders, and the title of this binder is Guide to Federal Funding for Education. And so what we have done is we have just developed layer on layer of education programs, and you know as the gentleman from Pennsylvania said earlier, we recognize we need to help kids. But when we put together this kind of process, and this tells you who to go to and how to apply for the grant and how to write your grant, and then there is an interesting thing in here that is called—what is this called? It is called the Funding Opportunity Rating System. The following system rates programs for most competitive, which is one star, to least competitive, which is five stars, to tell you that the feasibility and the probability of getting Federal funding, and what we have done is we have created a complex system that means we are friends at the IRS; you know, 110,000 plus are out there taking taxpayer dollars, taking dollars away from families. We design a complex system so that you have got to have these kinds of binders to find out exactly how to get the money. Then they go back to the classroom with all kinds of rules and regulations.

The end result is we are going through this process, and we will find out more when we go to Pennsylvania and when we go to Georgia. Our expectation is that maybe only 65 or 70 cents gets to the child. That is not good enough.

Mr. FOX of Pennsylvania. Where is the rest of it; in bureaucracy?

Mr. HOEKSTRA. The rest of it is in applying for the funds, finding out about the funds, promoting the programs, the bureaucracy, administration, all of those kinds of things, and you know as we are talking about some of these new programs that the President wants to do, the debate here on some of these programs is not going to be about whether these are things that we should be doing. We need to be in certain cases helping improve education. The debate will be if we are only getting 65 cents of the dollar to the child, are we going to increase spending to $1.20 to get up to 70 cents or 75 cents to the child, or are we going to take a look at that 30 to 35 cents and say that is too much going to bureaucrats and bureaucracy? Let us see if we cannot cut the overhead like we did in welfare, if we cannot cut the overhead in the bureaucracy and get the money to the child and get it to the classroom without having to increase taxes or increase deficit spending.

Mr. KINGSTON. You know, it is interesting during this period of time, and I generally attribute most of it since the conception of the Department of Education in Washington, and the gentleman may know the exact year. I believe it was 1978; but was it not 1978?

Mr. HOEKSTRA. Anyway our colleague in the back might—1978 or 1979?

Mr. KINGSTON. I am certain it was when Jimmy Carter was President, and so let us just say thereabouts. But what is interesting, during that same period of time that we have had this absolute explosion in programs, which has also taken away the flexibility and

freedom for the teacher to teach in her or his own classroom, what has also happened is the SAT scores have fallen from approximately 937 to about 910 points, if not more than that, and the interesting thing as you know, the SAT scores have been recalibrated, and 900 in 1975 would equal about a thousand today. So in reality the SAT scores have fallen more than 30 points, but to probably about a hundred despite all of this Federal Government help to States which has proven not to be help but hindrance.

Mr. FOX of Pennsylvania. I would ask Congressman HOEKSTRA, how do we get education to be more child centered?

Mr. HOEKSTRA. Well, this is exactly what we are talking about. I think our vision of education, the vision that we see, and you know the exciting thing about going around the country and in some cases going to some of the most troubled areas and some of the roughest areas in the country, education in many of those areas is working. There are entrepreneurs, there are strong, driven individuals, there are parents that are going in and they are making a difference. And you know this is our vision for education. Our vision for education is a child-centered approach where the programs that we have in place are focused on helping the child, they are empowering parents, they are recognizing the importance of teachers in this process, that it is a partnership with teachers and parents and the student coming together to help that child learn.

You know, one of the exciting things about this is we have seen lots of innovations in getting to a child-centered education. Charter schools; we have got them in Michigan, we saw them in California, we visited them in Phoenix. And when we had our hearing in Phoenix, the National Education Association came out and said they are going to be doing four charter schools around the country.

I think that is exciting. I think it is wonderful that the teachers' unions are accepting the challenge of charter schools which provide them a new flexibility to try to redesign and recreate what goes on in a school outside of the bureaucratic maze, and I am, you know, I am excited that they are taking that challenge because if anybody can work and design a good school, it should be teachers in the local community working with parents and designing what that community needs.

I am looking forward to where they establish them. I am hoping and expecting that they will establish a charter school in the State of Michigan so that we can learn from their experience and their expertise. But the focus is this model right here along the bottom. It is parents focused on the student, it is teachers focused on the student, and the important thing is here the teachers know the name of the kids, the parents know the names of the kids; and it is an alternative to what the Washington Senate approach is, which is where we are today, which is at the end of the stream is the student, at the top of the stream is the bureaucrat. The bureaucrat does not know the name of the kids.

Mr. FOX of Pennsylvania. The gentleman from Michigan is right on target because the fact is that each district knows best what is good for their students, what the needs are, special programs that relate to industry in the district that relates to industry maybe having adopt-a-school programs to bring in community scholars. There are all kinds of innovations. If we tap into the private sector, there is no telling how far we can go. And education, just like every other area of life, business, the arts, everything is being questioned of how can we improve, how can we spend less by getting our money's worth, getting the taxpayer what they want, quality education at a reasonable price, making sure we maximize dollars but minimize waste.

Mr. KINGSTON. The gentleman in your newsletter, and I am attributing everything to you that I am plagiarizing here, but you pointed out in Washington, DC, a 57-year-old grandmother who started a program called Children of Mine, and the program in Washington, DC, provides hot meals, homework help, tutoring, computer instruction, Bible study, and a safe place for at-risk children to play, go to after school, to know that they are safe and have security and so forth. And the interesting thing is as this woman, Miss Hannah Hawkins, has turned around the lives of so many children since—well, I am not sure she started it in 1970 or how long she has been doing it, but not one dime comes from the Federal Government.

And you are finding all kinds of programs similar to this Children of Mine.

Mr. HOEKSTRA. I thank the gentleman for yielding. That is exactly what we are doing with A Tale of Two Visions, and you know the earlier examples that we cited were examples of Government inefficiency, Government being asked to do things that maybe it could not do or that it should not do, and in the same issue of every edition of this newsletter we also publish success stories, nonprofits, individuals, private enterprise, churches going out and making a difference in their community so that people can get a sense of actually what is going on in the country.

Mr. FOX of Pennsylvania. If the gentleman will yield, I have seen back in my home area of Montgomery County, PA, just how what you talked about is happening. Whether it is churches or synagogues or civic groups or boys and girls clubs, they have done the thing which is related to education in community youth groups. Whether it is the DARE Program, the Drug Abuse Resistance Education, through our sheriff's office, our town watch programs; no Government funding there. It is the eyes and ears of local police departments. Community policing; it is an idea where local police departments work with the community, work with the civic organizations, and that is really where we are making a great difference because it is not the Government trying to solve all problems. We are part of the solution, and that whole idea is, I think, coming to fruition.

Mr. KINGSTON. We have an example in Savannah, GA, which I mentioned to Mr. HOEKSTRA about, of a weight lifting coach named Michael Cone who actually had been an Olympic weight lifter, and he went to work in the school, worked in the school system for 10 years, and under his jurisdiction was the Presidential Fitness Program, and we all took the Presidential Fitness Program when we were growing up, and, as he described it very accurately, you go to the class and you say:

All right kids, everybody come up here and do a pullup.

Well, children really cannot do pullups. There are a few who can, but the majority of kids cannot. So what happens? One kid goes up and cannot do a pullup. The other 29 in the class say we are not trying because they know not trying is better than failure. And so you got one kid who has been humiliated, and 29 say we are not going to touch that ball. And what happened is the Presidential Fitness Program has become somewhat humiliating to some kids. It has also become cumbersome in terms of testing the children, and the results do not lead to anything.

And so what Mr. Cone did in Savannah, GA, he went in with a local hospital and got them to underwrite and say: Why don't we prepare a physical fitness program for kids, a measurement so that each child could do something of the test? And let's don't throw in an 11-year-old who is 140 pounds with an 11-year-old who is 90 pounds because physically they are not equal. Why have their measurement tested the same way? Let's do it by weight more than age and so forth; just some practical commonsense approaches.

As a result of Mr. Cone working with the local hospitals, they now had an ongoing physical measurement program for kids all over Chatham County where they can find out if these kids have any physical problems, if they changed from the year before. If they are overweight they can make recommendations and so forth. But the best part is it is less extensive than the Federal program and it goes a lot quicker. They can test it in about a third of the time that the Presidential Fitness Training Program does, and again it is an example of local initiative.

But you know Mr. Cone told me the unbelievable part is he had to fight the bureaucracy to get this thing approved and get it running.

Mr. HOEKSTRA. The system that I think we are looking forward to is developing and bringing back in balance a role for Government, highlighting

the role that individuals can play, highlighting the role that private enterprise can play and highlighting the role, the responsibility of nonprofit faith-based types of organizations that American society where there is an equal balance between those four is when we really excel, and that when one of those becomes too dominant is when maybe we encounter most of our problems.

And I think what we have seen over the last number of years is where the role of the Federal Government has gotten so big and where we are spending $1.6 trillion per year and we are $5, approaching $6 trillion in debt, and we are saddling our kids with interest payments of $258 billion per year. We are out of whack. You know when a two-wage earner family is a requirement and not an option, we are out of whack and we have got to bring that back into focus.

I ask my colleague, and I know my colleague from Pennsylvania has a passion for higher education, and I ask my colleague if he saw this last edition of Time Magazine talking about the cost of higher education, whether you have had an opportunity to read that article?

Mr. FOX of Pennsylvania. Briefly; yes, sir.

Mr. HOEKSTRA. And I think, you know, as we really take a look at how we help young people for those that select and believe that they want to go to higher education, I think that article points out that before we throw a lot more money and programs at some of this we need to take a look at the correlation and the dynamics between Federal spending and the cost of education. And it is kind of a complex issue, but we ought to at least have some hearings and have some debate and dialog on that to make sure that when we fund higher education programs and we are trying to help kids, that is exactly the result that we are going to have, and we do not fuel a price war in the wrong direction toward increased prices.

Mr. FOX of Pennsylvania. If the gentleman yields, I believe that, you know, there is a greater role for the Federal Government in this area. There are many students who I found in my district who are qualified to go to school but yet do not have the financial means. So they need the loans and grant program.

One of the important pieces of legislation that is before us during this session that I hope in fact has passed will improve the opportunity for students. One will last; for instance, the reinstatement for employers, the deductibility for helping the students pay the tuition, and it will not be treated as a gift to the student to provide a disincentive.

The fact is we have to provide the incentives for qualified students to go into higher education not only to take over positions of government but to discover things in medicine to help us live longer and better, and our universities provide that kind of opportunity, and I understand what you are saying. Obviously we need accountability, too, that we are not overcharging our students for what a quality education should be, and that is part of what your committee will continue doing, and I hope that will give Congressman KINGSTON and me a chance to weigh in and be a part of your crusade.

□ 2215

Mr. KINGSTON. One of the things that is interesting in one of the statistics your committee came out with is that 30 percent of the American students entering higher education, entering colleges and universities have to take remedial courses.

I believe one of the reasons that they have to take remedial courses is because this bureaucracy that we are throwing on local school systems makes teachers spend far more time in paperwork than they should be and far less time helping students, because when they are filling out paperwork they cannot help that marginal student who needs just a little extra help in math that day. I mean a C student, C-plus student who might come up to a B or B-plus or an A, but instead moves in the opposite direction because the teachers are not there any more.

So what does the President do? He says we need tutors, so let us go in with these $20,000 a year volunteers from AmeriCorps to solve this problem. It is absolutely absurd. We do not need more Federal programs, we need less, and more flexibility for the teachers; we need less paperwork for them.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, my subcommittee also has oversight on the Corporation for National Service, which is the parent corporation for AmeriCorps.

There is debate about whether AmeriCorps works or whether it does not. I originally voted for the program, and as I have now had oversight over the program for the last 3 years, I have some questions about the program and exactly how it has worked, and it is working different than what I maybe anticipated it was going to do. There are two fundamental facts. Their books are not auditable, and we have known that for about 12, 18 months, that we really do not get a full accounting of where the money goes.

We have had hearings on this and there has been some explanation that the corporation came together and it had some old programs with dirty books and they had to kind of clean those up, and they are getting there. But more disturbingly, within the last 10 days, the auditors have come out and said that their trust fund is not auditable, which means that there is not an integrity to the system that the scholarships for the kids that worked, that will actually be able to match up the scholarship money to the kids that actually did the work. So it is kind of disturbing that there is not that integrity in the system.

I also wanted to build off on what my colleague from Pennsylvania is talking about, the tax deductibility for corporations to enable their employees to go to college. But in my State, it is important for them to get additional training, but it is also very important because being a huge automotive producing State, we need machinists, we need journeymen, and so we need the kids to go into the basic trades, which are great jobs, which certain kids have a great aptitude for and they love doing.

I could not do it. My colleagues would not want to take a look at the parts that came off the machine after I spent a few hours on them. But we need those kids, because it is part of the heart of our industrial strength, is having the journeymen and the people talented and skilled in those areas. It is really an art, and so we need the flexibility and the programs that we design that say if you are going to go to a 4-year college, if you are going to go to medical school, or if you are going to go and be a journeyman, we are going to support you in getting that additional learning, because we need that full range and that full breadth of skills, and we need to empower young people to match the skills that they want to get with the love and the profession that they have a passion for, and we cannot use these Government programs to coerce them into doing something that maybe they would not do otherwise.

Mr. FOX of Pennsylvania. Mr. Speaker, I think one of the other things that we need to do, for the students 18 and under, they have no direct voice here in Congress in the sense that there is someone their age, and I think of the youth Congress when they take over the 435 seats in this House, they elect a Speaker and they pass some legislation that they tell us about. Because while student loans are important, reducing crime is important, their dreams and aspirations are important also. We get this reflectively sometimes through their parents, and sometimes in our town meetings, and sometimes I hear about them when I go to visit a school, but I would love to have a youth Congress sometime this summer and hear directly from them, because sometimes I do not think we hear enough from them.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, that is a wonderful idea, having a youth Congress for a week where maybe every Member of Congress has the opportunity to select one member to represent them in this youth Congress for a week, where we could define a range of issues, maybe two or three or four issues that we would like them to work on and debate for a week. The biggest fear that I would have is that at the end of the week, the American people might be more impressed with the youth Congress than what they are with us.

Mr. FOX of Pennsylvania. I think we can afford that risk to make the country stronger and better.

Mr. KINGSTON. Mr. Speaker, one of the great parts about this job is that we do get lots of students come and visiting our offices and I am always inspired. It is interesting that there are a lot of folks who are down on students, but I look at the kids who are in our classes today and I feel very, very optimistic. But often, it is because of their own effort or their parents more than it is because of the education system.

We were talking about preparing kids for the future. One of the realities that children of today will face a lot more than our generation is that they will be competing directly against German, Japanese, British, Canadian children and so forth.

The question is, are we preparing them best? Of the 760 different Federal education programs, it is interesting to note that there are 14 programs that deal with reading, but 39 deal with art. There are 11 that deal with mathematics, but 27 that deal with environment.

Now, I think it is important to know about art and it is important to know about environment, but when you are talking about competing in a global economy, you better know your math and you better know how to read. But because the Federal Government passes things based on politics and emotion far more than logic, it is a lot more popular to vote for art and environmental programs rather than math and reading because they are somewhat lackluster. But are we cheating our children when we do that? I think we are. We have to prepare them for the global marketplace.

Mr. HOEKSTRA. I know we are running close to the end of our time, and I thank the gentleman from Pennsylvania [Mr. FOX], for taking the hour tonight.

The gentleman from Georgia [Mr. KINGSTON] is absolutely right. We need to prepare our kids. But the bigger responsibility that we have is we need to prepare this country, which means I think that we have to carry forward on our vision toward getting a surplus budget and a government that can be funded by a one-wage-earner family, that a two-wage-earner family is an option, and that we get a government and we get it in a size and a scale that no longer sucks strength away from our families, but is in balance with what our families need.

If we can do that, we will prepare the proper environment for our children to be successful.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the gentleman's comments. I think that the gentleman's whole theme has been one that rings true for America, and that is to make our families stronger, and by doing that we make America stronger.

I did want to make one parenthetical comment, discussing AmeriCorps. I can tell my colleagues about a couple of programs that frankly in relationship back to what the Congressman from Georgia, Mr. KINGSTON, was talking about, the RSVP and the foster grandparent programs have been outstanding examples, and I will have to look into the tutor program you spoke of to see whether it is as accountable and as beneficial. But I think the overall theme that the gentleman from Michigan has presented tonight, balancing our budget, getting tax relief to families, letting them become one-wage-earner families, if that is what they want, so that they can again spend more time together, enjoy the quality of life, build their communities, and I think that kind of vision of America's dream is certainly one that people from my district will want to embrace.

I yield to the gentleman from Georgia for a concluding comment.

Mr. KINGSTON. Mr. Speaker, let me just say, I appreciate the gentleman from Pennsylvania and the gentleman from Michigan for letting me join them this evening, and I do agree with the title of the gentleman from Michigan's newsletter. We have two missions here, one of a command-control bureaucratic government where Washington experts tell the whole world how to run their lives, how to run education, and how to run their businesses and families and so forth, or we have a government that is smaller and based on common sense. The gentleman has an excellent newsletter, and if the gentleman would, could we get his Net page number and so forth.

Mr. HOEKSTRA. For my colleagues, this newsletter is delivered on a monthly basis, and they can get it from 1122 Longworth House Office Building.

[From the Atlanta Journal, Oct. 14, 1996]

WASTEFUL AMERICORPS SURVIVES ANOTHER YEAR

AmeriCorps, President Clinton's much-vaunted ''volunteer'' program, has survived another year. Too bad. It's past time to kill this costly program before it becomes a permanent government fixture. It is fast-growing and expensive, it eats away at the very definition of volunteerism, and it's costing taxpayers a huge amount per participant without any measurable gains.

In announcing AmeriCorps in 1993, the president spoke of a largely privately funded program that would engage the nation's young people in volunteerism and community service:

''While the federal government will provide the seed money for national service,'' the president wrote in a New York Times op-ed article, ''we are determined that the participants—the individuals who serve and the groups that sponsor their service—will guide the process. Spending tens of millions of tax dollars to build a massive bureaucracy would be self-defeating.''

But it has been the federal government ''guiding the process'' with tax dollars. The program cost $217.3 million in 1994, but $427.3 million in 1995. Congress put the brakes on the president's effort to pump even more into the program this year. Undaunted, Clinton is now seeking $1 billion over the next five years.

The notion of private funding for AmeriCorps was also an illusion: Just 7 percent of the program is funded privately. National and state governments pick up the rest of the tab.

The General Accounting Office has discovered the program costs taxpayers $26,700 per participant for 10 months of volunteer work.

And the type of ''work'' is not always what taxpayers would have paid for. In San Francisco last year, AmeriCorps volunteers organized 40 groups to fight the federal crime bill's ''three strikes and you're out'' provision. In Denver, ''volunteers'' who were supposed to be helping neighborhoods instead were passing out fliers attacking a city councilperson. In Orange county, Calif., AmeriCorps volunteers were paid to knit a memorial quilt for victims of the Oklahoma City bombing—a chore they never even finished.

And AmeriCorps destroys the healthy notion of volunteerism by paying participants to ''volunteer.'' Participants receive a stipend of $650 per month—about $7.50 per hour—and $4,725 a year for college costs. This even though more than half of Americans over 18 volunteer in the real sense—for free.

Neither are the benefits of AmeriCorps limited to the poor in need of financial aid for college. America's wealthiest are just as eligible—and far more likely to participate. While the program is supposed to give young people a chance to go to college, the cost of a single AmeriCorps participant would send 18 students to college with Pell Grants.

The president needs to look back at his original statement and ask if the program is indeed ''self-defeating.'' It is, and it's an incredible waste of taxpayer dollars.

CIA OPERATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, earlier today I started a presentation and a conversation about the Central Intelligence Agency. Recently I have become involved in taking a closer look at the Central Intelligence Agency. This was after the San Jose Mercury News series detailing allegations that the CIA operatives were involved in the trafficking of crack cocaine in south central Los Angeles.

What we have learned is quite disturbing. The CIA operatives, Oscar Danilo Blandon and Norwin Meneses were indeed connected with both the CIA and the DEA; that is, the Drug Enforcement Agency. Both Blandon and Meneses have long histories of involvement with drugs. Mr. Meneses in particular was well-known among the United States and Latin American law enforcement agencies as having trafficked drugs for years. These men were staunch supporters of the Nicaraguan contras and the FDN. That is the army of the contras.

There are those who question whether the CIA had any involvement with the distribution or trafficking of crack cocaine into south central Los Angeles. One need only look no further than current newspapers to find recent cases of CIA involvement with drugs.

Before I began to detail some more of the recent involvement, I would like to just share for a moment the fact that Mr. Danilo Blandon and Mr. Norwin Meneses both have been identified not only as having been involved with the CIA, but Mr. Danilo Blandon himself testified in Federal court that he was a CIA operative.

There are those who question whether or not this really could have happened, and did this fuel the explosion of crack cocaine in south central Los Angeles and across the Nation. There are some of us who are well aware that in the 1980's in south central Los Angeles, where I have served for a number of years prior to coming to Congress, there was indeed a huge infusion of drugs, and it was commonly referred to as drugs that were being brought in by the Colombians. Little did we know until the San Jose Mercury News did this extensive investigation that indeed these operatives were directly in south central Los Angeles and Mr. Meneses himself was connected with these drug cartels that were bringing in the drugs to Mr. Danilo Blandon.

Well, the newspapers have been full of a lot about what took place. Not only did the San Jose Mercury News describe this whole operation and a young man in south central Los Angeles that was connected to the trafficking of huge amounts of crack cocaine, but since that time we have discovered that Mr. Danilo Blandon is now in the witness protection program of the DEA and, despite the fact he had been a large drug dealer, bringing all of this cocaine into south central Los Angeles, he was now on the DEA payroll, having been paid over $160,000 by them last year.

□ 2230

Ricky Ross, the young man that connected with him in south central Los Angeles, is now in prison for life. Well, some people may say that perhaps happened and perhaps the CIA did not really involve itself in the trafficking of cocaine, it just kind of turned its back and allowed it to happen. And that was the CIA of the past. And perhaps they were so involved in trying to support the Contras, because they felt that they were the correct organization to confront the Sandinistas, even though they did not have the support of the Congress of the United States, that perhaps they made a mistake.

Well, for those who think they made a mistake, let us take a look at recent events. Let us take a look at Venezuela. Earlier this year, General Ramon Davila Venezuela's former drug czar, was indicted by Federal prosecutors in Miami for smuggling cocaine into the United States.

Now, according to the New York Times, November 20, 1993 article, the CIA antidrug program in Venezuela shipped a ton of nearly pure cocaine to the United States in 1990. The CIA acknowledged that the drugs were sold on the streets of the United States of America. The joint CIA-Venezuelan force was headed by General Davila and the ranking CIA officer was Mark McFarlin, who worked with antiguerrilla forces in El Salvador in the 1980's. Not one CIA official has ever been indicted or prosecuted for this abuse of authority.

You need to know and understand that when the CIA came up with this cockamamie scheme of bringing the drugs into the United States, they claimed that this was the only way that they could gain the confidence of the drug dealers in Venezuela and thus set them up so that they could bust them for a bigger deal later on. They went to the DEA and told the DEA about the scheme and the DEA, who supposedly has the authority to determine whether or not you can do these kinds of operations, said to them, no. You cannot do it.

The CIA defied the DEA. They did it anyway. And they broke the law because they allowed the drugs to hit the streets.

Well, let me just say that whether we are looking at south central Los Angeles or any of our other major urban areas or even areas that are not so urban, and we see this continuing influx of cocaine that is cooked into crack and we see all of this devastation and we wonder, where does it come from, and people in many of these communities will say, we have no airplanes, we do not have the wherewithal to bring the drugs in, so it must be coming from places as they would consider higher-ups.

We do not know where it comes from but we do know some things. We know that the ton of nearly pure cocaine that reached the streets in 1990 was cocaine that was brought in by the CIA. We know that. We do not care what they were attempting to do, we do not care that they thought they had a scheme that would help them to bust big dealers later on. The fact of the matter is, they brought the cocaine in and they defied the law. They broke the law. They allowed it to hit the streets.

Let us take a look at Haiti. In a March 8, 1997, Los Angeles Times article, it was reported that Lt. Col. Michel Francois, one of the CIA's reported Haitian agents, a former Army officer and a key leader in the military regime that ran Haiti between 1991 and 1994, was indicted in Miami and charged with smuggling 33 tons of cocaine into the United States.

The article detailed that Francois met face to face with the leaders of three Colombian cartels to arrange for drug shipments to pass through Haiti via a private air strip it helped to build and protect. Lt. Col. Francois was trained by the U.S. Army in military command training for foreign officers in Georgia. He was a senior member of the service intelligence agency, a Haitian intelligence organization, founded with the help of the CIA in 1986.

After the 1991 coup that put Francois in power, cocaine seizures in Haiti plummeted to near zero, according to DEA records. United States prosecutors have requested the extradition of Francois from Honduras where he has been living under a grant of political asylum.

What is important about this? We went through a very, very confrontational history right in this Congress in this House about Haiti. There were those of us who supported Aristide and there were those who did not support him but, rather, they supported Cedras and Francois and others who were involved in attempting to overthrow Aristide. These were the people we were fighting to get Aristide returned to Haiti. These were the people who were embraced by Members of this House who swore by them, who tried to make sure that Aristide never returned to power, who embraced Cedras and the head of Cedras's Army, Mr. Francois.

Members of this House literally had wrapped their arms around drug dealers. Members of this House not only swore by them and protected them, while they were protecting them, Francois was building an air strip in Haiti where he could receive the drugs flown in from Colombia on that air strip and the same air strip used to fly it right back out to the United States. This was a transshipment point.

This was the head of the army in Haiti working with Cedras, with Members of this House supporting them and working against the return of Aristide.

Well, we were able to get the support of the President of the United States and those who really began to understand what was going on down there. And we returned Aristide and, of course, Francois was helped out and given a grant of political asylum.

Now we find that he, too, is responsible for helping to put drugs on the streets of the United States of America, another instance where the CIA either knew or turned their backs and allowed it to happen. There are those who swear that the CIA was called when this large shipment of drugs was being prepared for entering into the United States, and the CIA did nothing.

Let us go a little bit further and try and discover who the CIA is and what they are doing and how they are viewed around the world.

In a Los Angeles Times article, we see a caption recently, just a day or so ago, that says, CIA finds itself out in the cold with U.S. allies. In this Los Angeles Times article, that was just Monday, March 17, our international allies' dislike of the CIA and their clandestine activities is stated, and I quote:

> Around the world America's friends are sending a quiet but stern message to the Central Intelligence Agency. The Cold War is over. The rules of the spy game have changed, and it is time, they said, for the United States to curb its espionage operations on allies' turf.

At least four friendly nations, Germany, Italy, Switzerland and France, have halted secret CIA operations on their territory during the last 2 years. In Germany, a CIA officer was ordered to leave the country, apparently for trying to recruit a German official in 1995. There was a major intelligence failure in Paris, when the French uncovered and put an end to an economic espionage operation run by the CIA.

Let us take a look at the Washington Post on the 18th. House panel affirms some allegations against the CIA. Just in today's Washington Post, there was a report that the House Permanent Select Committee on Intelligence report affirmed a previous conclusion that CIA contacts in Guatemala were involved in serious human rights violations with the agency's knowledge and their involvement was improperly kept from Congress in the early 1990s.

In fact, the article stated, and I quote, ''The report represents a sharp criticism of the CIA from a Republican-controlled committee that has tended to be more sympathetic to CIA arguments that it must deal with unsavory individuals to get good intelligence.''

Mr. Speaker, what is the mission of the CIA in a post-cold war environment? Is it really necessary to continue allocating $30 billion to the CIA? Should we not use these funds for other purposes such as job development or school infrastructure rehabilitation?

We are pleased that the New York Times on the 3rd of March this year recently reported on scrubbing, they call it, by the CIA in an effort to sever ties with 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes.

According to these articles, the Latin American division of the CIA's clandestine service proved to be the one most riddled with foreign agents who were killers and torturers and that the CIA also has had on its payroll people who are terrorists and drug dealers or who were terrorists and drug dealers.

It is not enough to cleanse some of the rogue agents employed by the CIA in their clandestine activities. We need to take another look at the CIA.

What I have just said to you is this: In addition to the drug trafficking and allegations of continued involvement, in addition to the south central Los Angeles drug trafficking with Danilo Blandon and Norwin Meneses, in addition to the event that I just described to you in Venezuela, in addition to the connection in Haiti, we find that we have a CIA who is being questioned by some of our closest allies and who are saying, we do not want them around here anymore.

The CIA, in this latest attempt to try and cleanse itself, tried to send a message, we are getting rid of the terrorists. We are getting rid of the murderers and the drug dealers. We are scrubbing the agency.

Well, that is not good enough. What indeed is the mission of the CIA? The Cold War is over. What do they do? What are we paying $30 billion for?

They are meeting, that is the Permanent Select Committee on Intelligence of the House, is meeting this week in a little secret room upstairs with this not so secret organization anymore where they are talking about, I suppose, their mission and the funding of the CIA. But I think more than our allies who are questioning the mission of the CIA, many citizens in this country are discussing what is the mission of the CIA.

I think that that debate really needs to take place in this Congress. At a time when we are trying to balance the budget, when the resources are not so plentiful, where we are making serious and severe cuts in programs that have children and seniors, programs that provide housing, programs that are really basically safety nets for American citizens, many of them who have been taxpayers, many of them elderly, many of them who need a helping hand from their government, we continue to fund the CIA to the tune of $30 billion without understanding what their mission is.

□ 2245

What, indeed, is it that they do that cannot be done by the DIA, that is, the Defense Intelligence Agency? We know that there is an overlap. There has been some duplication in the past.

I would recommend that we turn whatever these responsibilities are over to the DIA, and I would recommend that we eliminate the CIA from the budget of this Nation.

I know there are some who will say that is a very, very harsh recommendation. It is no harsher than recommendations that came to this House from the other side of the aisle when they said get rid of the Department of Education. In addition to that, they said let us get rid of the Department of Commerce.

Not only did they question the value of the Department of Education, that has a responsibility for educating America's children, and the Department of Commerce, with the responsibility for trade, the same people are now coming forward to raise questions about outdated and outmoded operations such as the CIA.

I am very, very concerned about the CIA and this $30 billion. I am concerned that they have had a role in, that they have had operatives, that somehow too many times in too many ways their name and their operation and their business is connected to or identified with drug dealing.

I think it is time for us to have this debate. I am challenging this House to get involved in taking a real close look at who the CIA is and what do they do.

We have some investigations that are going on. When we brought the information to this House about drug trafficking in south central Los Angeles, with this drug ring in the 1980s that had dumped all of this cocaine into south central Los Angeles, we had enough information to convince the Speaker that there, indeed, should be investigations. And so our House Permanent Select Committee on Intelligence is involved in an investigation. This is running parallel with an investigation by the Inspector General of the CIA that is supposed to be independent and the Inspector General of the Justice Department. They are supposedly culling through thousands of documents and interviewing many people who were perhaps involved.

There are a lot of people who do not trust that the Inspector Generals of the CIA and the Justice Department will come back with the kind of information that will help us to understand who knew what, when did they know it, and how high did it go. They are suspicious of these investigations.

I tell them it is important that we let the process go forward; that some of us are not simply relying on these investigations, even though we think it is important for them to go forward. Some of us are responding to the calls that we are getting with people who have information about drug trafficking and intelligence community involvement.

We have met with any number of people who have called, given us documents and information. We are doing this because we want to be able to compare what we are learning with the so-called investigations that are going on. If and when hearings take place as a result of the investigations that are being done, we will be able to ask questions about why certain people are not being subpoenaed, why they are not being called, why certain documents are not being entered.

I am very serious about wanting to know who knew what and when did they know it and how high did it go, and whether or not the CIA or the DEA or the DIA or any other intelligence agency has been involved in drug trafficking. I would consider that the most profound undermining of the American people of any action that could be taken by anybody.

We do not pay our intelligence community to protect and serve, to find out that they are indeed involved in the kind of devastation that has been caused by this explosion of crack cocaine in our communities. And so, in essence, we are kind of running our own parallel investigation because we are responding to the calls that we get.

I went to Nicaragua myself because I was contacted by someone in Managua who had information, who knew about the drug cartels and who had been connected with Norwin Meneses. I went to a place called Grenada, up outside of Managua, and I went to a prison and I interviewed Mr. Enrique Miranda Jaime, who not only indicated his willingness to cooperate with the investigations that are going on here but asked that I share this information with the investigators.

I have done that. I have shared this information with the Inspector General of the Justice Department. I have asked him to go and take a look and to talk with Enrique Miranda Jaime and to make sure nothing happens to Enrique Miranda Jaime. I am concerned that if we do not get to him and place him in a witness protection program so that he can make the information available to us, that we may not

have him available to us sometime later on.

I am going back to Nicaragua. I am going back to Managua. I have been requested to come back by some legislators who now understand a lot about what perhaps has taken place, and they have new information and they are looking at some money laundering schemes.

We have identified that one of the persons now in the Nicaraguan government was connected to Danilo Blandon and was responsible for laundering money out of Miami during the 1980's when Mr. Danilo Blandon was trafficking in cocaine and crack cocaine in south central Los Angeles.

So I will be going back. There will be others going back. We have people there who are documenting some of the information that is going to be necessary for us to make sure our investigators have. This is the kind of work that must be done because the Congressional Black Caucus of the Congress of the United States have decided that they are going to make the eradication of drugs in our community our number one priority.

We are sick and tired of drug addiction. We are sick and tired of the violence that is associated with drug trafficking. We are sick and tired of the babies that are being born addicted to crack cocaine. We are sick and tired of the loss of lives, the loss of opportunities and the loss of a future for our children in our communities because of cocaine and drugs and crack cocaine in particular.

We find that crack cocaine is one of the most devastating drugs that has ever been known to man. We find that it is the most addictive, that it is very difficult for people to get off of. We find that people commit some of the most horrendous acts in pursuit of more crack cocaine to fuel their habits.

We are sick and tired of waiting on others to do. We do not care if there is a drug czar, we do not care if there is advertising and continuation of programs that say ''Just say no.'' We are in this now and we are going to provide leadership.

We have been working with the President of the United States to increase the drug budget. I have worked with the drug czar to support more prevention, more education and more rehabilitation, and we are going to fight for the budget that has been produced that would help us to deal with this securing in our communities.

But we are not going to stop there. We are going to do all of those things and we are going to work hard. We will be in the town meetings, we will be talking with the young people, we will do all we can do to help get rid of these drugs in our community. We are going to work to see that there is justice and fairness.

Just as the Justice Department has targeted small crack cocaine dealers, we are going after the big guys. We want to make sure that these dealers of large amounts of cocaine and crack cocaine are targeted and that they are apprehended and that they are brought to justice.

We want to make sure that the Justice Department does not have the American public believing that they are doing something about drugs simply by getting these small crack cocaine dealers, getting them into these mandatory minimum prison sentences in the Federal prisons, filling up the prisons all over America with these small-time crack dealers, 19 and 20 years old, who are stupid, who should not be involved, should not have been involved, but the sentencing that they are getting does not match the crime.

Big drug dealers are going free, and those in the intelligence community, who we pay to protect and serve, may still be involved in these covert operations where drugs are involved and causing tons of drugs to be dumped on our streets.

We are tired of waiting on law enforcement to do it job. We are sick and tired of those who tell us, oh, you cannot do anything about interdiction; as long as the appetite is what it is in America, we will have drugs coming in in huge numbers because of the profits of it. Well, we do not think that is true. We think we should be involved in interdiction, just as we should be involved in education and prevention and rehabilitation.

We think that we are going to have to look very carefully at our relationship and our relationships to other countries. We are going to have to look carefully at our relationship to anybody that we think is involved in bringing drugs into the United States of America.

We heard this big debate about certification. Who are we certifying? What do we know about them? Are we turning our backs and fighting for certification despite the fact we may know some of our allies and some of our friends right here in this hemisphere are involved in drug trafficking?

We have got to understand there is no threat from the Soviet Union. There is no more Soviet Union. There is no threat from Russia, some of the countries that made up the Soviet Union. Nobody wants to fight with the United States of America. That is not where the threat is to this country anymore.

The threat to this country is this influx of drugs, of cocaine that is causing addiction and crime and violence and murder. The threat to this Nation is this influx of huge amounts of drugs that is undermining the very social fabric of our country.

Our national security must be redefined. The need to take a look at what our threat is is urgent. This debate must take place and we must redefine what our national security interests are.

I submit to my colleagues that one of the greatest threats that we have in this country today is this influx of drugs, this influx of cocaine, this scourge of crack cocaine in our communities and all of the violence that goes along with it, and so we cannot afford to let anybody off the hook.

We should have no friends that we love so much that we will allow them to bring drugs into our country because we have some trade relationship with them. We should allow no one to bring drugs into this country because we want to expand our ability to do business with them.

We should let the shoe fall wherever it should fall. We should be willing to identify those who undermine us with drugs, no matter who they are.

□ 2300

I challenge those who somehow think the CIA and the DEA and the DIA are so important that we should have a hands-off policy, that we should not question what the intelligence community is all about, that somehow we should not be concerned about the $30 billion in that CIA budget. There are those who say to me, ''Oh, Ms. WATERS, you better be careful, you can't go around talking about the CIA. You can't challenge them. Don't you know what they do? Don't you know that they're very special, and that nobody talks about the CIA?''

I am here to say, I think the day for the CIA has come and gone. I think it has no mission that is worthy of the $30 billion that we are paying for its so-called operations. I think the CIA cannot scrub itself. This business of scrubbing, talking about they are getting rid of the terrorists and the drug traffickers and the murderers, is a day late and a dollar short. Not only have they involved themselves with the scum of the Earth, many of whom are responsible for horrendous crimes against our people, but it is no need to even try and make the American people believe that it is necessary to be involved with those kind of people anymore. For what?

And so this challenge that I bring right at the point that we are talking about funding the CIA one more time, at this time where their budgets supposedly are being looked at, at this moment in the debate of Congress about where we put our resources, where we make our priorities, there is no better time.

I would like all of those who embraced Mr. Francois, for example, down in Haiti, who swore by Mr. Cedras, who fought us day and night to try and make sure they were in control of Haiti, I ask them, this Mr. Francois that was trained right in Georgia by our people, who built an airstrip right when they were working with the CIA, who brought in the drugs from Colombia and sent them to the United States, I challenge those Members to make it right. They know who they are. They need but step forward and say, ''We made a mistake. We should not have embraced Francois in Haiti. We should not have been involved with them at all.''

The CIA's involvement was deep in Haiti for a long time. They know who these people are. They know what they were doing. And the Members of this House who embraced them and who fought for them need to step forward and make it right and say, ''I made a mistake. I should not have embraced them and I'm not going to support them any longer.''

We are going to not only take a look at what the CIA has done in the past, we are going to understand, or try to understand, what their mission is supposed to be and hopefully come to the conclusion that I would like them to come to, that they have no more mission. And if they conclude what I have concluded, we can find us $30 billion to help offset this deficit, $30 billion that we can place in our school systems in America.

Just think about it. The President of the United States has asked for $5 billion to help repair our infrastructure in our schools, to help rehabilitate our schools. The need is over $100 billion. The Congressional Black Caucus would at least like to have $20 billion so that we could leverage it up to about $80 billion, because our schools are crumbling down around us in many of our communities. We have schools where the air-conditioning does not work. We have schools that you cannot even put computers in because they are not wired for computers. We have schools that have no science labs. We have schools that have no place for the children to eat lunch. Thirty billion dollars could really help us rehabilitate these schools for our children, for our children's future. We need to get tough about stopping drugs and giving these children a chance. We need to get tough about redirecting our priorities to educate our young people, and to make them competitive, and to give them a chance to grow and to be and to realize their full potential as human beings. We cannot do that as long as we are allowing money to go out the window of something like the CIA.

I submit that it is time to totally eliminate the CIA. I understand exactly what I am saying. I am saying what I mean and I mean what I say. I am of the belief that they do not have a serious mission anymore, and I am further concerned and outraged by the fact that I have learned too much about them and their connection to drug trafficking. And when I go to parts of my district or to New York or Philadelphia, Missouri, St. Louis, and when I go into the South, places in Arkansas and Mississippi, and I see the scourge of crack cocaine and I think about the fact that the CIA or the DEA and others could have been involved in turning their backs or been involved in covert operations that have allowed these drugs to hit our street, then I am convinced that we are making a mistake to continue to fund the CIA.

If there is any mission at all, if there are any activities they should be involved in, I submit to you that the DIA can take over those activities. Why are we paying all of these different intelligence communities to kind of trip over each other in a post-cold-war era? What are they doing? What is their responsibility? Who are they spying on? What information are they bringing us? If they know so much, why did they not know that the drug czar in Mexico was a drug dealer? Here we were allied with the drug czar in Mexico who was supposed to be working closely with us, who was supposed to be the man who was helping us to identify the drug dealers there, and to help us get rid of this transshipment point that is dumping tons of cocaine and heroin into America. But we did not know. Where was our CIA? Where was our DEA? Where were those in the intelligence community who should have known that the drug czar was the drug dealer? They did not know. They did not even know that the Mexican authorities had arrested him until days after it had been done.

If they have a mission, of protecting us, of knowing what is being done in foreign countries that may be harmful to us, they missed the mark. They missed the point. They did not do their job. But, I suppose whether it is the case in Mexico that they did not know the drug czar was a drug dealer, I suppose they did not know in Venezuela where they were working with the so-called drug czar who ended up again being the dope dealer and not only dumping drugs into the United States on his own behalf but on behalf of the CIA. It is enough information here for people to be angry about, for people to be concerned about, that people should want to be able to get to the bottom of what is going on.

I think the American public is going to move faster than the Members of this House. I think that the articles that you now see popping up in the newspapers are going to multiply. In addition to that, I know about some documentaries that are going to be done about the CIA and its mission or lack of a mission. I know that there is going to be increasing discussion outside of this House about the CIA and its role, and the American citizens are going to rise up against the funding of an agency that should be extinct. They too will join with me in the final analysis and call for the elimination of the CIA.

This is not the first time that I have been on this floor talking about the CIA and drugs. This is not the first time that I have reminded the public of the San Jose Mercury series called ''The Dark Alliance'' that helped to document their involvement in the dumping of cocaine into south central Los Angeles, and this will not be the last time.

I do not usually come to the floor this late at night, but I am willing to do some extraordinary things to try and communicate this threat, to try and engage not only my colleagues but the American public on this issue of drugs.

This country deserves better. We do not deserve to have to suffer what we are suffering with drugs overrunning too many communities in America. Not just the inner cities. Certainly it shows up there. But also it is in little towns and in rural areas, and it is not confined to any one ethnic group. It is not confined to any one age group. Increasingly people are getting involved and children are getting involved at a younger and younger age.

American citizens, we deserve better, and we deserve our policymakers to get serious. We deserve the policymakers who supposedly come here to represent the people of the United States of America to take this issue on, to give it some time and some attention, to be involved in interdiction and prevention and rehabilitation. The people should not have to wonder, have we been abandoned? They should not have to suffer being told we cannot do anything about it, as long as there is an appetite for it.

I wish all American citizens and all Members of Congress were perfect human beings, but we are not. We are all vulnerable in many ways. There are many people who get involved and get addicted who wish they could get out of it, and we should help provide them with some opportunities to rehabilitate. I wish there was no appetite. But I suppose, until we do our job on the front end to educate and to discourage and to teach and to prevent, many people will fall prey to this menace.

We should not be involved in a situation where we are allowing young people to either be addicted or to end up thinking that somehow they can sell a little bit of rock cocaine, earn enough money to have a better life. We should not allow these things to happen. Those young people who are sitting in the prisons, falling prey to this business, I can get away with selling a little drugs, these are young people whose lives are cut short. And even though again they were silly enough to get involved, oftentimes the crimes do not fit the punishment and the big guys are getting away.

I am going to keep talking about this, I am going to keep challenging this House, I am going to keep challenging America to challenge its elected officials, to get involved, to learn more, to get to the root of this problem, to deal with the intelligence agencies, to deal with the law enforcement agencies, to deal with the families, the children, the communities, despite the fact I am oftentime discouraged and frustrated as I travel around this country and I see what is going on.

I suppose in the final analysis, I am the eternal optimist. I believe we can do something about it. I believe if we put our minds to it, we can turn this situation around. I believe if we are committed to a future for our young people, we can indeed make this our top priority. The Congressional Black Caucus decided we are going to make this our top priority. We extend our

hand to those who would like to join with us to make this a top priority of this Nation. America, we can do better.

BRINGING RUSSIA INTO THE WESTERN WORLD

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HORN] is recognized until midnight.

Mr. HORN. Mr. Speaker, the United States must work to help align Russia with the democratic nations of the West. If we isolate Russia, we will miss a historic opportunity to bring Russia into the western world. If we do not, the result will be instability and unneeded conflict in the future.

One of the interesting questions of history has been whether or not Russia is western or an eastern power, whether it is a European or an Asian nation. The North Atlantic Treaty Organization, NATO as it is known, faces the task of deciding where the frontiers of Europe lie.

□ 2315

Over three centuries ago, in 1703, Czar Peter the Great founded St. Petersburg as his capital. He sought to give Russia a more western-oriented outlook. In the early 19th century, Napoleon of France invaded Russia. In the early 1940's Hitler invaded Russia, and Russia has cause to be wary of some of the Western Powers. During the Russian Civil War, after the communists had seized power and the Czar was removed and there had been a short bleep of democracy in Russian history; the West, including the United States of America, intervened on the side of the democratic Duma, a noble cause, the legislature, the only one of its day in 300 years of Russian history, and it provided that brief blip of democracy I mentioned, and it was a hopeful institution for a brief time. And yet the autocratic Czars and the totalitarian Soviets ruled Russia until very recent years.

Despite its suspicion of the West and our suspicion of Soviet Russia, as allies from 1941 to 1945 we were still able to cooperate to stop and defeat the vicious murderous Nazi Germany.

Western Europe and the United States now have a historic opportunity to promote reconciliation and cooperation with Russia. We have fought one Cold War with the Soviet Russia, which is no more. If we are to avoid a nationalistic, autocratic Russia arising from the chance that we will have democracy, we need to take diplomatic risks now.

Let us recall that the enemies of the Second World War are now democracies. Germany, for example, and Germany's involvement with the European Community and NATO helped bind it further to the West. Germany, guided by progressive leadership since the end of the Second World War in the elimination of Hitler, overcame the deep and historic divisions which existed between France and Germany, two countries who had been at war with each other three times in 65 years. And then, of course, the great crimes of the Nazi period.

Japan. Japan was as far different culturally from the United States and Europe as one could imagine in 1945. In the decade which spanned the period 1935 to 1945, Japan waged an aggressive war against its neighbors in Asia as well as the United States of America. Yet under the leadership of Gen. Douglas MacArthur, we imposed democracy on Japanese institutions which were militaristic and feudal in nature, and our military occupation helped the Japanese rebuild their country which had been shattered and overcome those militaristic forces that had led their country into aggressive wars in that decade of 1935 to 1945. And the result now is that we have stability and peace in East Asia.

One obvious reason for the successful American alliance and the relationship we have with Germany and Japan is that we stationed our troops in both of those nations, and we had a major role in influencing the formation of new institutions in those countries. A second reason for the successful alliance was the common goal of halting the spread of communism as practiced by a number of Soviet dictators, the worst of which of course was Stalin. We must remember that we fought the Cold War against these dictators and zealots who ruled Russia through Communist ideology, fear, and militarism. For 75 years the Soviet Union was the leader of all of the Communist world except China. The Soviet Union, however, is no more. It collapsed in the face of its own weaknesses and because of the resolve of the western nations. We must show the same resolve to ensure that peace and stability represent the future of Europe.

For this to happen, Russia must not be isolated but must become a partner of the West in the economic submits, in the European Community, and in the North Atlantic Treaty Organization. NATO operates by consensus. No nation can veto NATO decisions. Giving Russia a seat at the table in NATO does not mean it will be able to veto any application of any other nations. Whether as a formal member of NATO or as an advisory nature, it is important that Russia do receive that seat, and this will not result in its ability to block decisions of a military nature. Its fundamental mission that NATO now has is to keep Europe at peace.

In brief, NATO is not the United Nations, whereas we know in the United Nations one of the five permanent members of the Security Council, including the United States of America, can exercise a veto over the actions of not only its colleagues on the Security Council, but the actions of the General Assembly which represents all nations in the United Nations.

Mr. Speaker, it is the right of every sovereign nation to choose who its friends are. Russia cannot decide for the nations of central and eastern Europe on the question of NATO membership. It would also be foolish for NATO to automatically rule out Russia or any other Nation from NATO based on some of the current economic or social conditions that exist within those countries. It makes sense to consult with Russia on the future of NATO and the future of Europe. Russia's military power has been substantially weakened, but it still remains the greatest nuclear power in Europe. Isolating Russia will only help the domestic political goals of the Communists, the Fascists, and the nationalists who wish to undermine the progressive reforms which have occurred in Russia under the leadership of President Boris Yeltsin.

We are at a point in history that will decide the future of our country for generations. Will the United States work to promote peace and cooperation in Europe? Or will we foolishly seek to gloat over our victory in the cold war by marginalizing Russia and thus helping the very elements of Russian society that we deplore, namely the Communists, the Fascists, and the nationalists who once in a while raise their head in this or that election.

Have we reached a peace with Russia that is only a pause in the conflict, or will we work to create a peace that brings stability and prosperity? The choice is ours. Russia has vast natural resources and an energetic people with a growing democracy and burgeoning market-based competitive economy. The Russian people need to be tied to the Western World.

Mr. Speaker, if the Government of the United States does not involve Russia in NATO, this country will have made the most critical foreign policy mistake in the last half of the 20th century.

The key question we face is whether we will address this issue of NATO expansion on the basis of common sense and our long-term national interest, or will we allow NATO expansion to continue to be a political football for various domestic audiences and ethnic groups? Clearly a balance must be struck between the legitimate interests of central Europe and Russia. The nations of central Europe have emerged from Soviet domination into an uncertain era where their sovereign rights of self-determination and self-defense have become real, but they have yet to be fully defined.

The United States in NATO must help give life and definition to those rights through thoughtful and effective steps, including membership in the North Atlantic Treaty Organization. However, we must be mindful of the fact that nothing we do will change geography. Poland will always be next door to Russia whether it is a member of NATO or not, so Poland and NATO must deal with the realities of the

neighborhood. We can ignore, offend, and alienate Russia, and that will guarantee endless tension in Central Europe, or we can seek to be good neighbors and expect similar behavior from Russia.

Russia also has legitimate rights of self-determination and self-defense. It has an understandable concern with NATO expansion right to its doorstep. Imagine our concern if an international alliance was on our border and it included nations that were hostile to us in the recent past. We must not ignore or gloss over those concerns. We must deal with them openly and honestly so that the Russian people can see that the intentions of the American people and its Government are clear and that the motives are honest.

We must not assume that as victors of the cold war we can impose any conditions we wish on the losers. The allies made that mistake at the end of the First World War. We had won the war in 1918, and we lost the peace in 1919 by forcing on a vanquished Germany a Treaty of Versailles that every thoughtful person knew was completely unreasonable, harsh, and ultimately unsustainable. The result was not a lasting peace but a temporary truce between two great world wars. We must not repeat that mistake.

Mr. Speaker, let us work to involve Russia with the West and its major political institutions, the European Community and the North Atlantic Treaty Organization. Such involvement will result in a much more peaceful 21st century.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KAPTUR (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. HILLIARD, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes each day, on today and March 19.

Mr. CHAMBLISS, for 5 minutes, on March 19.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, on March 19.

Mr. WAMP, for 5 minutes, on March 19.

Mr. CANNON, for 5 minutes, on March 20.

Mrs. FOWLER, for 5 minutes, on March 19.

Mr. LAHOOD, for 5 minutes, on March 19.

Mr. HOUGHTON, for 5 minutes, on March 19.

Mrs. EMERSON, for 5 minutes, on March 19.

Mr. KINGSTON, for 5 minutes, on March 19.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each, on today and March 19.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. PALLONE) and to include extraneous matter:

Mr. REYES.
Ms. WOOLSEY.
Mr. PAYNE.
Mr. SANDERS.
Mr. STARK.
Mr. MEEHAN.
Mrs. MEEK of Florida.
Mr. STOKES.
Mr. TORRES.
Mr. PALLONE.
Mr. NEAL of Massachusetts.
Ms. ROYBAL-ALLARD.
Mr. FRANK of Massachusetts.
Mrs. MINK of Hawaii.
Mr. CAPPS, in two instances.
Mr. TOWNS.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mrs. CLAYTON.
Mr. HINCHEY.
Mr. ANDREWS.
Mrs. LOWEY.
Mr. MILLER of California.
Mr. MARKEY.
Ms. KAPTUR.
Mr. KUCINICH.
Mr. BENTSEN.

The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:

Mr. LEWIS of California.
Mr. SAXTON.
Mr. NETHERCUTT, in two instances.
Mr. HILL.
Mr. BRADY.
Mrs. ROUKEMA.
Mr. SHUSTER.
Mr. MCCOLLUM, in two instances.
Mr. PACKARD.

The following Members (at the request of Mr. HORN to revise and extend their remarks and include extraneous material:

Ms. NORTON.
Mr. POMEROY.
Mr. RAHALL.
Mr. KNOLLENBERG.
Mr. COOKSEY.
Mr. ARCHER.
Mr. SANDERS.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 19, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2295. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Reapportionment of Membership on the Texas Valley Citrus Committee [Docket No. FV96–906–4FR] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2296. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Final Rulemaking Concerning Contract Market Rule Review [17 CFR Part 1] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2297. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Financial Reports of Futures Commission Merchants, Introducing Brokers and Leverage Transaction Merchants [17 CFR Parts 1 and 31] received March 10, 1997, pursuant to 5 U.S. 801(a)(1)(A); to the Committee on Agriculture.

2298. A letter from the Administrator, Food and Consumer Service, transmitting the Service's final rule—National School Lunch Program, School Breakfast Program, Summer Food Service Program for Children and Child and Adult Care Food Program: Meat Alternates used in the Child Nutrition Programs [Workplan Number 95–21] (RIN: 0584–AC15) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2299. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Technical Amendments (RIN: 3207–AA34 and 3207–AA35) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2300. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Procedures for Changing Rules of Measurement or Rates of Tolls Technical Amendment (RIN: 3207–AA37) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2301. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Availability of Funds and Collection of Checks [Regulation CC; Docket No. R–0926] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2302. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Advances to Nonmembers [No. 97–18] received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2303. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 668, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans—State of Kansas; Correction [KS 002–1022; FRL–5707–9] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–5691–8] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Registration of Fuels and Fuel Additives: Changes in Requirements, and Applicability to Blenders of Deposit Control Gasoline Additives [FRL–5707–7] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Test Methods for the Polymers and Resins I Rule Appendix A, Test Methods 310A,B,C, 312A,B,C, 313A,B [FRL–5700–9] (RIN: 2060–AE37) received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2308. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Colorado; Prevention of Significant Deterioration; Designation of Areas for Air Quality Planning Purposes [CO–001–0015a; FRL–5700–3] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2309. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Nebraska [NE 020–1020; FRL–5708–7] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2310. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Washington State [WA59–7134a; FRL–5708–3] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2311. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Registration of Fuels and Fuel Additives: Extension of Specified Deadlines for Atypical Additives and Biodiesel Fuels; and, Reformulated Gasoline Complex Model: Modification of Survey Precision Requirements [FRL–5701–8] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2312. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Leased Commercial Access [CS Docket No. 96–60] received March 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2313. A letter from the Director, Defense Security Assistance Agency, transmitting certification of the Automated Radar Management for Over-the-Horizon [OTH] Radars Project Arrangement [PA] implemented under the auspices of the United States-Australia Agreement Concerning Cooperative Research, Development and Engineering, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2314. A letter from the Director, Office of Communications, Department of Agriculture, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2315. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2316. A letter from the Director, Office of Government Ethics, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2317. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2318. A letter from the Chairman, U.S. Parole Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2319. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Processing of Certain H–1A Nurses Under Public Law 104–302 [INS 1806–96] (RIN: 1115–AD74) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2320. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Exceptions to the Educational Requirements for Naturalization for Certain Applicants [INS No. 1702–96] (RIN: 1115–AE02) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2321. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's ''Major'' final rule—Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures [INS Nos. 1788–96; AG Order No. 2071–97] (RIN: 1115–AE47) received March 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2322. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Revisions to the Polychlorinated Biphenyl Criteria for Human Health and Wildlife for the Water Quality Guidance for the Great Lakes System [FRL–5708–8] (RIN: 2040–AC94) received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2323. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Rulemaking Procedures; Public Participation [38 CFR Part 1] (RIN: 2900–AI33) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2324. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits [Rev. Rul. 97–14] received March 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2325. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credits or Abatement; Determination of Correct Tax Liability [Rev. Proc. 97–22] received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. BLILEY: Committee on Commerce. H.R. 968. A bill to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; with amendments (Rept. 105–23 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 99. Resolution providing for consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector (Rept. 105–31). Referred to the House Calendar.

CORRECTIONS CALENDAR NO. 1

H.R. 968

Pursuant to clause 4 of rule XIII, the Speaker filed a notice with the Clerk requesting that the following bill be placed on the Corrections Calendar: H.R. 968.

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. EVANS (for himself, Mr. FILNER, Mr. LIPINSKI, Mr. MASCARA, Mr. FALEOMAVAEGA, Mr. SANDERS, Mr. HINCHEY, Mr. FROST, Ms. CHRISTIAN-GREEN, Mr. ABERCROMBIE, Mr. REYES, Mr. FRANK of Massachusetts, and Mrs. CLAYTON):

H. R. 1089. A bill to rename the U.S. Court of Veterans Appeals as the U.S. Court of Appeals for Veterans Claims; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. STUMP, Mr. FILNER, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. PAYNE, Mr. ENGLISH of Pennsylvania, and Mr. LIPINSKI):

H.R. 1090. A bill to amend title 38, United States Code, to allow revision of veterans

benefits decisions based on clear and unmistakable error; to the Committee on Veterans' Affairs.

By Mr. STUMP (for himself, Mr. CALLAHAN, and Mr. EVERETT):

H.R. 1091. A bill to impose certain requirements on health care liability claims; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. EVANS):

H.R. 1092. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the U.S. Court of Veterans Appeals and the National Cemetary System, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FOX of Pennsylvania:

H.R. 1093. A bill to amend the medical device provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Commerce.

H.R. 1094. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of drugs; to the Committee on Commerce.

By Mr. ARCHER (for himself and Mr. RANGEL):

H.R. 1095. A bill to amend the Internal Revenue Code of 1986 to make a technical correction relating to depreciation on property used within an Indian reservation; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 1096. A bill to amend title 18, United States Code, to prevent nonimmigrants from possessing a firearm for other than lawful hunting or sporting purposes, and to prevent permanent resident aliens from possessing a firearm until present in the United States for 1 year; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 1097. A bill to suspend temporarily the duty on Tinopal CBS–X; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. OLVER, Mr. TALENT, Mr. MORAN of Virginia, and Mrs. EMERSON):

H.R. 1098. A bill to require the continued availability of $1 Federal reserve notes for circulation; to the Committee on Banking and Financial Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 1099. A bill to amend the Internal Revenue Code of 1986 to repeal the special deduction for the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mrs. MYRICK, Mr. GOODLING, Mr. PITTS, Mr. ENSIGN, Mr. SHADEGG, Mr. STEARNS, Mr. COBLE, Mr. SOUDER, Mr. METCALF, Mr. BALDACCI, and Mr. CAMP):

H.R. 1100. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, 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. HOUGHTON (for himself and Mr. RANGEL):

H.R. 1101. A bill to provide for a project to demonstrate the application of telemedicine and medical informatics to improving the quality and cost-effectiveness in the delivery of health care services under the Medicare Program and other health programs; 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. JEFFERSON:

H.R. 1102. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing; to the Committee on Ways and Means.

By Mr. LEWIS of California (for himself and Mr. BROWN of California):

H.R. 1103. A bill to modify the project for flood control, San Timoteo Creek, CA, to permit the non-Federal contribution for certain costs of the project to be made after completion of the project; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mr. KENNEDY of Massachusetts, Mr. CLAY, Mrs. MALONEY of New York, Mr. SCHUMER, Ms. DELAURO, Mr. MILLER of California, Mr. KILDEE, Mr. MARTINEZ, Mr. SAWYER, Mr. GREEN, Ms. WATERS, Ms. NORTON, Mr. KUCINICH, Mr. DIXON, Mr. ANDREWS, Mr. HASTINGS of Florida, Ms. PELOSI, Mr. HINOJOSA, Mr. LEWIS of Georgia, Ms. SANCHEZ, Ms. CHRISTIAN-GREEN, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Ms. MCCARTHY of Missouri, Mr. MATSUI, Mrs. MINK of Hawaii, Mr. STOKES, Mr. CONYERS, Mr. FROST, Mr. MCDERMOTT, Mr. BENTSEN, Mr. FORD, Mr. ETHERIDGE, Mr. UNDERWOOD, Mr. BALDACCI, Mr. FATTAH, Ms. MCKINNEY, Mr. GONZALEZ, Mr. MARKEY, and Mr. GUTIERREZ):

H.R. 1104. A bill to establish a partnership to rebuild and modernize America's school facilities; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 1105. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. FILNER, Mr. MEEHAN, Mr. DELLUMS, Mr. LEWIS of Georgia, Ms. LOFGREN, and Mr. KUCINICH):

H.R. 1106. A bill to amend the Federal Oil and Gas Royalty Management Act of 1982 to require that any settlement, by an alternative means of dispute resolution, of a claim against the United States for payment of royalties under that act for an amount greater than $2,000,000 shall not be effective unless approved by the Secretary of the Interior; to the Committee on Resources.

H.R. 1107. A bill to transfer oil and gas royalty auditing and reconciling functions of the Secretary of the Interior to the Secretary of the Treasury, and to direct the Secretary of the Treasury, in performing functions relating to auditing and reconciling oil and gas production activities, to exercise all available authorities to ensure the U.S. Government receives all amounts of royalties to which it is entitled; to the Committee on Resources.

By Mr. MCCOLLUM (for himself, Mr. BENTSEN, Mr. LAZIO of New York, Mr. MORAN of Virginia, and Mrs. ROUKEMA):

H.R. 1108. A bill to affirm the role of States in setting reasonable occupancy standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM (for himself, Mr. BERMAN):

H.R. 1109. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

By Mr. MEEHAN (for himself, Mr. MARKEY, Mr. TIERNEY, Mr. MOAKLEY, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. KENNEDY of Massachusetts, Mr. DELAHUNT, Mrs. JOHNSON of Connecticut, Mr. BASS, Mr. SUNUNU, and Mr. SHAYS):

H.R. 1110. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mrs. MEEK of Florida:

H.R. 1111. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Commerce.

By Mr. MORAN of Virginia (for himself and Mr. YATES):

H.R. 1112. A bill to amend the Internal Revenue Code of 1986 to provide that the preferential income tax treatment of political organizations shall apply only to principal campaign committees, to provide that a cancellation of a loan to such a committee shall be includable in such committee's taxable income, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1113. A bill to provide that if an employer provides additional leave to a parent for the birth of a child, such employer shall provide the same leave to a parent for an adopted child or a foster child; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and House Oversight, 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. ORTIZ (for himself and Mr. BONILLA):

H.R. 1114. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Commerce.

By Mr. OWENS (for himself, Mr. MARTINEZ, Mrs. MINK of Hawaii, Mr. PAYNE, Mr. FLAKE, Mr. FORD, Mr. CONYERS, Mr. TOWNS, Mr. MCGOVERN, Mr. FATTAH, Mr. ENGEL, Mr. SCOTT, Ms. NORTON, Mr. FROST, Ms. LOFGREN, and Ms. CHRISTIAN-GREEN):

H.R. 1115. A bill to amend the Goals 2000: Educate America Act to restore opportunity-to-learn standards; to the Committee on Education and the Workforce.

By Mr. REYES:

H.R. 1116. A bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District; to the Committee on International Relations.

By Mr. SANDERS (for himself, Mrs. MORELLA, Mr. DEFAZIO, Mr. SCHUMER, Mr. ACKERMAN, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BLUMENAUER, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FLAKE, Mr. GEJDENSON, Mr. GREEN, Mr. HINCHEY, Mr. HOLDEN, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. LAFALCE, Ms. LOFGREN, Mr. MANTON, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MEEHAN, Mrs. MINK of Hawaii, Mr. NADLER, Mr. OWENS, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. STARK, and Ms. WATERS):

H.R. 1117. A bill to prevent discrimination against victims of abuse in all lines of insurance; to the Committee on Commerce, and in

addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER:

H.R. 1118. A bill to prohibit a rental car company from imposing a fee based upon the residence of a renter; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII.

27. The SPEAKER presented a memorial of the Legislature of the State of South Dakota, relative to House Concurrent Resolution No. 1012, urging Congress to reauthorize the Federal surface transportation program in a timely manner and to continue to recognize the national interest in the investment in highways which serve and cross rural Western States; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. CAMPBELL, Mr. ACKERMAN, Mrs. MCCARTHY of New York, and Mr. TIERNEY.

H.R. 14: Mr. DELAY, Mr. MCCOLLUM, Mr. MORAN of Kansas, Mr. SUNUNU, Mr. WELLER, Mr. PICKERING, Mr. KING of New York, Mr. GOODE, Mr. MCINTOSH, and Mr. GEKAS.

H.R. 80: Mr. UPTON, Mr. NETHERCUTT, and Mr. BARCIA of Michigan.

H.R. 84: Ms. KAPTUR.

H.R. 96: Mr. GIBBONS, Mrs. KENNELLY of Connecticut, Mrs. EMERSON, Mr. UNDERWOOD, and Mr. TAYLOR of North Carolina.

H.R. 109: Mr. NADLER.

H.R. 166: Mr. MARTINEZ.

H.R. 167: Mr. MARTINEZ.

H.R. 168: Mr. MARTINEZ.

H.R. 180: Mr. BILIRAKIS.

H.R. 192: Mr. CAMPBELL, Mr. WHITFIELD, Mr. COBLE, Mrs. CLAYTON, Mr. SCOTT, Mr. PICKETT, Mrs. KELLY, Mr. SAWYER, Mr. ROYCE, Mr. CRAMER, Mr. SANDLIN, Mr. HASTINGS of Washington, Mr. DICKS, Mr. SCHIFF, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. ACKERMAN, and Mr. SMITH of Texas.

H.R. 228: Mr. CANADY of Florida.

H.R. 230: Mr. KLUG.

H.R. 296: Mr. KLUG.

H.R. 305: Mr. SNOWBARGER, Mr. YATES, Mr. EVANS, Mr. THOMPSON, Mr. FOLEY, Mr. MARTINEZ, and Mr. LIPINSKI.

H.R. 306: Mr. LAMPSON, Ms. DEGETTE, and Mr. PORTER.

H.R. 366: Mr. YATES.

H.R. 367: Mr. JONES and Mr. KLINK.

H.R. 383: Mr. LAMPSON.

H.R. 400: Mr. FROST, Mr. CHAMBLISS, Mr. DELLUMS, and Mrs. LOWEY.

H.R. 407: Mr. PASTOR, Mr. ENSIGN, and Mr. TIERNEY.

H.R. 414: Mr. CAMPBELL, Mrs. CLAYTON, Mr. SCOTT, Mrs. KELLY, Mr. SAWYER, Mr. SANDLIN, Mr. HASTINGS of Washington, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mr. ACKERMAN, and Mr. SMITH of Texas.

H.R. 446: Mr. CHAMBLISS, Mr. PAUL, Ms. GRANGER, Mr. WICKER, Mr. MALONEY of Connecticut, Mr. HILL, and Mr. NUSSLE.

H.R. 450: Mr. HOUGHTON, Mr. BURR of North Carolina, and Mr. SAXTON.

H.R. 493: Mr. YATES.

H.R. 538: Mr. ACKERMAN.

H.R. 586: Mr. BAESLER, Mr. BROWN of California, Mr. CONYERS, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. RYUN, and Mr. SCHIFF.

H.R. 598: Mr. STUMP and Mrs. KELLY.

H.R. 633: Mr. MCGOVERN, Mr. BERMAN, Mr. HORN, and Mr. ACKERMAN.

H.R. 636: Mr. WELDON of Pennsylvania and Mr. HAYWORTH.

H.R. 669: Mr. LINDER.

H.R. 685: Ms. NORTON and Mr. DAVIS of Illinois.

H.R. 695: Mr. DEFAZIO.

H.R. 715: Mr. SOLOMON, Mr. CLEMENT, and Mr. ACKERMAN.

H.R. 716: Mr. HILLEARY.

H.R. 723: Mr. GOODE.

H.R. 724: Mr. POMEROY.

H.R. 755: Mr. PICKERING and Ms. JACKSON-LEE.

H.R. 760: Mr. FALEOMAVAEGA.

H.R. 774: Mr. CLEMENT, Mr. VENTO, Ms. SANCHEZ, and Ms. STABENOW.

H.R. 816: Mr. GOSS, Mr. BEREUTER, and Mr. HILLEARY.

H.R. 855: Mr. FOGLIETTA, Mr. VENTO, Mr. OBERSTAR, Mr. FROST, Mr. DELLUMS, Ms. NORTON, Mr. FATTAH, Mr. FOX of Pennsylvania, Mr. PASTOR, and Ms. LOFGREN.

H.R. 875: Mr. SHAYS and Mr. SCHIFF.

H.R. 879: Mr. STARK and Mr. ABERCROMBIE.

H.R. 899: Mr. CONYERS, Mr. FROST, Mr. ACKERMAN, Ms. LOFGREN, Mr. MEEHAN, Mr. BALDACCI, and Mr. MARTINEZ.

H.R. 901: Mr. JOHN, Mr. JONES, Mr. LEWIS of Kentucky, Mr. MCHUGH, Mr. CANNON, Mr. ISTOOK, and Mrs. MYRICK.

H.R. 919: Mr. DELAHUNT and Mr. CONYERS.

H.R. 955: Ms. CHRISTIAN-GREEN, Mrs. MYRICK, Mr. CANADY of Florida, and Mr. PETERSON of Pennsylvania.

H.R. 956: Mr. FILNER, Mr. BONIOR, Ms. STABENOW, and Mr. FORBES.

H.R. 972: Mr. BLAGOJEVICH.

H.R. 977: Mr. DOOLEY of California and Mr. MATSUI.

H.R. 983: Mr. MARTINEZ and Mr. JEFFERSON.

H.R. 991: Mr. METCALF and Mr. NEY.

H.R. 1012: Mr. HUTCHINSON.

H.R. 1040: Mr. HEFLEY, Mr. NORWOOD, Mr. SANFORD, and Mr. SMITH of Michigan.

H.R. 1042: Mr. WELLER, Mr. FAWELL, Mr. DAVIS of Illinois, and Mr. EVANS.

H.R. 1057: Mr. BUYER, Mrs. CARSON, Mr. HAMILTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. PEASE, Mr. ROEMER, Mr. SOUDER, and Mr. VISCLOSKY.

H.R. 1058: Mr. BUYER, Mrs. CARSON, Mr. HAMILTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. ROEMER, Mr. SOUDER, and Mr. VISCLOSKY.

H.R. 1064: Mr. EVANS.

H.R. 1080: Mr. SMITH of New Jersey.

H.J. Res. 17: Mr. ROTHMAN.

H.J. Res. 40: Mr. PICKERING.

H. Con. Res. 13: Ms. DEGETTE, Mr. FOX of Pennsylvania, Mr. CRAMER, Mr. GOSS, Mr. ANDREWS, Mr. CARDIN, Mr. HILL, Mr. RUSH, Mr. TAYLOR of North Carolina, Mr. BAESLER, and Ms. SANCHEZ.

H. Con. Res. 23: Mr. VENTO.

H. Res. 20: Mr. PETERSON of Minnesota.

H. Res. 26: Mr. FROST, Mr. JACKSON, Mr. CONYERS, Mr. SCHUMER, Mr. CLYBURN, Ms. WATERS, Mr. LEVIN, Mr. ABERCROMBIE, and Mr. ACKERMAN.

H. Res. 39: Mr. DELAHUNT, Mr. VENTO, Ms. DEGETTE, Mr. WAXMAN, and Mr. ACKERMAN.

H. Res. 48: Mrs. MYRICK, Mr. GILMAN, and Mr. ACKERMAN.

H. Res. 98: Mr. WATTS of Oklahoma, Mr. RYUN, Mr. SKEEN, Mr. MILLER of Florida, Mr. KNOLLENBERG, Mr. HASTINGS of Washington, and Mr. BURR of North Carolina.

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. 789: Mr. MCDERMOTT.

H.R. 993: Mr. DAN SCHAEFER of Colorado.