United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, APRIL 8, 1997 No. 40

# House of Representatives

The House met at 12:30 p.m.

## MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of May 12, 1995, 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 leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY] for 5 minutes.

## UNFAIR TREATMENT OF U.S. AGRICULTURAL PRODUCERS

Mr. CANADY of Florida. Mr. Speaker, I rise today to bring to the House's attention a very serious matter faced by fruit and vegetable growers not only in my district, but also throughout the country.

When NAFTA was enacted 3 years ago, its leading proponents promised the new golden age of expanding trade opportunities with vast new markets for U.S. businesses to tap into, creating new jobs and capital and investment in our economy. When I and many other members of the Florida congressional delegation raised concerns with the administration regarding the potentially adverse impact that NAFTA would have on our State's fruit and winter vegetable growers, we were told not to worry, our farmers would be protected.

Here are two examples of the protection promised to our farmers during the debate over NAFTA's enactment: First, Mexican tomato imports were placed under a tariff rate quota, which would be phased out 10 years after enactment. Under this provision, if imports exceeded a certain amount during a fixed period of time, a tariff of 25 cents per 25-pound container would be imposed.

Unfortunately, Mr. Speaker, thanks to the drastic devaluation of the peso this tariff has been rendered entirely useless. Given the devaluation of the peso, Mexican growers have enormous incentive to sell as much of their product in America as they possibly can, and the so-called safeguard tariff provisions have done absolutely nothing to stop the flood of Mexican produce into the United States market.

Second, protection for U.S. growers was promised through a clause placed in the NAFTA implementation bill which allowed U.S. vegetable growers to seek provisional relief from suspected dumping actions through adjudication from the International Trade Commission. Unfortunately, as we all know, the ITC not only refused to consider Florida growers' concerns, but it also failed to conduct the monitoring of trade conditions that it was mandated to do.

Once again the promise of a mechanism to ensure equitable treatment of U.S. growers proved to be nothing but an illusion. This unfair treatment of U.S. agricultural producers is very troubling, but the problems with NAFTA go beyond the injustices done to America's farmers.

The problems with NAFTA pose a direct threat to the health and well-being of Americans who consume products imported from Mexico. Mexican agricultural products are grown in circumstances that fall far below the standards that American growers are required to meet under Federal and State laws. The production and harvesting of much Mexican produce takes place under conditions that can only be described as unsanitary and unsafe.

Last week the news was filled with stories about the schoolchildren around the country who apparently contracted hepatitis A because they consumed strawberries grown in Mexico. Given the disgustingly filthy conditions on many Mexican farms, this sort of incident should come as no surprise to anyone. Daily, thousands of trucks enter our country from Mexico and our customs agents, border guards, and Food and Drug Administration officials make only token efforts to inspect the produce flooding in from Mexico.

So under NAFTA as it is now being implemented, American consumers are being exposed to unsafe produce and American farmers are denied the protection against unfair competition they were promised.

To add insult to injury, the Mexican Government has been blocking the importation of American agricultural products into Mexico. Presently, the Mexican Government has in place so-called sanitary and phytosanitary restrictions on the importation of our fruits and vegetables. It has taken 3 years for the cherry producers in Oregon and northern California to get these restrictions lifted on their crop, but despite our best efforts we have seen no movement on Florida fruit and vegetable imports into Mexico.

Why can Mexican agricultural products enter the United States with great ease while citrus produced in Florida cannot be sold in Mexico? It makes no sense. It cannot be justified, and it is time for it to end.

Mr. Speaker, the deal we are getting under NAFTA is not the deal that we were promised in 1993. This is not a level playing field. NAFTA must be made to work for everyone, for all of our industries, not just a select few, and in this fight we need the support of Congress and the administration. As Congress begins the debate over fast-track negotiations and the accession of Chile to NAFTA, we must ensure that the interest of all Americans are protected.



Printed on recycled paper containing 100% post consumer waste

## RECENT FEDERAL RESERVE OPEN MARKET COMMITTEE DECISIONS RAISE SERIOUS QUESTIONS

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

Mr. FRANK of Massachusetts. Mr. Speaker, the recent decision by the Federal Reserve Open Market Committee to raise interest rates in itself raises two very serious questions, one substantive and one procedural. The substantive question is will America be permitted to grow economically at a rate sufficient to overcome some of our most pressing social problems or will the Federal Reserve be allowed to snuff out that growth? And that is also the procedural question, because we have a nonelected body consisting of seven members who were at least appointed by the President and confirmed by the Senate and four others, regional bank presidents who are officers of private corporations in effect, the Federal regional banks, making the single most important economic judgment that will be made in America this year, and that simply cannot be allowed to go forward.

Alan Greenspan is a man of good will, and he is doing what he thinks is right. But what he thinks right strikes many of us as profoundly wrong. When Mr. Greenspan testified before the House Committee on Banking and Financial Services we asked him, several of us, whether there was any evidence of inflation given the growth that we have seen in recent years. His answer candidly was no. I asked him if he did not agree that he had in fact himself been too pessimistic in his analysis of the ability of the economy to grow without generating inflation. He admitted that he had been too pessimistic, he has been wrong over these past years.

We reached a level of unemployment far lower than what Mr. Greenspan and others of the Federal Reserve thought we could reach without triggering inflation; the inflation did not come. Mr. Greenspan decided nevertheless, with the support of the others on that committee, to raise interest rates to slow down growth. In other words, Mr. Greenspan has told us we are creating too many jobs in America. Many of us of course feel that our problem has been that we have not created enough jobs.

We made a decision last year; I did not agree with it, but the country made it, to make drastic changes in the welfare system. Everyone agrees that that will work only if the people who have been on welfare are able to be absorbed into the work force. Mr. Greenspan and his colleagues have just taken a step which will make it very much more difficult. Obviously, the people on welfare are among the last to be hired. They are people with skill deficiencies and other problems. An economy which is not growing rapidly simply will not assimilate them.

We just heard a previous speaker complain about NAFTA. Trade is a very controversial issue in this country. There are many who believe that we ought to be increasing international trade, but increasing international trade creates both winners and losers in America. An economy which is growing, an economy in which new jobs are being created is better able to deal with the transitions of international trade. By clamping down on growth, by announcing that America simply will not be allowed to grow as rapidly as it has been growing because of his fear of an inflation which he acknowledges he cannot yet point to, Mr. Greenspan not only cuts out the benefit of that growth but exacerbates other problems.

We have a dispute over how deeply we have to cut important programs to reach a balanced budget. Those disputes turn in part on differing estimates between the Congressional Budget Office and the Office of Management and Budget about the rate of growth. Again Mr. Greenspan has just said to us there will be less growth, there will therefore be less revenue and the painful decisions involved in getting the deficit to zero by 2002 will become more painful.

There is a legitimate question for this country as to what risks we want. Many of us believe that a combination of trends have made it possible for us to grow more rapidly than in the past without inflation. Mr. Greenspan and some of his colleagues in the central bank apparatus believe that the risks of inflation are so great that they do not want to find out whether or not that is true. They have decided we will not continue to see how long we can grow without inflation actually arising. He did what he said was a preemptive strike, but which looked to many of us like a self-fulfilling prophecy. Not only is that wrong it seems to be substantively, but from the standpoint of democracy that is not a decision that a handful of appointed officials and private bank officials ought to make.

So I will be working with many of my colleagues to ask this body through its Committee on Banking and Financial Services, through other committees and through the floor itself to address this issue: the question of what degree of growth we will strive for. The question of when we will choke off growth because of an anticipation of inflation that has not yet appeared must not be left to a handful of bankers or a handful of any other appointed officials. It must be done through the democratic process.

The possibility that America can increase the rate of growth that is noninflationary, which has appeared to many of us to be more and more likely over the past few years, cannot be snuffed out this easily, and I hope, through a variety of means, that we will be allowed to bring to the floor of this House, before the Federal Open Market Committee meets again, this issue so it can be debated as it ought to be in a democratic society.

## THE SAFE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Maryland [Mrs. MORELLA] is recognized during morning hour debates for 2 minutes.

Mrs. MORELLA. Mr. Speaker. I am pleased to be joining my colleagues, the gentleman from New York [Mr. ACKERMAN] and the gentlewoman from New York [Mrs. MCCARTHY], in introducing the Stop Arming Felons Act today. Today we will introduce it.

Current law bans convicted felons from owning firearms. However, felons may upon release from prison petition the Bureau of Alcohol, Tobacco and Firearms to restore their gun ownership rights.

Congress acted in 1992 to rein in this program by denying it funds. Therefore, no funds have been appropriated since then. However, the appeals procedure itself has been maintained in law. Consequently, convicted felons are bypassing the ATF by going directly to the courts for relief.

The Stop Arming Felons Act, or we can call it the SAFE Act, using the acronym, will help to put a stop to this abuse of the court system and the evasion of the will of Congress and the people. The SAFE Act will permanently prohibit felons convicted of violent crimes from applying for restoration of gun rights, making clear to the courts that their appeals may not be considered.

So I urge my colleagues to join me in supporting this SAFE Act.

## NEED FOR APPOINTMENT OF INDEPENDENT COUNSEL

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

Mr. BUYER. Mr. Speaker, I come to the House floor; I do not come here often, but I come with very deep concern. A majority of the majority party Members of the U.S. House of Representatives Committee on the Judiciary sent a letter to the U.S. Attorney General Janet Reno. The letter that we sent was pursuant to section 592(g) of title 28, United States Code, that she apply for the appointment of an independent counsel to investigate the following matters:

□ 1245

The illegal contributions to the Democratic National Committee in connection with the 1996 elections.

No. 2, the attempted influence of the 1996 elections by foreign countries, foreign corporations, or persons representing such entities; and, No. 3, the improper fundraising conduct or practices by administration officials, the

Democratic National Committee, or individuals working on behalf of the committee in connection with the 1996 elections.

We believe that section 591(c) of the Independent Counsel Act necessitates that Attorney General Janet Reno seek the appointment of independent counsel in reference to the matters which I just listed. Accordingly, per section 591(c), the Attorney General has been authorized to initiate the preliminary investigation which is defined by the act and is distinct from the Department's current investigations into the matters.

We also believe that it is very clear that the matters referred to are an obvious political conflict of interest for the Attorney General and other political appointees within the Department of Justice.

I am well aware that she has held at bay those of us who have been asking for the appointment of special counsel by saying that there is not sufficient credible evidence. I am not so certain how much more credible evidence she needs.

Often the Washington Post it seems gets cited here on the House floor, not by Republicans but by Democrats on the House floor, and here we have now Bob Woodward, who gained national attention with regard to President Nixon some years ago, is now talking about allegations that the White House supplied top secret intelligence information to the Democratic National Committee to keep a Latvian businessman with alleged ties to organized crime, international crime, from attending a $25,000 fundraiser with President Clinton.

Mr. Speaker, I do not believe anyone in this country has a problem with the National Security Agency advising the President with regard to an individual, whether they should or should not be at a Presidential dinner. It is part of their job. What is distressing, though, is when the National Security Agency leaks top secret, classified information to political operatives, that being that our intelligence architecture was monitoring the international calls of this alleged organized crime individual and syndicate, and the fact that that intelligence was leaked to someone who did not have a right to know, who did not have a security clearance, is a breach of our security at the highest levels within the White House.

Why was that done? It was information that was leaked and it was done under this guise, under the pressures of political fundraising. As a matter of fact, to quote out of this article, I guess quoting whomever Bob Woodward is using for his intelligence to write this article, he quotes a White House senior official that the information that was leaked was top secret and it further demonstrates the total politicalization of all intelligence and White House operations, anything and everything was done in the name of fundraising at the White House.

Mr. Speaker, the reason that the Committee on the Judiciary had asked for the special counsel deals with the outright admissions by the Vice President, AL GORE, and Ms. Margaret Williams having admitted engaging in fundraising activities, the propriety of which is being questioned by many within the White House itself. I have heard in their defense even the Vice President would say, well, there is no controlling legal authority, some kind of a lawyerly type of language that only lawyers can understand. But when you pull out Title XVIII of the U.S. Code it is very clear, and it being very clear for people that anywhere can understand in America, that fundraising activity is not permitted in Federal buildings.

So whether it is out of my congressional office, whether it is out of a senatorial office, whether it is a Cabinet member or the President of the United States, it is wrong, and Janet Reno as the Attorney General of the United States, we seek your appointment with due speed.

## CLINTON ADMINISTRATION SHOULD COME FORWARD WITH ANSWERS

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

Mr. BOEHNER. Mr. Speaker and my colleagues, a week ago I did not think the allegations about the Clinton administration's ethics could sink any lower. I thought the stories about top administration officials arranging hundreds of thousands of dollars worth of no-show jobs for Webster Hubbell in an effort to buy his silence about Whitewater was the worst we could ever hear about an administration, much less this one.

However, with this bunch, if we want to be stung by new news of sleazy ethics, all we have to do is wait another day. Sure enough, now Bob Woodward of Watergate fame is writing in today's Washington Post about the Clinton administration's use of top secret information from the CIA for political purposes.

According to this morning's Washington Post, Bob Woodward said that the White House supplied top secret information to the Democratic National Committee to block a Latvian businessman with alleged ties to organized crime from attending a $25,000-per-person fundraising dinner with President Clinton, according to Government officials and other sources.

Now, let me say this about top secret information. There is a reason that it is top secret. Maybe it is the risk of blowing the cover of agents who risk their lives getting valuable information for our Government. Maybe it is to keep the bad guys, like international drug dealers and terrorists, from finding out about how we learn about them. But good people die to protect secret information, and if the Clinton administration truly disregarded all this just to avoid a bad headline in the next morning's paper, it is even worse than anything that we have heard yet.

But I think the bigger question is, when will it end? Every day, every week there is something new. When will this administration level with the American people? When will the President of the United States stand before the American people and tell them the truth about what has happened in his administration over the last 4-plus years?

When will the President stand before the American people and tell them the truth about the travel office firings of seven civil service employees at the White House? When will the President stand before the American people and tell them the truth about Whitewater? When will he tell them the truth about how 900 FBI files found their way into the White House, and more importantly, what was done with that information?

Why will the President not stand up and tell us about Webster Hubbell and the $400,000-plus that was paid to him after he resigned his administration position with disgrace, and before he went to jail and were hired by friends of the President? Why will the President not tell us about the orchestrated effort to subvert American laws about campaign finance and bring foreign money into our campaign system? How about White House coffees that were used for fundraising purposes, phone calls by the President and others from the White House to raise money to systematically try to buy the last election?

The American people have a right to know what happens in their Government. They have a right to know what happens in their White House. I think the American people want to have confidence that the person they selected as President of the United States is willing to stand before them and tell them the truth about what has happened in his administration.

Mr. Speaker and my colleagues, I think the American people are getting impatient. They want to know the truth and they want to know it now.

## NEUTRAL MATERIALS FOR MEDICAL DEVICES SHOULD BE ABSOLVED FROM LIABILITY

The SPEAKER pro tempore. 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 and Members of the House, there are some 7.5 million fellow Americans who at this very moment are alive or are living a little better because in their bodies there is implanted a medical device that has helped to cure a particular

malady that is suffered by that individual. We are talking about brain shunts, heart valves, pacemakers, artificial hearts, knee implants, hip; we know the whole list of new and wondrous devices that have been developed over the last several years and which now become almost routine in the lifesaving capacity in which they find themselves.

Mr. Speaker, we have run into a serious problem which we have tried to address both in the last Congress, and now we are going to attempt again to do so. We came across a situation which is very serious. A supplier of materials to a company, let us say, that makes brain shunts, the supplier sends a little piece of wood, sells a little piece of wood to this brain shunt company. I am just doing a hypothetical. The brain shunt company takes this little piece of wood that is innocuous and neutral in its application and uses it as a component part of the brain shunt.

Now, something once in a while may go wrong with the brain shunt and the person who is hurt by it, if it happens that way, will sue not just the doctor, not just the hospital, not just the device-maker, not just the scientist who developed this brain shunt, but also the supplier way back here in the chain of events who supplied a little piece of material that had nothing to do with whether or not the medical device worked. In other words, this company was supplying this wood to thousands of different companies for thousands of different things; it is just that innocuous, neutral item of material.

So now what do we have? We have this scenario whereby a multimillion dollar suit is launched against this supplier back here of the wood particle, the little bitty part that went into this medical device. What has that caused? These companies have to defend these suits and they spend millions of dollars defending them, and in every single case they have been absolved from liability because all they supplied was a neutral piece of material.

However, Mr. Speaker, the cost of doing business with these medical devices, the cost of litigation, lawyers' fees, court fees and costs and so forth, has caused these companies to make a policy decision not to deliver, not to sell these materials any longer to these people who develop these medical devices. That is a tragedy. That means that new medical devices and the continued use of the ones that have been so miraculous thus far, like the brain shunt and the pacemaker and all of those things, are running short of the capacity to meet the demand and the need of the American people.

So last term I introduced a bill, the counterpart is over in the Senate, and we have done so again this year, to allow the material suppliers out here in the world, suppliers that have nothing to do with the ultimate injury if any occurs, to be absolved in the early part of a suit from the possibility of multimillion dollar lawsuits, and thus give them incentive to continue to supply these materials to the medical device companies.

What happened last year, we passed such a bill, we passed a products liability bill that contained some other features of the same type, and the President vetoed it. We were stunned because we had received signals from the White House that indeed he was going to sign this bill, that he is in favor of those kinds of concepts, yet he vetoed it. We were not able to muster enough votes then to override the veto, so we have to try again this session.

What startled me about the veto, Mr. Speaker and Members, was this: that when the President signed the welfare bill, he said there is a lot wrong with it, and he went on to outline how many things were wrong with the welfare bill, but he said there are enough good things in it that I am going to sign it and we will fix it later, or words to that effect. But on this lifesaving measure that we presented, which if he found flaws in it he could easily have said, I will sign it and we will take care of what I think is wrong with it later, but he failed to do that and vetoed the whole concept.

We are going to try again to convince the President with massive public opinion and understanding of this issue, and we hope to prevail.

## RECESS

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

Accordingly (at 12 o'clock and 59 minutes p.m.), the House stood in recess until 2 p.m.)

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GOODLATTE] at 2 p.m.

## PRAYER

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

May Your mighty hand, O gracious God, protect us all the day long and may Your providence lead us in the way of justice and peace. We place before you, O God, all the concerns of our hearts and all the petitions that move our souls, asking that You would bless us when we need blessing, that You would forgive us when we need forgiving, that You would strengthen us when we are weak and that You would open our eyes to the wonders of life and love. With gratefulness we accept the tasks of this day, and earnestly pray that we will be good custodians of the responsibilities that are before us. In Your name, we pray. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT 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.

## REQUEST FOR PERMISSION FOR SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, APRIL 9, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that on tomorrow, Wednesday, April 9, 1997, the Speaker be authorized to entertain motions to suspend the rules and agree to the following bills:

H.R. 240, the Veterans Employment Opportunities Act of 1997; and H.R. 757, the American Samoa Development Act of 1997.

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

Mr. MILLER of California. Reserving the right to object, Mr. Speaker, I reserve the right to object because I think that the schedule that once again the House is witnessing this week, in light of some very important problems that are pressing for the Nation and for this institution, first and foremost being campaign finance reform and, second, obviously for the people we represent, the health care coverage for children, I object to that request.

Mr. SOLOMON. Mr. Speaker, would the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just point out that we have on the schedule this week of a very, very important bill that deals with the Federal funding of assisted suicides, of which I am unalterably opposed to any kind of Federal funds being spent for that purpose. This bill has dual jurisdiction with the Committee on Ways and Means. The Committee on Ways and Means had understood that this bill would be coming up on the suspension calendar and not under a special rule that we would bring to the House. Consequently, we have been negotiating with the minority, with Minority Leader Gephardt, about bringing the bill up on suspension. We wanted to do that on Thursday. That is the reason for this request today to take up this very important measure.

But if the gentleman insists on objecting, so be it.

Mr. MILLER of California. Mr. Speaker, I insist on my objection.

The SPEAKER pro tempore. Objection is heard.

## ANNOUNCEMENT OF EMERGENCY MEETING OF THE COMMITTEE ON RULES

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

Mr. SOLOMON. Mr. Speaker, because of the recent objection it is very important that we take up the prohibition against Federal funds being used for assisted suicides this week, and therefore I would announce that there is going to be a special emergency meeting of the Committee on Rules this afternoon at 5 o'clock and would urge Committee on Rules members to attend, and I will be attempting to contact the gentleman from Massachusetts [Mr. MOAKLEY], the ranking minority member, to pass along this information.

## 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, I rise in support of H.R. 400, which will effectively end the practice of submarine patenting. A patent submariner resorts to dilatory tactics that inhibit the ability of the Patent and Trademark Office to review the application in an expedited manner.

Submariners do not invest in the economy, nor do they hire workers and they do not invent anything. They sue innocent third parties who independently develop technology, invest in the economy and do in fact hire workers.

How do we stop submariners and still guarantee 17 years of term? H.R. 400 requires an 18-month publication. The innocent third party will be served with notice that a patent is pending and be able to move on to another invention. The rights of the patent applicant are in no way compromised, since he would receive protection at the time of publication, which means longer protection than inventors currently receive.

Mr. Speaker, good patent policy concerns itself with more than the rights of the inventor. H.R. 400 improves our existing system by protecting the interests of all. I urge support of H.R. 400.

## AN IMPORTANT ALLIANCE ON AN ISSUE OF GREAT CONCERN: HEALTH CARE FOR OUR CHILDREN

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

Mr. MCGOVERN. Mr. Speaker, last week a remarkable thing happened. Two senior Members of the other body, representing the States of Massachusetts and Utah, forged an important alliance on an issue of great concern to the American people, health care for our children.

What makes this partnership so remarkable is not simply that these two Members represent different regions and different political parties, but that one is a respected leading liberal and the other is a respected leading conservative. And yet both men discovered something more important than regional differences, more important than partisanship and more important than political ideology.

They understand that a nation as wealthy and powerful as ours simply cannot allow 10 million of its children to go without basic health care. So they came together and they are leading an effort to do what is right for our children.

I am inspired by the bipartisan cooperation that led to the Kennedy-Hatch health care bill, and I have renewed hope that this body, the U.S. House of Representatives, can come together in a bipartisan way to guarantee that every child in America has the health coverage they need and deserve, and, Mr. Speaker, let us do it today.

## ARIZONA WILDCATS BASKETBALL TEAM, 1997 NATIONAL CHAMPIONSHIP

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

Mr. KOLBE. Mr. Speaker, I feel a little bit like a proud parent today as I rise to congratulate Coach Lute Olsen and the University of Arizona Wildcats on winning the NCAA national basketball championship.

This marvelous achievement really was unprecedented. Never before has a collegiate basketball team defeated three No. 1 seeds in an NCAA tournament, in fact the three most successful basketball programs in the country. Pundits said it was impossible. To be victorious Arizona had to find a way to win six games in a row, something this team had not done all season. In fact, during the regular season the Wildcats lost nearly as many games as Kansas, North Carolina, and Kentucky combined. But throughout the season the Arizona Wildcats exhibited a strength of character that was truly inspiring. They prove that a good team can benefit as much, if not more, from losing as from winning.

As Mike Bibby, Arizona sensational freshman point guard, told reporters, ''I like playing against All Americans because it helps me learn,'' or as forward Michael Dickerson said, ''We don't feel we're anybody's underdogs. We have players who can match up with anybody. We did it by believing in each other.''

Indeed, at one point during the tournament Mike Bibby found himself at the free throw stripe with the game on the line. Yet after making the shots that sealed the victory, Bibby was quick to credit his teammate and freshman reserve Josh Pastner with helping him perfect his free throwing technique. Bibby wanted the world to know that although Josh Pastner did not log a minute of playing time during the tournament, the Arizona Wildcats could not have won the championship without him.

So congratulations, University of Arizona. Go, Wildcats.

## HONORING CORRECTIONS OFFICER SCOTT WILLIAMS

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

Mr. CAPPS. Mr. Speaker, I rise today to pay tribute to Corrections Officer Scott Williams who was killed in the line of duty last Thursday at the U.S. Penitentiary in Lompoc, CA.

Courage was nothing new to Scott Williams. During his tenure at Lompoc, he was promoted from officer to senior officer specialist. A former Marine of the Year, he served with distinction and saved lives in Desert Storm. Officer Williams received no fewer than six awards for outstanding service. He was also a beloved family man who is survived by his wife Kristy and their two young daughters, Kallee and Kaitlin. His selfless dedication is a lesson to us all.

Today we also pay tribute to injured Corrections Officer Scot Elliot and Warden Dave Rardin and all those who came to the aid of a fellow officer.

Mr. Speaker, I know I speak for the entire House when I extend my condolences to the family and friends of this brave fallen soldier.

## VICE PRESIDENT GORE TOASTS THE TYRANTS

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

Mr. CHABOT. Mr. Speaker, the character of the Clinton administration was on display for the entire world to see when Vice President GORE recently clinked champagne glasses with Li Peng, the mastermind of the Tiananmen Square massacre. Fortunately, the tough and thoughtful comments made by the Speaker of this House served as a welcome contrast.

The Vice President cited that relationship between two great nations and civilizations in his tribute to the Communist dictatorship in Beijing. Well, he was half right. The United States of America is indeed a great Nation, but then our Government does not imprison priests and monks and other religious people. Our Government does not force women to have abortions against their will or sanction torture or throw in jail those who express opinions that do not reflect the official government line.

Mr. Speaker, the Vice President's remarks sent the wrong message to China, but as the Cincinnati Post editorialized last week, it was refreshing

to see the Speaker actually say face to face to the Chinese what is frequently discussed in the United States: Human rights do matter, and the truth needs to be told.

## JOBS FOR OTHER COUNTRIES; ROTTEN ILLEGAL BERRIES FOR AMERICA

(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, schoolchildren in Michigan got sick eating strawberries that were tainted with the hepatitis A virus. Now if that is not enough to sour your shortcake, check this out.

The strawberries were illegally imported from Mexico and sold to the school lunch program in violation of buy America laws. Unbelievable, huh? It never stops, and no one seems to care. Military boots from China, cars from Japan, beef from Australia, telephones from Singapore.

Mr. Speaker, it is all called the New World order, and here is how it works: Jobs for China, jobs for Australia, jobs for Japan, jobs for Mexico, and berries for America, rotten, illegal berries for America.

Beam me up, Mr. Speaker. It is time to put a few straw bosses in jail and mandate country of origin labels on all food products.

Mr. Speaker, I yield back the balance of any further disease.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would admonish the members of the gallery to please refrain from any showing of spontaneous response to any of the speeches.

## COMPROMISING NATIONAL SECURITY FOR POLITICAL GAIN

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I agree with the audience. I am outraged though.

Today, every day, it is a new story about this President using taxpayer dollars, using the White House and now using classified national security information to raise money for his own reelection campaign. Today's Washington Post reveals that the White House actually gave top secret information to the Democrat National Committee.

When I was in the military, if someone failed to safeguard classified information, they were relieved from duty and court-martialed. Maybe it is time to relieve this President from his duties and court-martial him.

□ 1415

The White House has put the lives of CIA officers in jeopardy and endangered every American by compromising our national security for Clinton's own political gain. America wants, needs, and deserves to have a leader who protects this Nation instead of exploiting it.

## POSTAL SERVICE SHOULD ACT AS RESPONSIBLE MEMBER OF COMMUNITY

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

Mr. BLUMENAUER. Mr. Speaker, for many the Postal Service indeed represents the Federal Government. Post offices are the heart and soul of many small towns across America, and they are part of the heritage of every community. Yet, in many instances, people feel victimized by the Postal Service because the post office sometimes ignores local zoning laws and building codes in making decisions about their facilities.

Additionally, citizens often feel shut out of the decision-making process, despite the massive impacts that post office closings and relocations have on our communities.

Today I am introducing legislation to change this. My bill would outline minimum citizen involvement requirements that would apply to the renovation, relocation, closing, or consolidation of post offices and require the post office to comply with any local zoning or building codes which the State and local governments themselves must comply with.

My bill is fair and does not place unnecessary burdens on the Postal Service. Instead, for the first time, the Postal Service would be treated as a responsible member of the community and not be above the local laws.

## TAX RELIEF FOR AVERAGE CITIZENS

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

Mr. HUTCHINSON. Mr. Speaker, while I was home in Arkansas I often asked my constituents, ''Any message for Washington?'' One of the most common responses I received is ''Yes, cut my taxes.'' I have heard this response so many times that I can assure my colleagues this: I got the message.

Mr. Speaker, we all know that the special interests and the powerful lobbying groups have their tax loopholes. We all know that upper income people have the means to employ tax attorneys and accountants at tax time. But what about the forgotten little guy, the ordinary taxpayer who works for a living? What about giving the little guy a break for a change?

Mr. Speaker, it is the little guy who is at the mercy of a Federal tax system that somehow manages to increase the tax burden year after year after year. The liberal press is always asking, ''Can we afford a tax cut?'' I want to know the last time anyone asked, ''Can the little guy afford a tax increase?''

Mr. Speaker, the truth is, he cannot. I think it is high time somebody in Washington started looking after the little guy. We need tax relief now.

## OPPORTUNITIES TO BOLSTER OUR COMMITMENT TO VETERANS

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

Mr. REYES. Mr. Speaker, as a Vietnam veteran and a member of the Committee on Veterans' Affairs, I rise today to talk about veterans along the border and opportunities that we have to bolster our commitment to our veterans.

This is the 105th Congress's first piece of veterans' legislation, and I am here to rise in support of this bill, because in this era of downsizing, it provides increased job opportunities and security. Let us send a strong message to our veterans by overwhelmingly passing this bill.

Furthermore, while back in the district, I invited local veterans to participate in my veterans' advisory panel, a panel that will meet regularly to advise me on ways to improve the lives of our veterans. I am proud to say that we have an overwhelming response. Already, they have expressed their concerns about our Persian Gulf war veterans and the need for continued research.

Mr. Speaker, I urge my colleagues to seek similar ways to stay informed, and with tomorrow's vote, take a first step in this Congress for our veterans.

## INCREASING TAXES WILL NOT HELP OUR CHILDREN

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

Mr. SCARBOROUGH. Mr. Speaker, for 40 years tax-and-spend liberals have come to Washington, DC and run up a $5.6 trillion debt that is going to be passed on to our children. For 40 years, tax-and-spend liberals have increased taxes to a point that the average American is now paying 50.2 percent of every dollar they make to Washington and State levels, and yet these same tax-and-spend liberals come up talking about how they want to help children. But guess what? The way they want to help children is to increase taxes. The way they say we help children is increase spending through another Federal bureaucracy.

Mr. Speaker, if we are going to help children, we have got to make sure that taxes are reduced and Federal spending is reduced, because a bipartisan commission headed by Senator KERREY projected a few years ago that my boys are going to be paying 89 percent of every dollar they make in 30

years to the Federal Government in Washington. It is wrong, and it is immoral, and it is demagogic to suggest that we can help the children of America by raising their taxes and increasing a new layer of bureaucracy in Washington.

## AMERICA NEEDS CAMPAIGN FINANCE REFORM

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

Mr. MILLER of California. Mr. Speaker and Members of the House, a few minutes ago I objected to agreeing to taking up the Suspension Calendar for tomorrow. The reason I did so is not because I object to the bills that were on the Suspension Calendar; I did so because I object to business as usual in this House, especially when business as usual means that week after week this House comes back to little or no business that is important to the American public.

We come back not for the budget, we come back not for children's health care, and most importantly, we come back not to deal with campaign finance reform. Yet every day the American public have new revelations given to them about the White House, about Congress, about the Senate, about the House of Representatives, about people with enough money getting access that no other American can possibly conceive of having, with powerful Members of the House and powerful Members of the Senate offering access for money, offering the ability to sit on inside councils for money, offering the ability to talk to Cabinet officials for money. It has got to stop.

Today we see in The New York Times an overwhelming majority of Americans want the corrosive, corrupting campaign finance system changed, but they do not believe that Congress is serious about it. We are going to continue to object to this kind of do-nothing agenda and an agenda that fails to respond to the needs of the public on campaign finance reform.

## PASS ''SAFE'' FOR A SAFER AMERICA

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

Mr. ACKERMAN. Mr. Speaker, it seems inconceivable that convicted felons, including those who have committed violent crimes using guns, could get out of prison and could, under the law, buy guns yet again. I raise the question, who is being protected by this law, convicted felons, or law abiding citizens?

Each year since fiscal year 1993 we in Congress have stopped funding this guns for convicted felons program. However, this is insufficient, because as the law is still on the books, even unfunded, felons can go to court and regain their firearm privileges.

To stop this from happening, we should eliminate the guns for convicted felons program outright.

Today, along with the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from New York [Mrs. MCCARTHY], I am introducing the Stop Arming Felons Act, or the SAFE Act. The Ackerman-Morella-McCarthy legislation will eliminate guns for convicted felons altogether. It sends a clear message that we should make it harder, not easier, for criminals to have access to weapons.

The Stop Arming Felons Act is bipartisan and has 32 original cosponsors, and I urge all of my colleagues to act in the interest of this country and let us stop arming convicted felons.

## CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. GOODLATTE). This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

## CORRECTION TO NURSE AIDE TRAINING

The Clerk called the bill (H.R. 968) 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.

The Clerk read the bill, as follows:

H.R. 968

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

**SECTION 1. PERMITTING WAIVER OF PROHIBITION OF OFFERING NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAMS IN CERTAIN FACILITIES**

Section 1819(f)(2) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)) and section 1919(f)(2) of such Act (42 U.S.C. 1396r(f)(2)) are each amended—

(1) in subparagraph (B)(iii), by inserting ''subject to subparagraph (C),'' after ''(iii)''; and

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

''(C) WAIVER AUTOHRIZED.—Clause (iii) of subparagraph (B) shall not apply to a program offered in (but not by) a nursing facility in a State if the State—

''(i) determines that there is no other such program offered within a reasonable distance of the facility,

''(ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility, and

''(iii) provides notice of such determination and assurances to the State long-term care ombudsman.''.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the amendments recommended by the Committee on Ways and Means.

The Clerk read as follows:

Committee amendments, page 2, line 12, strike ''(iii)'' and insert ''(iii)(I).''

Page 2, line 14, insert ''(or skilled nursing facility for purposes of title XVIII)'' after ''nursing facility.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. CAMP] and the gentleman from Wisconsin [Mr. KLECZKA] will each control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CAMP].

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

Mr. Speaker, I rise today in support of H.R. 968, a bill introduced by the gentleman from Maryland [Mr. EHRLICH]. The gentleman's legislation would amend the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain facilities.

As chairman of the Speaker's Advisory Group, it was my pleasure to work with Congressman EHRLICH and the minority ranking member, the gentleman from California, Mr. WAXMAN, and the rest of the minority members and majority members of the committee to expedite consideration of this Corrections Day legislation.

This bill was favorably reviewed by the Speaker's Advisory Group and is fully supported by my colleagues on the other side of the aisle. The advisory group was able to work with the Speaker and the committees of jurisdiction to bring this bill to the floor today.

Mr. Speaker, this bill is particularly well suited to be considered here under the Corrections Day procedure as we are doing today. Despite the good intentions of the nurse aide training legislation of the 1980's, certain aspects have created significant problems with its implementation.

The 1987 reconciliation bill instituted training standards for nurse aids working in long-term care facilities. Under existing law, nursing facilities which are subject to an extended survey are prohibited from offering facility-based nurse aide training and competency evaluation for a period of up to 2 years.

As an unintended consequence, a nursing home that is subject to a review is not allowed to have a nurse aide training program at their facility, even if the care provided by the nurse aide is unrelated to the review itself.

This bill would waive the prohibition on nurse aide training programs if the State determines there is no other training program within a reasonable distance of the facility. The State must also assure that an adequate environment exists for operating a program.

Nurse aide training programs are vital to health care delivery. Our current law, however, is particularly burdensome in rural areas which face difficulties recruiting nurse aids. It does not make sense that these very nurse aide training programs are improving patient care as rural providers find it increasingly difficult to recruit nurse aids.

This legislation is technical in nature, has strong bipartisan support, and was scored by the Congressional Budget Office as having no budgetary impact.

Mr. Speaker, this is a straightforward, bipartisan bill that corrects an inefficient and burdensome law. This targeted bill will lead to improved health care in rural areas like the Fourth District of Michigan which I represent. I urge my colleagues to support H.R. 968.

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

Mr. KLECZKA. Mr. Speaker, first, let me say that the gentleman from Michigan [Mr. CAMP] has adequately explained the bill. This is a correction bill.

Back in 1987, we passed the legislation on nurse aide training. I think in this one area we went too far. This bill provides States with the flexibility to continue needed nursing aide training, even though the home itself might be under some type of a review. I would ask all of my colleagues to join the gentleman from Michigan [Mr. CAMP] and myself in supporting this needed legislation.

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

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Speaker, as a member of the Committee on Commerce which also has jurisdiction on this bill and as a cosponsor of the bill, I am pleased to speak in support of this very important legislation.

H.R. 968 would permit the continuation of nurse aide training and the competency evaluation programs in certain nursing facilities. Under existing Federal law, a nursing facility may lose its ability to offer facility-based nurse aide training and competency evaluations for reasons that are unrelated to the quality of the program itself.

This unintended consequence of the current law arises when a facility has unrelated operational deficiencies which are being corrected by the facility. As a result, nursing facilities, particularly those in rural communities, are prevented from conducting the training and evaluation that is an integral part in providing quality nursing care and preventing staff shortages.

□ 1430

This legislation would revise the current law. The bill would permit the continuation of nurse aide training and competency evaluation programs in affected facilities under certain circumstances. In order for a facility to continue its training and evaluation programs, the State would have to, one, make a determination that no similar program is in existence within a reasonable distance of the facility; two, conduct oversight activities to ensure that an adequate environment exists for operating the program in the facility; and three, provide notice of such determination to the State long-term-care ombudsman.

This noncontroversial measure was recently reported by the Committee on Commerce on March 12 by voice vote. In addition, the Committee on Ways and Means reported the legislation by voice vote on March 13. I am pleased to say that the bill also has the support of the administration and will have no budgetary impact on the Federal Government.

Mr. Speaker, the legislation sends an important message to the American people that Congress is listening, listening to their concerns about burdensome Federal regulations and taking action to address their concerns. H.R. 968 achieves this objective by eliminating unnecessary and burdensome regulations, a goal that Members on both sides of the aisle have endorsed.

Again, I appreciate the opportunity to speak on this important piece of legislation. I urge my colleagues to support H.R. 968.

Mr. KLECZKA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of H.R. 968. The Committee on Commerce has acted on this bill twice, first in September 1996, and then in March 1997. This legislation is also supported by the administration and was proposed by the President and Vice President through the reinventing government initiative in 1995.

Nurse aide training programs play an important role, not only by preparing students to care for patients, but also by helping to meet the patient's needs in staffing health care facilities. The failure to make these changes for training programs could have dire consequences in terms of a nursing facility's ability to provide quality care for its patients. This bill will allow certain facilities to continue nurse aide training programs, particularly in rural and other areas which lack training alternatives.

Mr. Speaker, I recommend we pass this bill today.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Speaker, I rise as chief sponsor of the bill. I want to thank a number of people for their support and cooperation; the gentleman from California [Mr. WAXMAN] has been wonderful to work with in respect to this piece of legislation. I also congratulate the gentleman from Michigan [Mr. CAMP], the chairman of the corrections day committee, a very important committee. I am sure we will be bringing a lot of pieces of legislation to the floor in the 105th Congress, and I thank my friend and colleague, the gentleman from North Carolina [Mr. BURR] from the Committee on Commerce.

Mr. Speaker, I will be brief. H.R. 968 prevents the termination of certain training programs where the reason for the termination is an operational deficiency unrelated to the quality of the program, and where no alternative training program exists within a reasonable distance.

In this regard it is vitally important for rural America that the nursing home provisions of the Reconciliation Act of 1987 instituted training standards for long-term facility nurse aides, requiring a minimum of 75 hours of training for these aides. These requirements, among others, must be met in order for nursing facilities to be eligible for payment by Medicare and Medicaid.

However, these current Federal nursing facility laws often deprive nursing facilities of the ability to provide in-house training. The law allows approval of these training programs to be denied due to problems in the facility unrelated to the training program, and in this regard makes no sense.

Once a program is terminated, the facility becomes ineligible as a training site for 2 years, even after the facility has corrected its alleged deficiencies. The current restriction makes it difficult to recruit nurse aides, especially in rural and other areas which lack training alternatives.

Mr. Speaker, many nursing homes rely on their own nurse aide training programs to certify nurse aides with basic nursing skills and personal care skills. Because long-term care providers are funded primarily by Medicare and Medicaid, they are at an economic disadvantage in competing for labor. On-site training programs serve as an excellent recruitment tool by providing nursing career opportunities for entry level personnel.

Finally, the presence of these nurse aides to a nursing home staff ensures that the residents receive high-quality personal care and also allows the nursing staff to focus more on the delivery of quality medical care. To compromise this ability to provide the highest level of care possible brings about the very result Congress intended to avoid: a threat to the quality of long-term care provided to our Nation's senior citizens.

Mr. Speaker, I thank everyone associated with this bill.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the rule, the previous question is ordered on the amendments recommended by the Committee on Ways and Means and on the bill.

The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 968, the bill just passed.

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

There was no objection.

## SUNDRY MESSAGES FROM the PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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.

## RURAL MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE EXTENSION ACT OF 1997

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 28) to amend the Housing Act of 1949 to extend the loan guarantee program for multifamily rental housing in rural areas.

The Clerk read as follows:

H.R. 28

*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 ''Rural Multifamily Rental Housing Loan Guarantee Extentions Act of 1997''.

**SEC. 2. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.**

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following new paragraph:

''(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.'';

(2) by striking subsection (t) and inserting the following new subsection:

''(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year.''; and

(3) by striking subsection (u).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 28, the Rural Multifamily Rental Housing Loan Guarantee Extension Act of 1997, a mouthful, but a very important program which was introduced by the gentleman from Nebraska, Mr. DOUG BEREUTER. I want to say at the outset, without the leadership of DOUG BEREUTER we would likely not be here today. This was largely his concept, a concept that he has fought hard for, and it also is a reflection of the fact that poverty does not end at the boundaries of our urban areas or even our suburban areas; that in fact poverty and substandard housing is also very much a rural issue.

I also want to thank the chairman of the full committee, the gentleman from Iowa [Mr. LEACH], who happens to be with us also here today, and the ranking member of the subcommittee, the gentleman from Massachusetts [Mr. KENNEDY], for their extraordinary help and assistance to bring this bill to where we are right now.

Mr. Speaker, H.R. 28 will permanently authorize a rural housing multifamily program that leverages private sector dollars with Federal loan guarantees in order to provide low-income housing in rural areas in an efficient manner. The Rural Loan Guaranty Program originated in the 103d Congress where the House passed fiscal year 1995 authorization language and appropriated $1 million in budget authority. Although the authorization bill was not enacted, the Agriculture Appropriations Act for fiscal year 1995 left the program with appropriations or budget authority without a program authorization.

During the last Congress, Mr. Speaker, Congress passed and the President signed the Housing Opportunity Program Act of 1996 which provided the fiscal year 1996 authorization of appropriations. For this year we are in a similar quandary, and in fiscal year 1997 appropriations should result in $1.2 million in budget authority, leveraging approximately $20 million in loan guarantees, with no authorization for this year unless this bill moves.

During the first year of this program, there was significant industry and public enthusiasm and support for the concept of guaranteed rental housing loans. For example, during the 30-day fiscal year 1996 open application season, there were 49 applications from 24 different States requesting a total of approximately $62.5 million in guarantees to help fund about $85 million in multifamily housing development. The need is out there, Mr. Speaker.

The Rural Housing Service approved 9 requests for about $14 million in guarantees on almost $20 million of new construction, resulting in 370 new apartment units.

Furthermore, as compared to the rural multifamily direct loan program where the Government subsidy costs are extraordinarily higher, we are getting good value. This indirect program is only a fraction of the cost. The variety of developments indicates that the program has widespread applicability and that it is flexible enough to meet the differing financing needs of eligible private and private-sector lenders and low-income housing providers.

This program is an example of the type of partnership that should exist between the Federal Government and the private sector, and is necessary to provide and expand low-income housing.

Finally, again, I want to congratulate and commend my colleague, the gentleman from Nebraska [Mr. BEREUTER] for his tireless work on this issue to ensure an effective tool and an integral part of our assisted housing mission for rural Americans.

I urge my colleagues to enthusiastically support passage of H.R. 28.

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank my good friend and the chairman of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services, as well as the chairman of the full committee, and I think the gentleman from Nebraska [Mr. BEREUTER] has been working on this issue since I first got on the committee over 10 years ago, trying to reform some of the concerns about rural housing and how the Government provides the subsidies in this country.

While I rise today in support of H.R. 28, the Rural Multifamily Rental Housing Loan Guarantee Extension Act of 1997, and I want to extend my thanks to my colleagues for their efforts to deal with this issue, I do want to explain to the Members of the House just how critical the issue of providing housing programs for rural America are.

We have a situation today in this country where we have tended to focus on the issue of urban poverty, but anyone who has taken the time to visit

some of the more rural parts of America knows there are parts of this country that have terrible, terrible poverty that is in many cases swept under the rug, is not seen, because we do not have the slums and the ghettoes of urban America that are so painfully easy to view by anyone who drives through particular neighborhoods.

In rural America, much of the poverty is much more hidden. We do not see it, yet it exists. It is terrible, it is terrifying for the poor, and it is an issue that I think this act, I believe, begins to pull back the covers on to some degree.

Mr. Speaker, I would like to point out that the basic fundamental program which serves the poorest of the poor, the section 515 program, has had enormous cutbacks associated with it over the course of the last couple of years in the Congress.

While there are the needs for some improvements in the 515 program, we should make no mistake by suggesting for a second that while the 538 program, which is the guaranteed loan program that we are acting on today, the need for the program, the 515 program, which provides the credit subsidy, is I think something that is of critical importance to the poorest of the poor. We have to make certain that we do not turn our backs continuously on the very, very poor people of this country.

While we want to provide an innovative demonstration program with the authorization that it requires in order that our appropriators can now provide the funds for this program, which is technically what all this bill is doing today, we should recognize that this is a program that will end up funding people that are slightly above the poorest of the poor.

While this is a commendable program in and of itself, we ought to be, I think, forthright with the American people that at the same time, we are really cutting significantly the amount of money that goes into the basic fundamental 515 program.

□ 1445

I would just like to read one brief statistic. According to the State of Rural Housing in 1966, a publication of the Housing Assistance Council, of the 9.1 million rural centers, 1.2 million families had severe housing cost burdens, paying more than 50 percent of their income for rent; 1.6 million renters had moderate cost burdens, paying between 30 and 50 percent of their income for rent. I do not think anybody in this Congress pays anything close to 50 percent of their income for rent. The amount of burden that that places on all the other costs in one's life is very, very significant.

With those severe cost burdens, they were concentrated amongst the poorest rural residents. The credit enhancement of the guarantee will at least make rental housing more affordable to low- and moderate-income families, if not the very low-income families. I am encouraged that the Rural Housing Service is making every effort to make this program work for rural America. I urge my colleagues to support H.R. 28. Again, I want to thank the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Iowa [Mr. LEACH], and the gentleman from New York [Mr. LAZIO] for their efforts.

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

Mr. LAZIO of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Speaker, I want to first begin by thanking the chairman of the Subcommittee on Housing and Community Development, the distinguished gentleman from New York [Mr. LAZIO], for his support and assistance, and that of the gentleman from Iowa [Mr. LEACH], chairman of the full committee, for his assistance in bringing this legislation to the floor. Mr. LAZIO has certainly given us the history of this legislation as it has evolved. I also appreciate his kind remarks.

I also appreciate the kind remarks of the gentleman from Massachusetts, and I would say that his description of the poverty problems and the housing problem in rural America, including our Indian reservations, is directly on the mark.

This gentleman has never contended either that this housing program, which has come to be known as the 538 program, is a replacement for reform of the 515 program. We need to proceed with reforms of that legislation which is also aimed at multiunit housing.

Mr. Speaker, I want to recognize a distinguished former Member of the Congress who is on the floor today, Mr. de la Garza, former chairman and then ranking member of the Committee on Agriculture. It is our responsibility on the Committee on Banking and Financial Services to work with the Committee on Agriculture on USDA housing programs. We have worked with this gentleman in the past on housing legislation for rural America and for small cities across the country. The gentleman from Texas is seated by our current distinguished Agriculture Committee chairman, the gentleman from Oregon [Mr. SMITH]. I am sure they are working on housing right now.

But Mr. Speaker, I do rise in support of this legislation and ask my colleagues for support of it. This legislation does permanently reauthorize the loan guarantee program for multifamily rental housing in nonmetropolitan areas made under section 538 of the Housing Act of 1949. Originally enacted as a demonstration program under the section 515 rural housing program during the 103d Congress, this loan guarantee program has been well received in nonmetropolitan America.

Unfortunately, the authorization for the program expired at the end of the last fiscal year, and this authorization is urgently needed to ensure the smooth operation of this important new program. Anyone familiar with America's smaller cities and communities knows that the supply of affordable rental housing is much needed but in short supply. This lack of affordable housing is one of the reasons why many small cities in nonmetropolitan areas are having a difficult time keeping their young people, and thus their future, from migrating to metropolitan areas.

Historically, it often has been difficult to entice adequate private investment into these areas. Direct Federal lending programs which have proven costly to taxpayers often have been the only source of financing in these areas. Because of the problems which plagued and still plague the section 515 direct loan program and knowing that Federal funds are likely to become increasingly scarce, this Member saw the need for a new approach that would cost taxpayers less but still provide equal or greater housing opportunities in our Nation's smaller cities.

I had good support from our chairman, the gentleman from Iowa [Mr. LEACH], and the gentleman from New York [Mr. LAZIO] and our colleagues on the Democratic side of the aisle. The alternative which emerged is the section 538 loan guarantee program. It does provide affordable housing at least in part in nonmetropolitan areas for individuals with incomes ranging from low to low-moderate to moderate levels; in other words, those Americans whose incomes do not exceed 115 percent of the area median income.

Eligible lenders, which include multifamily lenders approved by HUD and Fannie Mae and Freddie Mac, provide financing for projects of at least five housing units, five in a unit, developed by nonprofits, State governments or for-profit private entities. Nonprofits and State agencies are required to make a modest initial investment of 3 percent of the development costs while private for-profit entities must contribute an appropriate 10 percent of the development cost.

In return for a fee of up to 1 percent of the loan amount, the U.S. Department of Agriculture guarantees repayment of the loan. Thus projects which in the past required a dollar-for-dollar investment by the Federal Government are now financed for pennies on the dollar by the private sector.

Finally I wanted to quote from a letter received on March 18 of this year from Jan Shadburn, Acting Administrator of the Rural Housing Service of USDA.

She says as follows: ''We are very excited about the program and we believe that, once reauthorized by Congress, it will continue to grow and will prove to be an effective tool and an integral part of our assisted housing mission for rural Americans.''

Mr. Speaker, this Member again asks his colleagues to support this important alternative, a supplement to direct Federal lending in order to ensure smooth operation of a program which is working in nonmetropolitan America.

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

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

Mrs. CLAYTON. Mr. Speaker, as a member of the Committee on Agriculture, I want to rise in support of this initiative for rural housing and associate myself with the remarks and comments congratulating all of the persons who have been involved in bringing this to fruition.

I want to acknowledge, as has been acknowledged by the gentleman from Massachusetts [Mr. KENNEDY], that this is not a substitute for 515, which is so critically needed for the poorest of the poor. Those of us who live in rural areas know how persistent and how pervasive the poverty is and how difficult it is to bring resources and to make a difference. So this is to stretch the resources, to give more resources to rural areas so that we cannot only continue 515 in an improved way but to introduce now what we call 538, the rural rental housing guarantee program, which will allow the private sector to be partners with the Government in guaranteeing more homes. I want to say this is an addition that we welcome, but we also want to encourage further reform and the expansion of 515 because we know it is so difficult for the poorest of the poor to have housing and to say come to North Carolina, if you want to see the poorest of the poor.

However, I am pleased to note that part of the demonstration program North Carolina will have is in Clayton, NC, not my district but nevertheless it is worthy of noting. It just happened to be Clayton, and it happened to be North Carolina. And 56 persons will have apartments that they would not have unless this program was available.

Mr. LAZIO of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services, who is also a tireless advocate on behalf of our Nation's poor and those who have substandard housing.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me the time. Let me say, I also rise in support of this modest but very significant program and would commend the gentleman from Nebraska [Mr. BEREUTER] for introducing the original legislation, the gentleman from New York [Mr. LAZIO], who leads housing efforts on behalf of all Americans at this time in the House of Representatives, and the gentleman from Massachusetts [Mr. KENNEDY] who has always spoken so eloquently on housing issues.

I would only make two points, one that was underscored by Mr. BEREUTER; that is, this approach is a guarantee loan program. Therefore, it involves small sums of money, leveraging quite a bit larger sums of money. In addition, it is based upon a USDA model and, in fact, is USDA administered and that model has found that there is only a 3-percent default rate, which is a rather impressive number in relationship to almost every Federal program. But what is impressive in addition is 3 percent default does not mean 3 percent losses. It means that the loan went sour but there are still recoverable parts. So the total losses to the taxpayer end up being a small percentage of 3 percent.

This is, in short, one of the most extraordinary ways of leveraging housing programs in rural America. It is targeted precisely to rural America and obviously, as a representative of a rural State with a high percentage of nonurban housing stock, I am appreciative of its import.

But I would also stress that this program is intended as a tie-in to other housing programs and that in the near future significant housing reform will be the subject of a full Committee on Banking and Financial Services review. We look forward, those of us from rural areas, to working closely with the distinguished chairman of the subcommittee on the endeavors that he is leading at this time.

I simply want to stress again the innovation of this program, the leadership of my colleagues.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I would just like to end by pointing out that this program, as I understand, the 515 Program, I would just like to point out, used to be funded at about $690 million a year. The current 515 Program is down to $150 million a year. This program is about $1.2 million, just so Members will keep in perspective what we have done in terms of our rural housing programs.

Rural poverty is growing. We have significant numbers of very, very poor people living in rural America that have great, great housing needs. I just hope that the Congress keeps in mind the need for us to continue to support housing programs in general. We are going to have major housing problems for America's poor in the coming year as a result of some peculiarities in the budgeting process. I think that we need to continue to bring home at every possible opportunity, to recognize the significant problems that very poor people in this country have in terms of attaining reasonable shelter. I hope to work with the chairman of the full committee and the chairman of the housing committee in resolving those issues in the future.

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

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Let me again urge my colleagues to support this important piece of legislation. It is a complement, not a substitute, for our other tools that are available to combat poverty and substandard housing in rural America. I want to emphasize once again, because so often the illustrations that we see on the news, the shows that we see on television, the things that we talk about tend to focus on what happens in urban America, and the need is great in urban America. And the fact is that we have extraordinary needs in terms of housing and community development in both suburban and urban America. But poverty does not end at the city boundary. Nor does it end at the suburban boundary. It is a fact of life all too often in our rural areas.

In this case, we are doing what I think is an extraordinarily efficient thing, which is to leverage our dollars, making our dollars work as hard as possible. In this case, $1.2 million will leverage $20 million in construction, bringing housing to scores of Americans that would otherwise potentially be homeless or, at least, be in terribly substandard housing. As I say, it is a complement and not a substitute.

Let me also point out, in relation to the 515 Program, which has been under considerable criticism by, among other people, a former Member of this body and now a Member of the other body, Mr. DURBIN, for the fact that there have been numerous allegations of fraud, that in the 515 Program, which also has brought hope to many Americans, the Federal Government subsidy costs are approximately 49 cents for each dollar appropriated. The loan guarantee program subsidy today that we are talking about is only, the cost is only about 6.8 cents for every dollar appropriated. So again 6.8 cents for this program relative to 49 cents for every dollar appropriated in the 515 Program.

It is, in fact, a reality that we need as many tools as possible to combat poverty and substandard housing throughout America. I want also to compliment the Rural Housing Service of USDA for working with us, with the Members on the other side of the aisle, in particular the gentleman from Massachusetts [Mr. KENNEDY], for his support of our efforts to bring relief to rural areas; the support of other associations, like the National Association of Home Builders; again, the appropriators, the gentleman from New Mexico [Mr. SKEEN], the gentleman from Louisiana [Mr. LIVINGSTON] for their support through the appropriations process. But most importantly, I would suggest that the credit largely goes to the chairman of the full committee, the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH], and, of course, the gentleman from Nebraska [Mr. BEREUTER] for their vision and for their commitment to this very important program that is truly bringing hope for many, many Americans throughout the Nation.

Mr. Speaker, I include for the RECORD the following section-by-section analysis:

H.R. 28—RURAL MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE EXTENSION ACT OF 1997

SECTION BY SECTION ANALYSIS

SECTION 1. SHORT TITLE.—The title is cited as the ''Rural Multifamily Rental Housing Loan Guarantee Extension Act of 1997.''

SEC. 2. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.—This section amends Section 538 of the Housing Act of 1949 to provide a permanent authorization of appropriations and permanent authority to the [US Department of Agriculture] Secretary to guarantee rural housing multifamily loans.

□ 1500

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the bill, H.R. 28.

The question was taken.

Mr. LAZIO of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 28.

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

There was no objection.

## PREVENTING PRISONERS FROM BEING CONSIDERED PART OF HOUSEHOLD UNDER FOOD STAMP ACT OF 1977

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1000) to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977.

The Clerk read as follows:

H.R. 1000

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

**SECTION 1. STATES REQUIRED TO ESTABLISH SYSTEM TO PREVENT PRISONERS FROM BEING CONSIDERED PART OF ANY HOUSEHOLD UNDER THE FOOD STAMP ACT OF 1977.**

(a) IN GENERAL.—Section 11(e)(20) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(20)) is amended to read as follows:

''(20) that the State agency shall establish a system and take action on a periodic basis—

''(A) to verify and otherwise assure that an individual does not receive coupons in more than one jurisdiction within the State; and

''(B) to verify and otherwise assure that an individual who is officially detained in a correctional, detention, or penal facility administered under Federal or State law is not considered to be part of any household participating in the food stamp program, except to the extent that the Secretary determines that extraordinary circumstances have made it impracticable for the State agency to obtain the information necessary to do so.''.

(b) PENALTY.—Section 11(g) of the Food Stamp Act of 1977 shall apply, in accordance with its terms, to any failure of a State agency to comply with section 11(e)(20)(B) of such Act.

(c) CONFORMING AMENDMENT.—Section 11(e)(8)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(8)(E)) is amended by inserting ''or (20)(B)'' after ''(16)''.

(d) APPLICATION OF AMENDMENTS.—The amendments made by this section shall not apply with respect to certification periods beginning before the end of the 1-year period that begins with the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. SMITH] and the gentlewoman from North Carolina [Mrs. CLAYTON] each will control 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of H.R. 1000, a bill that requires States to establish a system to verify that individuals detained in Federal, State, or county penal facilities are not counted as household members for the purposes of determining eligibility of the level of benefits in the Food Stamp Program.

On March 10, 1997, the General Accounting Office released a report entitled, ''Food Stamps: Substantial Overpayments Result From Prisoners Counted as Household Members.'' As a result, the General Accounting Office estimates that $3.5 million in food stamp benefit overpayments were made in the year 1995.

The Congressional Budget Office has analyzed H.R. 1000 and has concluded requiring a verification system will reduce food stamp benefit overpayments and save an estimated $6 million by fiscal year 2003. Although States and the Federal Government will incur a slight cost to establish the verification system in fiscal year 1998, that cost will be more than offset in subsequent years.

Based on the findings and conclusions of the General Accounting Office, I believe that the verification system requirement of H.R. 1000 is a cost effective method of preventing prisoners from being counted as members of food stamp households with a minimum burden or inconvenience on food stamp recipients and States. Additionally, requiring this verification will identify and reduce program fraud and increase the collection of benefit overpayments. I urge my colleagues to support H.R. 1000.

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

Mrs. CLAYTON. Mr. Speaker, I have been a tireless advocate along with many of my colleagues in fighting hunger in the United States. The bill before us today is aimed at helping to ensure that the funds allocated by the Federal Government for the food stamp program actually go to feed those who are hungry.

In fiscal year 1995, USDA issued over $22 billion in benefits. Some 26 million Americans were helped by these funds. Congress passed legislation last year to cut the food stamp program by $23 million through the year 2002. So the total appropriation for fiscal year 1997 is $23.3 billion, $1 billion less than they were in fiscal year 1996, which was $24.3 billion.

This bill, H.R. 1000, is designed to ensure that we concentrate those declining resources to make sure that those who are in actual need get that help.

Although the Food Stamp Act automatically disqualifies people who were institutionalized from inclusion in participating households because they receive meals during their sentences, oftentimes the food stamp administrative agency is not notified that a member of a household has been incarcerated.

A GAO audit recently published a report which found out of four States studied for calendar 1995, California, Florida, New York, and Texas, 12,138 inmates were included in household food stamp benefits, resulting in an estimated $3.5 million that was not directed to needy families.

H.R. 1000 will help prevent this from happening in the future as it requires States to establish a system to verify that individuals detained in Federal, State, and county penal institutions are not counted as household members for the purpose specified by the Food Stamp Program.

In fact, a database already exists for States to check. The Social Security Administration maintains such a database, as it too is required to check for inmates participation.

In addition, this legislation takes into account the needs of the various States and permits them some flexibility. Mr. Speaker, I urge every Member of this body to support this legislation as we consider it under suspension of the rules, so that limited funds that we do have allocated to the Food Stamp Program go actually to those who are eligible and to those who are hungry.

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

Mr. SMITH of Oregon. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE], the chief sponsor of this legislation.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman of the committee for yielding me this time as well as for his strong support for this legislation.

Mr. Speaker, I rise in support of H.R. 1000, a bill I introduced to require States to establish a system to verify that individuals detained in Federal, State, city, or county penal facilities are not counted as household members for purposes of determining eligibility or the level of benefits in the Food Stamp Program.

The General Accounting Office recently released a report on its review of prisoners counted as household members in the Food Stamp Program. Currently, prisoners are not permitted to be included in food stamp households or receive food stamp benefits, nor should they be. Despite this prohibition, GAO's limited review discovered over 12,000 prison inmates who were included in food stamp households resulting in $3.5 million in food stamp overpayments. The bill before the House today requires States to set up a system to enforce the current prohibition in the Food Stamp Act.

I believe that the GAO report identified a problem which is a significant concern. I believe that public confidence and support of the Food Stamp Program are undermined when a household receives a higher level of food stamp benefits than an identically situated household simply because the household receiving more food stamp benefits is illegally counting an incarcerated individual as a member, who is, after all, receiving three squares a day in the slammer.

This concern is furthered by GAO's conclusion that a cost effective matching technique can be used to prevent this problem, but that many States have not done so.

H.R. 1000 requires States to establish a system to verify that individuals detained in Federal, State, or county penal facilities are not counted as household members for purposes of determining eligibility or the level of benefits in the Food Stamp Program.

H.R. 1000 allows States to avoid establishing a verification system if the Secretary of Agriculture determines that extraordinary circumstance have made it impractical for the State agency to obtain the information necessary to establish such a system. I believe that this exception should be invoked by the Secretary in rare and truly extraordinary circumstances. An extraordinary circumstance would include when a State does not have computerized records of its State or county inmate population. Under such circumstances, the State could have great difficulty establishing a verification system and the Secretary may be justified in granting an exception. I would expect, however, that in such circumstances the exception to be narrowly tailored to address the specific situation.

If a State fails to comply with the requirements of this bill, the penalty provisions of section 16(g) of the Food Stamp Act apply. This provision provides the Secretary notify the State that it is in noncompliance. If a State continues to fail to establish a verification system, the Secretary may withhold a portion of the State's administrative funds.

Under the Food Stamp Program, one-half of the State's administrative costs are paid by the Federal Government. Additionally, the Secretary may request the Attorney General to seek an injunction ordering a State to establish a verification system.

The Food Stamp Act requires that States attempt to collect overpayments made to food stamp households. As an incentive to States, each State retains a portion of the overpayments its collects. States retain 35 percent of overpayment collections resulting from intentional program violations and 20 percent of overpayment collections resulting from recipient error. By identifying overpayments that have previously gone undetected, the verification system required by H.R. 1000 will enhance each State's abilities to identify and collect overpayments. Because States retain a portion of these collections, any increase results in additional funds for the States, clearly making this not an unfunded mandate.

Finally, H.R. 1000 provides States with 1 year from the date of enactment to comply with the provisions of this bill without risk of penalty.

Mr. Speaker, I urge my colleagues to support H.R. 1000. It is an important bill that deserves their attention and full support.

Mr. STENHOLM. Mr. Speaker, food stamp rules make quite clear that residents of most institutions are not eligible to participate in the Food Stamp Program. Yet, according to GAO, thousands of prisoners are being counted as members of food stamp households, resulting in those households receiving more food stamps than they should. GAO has recommended that the Food and Consumer Service encourage States to implement periodic computer matches of data on State and local prison inmates with data on food stamp participants.

H.R. 1000 goes several steps further than this recommendation. It requires States to perform such periodic verifications and also requires that the matches be not only of State and local prison inmates but of Federal inmates as well. It includes a provision allowing the Secretary of Agriculture to exempt from this requirement any State having circumstances making it impractical to perform the matches, such as a lack of a central computerized data base for its prison population. States will have 1 year from the date of enactment to comply with the new requirement.

Several States, such as Texas, already conduct such matches. Other States have plans to begin conducting these matches in the future. This bill will provide the impetus for most States to perform periodic matches, thereby saving the taxpayers at least $1 million a year. It is a good bill, and I urge your support of it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1000.

The question was taken.

Mr. SMITH of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. SMITH of Oregon. 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 just passed.

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

There was no objection.

## RELEASE OF REVERSIONARY INTEREST REGARDING CERTAIN PROPERTY IN IOSCO COUNTY, MICHIGAN

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, MI.

The Clerk read as follows:

H.R. 394

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

**SECTION 1. RELEASE OF REVERSIONARY INTEREST REGARDING CERTAIN PROPERTY IN IOSCO COUNTY, MICHIGAN.**

(a) RELEASE REQUIRED.—The Secretary of Agriculture shall release the reversionary interest of the United States in the parcel of real property described in subsection (b), which was retained by the United States when the property was conveyed to the County of Iosco, Michigan, in 1960 pursuant to a deed recorded at Liber 144, beginning page 58, in the land records of the County.

(b) DESCRIPTION OF PROPERTY.—The parcel of real property referred to in subsection (a) consists of 1.92 acres in the County of Iosco, Michigan, and is described as follows:

That part of the N.W. ¼ of the S.E. ¼ of Section 11, T. 22 N.R. 8 East., Baldwin Township, Iosco County, Michigan described as follows: Commencing at the Center of said Section 11, thence South 89 degrees, 15′ 41″ East, along the East-West ¼ Line of said Section 11, 102.0 feet, thence South 00 degrees 08′ 07″ East, along an existing fence line, 972.56 feet, thence North 89 degrees 07′ 13″ W. 69.70 feet to a point in the North-South ¼ Line, thence North 02 degrees 02′ 12″ West, along said North-South ¼ Line, 973.42 feet to the Point of Beginning.

(c) ADDITIONAL TERMS.—The Secretary may require such terms or conditions in connection with the release under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) INSTRUMENT OF RELEASE.—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. SMITH] and the gentlewoman

from North Carolina [Mrs. CLAYTON] each will control 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 394, provides for the release of a reversionary interest held by the United States in 1.92 acres in real property in Iosco County, MI. The release will facilitate a land exchange under the Small Tracts Act of 1983 between Iosco County and a private party.

Mr. Speaker, Iosco County acquired property from the United States for an airport in 1960, but the Federal Government retained a reversionary interest in the event that the property should be used for a purpose other than an airport. Because of a survey error, part of the land, 1.92 acres, granted by the United States to Iosco County for the airport, has been in private use. A release of the reversionary interest held by the United States will provide the private party clear title to the 1.92 acres.

□ 1515

In exchange, the private party will provide an equal parcel of land to Iosco County. The U.S. Department of Agriculture has no objection to the enactment of this bill as introduced, and I urge my colleagues to support the bill.

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

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

Mr. Speaker, I rise in support of H.R. 394 which provides for the release of a Forest Service reversionary interest in 1.92 acres of land that was conveyed to the county of Iosco, MI, in 1960. The release of this reversionary interest will clear the way for an exchange by Iosco County and a private landowner. In exchange, the private landowner will provide a parcel of land of equal value. This legislation will correct a surveyor's error. It is necessary to complete this transfer. I support this legislation and urge its passage by this House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BARCIA], the original sponsor of this bill.

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

Mr. BARCIA. Mr. Speaker, I rise in support of H.R. 394, and I want to offer a heartfelt thank-you to the chairman and the ranking minority member for their assistance in bringing this bill to the floor so quickly.

This legislation, which will allow for a like exchange of property in Iosco County, MI, in my district, in the Fifth District of Michigan, to clear title on land that was erroneously surveyed as private land, is identical to the bill that we passed in the 104th Congress, H.R. 2670. It is supported by the county, the landowner, and the Department of Agriculture. It should not be a matter of controversy with anyone. I urge its adoption.

Mr. Speaker, I rise in support of H.R. 394, a bill I sponsored, to provide for the release of reversionary interests held by the United States in certain property located in Iosco County, MI. This bill is identical to H.R. 2670 which was approved by the House in the 104th Congress.

I want to thank the chairman of the Resource Conservation, Research and Forestry Subcommittee, chaired by the gentleman from Texas [Mr. COMBEST] and the gentleman from California, the ranking minority member [Mr. DOOLEY], for their willingness to help move this issue toward resolution.

In 1960 land was provided to Iosco County for the construction of an airport. This land was provided through the Secretary of Agriculture under the authority of section 16 of the Federal Airport Act of 1946, and in conformity with Executive Order 10536 of June 9, 1954.

Using survey lines that had been drawn at the time, one of my constituents, Mr. Otto Peppel, constructed a cabin on land that based upon the old survey he believed to be his own. A conflict in the lines of occupation with the legal boundary lines was discovered in a 1976 survey performed for airport expansion, showing that 1.9 acres that Mr. Peppel believed to be his were in fact the airport's. Efforts to eliminate the title conflict have been going on since that time, culminating in the request to me to introduce legislation to allow for the dismissal of the reverter clause in this property.

Local authorities and Mr. Peppel have agreed to exchange a like amount of property so that the title can be cleared. However, given that the land was given to the county by the Secretary of Agriculture for public purposes, a reverter clause exists that must be quieted in order to clear the title.

In consultation with local staff of the U.S. Forest Service, this bill was drafted to allow for the clearance of this title. In further consultation with the Department of Agriculture and the House Agriculture Committee, the bill was amended last year with the agreement of all parties to provide that the reversionary interest of the United States is not lost, but rather is restored on another piece of property of equal value. The bill before us today is identical to the one we passed last year.

Given the support for the land swap from the property owners, local officials, and the Forest Service, this matter should be noncontroversial. I urge its adoption.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 394.

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.

GENERAL LEAVE

Mr. SMITH of Oregon. 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 just passed.

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

There was no objection.

## J. PHIL CAMPBELL, SENIOR, NATURAL RESOURCE CONSERVATION CENTER

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 785) to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center.

The Clerk read as follows:

H.R. 785

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

**SECTION 1. DESIGNATION OF J. PHIL CAMPBELL, SENIOR, NATURAL RESOURCE CONSERVATION CENTER.**

The Southern Piedmont Conservation Research Center located at 1420 Experimental Station Road in Watkinsville, Georgia, shall be known and designated as the ''J. Phil Campbell, Senior, Natural Resource Conservation Center''.

**SEC. 2. REFERENCE.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''J. Phil Campbell, Senior, Natural Resources Conservation Center''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. SMITH] and the gentlewoman from North Carolina [Mrs. CLAYTON] each will control 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. NORWOOD], the chief sponsor, who will explain the bill.

Mr. NORWOOD. Mr. Speaker, I rise today in support of H.R. 785, to designate the Southern Piedmont Conservation Resource Center in Watkinsville, GA, as the J. Phil Campbell, Senior, Natural Resource Conservation Center.

H.R. 785 recognizes a true visionary in American agriculture, J. Phil Campbell, Senior. Mr. Campbell's passion for educating and training Georgia farmers, his development of some of the first agriculture extension services, and his service in President Franklin Roosevelt's Department of Agriculture are a testimony to his commitment to promoting agriculture throughout the Nation.

Mr. Speaker, I introduced this legislation last year as H.R. 3387 which passed the House by unanimous consent. This year H.R. 785 passed the Committee on Agriculture and the subcommittee unanimously on a voice vote in March. In comment on H.R. 3387, the USDA has no objection to redesignating the Watkinsville facility

and, according to the CBO, H.R. 785 will have no significant impact on the Federal budget, contains no intergovernmental or private sector mandates, and has no budgetary impact on State or local governments.

Mr. Speaker, I would like to take this opportunity to thank Chairmen SMITH and POMBO for their help and willingness to move this legislation. I also would like to thank my eight colleagues who cosponsored this legislation, and Mr. COVERDELL and Mr. CLELAND for their help in the Senate.

I would encourage my colleagues to support H.R. 785 and help commemorate a man who dedicated his life to help farmers and farming communities throughout Georgia and the Nation.

Mr. Speaker, I rise in support of H.R. 785 to rename the Southern Piedmont Conservation Research Center in Watkinsville, GA after a great pioneer in Georgia agriculture, J. Phil Campbell, senior.

James Philander Campbell was born in Dallas, GA on March 2, 1878. He grew up on a farm and, at the age of 17, began teaching school. At a young age, J. Phil Campbell, senior fought for and helped to secure legislation to authorize agriculture instruction in Georgia's rural schools. In 1907, he spent 6 months traveling throughout the State, advocating for the creation of district agriculture schools and a State college of agriculture. All of this was done before he turned 30.

Between 1908 and 1910, Mr. Campbell served as the first farm extension supervisor to the Southeast region. This was done before passage of the Smith-Lever Act in 1915, which created the Federal extension service.

In 1910, he began a career as the Georgia State agent for the U.S. Department of Agriculture. He also served on the staff of Georgia State University's College of Agriculture. During his tenure, he organized nearly 13,000 Georgia children in corn and canning clubs and 5,000 Georgia farmers into farming demonstration work. These efforts were done under the supervision of Dr. Seaman Knapp at the U.S. Department of Agriculture.

During this time, Mr. Campbell also served as the Director of Extension Work in Agriculture and Home Economics. In 1933, he took a leave of absence to assist the agriculture adjustment administration in its cotton belt crop replenishment division. After 1935, he was elevated to a Federal position in the Roosevelt administration as Assistant Chief of the Soil Conservation Service in the USDA. He served in that capacity until he died in December 1944.

In addition to his clear record of accomplishment in education, Mr. Campbell was also extremely interested in agriculture research and maintained close ties with the agriculture experiment stations in Georgia. He was integral in the creation of the Southern Piedmont Conservation Research Center and in choosing its site just outside of Athens and the University of Georgia. When funding for the center was threatened in its first year, Phil Campbell fought to keep the center open and secure its line of funding. It exists to this day on Experimental Station Road in Watkinsville.

Mr. Speaker, given the great contribution Mr. Campbell made to Georgia and the Nation, I urge my colleagues to support H.R. 785.

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

Mr. Speaker, I rise in support of H.R. 785. I want to thank my colleagues from Georgia for their work in this effort. Mr. CAMPBELL was certainly a driving force in the agriculture community in their home State of Georgia, by the way it is also my home State, as well as on the national level.

With his work in extension and research activities as well as his distinguished service at the Soil Conservation Service during the Roosevelt administration, it is appropriate that this facility in Watkinsville be renamed in his honor.

Again I thank the gentleman from Georgia [Mr. NORWOOD] for his bipartisanship and his effort in bringing forth this legislation, and I urge its passage by this House.

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

Mr. SMITH of Oregon. 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 Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 785.

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.

## GENERAL LEAVE

Mr. SMITH of Oregon. 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 just passed.

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

There was no objection.

## ANNUAL REPORT OF DEPARTMENT OF TRANSPORTATION, FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure:

*To the Congress of the United States:*

As required by section 308 of Public Law 97–449 (49 U.S.C. 308(a)), I transmit herewith the Annual Report of the Department of Transportation, which covers fiscal year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 8, 1997.*

## REPORT OF DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce:

*To the Congress of the United States:*

In accordance with section 540 of the Federal Food, Drug, and Cosmetic (FDC) Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1995.

The report recommends the repeal of section 540 of the FDC Act, which requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Center's Home Page Internet Site, and other publicly available sources. Agency resources devoted to the preparation of this report should be put to other, better uses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 8, 1997.*

## ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY, FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

*To the Congress of the United States:*

Pursuant to the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 13th Annual Report of the National Endowment for Democracy, which covers fiscal year 1996.

The report demonstrates the National Endowment for Democracy's unique contribution to the task of promoting democracy worldwide. The Endowment has helped consolidate emerging democracies—from South Africa to the former Soviet Union—and has lent its hand to grass-roots activists in repressive countries—such as Cuba, Burma, or Nigeria. In each instance, it has been able to act in ways that government agencies could not.

Through its everyday efforts, the Endowment provides evidence of the universality of the democratic ideal and of the benefits to our Nation of our continued international engagement. The

Endowment has received and should continue to receive strong bipartisan support.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 8, 1997.*

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 3 o'clock and 24 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1715

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GUTKNECHT] at 5 o'clock and 16 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, 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. 28, by the yeas and the nays;

H.R. 1000, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## RURAL MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE EXTENSION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 28.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the bill, H.R. 28, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 397, nays 14, not voting 21, as follows:

[Roll No. 72]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
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)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
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
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
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
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
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
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
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
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
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
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
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—14

Coburn
Hoekstra
Hostettler
Manzullo
Neumann
Paul
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Sensenbrenner
Souder
Stump

NOT VOTING—21

Andrews
Ballenger
Bryant
Carson
Etheridge
Filner
Gutierrez
Hall (OH)
Hefner
Hinchey
Istook
Kaptur
Kilpatrick
McCarthy (NY)
Pomeroy
Schiff
Stark
Torres
Towns
Velazquez
Watts (OK)

□ 1736

Messrs. HOEKSTRA, SCARBOROUGH, SALMON, and ROYCE changed their vote from ''yea'' to ''nay.''

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

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## PREVENTING PRISONERS FROM BEING CONSIDERED PART OF HOUSEHOLD UNDER FOOD STAMP ACT OF 1977

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1000.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1000, on which the yeas and nays are ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 73]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
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
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
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
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
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
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)
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
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
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
Schumer
Scott
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
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—23

Andrews
Ballenger
Berman
Bryant
Carson
Ehlers
Etheridge
Filner
Gutierrez
Hall (OH)
Hefner
Hinchey
Istook
Kaptur
Kilpatrick
McCarthy (NY)
Mollohan
Pomeroy
Schiff
Stark
Towns
Velazquez
Watts (OK)

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–45) on the resolution (H. Res. 107) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extension of Remarks.]

## CONGRATULATING HANNIBAL, MO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I would like to congratulate a vibrant city in the Ninth Congressional District of Missouri, Hannibal, MO, for its selection to the semifinals of the National Trust for Historic Preservation 1997 Great American Main Street Awards.

The Great American Main Street Awards recognize exceptional accomplishments in revitalizing America's historic and traditional downtowns and neighborhood commercial districts.

Hannibal, MO, has demonstrated a very active public and private participation in this revitalization process. It enjoys broad-based community support, success in boosting the economy and, more importantly, preservation of the uniquely historic buildings.

Mr. Speaker, the goal of the Hannibal Main Street Program is a revitalized program area. The Hannibal Main Street Program has continued to promote economic development within the context of historic preservation. It has established a strong partnership with others in the community to create a wide range of support. The Hannibal Main Street Program has a contract with the city for professional services. In addition, both the public and private schools provide a volunteer work force for downtown cleanup days. Service clubs donate time and supplies, sponsor festivals and parades as well as providing volunteers. A number of local financial institutions participate in low-interest loan programs. This truly is, Mr. Speaker, a community that comes together.

In just 6 years, Hannibal Main Street has had a significant, positive economic impact. It has experienced a net gain of 103 new businesses as well as 414 new jobs created. Building sales have skyrocketed and the number of vacancies has plummeted just in the last couple of years.

Mr. Speaker, many of us in this Chamber might recognize Hannibal as the home of the American Classics author, Mark Twain. To some, Mark Twain and Hannibal, MO, are inseparable. To the lovers of Mark Twain, Hannibal has become a shrine. Thanks to Hannibal Main Street, all families across America will be able to continue to experience Mark Twain and his history through Hannibal's historic preservation and economic revitalization.

I am here today, Mr. Speaker, to salute the residents of Hannibal, MO. It is cities like Hannibal that represent the best that America has to offer.

Congratulations, Mr. Speaker, and to Hannibal, MO, on a job well done.

## TRIBUTE TO DR. DEBRA PHILLIPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Dr. Debra Phillips of Golden, IL. Last month, Dr. Phillips was named the Illinois Rural Health Practitioner of the year by the Illinois Rural Health Association. Dr. Phillips received this award in recognition of her outstanding care, involvement in the community and her lasting contribution to the rural health care system in Illinois.

Raised in rural southeast Iowa, Dr. Phillips knows the benefit of rural health care providers. After finishing her undergraduate and medical education at the University of Iowa, Dr. Phillips did her residency in family practice. In the late 1980's, Dr. Phillips developed a model practice for a rural area. Working with Southern Illinois University and Blessing Hospital in Quincy, IL, which I visited last week, she helped to create the East Adams County Rural Health Clinic in May 1991. Today this clinic serves a rural population of 7,200 people. Since the nearest hospital is 30 miles away, this rural clinic is vital to the health and well-being of many people. I am very happy to report that Dr. Phillips still spends half her time caring for patients at this facility. In addition, she is the Associate Professor of Clinical Family Practice at the SIU School of Medicine, where she is also the Associate Director of the Quincy Family Practice Center residency program.

There are 15 current physicians in this residency program. Dr. Phillips also spends a considerable amount of time teaching resident physicians and medical students in the area of rural health care. She has been influential in helping to promote rural health and encouraging physicians to practice in rural areas. Additionally, Dr. Phillips is a medical director of three nursing homes in rural Adams county and even practices medicine out of her farmhouse after hours.

□ 1800

As if that was not enough, Dr. Phillips is married to Duane Phillips, and the mother of two children, 9-year-old Katherine and 6-year-old Jacob.

I would like to take this special opportunity to recognize Dr. Phillips for her tireless work and congratulate her for receiving this award. I look forward to her advice and counsel as we move forward in addressing rural health care issues. But most of all, I would like to thank Dr. Phillips for her dedication to the rural residents of Illinois.

## TRIBUTE TO WEST WINDSOR TOWNSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, today I join with the people of West Windsor Township, NJ, in celebrating the township's bicentennial. It was on this day 200 years ago the New Jersey State legislature divided the township of Windsor, which was once a part of the William Penn land grant, into East and West Windsor.

At the time West Windsor was part of Middlesex County, but in the 1830's West Windsor was again divided, taking about 8 square miles away to form a part of what is now Princeton Township. After the Revolutionary War, the township became part of Mercer County, which was named in recognition of General Mercer, a Revolutionary War hero.

As we look back on the past 200 years, we discover that West Windsor has been home to some significant occurrences in our Nation's military history. The turning point in the Revolutionary War, the Battle of Princeton, which became the Battle of Trenton, was fought in West Windsor Township. Years later during World Wars I and II, it was the agricultural products of the township, its fruits and vegetables, that were sent to Fort Dix to feed our troops.

A great deal has changed in West Windsor over the past 200 years. The dreams and spirit that once fought a war are helping to lead the township into the new century. Today the township of 27 square miles is home to many high-tech businesses.

West Windsor continues to grow and thrive as a community of new residents and businesses and industry. Just recently Raytheon chose West Windsor as the location for its engineering division. Raytheon will join NycoMed, Berlitz, LogicWorks, and Bristol Myers Squibb as companies that have chosen the township as their place of business. These businesses, like its people, continue to be on the cutting edge.

But even as West Windsor continues to move toward the future and corporations continue to choose it as their home, the township remains committed to preserving its past. While many communities in America struggle between the desire to entice businesses and a willingness to preserve open space, West Windsor has certainly found a balance.

The town has worked hard to maintain the quality of life and the environment of the community. Forty percent of all the land in the township is designated as nonbuildable open space. I am told that Mayor Tom Frascella's goal is to increase the percentage of open space to 50 percent. It is the people of West Windsor over the years, its service organizations and elected officials, that have been responsible for the current growth and prosperity that the township enjoys.

It is not surprising that in all that has happened in the past, and in recognition of the positive direction that they are headed for in the future, New Jersey Monthly Magazine recognized West Windsor as one of the 15 best communities in New Jersey, and Philadelphia Magazine also recognized the township as one of the 15 best communities in suburban Philadelphia.

Over the coming months West Windsor has a number of events planned to celebrate its bicentennial. Shows, festivals, concerts, and parades will run throughout the year. I applaud the efforts of the dedicated volunteers, elected officials such as Mayor Frascella, and the local business owners that are committed to sharing the past and preserving the future of this town. Their pride and optimism for the future is what sets West Windsor apart.

I am proud to represent this community in the U.S. Congress. If the next 200 years are anything like the first 200 years, we can expect to continue to see great things from this Mercer County community. Congratulations to the people of West Windsor Township.

## RAISING TAXES WILL NOT HELP AMERICA'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, earlier this morning I heard many floor speeches from people on the other side of the aisle talking about how much they love children and how they want to create a new layer of bureaucracy and raise more taxes on the American people to help children.

I found this to be very interesting, to say the least, considering that these same people that have been so interested in helping children across this country have over the past 40 years accumulated a $5.6 trillion debt. In the name of helping children and helping farms and helping businesses, actually what they have done is, they have put us in a position where our children's future has been mortgaged at a $5.6 trillion price tag.

A lot of people ask, in my town hall meetings, what does this really mean? How much is $5.6 trillion? And this Easter, as I was going across the district, I decided to give them this example:

If you made a million dollars every day, from the day that Jesus Christ was born 2,000 years ago, a million dollars every day for 2,000 years, you would not make enough money to pay off our Federal debt. If you made a million dollars every day for the first 2,000 years and then made a million dollars every day from today until the year 4000 A.D. and added all that up, you still would not have enough money to pay off our Federal debt. In fact, you would still be $1.6 trillion short.

Now, that is the debt that we are passing on to my 9-year-old boy, my 6-year-old boy, and to future generations, and yet we still have more liberals saying we need to tax more, we need to spend more, we need to create bureaucracies to help the children. The fact is that we are actually stealing money from their pockets.

Their argument comes down to this. They love children so much that they

are going to steal more money from children to help children. I just do not follow that.

Now, what will it mean to our children 20, 30 years from now if we continue to tax and spend just at the level that we are taxing and spending at now? Forget about new programs that they are proposing, but what if we just stay on the path that we are on right now?

Well, Senator BOB KERREY, who had a great Commission on Entitlements, ended up recognizing that our children 30 years from now would be paying a tax rate of 89 percent. Eighty-nine percent. What that means is that for every dollar my boys make 20 years from now, they are going to have to pay 89 cents of it to Washington, DC; 89 cents out of every dollar they earn will go to Washington, DC, in Federal taxes.

And yet these same people who are supposedly defenders of children are saying they are going to pay for this kiddie care, this new program, by raising taxes more. I guess the past is prologue. Tax and spend, tax and spend, tax and spend, tax and spend. It is all they know. It is all they have ever known. It is all they will ever know.

They can wear children's ties, they can come on the floor and talk about how much they love kids, they can talk about how much they love my boys and your children and your grandchildren by starting these new programs, but the one thing they cannot do is, they cannot erase the fact that they have already bankrupted future generations, and they want to come back for more and more and more and more.

We are $5.6 trillion in debt. That is an unmistakable fact. Nobody can shake their heads on that and say it is not so, because it is. We are $5.6 trillion in debt. Democratic Senator BOB KERREY tells us our children are going to be paying 89 percent in taxes 20 years from now.

We either take care of the problem today or we selfishly leave our children with an America where it is impossible to pursue the same American dream that my parents and my grandparents left for me. My late grandfather worked through the Depression to keep his family afloat. He served in World War II, the Korean War, and gave his life so I could pursue the American dream. That is the least that I can do for my children.

## STATE OF SOUTH DAKOTA IS DECLARED A MAJOR DISASTER AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. THUNE] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, the State of South Dakota has endured floods, we have endured blizzards, we have endured high winds, ice storms and power outages, and right now we are enduring all of the above simultaneously. It is one of the most savage and bizarre examples of bad weather that our State has ever seen, and yesterday the President declared South Dakota a disaster area.

I think everybody at home would agree with that declaration. In fact, it makes official what we in South Dakota have known for a good long time, and that is that we are facing an enormous disaster.

Now our State is eligible for individual assistance; 44 of the 66 counties are eligible for public assistance, as well. Through all this, the people in our great State of South Dakota have shown themselves to be loyal, hardy, generous, and courageous. I think it speaks well to the pioneer stock from which we come, the spirit that they have shown, neighbor helping neighbor.

I have been in my State and had the opportunity to see firsthand the devastation that has been wreaked by these storms. The city of Watertown, 50,000 people evacuated. Many homes will not receive power. The power has been shut off and the utilities have been shut off. They may not receive water for 6 weeks time.

Little town of Leola, S.D., power went out on Sunday. They have been without heat and water for 2 days and they have had to rely upon each other. Each morning they wake up praying for heat while they face another day of cold.

We have seen repeated examples, countless examples throughout our State. The little town of Lemmon, which received 24 inches of snow, and with the snow and the winds, 60-mile-an-hour winds on Saturday, lost all their power and the only way they could get around was with 4-wheel-drives.

We have seen the damage to the infrastructure in our State, the road system. Nineteen State Highways are underwater. U.S. highway 281 in the Redfield area is under 12 feet of water.

So we have some enormous challenges when it comes to repairing the damage that has been done to our infrastructure, our agricultural producers, who have already received and experienced unprecedented damages to their livestock herds. The question of spring planting is in serious doubt. Our ranchers who have gone through the blizzards of winter, now as calving season comes around have to deal with the spring weather and trying to get their calf crop to come through in spite of the conditions that surround them.

These are the types of things that have been happening in my State. In the last 2 weeks I have had the opportunity to view it firsthand, and I want to credit the administration, the President, for recognizing the needs, for declaring South Dakota, the Dakotas, a disaster area. I would hope that as we can make our way through all this, that as we look to each other, and we have seen countless examples of the Dakota experience, it has been no aberration.

I recall my father telling me as he grew up in the Depression-era days of the 1930's what it was like to have to undergo extreme weather circumstances that strike at the very heart of our livelihood. So in this particular year we hope that we can get through it. We appreciate very much those from around our country who have recognized the need, have been there to help.

I have invited the Secretary of Transportation to come out to look at our roads and our bridges, our infrastructure, and to see the destruction firsthand. The severity of the problem cannot be contained, and we have asked the rest of the Nation to recognize the need that is in my State of South Dakota, in North Dakota, surrounding States, and to help us find the resources that we need to get through this.

As we do that, I am certainly hopeful that as we go through the process of balancing the budget, and frankly, Mr. Speaker, if we were able to balance our budget, we would have about $245 billion more in interest payments that we make that we could dedicate to this important cause. So we recognize the need for fiscal responsibility in this country but also the need to help those who cannot help themselves.

We are very grateful that our Nation has banded together and has recognized the extreme circumstances and weather conditions we are having in South Dakota, and I want to credit my people, the folks in my home State who have weathered this storm, continuing to show the incredible spirit, the incredible fortitude for which we are known and for which we continue to survive.

Mr. Speaker, the great State of South Dakota has endured floods, we've endured blizzards, we're endured high winds, ice storms, and power outages. But right now we're enduring all of the above simultaneously. It's one of the most savage and bizarre example of bad weather seen in South Dakota in the last 500 years.

Yesterday, the President declared the State of a major disaster. Everyone at home agrees wholeheartedly with that assessment and I would like to thank the President at this time for recognizing the scope and severity of our problem. South Dakota is now eligible for individual assistance. The President has also made 44 of 66 counties immediately eligible for public assistance, all of which is greatly needed.

I'd like to take the next few minutes to explain why. I'd also like to take this opportunity to show the Nation the kind of people I'm here to represent.

Throughout this disaster the people of South Dakota have shown themselves to be loyal, hardy, generous, and courageous. They've shown the mettle of the pioneers stock we spring from. They've shown that it takes more than blinding snow, rising water, snapped power poles, and freezing temperature to keep neighbors from helping neighbors. So for the next few minutes, I'd like to show you all the devastation Mother Nature is creating in my State, and the courage South Dakotans are using to face her.

Places I've been and people I have seen—Mr. Speaker, on the recent 2-week break I

had an opportunity to witness firsthand the efforts South Dakotans were making in anticipation of the flood. Thanks to the spirit and fortitude of our State's leaders, important efforts to prevent serious damage were initiated weeks in advance of the terrible recent events. The Governor has done an excellent job of coordinating State, Federal, and local efforts to control flooding. Unfortunately, some of these efforts failed.

James River Valley—including dikes built in the Aberdeen area; Huron; Mitchell; Yankton. In Mitchell, I visited with Shawn and Darcie Winthers who run Sioxland Camp. And their father Don McLean. High winds had blown the roof off of a dormitory there. In Pierre, I met with city officials and with the Southeast Pierre Homeowners Association. Approximately 200 homes have experienced flooding conditions. The city has worked with the Army Corps of Engineers to build a dyke to help divert an overflow of water out of this neighborhood. Watertown—spoke with Mayor Brenda Barger today where at one point 5,000 people were forced to evacuate their homes and take up temporary residence with friends, in hotels, and in even in a public exposition building.

PEOPLE PERSEVERING

Leola—The power went out Sunday at 1:00 a.m. They lost water Sunday night at 8:30 p.m. They've been without heat and water for 2 days. They wear stocking caps, mittens, and winter jackets to bed as they try to fall asleep under the bulk of six or seven blankets. The temperature fell to 15 below last night. Every morning they wake up, praying for heat while they face another day of cold.

During the day, people gather at the local fire hall where a generator provides the communities only heat. They're pumping water from the fire truck to take care of basic needs. The local cafe is staying open during this disaster so people can eat. The cafe has a propane grill and it's the only place in town where you can get a warm meal and a hot cup of coffee.

Watertown—5,000 people were forced to evacuate their homes in the midst of a raging blizzard. It will be days or even weeks before people are able to get into their homes, look at the damage, dry things out, make repairs, and move back in. In the meantime, they're living with friends, relatives, in hotels, and in shelters set up in the local county ag building.

Lemmon—In Lemmon, SD, they got 24 inches of snow and had 60-mile-an-hour winds on Saturday. That's also the day they lost their power. Volunteers used snowmobiles, pay loaders, and four wheel drive vehicles to move the snow and move people trapped in freezing homes.

The mayor told me they came to the home of an 89-year-old woman. They asked her if she could ride a snowmobile. She said sure she could ride a snowmobile, though it would be the first time she'd ever done it. People were taken to the nursing home and the local fire hall were a generator created heat. Others were taken to private homes with wood-burning stoves. Neighbors took in neighbors to make sure everyone had shelter from the storm.

TRANSPORTATION QUICK FACTS

Yesterday, I invited USDOT Secretary Rodney Slater to survey damage to the State's transportation infrastructure. He has yet to get a response from Slater, but is hopeful that the Secretary will take him up on the invitation.

Highways—As of this morning, 19 sections of State and U.S. highways were deemed impassable and closed to traffic. Several other roads have water flowing over their surface. One stretch of U.S. 281 just south of Redfield near Tulare was under 12 feet of water.

SDDOT expects to give notice of intent to apply for Emergency Relief [ER] funds this week. Inspections by FHWA, SDDOT officials will get an assessment of damages to roads and bridges. Those surveys will be turned in to FHWA to determine the level of assistance. ER funds can be used for Federal aid highways and bridges. FEMA funds can be used for local roads and bridges that receive no Federal funds.

In Redfield, flooding has restricted access from many directions. A portion of U.S. 281 south of the town is under 12 feet of water.

The winter blizzards escalated fiscal year 1997 highway maintenance costs to $25.7 million. The State budgeted $5.2 million. FEMA thus far has provided $3 million to the State. The proposed temporary increase to the State gas tax would have generated between $15 and $16 million.

Rail, Air and Transit—DM&E and several areas of the State-owned line have been washed out by flooding. In Sioux City, State-owned line used by BNSF, 900 feet of track was buried by 20 feet of soil that slid off of a bluff. In 1993, $1.6 million was provided for rail assistance as a result of flooding. Figures for this year are not yet available. Several small airports may need assistance as a result of flooding and excessively cold temperatures.

AGRICULTURE

Ranchers are braced to take some heavy livestock losses, especially among newborn calves. This latest blizzard hit right at calving time.

Longtime rancher, Bud Jones from Caputa, SD, said he has lost an undetermined number of new calves when winds—estimated at 50 to 70 mph from Wyoming across western South Dakota—chilled calves already soaked by rain that turned to heavy wet snow.

On top of that, more than 20 yearlings died trapped in a deep snow drift along South Dakota Highway 44. That's just what shows sticking out of the snow. It could be a week or more before the drift melts and reveals what lies buried underneath.

Bitter winds have compelled some cattle to quit good shelter and drift into water holes to stand in deep slush and suffer hypothermia.

It is too early to estimate the effects this will have on spring planting, but it is safe to say our spring crops are in jeopardy—it is too wet to plant anything.

ELECTRICITY

This disaster is a giant disaster made up of many smaller catastrophes.

The storm started with rain on April 4. Late on the 5th that rain started to freeze. Then the wind started gusting to over 60 miles per hour. Mother Nature whipped the frozen lines until they swayed and snapped and poles broke in half and toppled.

To make matters worse, a blizzard blew in after the rain. It wasn't safe to stay home because there was no heat. It wasn't safe to go out because of zero visibility on every road and highway. Then the flood waters started to rise.

Given all these problems it's impossible to say when power may be restored again.

Dedication and perseverance are the only tools that work under the circumstances. The downed lines are mired in snow, mud, and water. Only four wheel drive vehicles can navigate the mud.

Some people may be waiting in the cold until this weekend before temperatures are restored. Thousand of people are waiting by their grandparents old kerosene lamps for the return of heat and light. Approximately 1,500 people lost power in the community of Wakpala; 25 South Dakotans lost electricity in the city of Cam-Wal; and 700 people were without power in the town of Long Lake.

These are just South Dakota rural electric customers. All across the State, South Dakotans are making do, waiting for the power to be restored.

CLOSING

Although flood waters continue to saturate our State with misery, our citizens are holding together. The Dakota spirit is no aberration. Though frigid and soaked to the bone it is unmistakably clear during these trying times. Every day neighbor helping neighbor endure hardship—neither knowing which needs help the most.

I think of the stories I've been told about the Dirty Thirties—about the devastation the drought unleashed upon the Midwest. People who had lost all hope found that it was faith that would get them through. Many South Dakotans find themselves in similar situations today. They are finding their faith provides the only solid foundation to be found.

I have witnessed the destruction first hand. I have observed children and grandparents working side-by-side attempting to restrain the forces of nature. They are doing everything they can, but those efforts haven't always been enough. The severity of the problem cannot be contained. That is why South Dakota and our neighbors must come to the rest of the Nation—to ask them to do for us, that which we cannot do for ourselves. It is our job here in Washington to look at our resources and find a way to meet those most urgent needs.

The Federal Government has limited resources. I am convinced we can find the means to address our most urgent spending priorities.

## FEDERAL GOVERNMENT NEEDS TO BALANCE ITS BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, yesterday I drove over to Cousin Artie and Rebecca's house to pick up my daughter Anne, who had walked to their house after ballet. Anne's first cousin and best friend is Arabella Hadwin. And Arabella came out; she was wearing an Indian costume. Kind of leather. Actually, fake leather with frills on it. It had Pocahontas's picture on it.

So I said to 6-year-old Arabella, ''Arabella, do you know today is Pocahontas's wedding day?''

□ 1815

She looked at me, and I could tell in that little 6-year-old mind she was

thinking, and she said, ''She's dead.'' And I said, ''Well, you're right, Pocahontas is dead, but this is the day that she got married on a long, long time ago, many years ago.'' Then Arabella said, ''Oh, you mean she got married on Monday?'' And I said, ''Well, no, she really got married on April 7.''

But it is funny how kids interpret things when we talk to them. You never quite know when they are listening or how they are listening and so forth. But I enjoy talking to children, I enjoy talking to small kids and to seniors in high school and college kids and so forth. One of the things I often ask small kids in schools, ''How many of you have an allowance?'' Inevitably half the class has an allowance. ''What do you make?'' Two or three dollars a week. Some of them make $5. Some of them are well-heeled, I guess, they make $10 a week. I said, ''Let me ask you this. You make $10 a week, how much do you spend?'' And they always kind of giggle, ''Well, I spend a little bit of it but my dad and mom like me to save some so I don't spend all of it.''

''Let me ask you this. You make $2 a week; do you ever spend $2.10?'' They look at me like I am crazy. ''Do you ever spend $2.25?'' ''No.'' ''Do you ever spend $2.50?'' At this point they know I am crazy, and they are wondering what the heck is this guy talking about. I say, I am your Member of the U.S. Congress. Did you know that the U.S. Congress also has an allowance? We call it tax revenue, and we get a certain amount a year; sometimes it is about $1.3 trillion. But do you know what we do? We grownups, we professional men and women who are paid to represent you and spend your money, we spend more of that allowance than we make. You send us $1.3 trillion and we spend $1.5 trillion. It seems to be the case, Democrats or Republicans, we overspend.

These kids cannot believe it. These kids, who have such innocent faces and such belief in mom and dad and the United States of America look at me in disbelief. Why would you spend more money than you bring in? Why would you spend more than your allowance? How can you spend that? And then we talk about the national debt and it is a very real problem. It is not something that, well, this is an amusing story to talk about my niece Arabella. This is truth. This is reality. When Members of Congress go out and they try to be the big mom or dad spending all the money, expanding social programs, talking about we need this for the United States of America, they are not spending their own money, they are spending little children's money. I see today in the gallery some children. Guess whose tab they will be picking up in the future?

Our debt, Mr. Speaker, right now is $5.1 trillion. Let me give the definition of $1 trillion. Shaq, the famous basketball player, Shaquille O'Neal, makes $30 million a year. Do you know how many years he would have to play to make $1 trillion? Thirty-three thousand years, just to make $1 trillion.

Another definition. If you have a boxcar full of thousands of dollar bills crammed to the top, you have $65 million in the boxcar. Do you know how long the train would have to be, Mr. Speaker, to get to $1 trillion? The train, with boxcars of $65 million each, would have to be 240 miles long to get to $1 trillion. And we, the big spenders in Congress, have left a debt, are looking at a debt right now of $5.1 trillion. Yet the sad thing is we still have deficit spending. We still are spending more of our allowance money than we bring in. The children of America will be picking up this money. It will take years and years to pay down this debt.

But the first step is to balance the budget. We have not had a balanced budget since 1969, which, as you remember, was when Woodstock was the big thing and everybody wanted to get out of Vietnam and Richard Nixon was President and the ''Mod Squad'' was on TV. That is how long it has been, Mr. Speaker. The time is now to stop this. This Congress, this year, let us pass a balanced budget and get on to save the United States of America for our children.

The SPEAKER pro tempore (Mr. GUTKNECHT). 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.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BONO] is recognized for 5 minutes.

[Mr. BONO. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

## TAX EQUITY FOR INDIVIDUALS AND CORPORATIONS

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 as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, today is April 8. We are just 1 week away from April 15, the tax day that is dreaded by most Americans. In the past, my colleagues on the other side have talked about taxes and the need to lower taxes for American families. I am one Democrat on this side of the aisle that agrees with those who want to lower taxes for American families. I agree with any of my colleagues, whether they are Republicans or Democrats, if they want to lower taxes for families and for individuals. We need to lower taxes for families and individuals in the United States. At the same time, we need to have a fair taxation policy which balances off our revenue-gathering operation by raising the taxes on corporations that have had their taxes lowered a great deal.

The problem is that we are taxing families and individuals too harshly. Families and individuals are paying too much because corporations are paying too little. We need to maintain certain services. We need to maintain certain functions of Government. I am all in favor of downsizing Government, I am in favor of Government getting smaller, but there are certain basics that must be paid for and we must tax in order to do that. So let us not oversimplify and determine that we can lower taxes all over the place. We need to balance off our revenue-gathering operation by guaranteeing that corporations pay their fair share.

For example, in 1943, and I have said this before, corporations were paying almost 40 percent of the total income tax burden in this country, in 1943. Twenty-seven percent of the total income tax burden in 1943 was paid by individuals and families. That is quite a difference. Corporations, as we see, were paying the greater amount. In 1983, however, the amount of taxes being paid by corporations under Ronald Reagan's administration fell to as low as 6 percent, from 1943's high of 40 percent to 6 percent in 1983. That is what happened to corporations in terms of their share of the income tax. At the same time that corporations fell, went down from this 40 to 6 percent, individual and family taxes rose from 27 to 48 percent. There was a swindle there somewhere that the American people really were not aware of. Corporations went as low as 6 percent. Today corporations are still paying only 11 percent of the total tax burden.

Individuals went as high as 48 percent in 1983. Individuals and family taxes are still up there at 45 percent. We have a gross inequity. The share of taxes paid by corporations is only 11 percent while the share paid by individuals and families is over four times that amount, 45 percent.

U.S. tax policy must be reset. Corporations must pay their fair share. And the special interest tax loopholes must be closed. In America, the richest country in the world, it is unspeakable that our families are forced to bear the brunt of the burden of taxation.

What we need to take a close look at is how corporations got from 40 percent of the income tax burden down to 6 percent, and now are at 8 percent. What happened? Public policy made by Members of Congress. The Members of Congress did that to individuals and to

families. They raised the taxes on individuals and families while they were lowering the taxes on corporations.

Some people, of course, will contend that corporations should not pay any taxes or that rich people should not pay taxes greater than poor people or corporations or entities which generate profits for rich people; therefore, we are only persecuting the rich. Well, I am not going to get into all the theories of taxation, but I think that those who have the most benefit the most from Government, those that have the most gain the most from our military, our Army, our Navy, our Marines. It is all there to defend what we have, and those that have the most to defend certainly ought not be reluctant to pay a greater share of the tax burden: Those who own the most, those who have most at stake.

If our society were to collapse, let us say we are not facing any threat from any outside force, we do not need the Army, the Navy, and the Air Force to protect us, the danger is not there. The danger may come from somewhere within. If the society structure collapsed, if there were no law and order, no rules and regulations, then who would lose the most? The people who are the greatest beneficiaries of law and order, of Government, of codes, of laws, they are the ones who are the richest, they would lose the most. This is not a far-fetched example or not a far-fetched statement. Take a look at the Soviet Union if you want to see a failed society. In modern times you had a society totally collapse, not as a result of any outside force. The Soviet Union was not conquered by an outside power. The Soviet Union collapsed from within. And the total of that society, the great majority of the people were losers as a result of a collapse of what they had and the failure to rebuild anything else even until today.

One of the big problems in the Soviet Union right now is that they cannot collect taxes. The big problem right now is that the Government makes a budget, the Government makes policies, and the Government cannot pay the pensions of the people who deserve pensions, the old folks who I guess they would be receiving it in the Soviet Union, it is not the Soviet Union now, it is Russia; in Russia they will be receiving the equivalent of Social Security. They do not make the Social Security payments on time. In fact, they are 3 and 4 months behind on making Social Security payments and pensions to workers and other equivalents of Social Security payments. The amounts are very small, so you have people literally starve as a result of not being able to receive their money that is due them from the government because the government is collapsed.

Despite the fact that they have a semblance of a government, one of the big things they have not been able to do is to collect taxes. The reason they cannot pay workers who have government jobs on time, they cannot pay the army, even their military is paid late, they cannot pay the people who are due their pensions, they cannot maintain their public facilities like hospitals, because in the collapse of the society, they have not been able to get back to the point where they can generate enough revenue to pay for the cost of running the society. It would be a terrible thing if in America we suddenly could not collect taxes, if people just decided they are not going to pay their taxes, the government cannot go and collect taxes. That would be a terrible thing, I think we would all agree.

I suppose that most of the people listening to me think that is an absurd notion. How could that ever happen? Americans are obedient people who care about their government and they care about the law. We do not care about the IRS. Nobody likes to pay taxes, nobody is going to pretend that they enjoy paying taxes, but by and large Americans pay their taxes, especially middle-class Americans, especially low-income Americans. I would suggest to anybody who wants to see who the IRS works with most, go to any tax office in the area where people have been summoned down, summoned down to negotiate or discuss or to be told about the need for them to pay some more taxes, something was wrong or something is being challenged. I have been to those offices a few times and I am always surprised that they are filled up with people who are obviously poor. The poorest people are always in the Internal Revenue offices waiting to have something ajusted, waiting to have the summons explained to them, and they usually end up having to find some way to pay the small amount of taxes that they owe, relatively speaking, sometimes quite small in terms of our global economy, in terms of the income made by middle-class people, but it is a large amount for a poor person to have to pay; but they are there, and they comply with the law. The middle class complies with the law.

I do not know which President said it, whether it was Nixon or Reagan, but there was a memo issued by one of the Presidents at the time when the Internal Revenue was having some problems with the staff and they wanted to show that they did not need more staff, I think, they said that Internal Revenue should not waste so much time with corporations and the very rich.

□ 1830

They required a lot of time. You have to negotiate with them. You have to chase them down. You have to figure out very complex sets of books and records.

They said, ''Go after the middle class. You ought to improve tax collection, going to bring the money in. Go after the middle class. They are obedient, they are compliant, they are patriotic.''

So the middle class pays its taxes, and I am sure that the same thing applies to poor people.

You know, my father very seldom had to pay taxes. He always filed the form though. My father never worked on the job where he earned more than minimum wage, and he had eight children. So eight children and the deductions for that plus minimum wage, and often he was laid off during the year. It was a very difficult life, I assure you. Minimum wage at that time was quite low and still is relatively speaking. So we never had to pay taxes. We had to file a form. He was always terrified to make certain that the form got filed on time.

The law impresses poor people, uneducated people, a great deal. They do not want to disobey the law no matter what the stereotypes might lead you to believe. The people who have most respect for the law, and there is fear involved in respect too, you know, are the poorest people. So they never disobey. If you go to one of those tax offices where people are sitting waiting to deal with their tax problems, you will see not the wretched of the Earth, but the anxious of the Earth. Some of the most anxious people in our society will be there and they are not middle-class professionals and they are not rich people, but they are poor people.

So it is a serious matter. April 15, a serious matter in 80 percent of the American households, taken very seriously.

I am sure that any American citizen would be appalled at the notion that there are certain people who blatantly refuse to pay their taxes, certain powerful people in powerful places in powerful institutions who just refuse to pay their taxes. They disobey the Internal Revenue Code. I think most Americans would be appalled if I said that they do it and nobody challenges them. IRS, that pursues some of my poor constituents for a few hundred dollars, has not bothered to pursue certain corporations that blatantly refuse to obey the Tax Code.

What am I talking about? Well, I was here a few weeks ago to introduce a letter that I had written to the Internal Revenue Commissioner. I wrote this letter and I circulated it and I talked to my colleagues about it, and I think we have about 30 Members of Congress who have signed this letter to the Internal Revenue Commissioner, the Honorable Margaret Milner Richardson.

Now I heard Ms. Richardson is leaving after the tax season is over. She is resigning, but she is still there. So we addressed the letter to Commissioner Richardson.

Now that was February 12, 1997. You know March 12 has come and gone. That is a month. Now April 12 is approaching. That will be 2 months, and the Commissioner of Internal Revenue Service has not bothered to answer 30 Members of Congress. We sent her a letter which reads as follows, and I will just tell you what it is about. It is about sections 531 to 537 of the Internal Revenue Code. We want to know from

the Commissioner of Internal Revenue, who will not let most Americans get away with more than a single dime out there—they will chase down people who owe taxes, and that is the way it should be. I mean we got a law, obey the law. It generates the revenue that runs the country. Nobody wants to be in a position where we contribute to the collapse of our country by disobeying the laws and having widespread disobedience that leads to the failure to collect the revenue we need to run the country.

So why does Commissioner Richardson allow certain corporations to disobey the law? Section 531 to 537, Internal Revenue Code, says simply that corporations in America are not allowed to buy back their own stock except for certain stipulated purposes. If they do not use it for reinvestment, to give stock options and certain things, they just buy back their stock and store it away, hoard it. It is illegal. The corporations are supposed to distribute the dividends of their profits and not use their profits to buy their own stock.

Now, they say that this originated because there were certain closely held corporations, family corporations, and they were avoiding the payment of taxes by buying back their own stock. That was where the idea originated, and for that reason the notion has been generated that this only applies to family corporations, closely held corporations, but it does not.

Congress made that clear in 1984. In 1984 Congress wrote in a statement in the Internal Revenue Code which says that this provision applies to all corporations. This provision applies to all corporations. Section 531 and 537 of the Internal Revenue Code applies to all corporations. It is very interesting that Congress said you cannot do this, it is against the law. But they did not say anybody would be put in jail. After all, you are dealing with America's powerful corporations, I guess, and they are not like the little guy out there who can go to jail for not paying his taxes. Corporations will not be put in jail; there is no penalty written into law. The law says they will be penalized though; the penalty will be a stiff one: 39.6 percent of the amount that you illegally buy back you must pay to the Government. That is a pretty stiff penalty; 39.6 percent is the penalty for buying back your own stock illegally.

Have they invoked that penalty? It could be that they have and we know nothing about it because the negotiations and the workings of the Internal Revenue Service are secret. They are confidential. So there may be corporations that have violated this law and been penalized and we do not know about it.

But we find a pattern, a pattern in corporate America, which says to us that they are not being penalized because many, many large corporations are buying back their own stock illegally instead of distributing them as dividends to the shareholders. They are buying back their own stock. The pattern is such that we know they are not being penalized. Why would they ask for a 39.6-percent penalty?

So we asked the Commissioner of Internal Revenue to tell us what is happening with section 531, 537.

Dear Commissioner Richardson: My colleagues in Congress who have joined me in signing this letter are very much concerned about a major loss of Federal tax revenues resulting from the failure of the Internal Revenue Service to apply against giant corporations the unreasonable accumulation of surplus provisions of sections 531 to 537 of the Internal Revenue Code. We believe that the IRS could and should immediately assess section 531 penalties on the more than $275 billion that America's largest corporations have spent to buy their own stock in 1994, 1995, and 1996. These penalties at 39.6 percent would total over $100 billion. Total buybacks by corporations are reported to have risen from $20 to $35 billion per year in 1990 to 1993 to $70 billion a year in 1994, just under $100 billion in 1995, and probably over $110 billion in 1996.

Stock buybacks by America's largest public corporations are all the rage these days according to the financial media. These enormous buybacks demonstrate that America's largest corporations are accumulating profits and earned surplus far beyond the reasonable needs of their businesses and in virtually every case they are paying dividends that are a small fraction of their earnings, often less than 20 percent.

For example, in the 2 years, 1955 to 1956, IBM earned about $9 billion or $21 plus per share. Now this amount is paid out in common dividends of only $1.4 billion, which is $2.80 per share instead of $21 per share. All of the rest of what IBM profited and then some went to buy its own stock back. In 1995, $5.5 billion was bought back, $4.6 billion common, and $870 million for preferred stock, and $2.3 billion in the first half of 1996, with a 2-year total probably of $10 to $11 billion. And it is true IBM has a multibillion dollar capital spending program, but this is much more than amply covered by its huge additional cash-flow of $10 to $12 billion for that same 2 years from sale of capital assets and from items that are deducted on the earnings statement but do not involve cash outlays, principal depreciation, amortization, and deferral of income taxes.

Now if you are getting bored then I can understand that, but we are talking to the Commissioner of Internal Revenue, and these are statements that are simplified about as much as you can simplify it in order to explain what we are talking about, and we also at the same time have to make the Commissioner of Internal Revenue understand we are serious, we have done our home work, we have done the research. This is part of a larger program of the Progressive Caucus and the Congressional Black Caucus of trying to pinpoint corporate welfare.

We have a lot of talk about welfare for poor children and welfare for poor mothers, and we have been outraged at the pennies that they might have misspent and we have done something about that. A lot of people feel happy about it. A lot of people out there are suffering needlessly because we recklessly wiped out the entitlement for needy children in the process, and I will not go into that in great detail. Let us just talk about what corporations are getting away with, what corporate welfare is all about, and this is just one piece in the corporate welfare setup.

This is the most outrageous piece because this is a situation where you do not need any new laws. Congress does not have to go back and close some loopholes that it made. No, the law already says they have to pay a penalty if they violate the law, but they are not doing that.

So we asked the Internal Revenue Commissioner, getting back to the letter, and I quote the letter:

We ask you this: Is there not here and in dozens of similar cases a clear-cut case for immediate assessment of the 39.6-percent penalty on all amounts used for stock buybacks? Is there any need to get into an elaborate discussion of reasonable needs of businesses as envisioned by sections 533 and 537? To be specific, these corporations are paying very small dividends amounting to a small fraction of their earnings. Their capital spending and other cash requirements are amply covered by their nonearnings cash flow. They are spending a substantial part of their earnings, in some cases all or more than all, to buy back their own stock. Therefore, since prima facie, the surplus they have used to buy their own stock has been accumulated beyond the reasonable needs of the business, the 39.6-percent penalty should be assessed. Our study of earnings statements, cash-flow statements and balance sheets leads us to conclude that in many cases the 39.6-percent penalty might reasonably be applied to even larger amounts than the stock buyback amounts, but that would trigger an extended discussion of needs of business and other considerations.

It seems to us that our suggestion has the virtue of elegant simplicity. You spend a billion dollars on stock buybacks, your penalty is 39.6 percent or $396 million. It is that simple. We expect the Commissioner could do this in a 1-page notice or a 2-page notice. It is up to the businesses to prove that they have not violated sections 531 to 537. We suggest penalties for 1994 to 1996 because it was during this period that public company stock buybacks exploded to 12 figure totals. You know, in 1984 the law was amended and made clear that you cannot do this. So we had a long period where corporations—I am sure they have the best legal advice in the world—when they looked at

the law and then decided we better not touch this—and that is true now of many, many corporations. Many of the Fortune 500 are not buying back their stock, and many corporations are not buying back their stock.

The question is, If it is such a lucrative, desirable venture for some, why have they not all done it and why are they not all doing it? My speculated answer is that their legal advisers tell them it is against the law, you are going to be penalized, and they are watching to see over the years as they go by whether any of their fellow corporations, and some cases they are competitors, are going to be penalized. There is a great, great benefit to the corporation in accumulating vast hordes of cash.

□ 1845

One of the things they do, that may also be illegal, because in the process of buying back their own stock, one could argue that they are manipulating the market. One could argue that when you buy back your own stock, you are raising the price, keeping the price artificially high, and therefore you are manipulating the market, but I will not get into that. I will leave that for others.

Mr. Speaker, to get back to the letter to the Commissioner, a letter to the Commissioner of the Internal Revenue Service, we suggest penalties for 1994 to 1996, because it was during this period that public company stock buybacks exploded to 12-figure totals. In addition, we are not clear as to whether the statute of limitations would bar these penalties for 1993 and earlier years. Even if it does, we suspect that many 1993 and earlier corporate returns are still open while other issues are being discussed and negotiated. In this connection we ask that you take note of the fact that while the dramatic surge in stock buy-backs began in late 1994, some very large amounts were spent many years earlier.

Several giant corporations have been buying back their stocks for 10 years or more, over the last 10 years or more. As you know, the unreasonable accumulation of service penalties provisions have been in the income tax law since it was adopted in 1913. It was first put into law in 1913. Despite the fact that the statute as originally enacted, and reenacted a couple of dozen times in successive revenue acts, made absolutely no distinction between publicly owned and private companies, the practice and the general understanding was otherwise.

As Mr. Justice Harlan put it in 1969, paraphrasing Bittker and Eustice, and I quote from the decision, in practice, the provisions are applied only to closely held corporations controlled by relatively few shareholders. This was a decision that was rendered by a regional court way back in 1969, which noted that in practice that is what happened. However, this de facto moratorium, and that decision was never challenged in the Supreme Court, by the way, but it is of no consequence now because this de facto moratorium on applications to public companies ended abruptly in 1985.

Congress, in the Revenue Act of 1984, amended the statute by adding section 532(c), and I quote section 532(c), which was added in 1984 by this body. Quote, the application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation, end of quote.

Please understand, Commissioner, that this is a simple request from elected representatives of the American people that your office immediately take steps to enforce the law. We look forward to an early response from the Internal Revenue Service. And it is signed by 30 Members of Congress.

Now, if the Internal Revenue Service Commissioner feels she can do nothing to enforce the law, the least she can do is respond to the Members of Congress and say, ''I cannot do anything to enforce the law.''

We have gotten absolutely no response, 30 Members of Congress, in 2 months. We have gotten absolutely no response. We want to put the Commissioner on notice that we will not accept that, and I want to submit this letter again in its entirety for the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 12, 1997.*

Hon. MARGARET MILNER RICHARDSON,
*Commissioner,*
*Internal Revenue Service,*
*Washington, DC.*

DEAR COMMISSIONER RICHARDSON: My colleagues in Congress who have joined me in signing this letter are very much concerned about a major loss of federal tax revenue resulting from the failure of the Internal Revenue Service to apply against giant corporations the unreasonable-accumulation-of-surplus provisions of sections 531–537 of the Internal Revenue Code.

We believe that the IRS could—and should—immediately assess section 531 penalties on the more than $275 billion that America's largest corporations have spent to buy their own stock in 1994, 1995, and 1996. These penalties at 39.6% would total over 100 billion dollars. Stock buybacks by America's great public corporations are all the rage these days, according to the financial media. Total buybacks by corporations are reported to have risen from $20–35 billion per year in 1990–93 to $70 billion in 1994, just under $100 billion in 1995 and probably over $110 billion in 1996.

These enormous buybacks demonstrate clearly that America's largest corporations are accumulating profits and earned surplus far beyond the reasonable needs of their businesses, and in virtually every case they are paying dividends that are a very small fraction of their earnings, often less than 20%. For example, in the two years 1955–56, IBM earned about $9 billion, or $21.00 plus per share. Of this amount, it paid out common dividends of only about $1.4 billion (2.80 per share). All of the rest—and then some—went to buy its own stock, $5.5 billion in 1995 ($4.6 billion common and $870 million Preferred) and $2.3 billion in the first half of 1996, with the two-year total probably $10–11 billion. (True, IBM has a multi-billion dollar capital spending program, but this is much more than amply covered by its huge additional cash flow of $10–12 billion for the two years, from sale of capital assets and from items that are deducted on the earnings statement but do not involve cash outlays, principally depreciation, amortization and deferral of income taxes.)

We ask you this. Is there not here, and in dozens of similar cases, a clear cut case for immediate assessment of the 39.6% penalty on all amounts used for stock buybacks? Is there any need to get into an elaborate discussion of reasonable needs of the business as envisioned by sections 533 and 537?

To be specific: (1) These corporations are paying very small dividends, amounting to a small fraction of their earnings. (2) Their capital spending and other cash requirements are amply covered by their non-earnings cash flow. (3) They are spending a substantial part of their earnings (in some cases, all, or more than all) to buy their own stock.

Therefore, since prima facie the surplus they have used to buy their own stock has been accumulated beyond the reasonable needs of the business, the 39.6% penalty should be assessed. Our study of earnings statements, cash flow statements, and balance sheets leads us to conclude that in many cases the 39.6% penalty might reasonably be applied to even larger amounts than the stock buyback amounts. But that would trigger an extended discussion of needs of the business and other considerations.

It seems to us that our suggestion has the virtue of elegant simplicity: ''You spent a billion dollars on stock buybacks. Your penalty is 39.6% or $396 million.'' We suspect that the Commissioner could do this in a one-page notice—or two pages at most.

We suggest penalties for 1994–96 because it was during this period that public company stock buybacks exploded to 12-figure totals. In addition, we are not clear as to whether the statute of limitations would bar these penalties for 1993 and earlier years. Even if it does, we suspect that many 1993-and-earlier corporate returns are still open while other issues are being discussed and negotiated. In this connection, we ask you to take note of the fact that, while the dramatic surge in stock buybacks began in late 1994, some very large amounts were spent many years earlier.

Several giant corporations have been buying back their stock for ten years or more.

As you know, the unreasonable-accumulation-of-surplus penalty provisions have been in the income tax law since it was adopted in 1913. Despite the fact that the statute as originally enacted (and re-enacted a couple of dozen times in successive revenue acts) made absolutely no distinction between publicly-owned and private companies, the practice and the general understanding was otherwise. As Mr. Justice Harlan put it in 1969, quoting (or paraphrasing) Bittker and Eustice, ''In practice, the provisions are applied only to closely-held corporations, controlled by relatively few shareholders.'' (U.S. v Donruss, 393 U.S. 297).

However, this de facto moratorium on application to public companies ended abruptly in 1985. Congress in the Revenue Act of 1984 amended the statute by adding section 532(c), ''The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation.''

Please understand, Commissioner, that this is a simple request from elected representatives of the American people that your office immediately take steps to enforce the law.

We look forward to an early response from the Internal Revenue Service.

Sincerely Yours,

MAJOR R. OWENS,
*Member of Congress.*

And the following additional Members of Congress:

George E. Brown, Bernie Sanders, Donald Payne, Peter A. DeFazio, Maurice Hinchey, Matthew g. Martinez, Sheila Jackson-Lee, Juanita Millender McDonald, Lynn C. Woolsey, Eleanor Holmes Norton, Maxine Waters, Corrine Brown, Dennis J. Kucinich, Carrie R. Meek, Cynthia McKinney, John Lewis, John Conyers, Jr., Lane Evans, James E. Clyburn, Melvin Watt, Ronald V. Dellums, Bennie Thompson, Patsy T. Mink, Alcee L. Hastings, Earl F. Hilliard, Elijah Cummings, Danny K. Davis, Chaka Fattah, Louis Stokes, Eni Faleomavaega,

Mr. Speaker, I want to go a little further today, however, than just what we did before. We submitted this letter; we submitted a ''Dear Colleague'' letter before; we also submitted a statement which gives all the legal background for our contention that section 531 to 537 is not being enforced. All that has gone before. Now I want to go one step further and submit for the RECORD a list of corporations that are in violation of section 531 to 537:

MANY CORPORATIONS ARE USING ACCUMULATED PROFITS TO BUY BACK STOCK RATHER THAN TO PAY DIVIDENDS TO STOCKHOLDERS

Hundreds of American corporations are using their accumulated profits, which apparently are not needed in their businesses, to buy back their shares rather than to pay dividends. It is estimated that buybacks in three years 1994, 1995 and 1996 may have totalled $300 billion or more.

Many of these corporations have issued statements indicating that the purpose of the buybacks was and is to have shares available for issuance under employee stock purchase plans, executive stock options, stockholder dividend reinvestment plans and for conversion of convertible securities. This is an appropriate and valid reason for stock buybacks, but many corporations have bought back two times, or three times, or five times as many shares as they needed for these purposes. (In one case, 16 times.)

We have not been able to find an authoritative and accurate tabulation of stock buyback activity, which is being conducted by hundreds of publicly-owned American corporations. Reports in the financial media indicate that buybacks may have totalled $300 billion or more for the three years 1994–1996.

When the total buyback amount is reduced by subtracting issuance of shares under option and other programs, it would appear that net buybacks totalled $150 billion to $250 billion in the three years 1994–96.

If the Internal Revenue Service assessed the 39.6% penalty (on accumulation of corporate profits beyond the reasonable needs of the business, as mandated by Sections 531–537 of the Internal Revenue Code) on this $150–250 billion of net buybacks, it could produce $60 billion to $100 billion of additional Federal tax revenue in 1997.

The table that follows shows buyback activity by 40 large corporations, but note that these are not the 40 largest U.S. corporations. At the top of the Fortune 500 as published in April, 1996 are a number that have apparently not bought stock back yet: Exxon (#3) AT & T (#5), Mobil (#8), Texaco (#14), and Sears (#15) for example. Ford (#2) is expected to start this year according to Wall Street rumor.

These figures were generally obtained from each corporation's published annual and quarterly earnings reports covering 1994, 1995 and 1996. Figures marked ''EST.'' were estimated by taking the actual reported figures for 1994, 1995 and the first half or three quarters of 1996 and adding an estimate for the rest of 1996. The figures are net buybacks; that is, the dollar amount of total buybacks has been reduced by the dollar amount of shares issued in the same year under option and similar programs.

STOCK BUYBACKS BY 40 LARGE CORPORATIONS IN 3 YEARS 1994–96

| | Net buybacks | IRS penalties @ 39.6 percent |
|---|---|---|
| General Motors [1]—initiated buybacks in 1997. | ..... | |
| IBM | $9.0–9.5 billion est | $3.6–3.8 billion est. |
| duPont | 5.408 billion | 2.141 billion. |
| General Electric [2] | 5.193 billion | 2.056 billion. |
| Philip Morris | 5.0–5.4 billion est | 2.0–2.16 billion est. |
| Coca Cola [3] | 3.8–4.0 billion est and an additional $6.0 billion est in 1984–93. | 1.5–1.6 billion est. |
| Wells Fargo Bank | 3.1–3.3 billion est | 1.2–1.3 billion est. |
| BankAmerica | 3.0 billion est | 1.2 billion est. |
| Chrysler [4] | 2.930 billion | 1.16 million est. |
| Dow Chemical | 2.8–3.0 billion est | 1.1–1.2 billion est. |
| Citicorp | 2.0–2.4 billion est | 800–960 million est. |
| Intel | 1.856 billion | 735 million. |
| Merrill Lynch | 2.0–2.4 billion est | 800–960 million est. |
| Pepsico | 1.4–1.7 billion est | 560–680 million est. |
| Anheuser Busch | 1.5–1.6 billion est | 600–640 million est. |
| Merck | 1.2–1.6 billion est | 480–640 million est. |
| Disney | 1.0–1.5 billion est | 400–600 million est. |
| Microsoft [5] | 1,162 billion | 460 million. |
| Hewlett Packard | 1,076 billion | 426 million. |
| Kellogg | 1.1–1.3 billion est | 440–520 million est. |
| J.P. Morgan | 1.0–1.2 billion est | 400–480 million est. |
| 3M | 1.0–1.1 billion est | 400–440 million est. |
| Reebok | 1.0–1.1 billion est | 400–440 million est. |
| American Express [6] | 1.0–1.1 billion est | 400–440 million est. |
| Amoco | 800–950 million est | 320–360 million est. |
| Bank of New York | 800–900 million est | 320–360 million est. |
| Norfolk Southern | 800–900 million est | 320–360 million est. |
| Eastman Kodak | 800–900 million est | 320–360 million est. |
| Caterpillar | 700–900 million est | 280–360 million est. |
| McDonalds | 600–800 million est | 240–320 million est. |
| Hershey | 400–500 million est | 160–200 million est. |
| Keycorp | 400–500 million est | 160–200 million est. |
| Coca Cola Enterprises | 400–450 million est | 160–180 million est. |
| Campbell Soup | 296 million | 117 million. |
| Kimberly Clark | 200–300 million est | 80–120 million est. |
| Weyerhauser | 200–300 million est | 80–120 million est. |
| Xerox | 200–300 million est | 80–120 million est. |
| Wal-Mart | 200 million + est | 80 million + est. |
| General Mills | 187 million | 74 million. |

[1] General Motors, which had severe financial problems in the early 1990s, has recently seen some improvement. On January 27, 1997, the GM board authorized a buyback totalling $2.5 billion.

''Some analysts had expected a bigger buyback, but Mr. J. Michael Losh, [executive vice president and chief financial officer] argued that GM wanted to carry out its buyback program quickly, and that $2.5 billion was the biggest buyback it thought it could complete in 12 months or less.'' (Wall Street Journal, 1/29/97.)

On March 13, 1997, the Wall Street Journal reported, ''. . . Mr. Losh told analysts that GM was halfway through at $2.5 billion stock repurchase program. . . . The rapid pace of the stock buyback left some speculating that GM might announce an additional buyback by the end of the year.''

According to the New York Times of January 28, 1997, ''While GM occasionally purchased slightly more shares in the late 1980s than it reissued, today marks the first time that GM has announced a program to buy back stock so as to reduce the number of outstanding shares, said James J. Finn, a GM spokesman. Back in the 1950s and 1960s, when GM held half the American auto market and was strongly profitable, the company chose to share the proceeds with shareholders through special dividends rather than repurchase shares.

[2] GE said, in its 1996 annual report, ''Record cash flow allowed us to return more than $6 billion to shareowners: $3.1 billion dividends and $3.3 billion in the repurchase of GE stock.''

[3] This company is separate from the Coca Cola Company; although Coca Cola owns 44% of its stock. This company is a major Coke bottler accounting for just over 50% of all Coke product sales in the U.S.

[4] Chrysler said, in its 1995 annual report, ''We're even prouder of what we've been doing to increase the long-term value of your investment in Chrysler. After all, as one of our shareholders told us recently, 'We didn't give you our money to have you simply turn around and give it back to us.'''

[5] William H. Gates owns about 24% of Microsoft. The corporation projected future capital expenditures, as of June 30, 1996, of $293 million. Its net income was $2.2 billion in fiscal 1996 ending June 30, and $1.36 billion in the six months ending December 30, 1996. Its cash and equivalents increased from $4.75 billion on June 30, 1995 to $6.94 billion on June 30, 1996 and $9.16 billion on December 31, 1996. The last figure amounted to 71.6% of assets.

Although it did not need capital, the corporation raised $980 million in late 1996 through the sale of convertible preferred stock, and it said that ''proceeds from the offering are expected to be used to repurchase common shares.'' Wall Street analysts expressed the view that the real purpose of the offering was to provide a dividend-paying security for some investors who want dividends, since Microsoft paid no common dividend.

[6] In its 1995 annual report, American Express said, ''Some shareholders have asked why we are repurchasing shares rather than increasing our dividend as we did in years past. We believe that most shareholders prefer gains in stock price to receiving dividends because those payments are taxable annually.

We are coming close to April 15 when all Americans have to pay their taxes. It is time to take a look at which Americans, which institutions, which organizations are so powerful that they thumb their nose at the tax law. Where will this take us if other organizations and other entities decide they are just not going to obey some provision in the Tax Code?

There are those who disagree with me, of course. They have the obvious course of action, asking Congress to change the Tax Code. The Committee on Ways and Means could go to work and change the Tax Code tomorrow, next week. If the Tax Code does not make sense, that item in there which has been in there since 1913, which was revised and made clear in 1984, it does not make sense, take it out.

Do not ask the American people, 80 percent who are not part of the corporate elite, to pay their taxes, obey the Code, suffer all kinds of harassments, in their opinion, and have to deal with living up to the letter of the law, because if you have an Internal Revenue audit, they will tell you, the guy sitting there will tell you, ''It is my job to enforce the law. I do not have any discretion. You can weep if you wish, but I have to enforce the law. You have to go out and get a third job? But I have to enforce the law. You cannot pay your mortgage? I am sorry, I have to enforce the law.''

So what we are talking about here as we approach April 15, tax day, is a situation where there are several sets of corporations that in finite, dollar and cents terms, are not obeying the law, are not obeying the law.

IBM is a major offender. IBM is a major offender. Most of the figures I am going to quote cover 3 years, 1996, 1995, and 1994. The IBM figures that we have cover only 2 years because IBM in one year just decided they would not do it any more. They would not do it, they skipped a year, so there are no 1995 buy-backs. They resumed in 1996.

So the figures for IBM are 2-year figures. These are net figures. When I say net figures, I mean a corporation can buy back its stock for certain purposes. They can distribute stock options. There are certain things they can do. When we take away those purposes, they have an amount left that just goes into the treasury of the corporation. It is hoarded. It is hoarded money that was not distributed to the shareholders.

I also want to point out, some might have surmised that in our economy, we talk about the engine of our economy are small businesses, the engine of our economy are consumers. If the corporations distributed all of their different dividends as they should to the shareholders, you would have a much more prosperous economy. You would have more dynamism in the economy. All of

those people out there who did not get back their dividends would have their dividends, and they would either reinvest them themselves or invest them in some other business or go and spend it.

Our economy is driven by consumer spending, so let us not look down our noses at consumer spending, but we suspect that people who have large amounts of dividend returns coming will then reinvest it in some way, but they will reinvest it in their own way. A monolithic corporation should not sit there and hold the money, hoard it, hold it in their treasury chest.

So IBM is a major offender. More than $9 billion, close to $10 billion, $9.9 billion in a 2-year period. That is what their net is. After you take away the legitimate buy-backs, you have almost $10 billion which yields, in terms of penalties, $3.8 billion, almost $4 billion. The penalties, when you are assessing penalties at the rate of 36.9 percent, that means a lot of money. If the law was enforced, IBM would owe $3.8 billion or more to the Government, to the taxpayers, back to the coffers.

Mr. Speaker, think of all of the things we could do in terms of building schools, putting people to work, building roads, meeting the needs of our medical community, getting a health care plan that covers everybody. Think of all of the money, if we collect the total that is presented here which totals about, conservatively, $70 billion. The conservative total here is $70 billion. If we let our imaginations go in terms of corporations that we do not have records on, we are talking about $100 billion, collecting over a 3-year period, which means if you collected them all in 1 year or 2 years you would have a windfall revenue.

We would have, according to our coffers, an unexpected amount of revenue that could be used for capital expenditures, one-time expenditures. We could take half of $70 billion and give it over to the reduction of the deficit. The deficit could be reduced by $35 billion. We take the other half and put it in projects which relate to education. Let us have a one-shot deal where we spend a capital budget expenditure that does not recur to modernize all of the schools that need to be modernized, to get rid of the lead poisoning, to get rid of the asbestos, to build new schools so that in a place like New York City and other inner-city communities you do not have crowding to the point where 90,000 children last fall had no desks, no place to sit in New York City schools, 91,000. Ninety-one thousand children had no place to sit.

This is even after we improvise and we have hallway classes and we have classes in closets, and we get rid of the library and make it a classroom, and we have classes in the cafeteria, and we have some classes, a few classes, in the bathrooms. New York City had 91,000 children that did not have places for them. Now, they got embarrassed by that, and as we ask questions and time goes on, they claimed well, that was a statistical mistake or some aberration. They have all kinds of explanations.

So I have had some colleagues of mine, members of the central Brooklyn Martin Luther King Commission, which is an organization dedicated to improving education in central Brooklyn, to go out to the central Brooklyn schools where my district is located and actually go around to the schools and check on overcrowding, and they found some interesting things. The overcrowding is definitely there, but the principals have been brainwashed into believing it is not there.

They will tell you the school is not overcrowded. Then you ask a question: ''When this school was built, what was the capacity?'' And they will give you a figure that is one-half of the number of enrollment. A school built for 900 youngsters has 2,000, and they say there is no overcrowding. Well, what kind of arithmetic is that?

They say there is no overcrowding, but if you ask them, ''How many lunch periods do you have?'' they will tell you they have three lunch periods. In many New York City schools, elementary schools, children start to eat lunch at 10:30. They just had breakfast, but they have to eat lunch at 10:30. Why? Because the lunch rooms are too small for the large numbers of children and they have to have three lunch periods. The lunch period begins at 10:30 for one crew and does not end until 2:30, so the last crew eats too late and the first crew eats too early. The last crew, I am sure the children are really quite hungry, and I am sure something is being done to their metabolism and their nutrition and their bodies. This condition exists because there is rampant overcrowding.

So we need to build new schools. We need to put laboratories in schools. We need to do a lot of things that you can do with $70 billion.

IBM could cough up $3.8 billion. DuPont, buy-backs, the net buy-backs, $5.4 billion. Penalties would equal $2.1 billion. General Electric, $5.1 billion, personalities would equal $5 billion. General Electric said in its 1996 annual report, ''record cash-flow allowed us to return more than $6 billion to shareholders, $3.1 billion in dividends and $3.3 billion in the repurchase of GE stocks.'' They are saying that the repurchase of stocks is returning the money to shareholders, so they are aware of the fact that they are doing something wrong and they need to sort of explain something. Philip Morris, $5 billion. The penalties would be more than $2 billion.

□ 1900

Coca-Cola, $3.8 to $4 billion, the penalties would be $1.5 to $1.6 billion.

Wells Fargo Bank, $3.1 to $3.3 billion, the penalties would be $1.2 to $1.3 billion.

BankAmerica, $3 billion, the penalties would be $1.2 billion.

Chrysler, $2.9 billion, the penalties would be $1.1 billion.

Chrysler had a quote in its 1995 annual report. Chrysler said, ''We're even prouder of what we've been doing to increase the long-term value of your investment in Chrysler. After all, as one of our shareholders told us recently, 'We didn't give you our money to have you simply turn around and give it back to us.''' That is an interesting shareholder that does not want the money back. They do not want a return on their investment.

Dow Chemical, $2.8 to $3 billion in buybacks, $1.1 to $1.2 billion would be the penalties.

Citicorp, $2 to $2.4. billion, $800 to $960 million would be the penalty.

Intel, $1.856 billion, the penalty would be $735 million.

Merrill Lynch, $2 billion, the penalty would be $800 million.

Pepsico, $1.4 to $1.7 billion, the penalty would be $560 to $680 million.

Anheuser-Busch, $1.5 to $1.6 billion, the penalty would be $600 to $640 million.

Merck, $1.2 to $1.6 billion, the penalty would be $480 to $640 million.

Disney, $1 billion to $1.5 billion, the penalty would be $400 to $600 million.

Microsoft, $1.1 billion, the penalty would be $460 million.

Mr. William Gates owns about 24 percent of Microsoft's stock. The corporation projected future capital expenditures as of June 30 of 1996 of $293 million. Its net income was $2.2 billion in fiscal 1996 ending June 30 and $1.36 billion in the 6 months ending December 30, 1996.

Its cash and equivalents increased from $4.75 billion on June 30, 1995, to $6.94 billion on June 30, 1996, and $9.16 billion on December 31, 1996. The last figure amounted to 71.6 percent of assets.

Although it did not need capital, Microsoft raised $980 million in late 1996 through the sale of convertible preferred stock. It said that proceeds from the offering were expected to be used to repurchase common shares. They raised the capital to repurchase common shares. Wall Street analysts expressed the view that the real purpose of the offering was to provide a dividend-paying security for some investors who want dividends, since Microsoft had paid no common dividend.

Let us move on to Hewlett Packard, $1 billion, $426 million would be the penalty.

Kellogg, $1.1 billion to $1.3 billion, the penalty would be $440 to $520 million.

J.P. Morgan, $1 billion to $1.2 billion, the penalty would be $400 to $480 million.

I am reading the figures of how much was spent to illegally buy back stock. They legally bought back stock, but these are the nets, the illegal amounts that I am quoting.

J.P. Morgan, and 3M, $1 billion to $1.1 billion, the penalty would be $400 to $440 million.

Reebok, $1 billion to $1.1 billion, the penalty would be $400 to $440 million.

American Express, $1 billion to $1.1 billion, the penalty would be $400 to $440 million.

In its 1995 annual report, American Express said and I quote: ''Some shareholders have asked why we are repurchasing shares rather than increasing our dividends, as we did in years past. We believe that most shareholders prefer gains in stock price to receiving dividends because those payments are taxable annually.''

That is an interesting quote, because that is exactly what Congress said they did not want to do. They put the provision in there to prevent people from avoiding the payment of taxes. Here it is in the statement, they have said we are doing this so you do not have to pay taxes on the amount we give back to you.

Amoco, $800 to $950 million, estimated, and $320 million would be the estimated penalty.

The Bank of New York, $800 to $900 million, $320 to $360 million would be the penalty they would pay.

Norfolk Southern, $800 to $900 million, $320 to $360 million would be what they would have to pay.

Eastman Kodak, $800 to $900 million, $320 to $360 million would be the penalty.

Caterpillar, $700 to $900 million, estimated, $280 to $360 million.

McDonalds, $600 to $800 million, buybacks, and $240 to $320 million would be the amount of penalty they would pay.

Hershey, $400 to $500 million, they would pay $160 to $200 million.

Keycorp, $400 to $500 million, they would pay $160 to $200 million.

Coca-Cola Enterprises, different from the other Coca-Cola, $400 to $450 million, they would have to pay $160 to $180 million as a penalty.

This company is separate from the Coca-Cola Co., although Coca-Cola owns 44 percent of the stock. It is a major Coke bottler, accounting for just over 50 percent of all Coke product sales in the United States.

Campbell Soup, $296 million in buybacks, they would have to pay a penalty of $117 million.

Kimberly Clark, $200 to $300 million, they would have to pay $80 to $120 million.

Weyerhauser, $200 to $300 million, they would have to pay $80 to $120 million.

Xerox, $200 to $300 million, $80 to $120 million.

Wal-Mart, $200 million, they would pay $80 million in penalties.

General Mills, $187 million, they would have to pay $74 million in penalties.

Why am I bothering to read this list? Because the Internal Revenue Commission has ignored us. Thirty Members of Congress wrote and they asked, why are you not enforcing the Code? I would like for other Americans to hear how the Internal Revenue Code is being blatantly disobeyed, ignored, and I would like you to know that we cannot get a response when we ask the Commissioner of Internal Revenue why.

Thirty Members of Congress cannot get a response. Maybe we are stupid. Maybe we do not understand the technicalities. Maybe we need to bring our brothers and sisters on the Committee on Ways and Means to a session and they will explain all this to us, and we will not have a Member of Congress stand here making a fool of himself about an issue that is moot, of no consequence.

Maybe there is not a great injustice being done here, and all those people out there who anxiously are sitting in the offices of the Internal Revenue Service to deal with their taxes, all those people who are being forced to go to extraordinary means to pay up what they owe, according to the law, all of them need not feel that they are being singled out unjustly. No taxpayer in America should feel that we live in a society where there is unequal treatment of taxpayers.

We can debate as much as we want the question of whether corporations should pay any taxes, and that is an esoteric argument among economists and Members of Congress, but the law is there at this point. It says you cannot buy back your own stock. If you do this, you have to pay a penalty of 39.6 percent. The reasoning of the law is that when people, when corporations buy back their own stock, they are avoiding taxes. They are helping individuals who get the dividends, who would receive the income, avoid paying taxes.

I suppose many of those individuals are grateful, but if I was in their shoes, if I was a shareholder, I would want to have the choice of give me back my dividends, I might choose to buy back, buy some of your stock. They rob the shareholders of the choice. They avoid the payment of taxes in the process.

There is a danger that they are also manipulating the stock market. This is a form of manipulation, in the final analysis. You keep the prices artificially high when large amounts of profit from the corporation are used to buy back the stock. But that is for the lawyers to take a look at.

I hope you are not bored. I hope that you understand that I am not on the Committee on Ways and Means. I am just a lowly Member of Congress, a member of the Progressive Caucus, a member of the Congressional Black Caucus. Last year, I developed an alternative budget. The year before that, I developed an alternative budget for the Progressive and the Congressional Black Caucus.

In the process of doing research for our budget, our aim was to meet a requirement that was made by the Speaker, the gentleman from Georgia [Mr. GINGRICH], and the Republican majority. Speaker GINGRICH and the Republican majority said to the members of the Black Caucus and the members of the Progressive Caucus, you cannot bring a budget to the floor unless you show a balanced budget by the year 2002. That is a requirement. You must balance the budget by the year 2002.

I think they assumed that we would go away and stop being a nuisance by bringing an alternative budget to the floor, because we could never balance the budget by the year 2002 and at the same time maintain the level of expenditures for programs that are most important to the poorest people in America, and a lot of the not-too-poor people, education programs, environmental programs. They thought we could not do it.

In the process of doing our research, we found that we had the option in preparing an alternative budget of raising taxes. If you can show a credible way to increase the taxes, it is acceptable in the budgeting process. We used only the figures that the Congressional Budget Office had already certified. We looked at the corporate loopholes. We said, if you take away this loophole, that loophole, you will raise money. If you bring corporations up to a level from 11 percent of the total tax burden, income tax burden, to 16 percent, they would still be way below the individual tax burden, which is 44 percent.

We learned a great deal. It was a very informative experience, because liberals and progressives, people who belong to what I call the caring majority, who care about America and who care about all the people in America, people who want to see our great wealth and riches divided in some way which benefits every sector of society, the people who want to see the best schools in the world, who want world-class hospitals and who want to see our children grow up in a world where everybody has a reasonable opportunity to fully develop themselves, all those people out there we think have ignored studying the revenue side of the budget.

For years we have let the Committee on Ways and Means dominate the discussion. For years we have let the lobbyists who line up when the Committee on Ways and Means meets, there are long lines of people out there to get in and the Committee on Ways and Means has a major bill revising the Tax Code.

I remember they revised it under Ronald Reagan and they did some later correction. In the time that I have been here, 14 years, there have been two major corrections and revisions of the Internal Revenue. I watched the PAC contributions of every member on the Committee on Ways and Means. I sat and heard them talk about how the money was flowing in. I heard a few say, let us keep the suspense on longer, more will come in.

This is not to in any way put down my colleagues, but it is a phenomenon which is in motion and we know it. We have to be naive not to believe there is a correlation between the fact that this sector of society has gotten the biggest tax breaks since 1943. They were paying 40 percent of the tax burden in 1943. Now they are paying 11 percent, so the biggest tax breaks have gone to corporate America.

There is a correlation between the tax breaks corporate America has received and the kind of money they contribute. I do not want to get into a long discussion of the present campaign contribution scandal. There is enough being said on television, radio, cable television, all across the board, there is a lot of discussion about the great scandal of 1996 where more money was raised and spent on political campaigns than ever before in the history of the Nation. Very interesting. More money was raised, but we only had 49 percent, less than 49 percent of the people who came out and voted. It was a record low vote, despite the fact that large amounts of money were raised.

Mr. Speaker, I assure you, people who were contributing the money, they all came out and voted. Their friends voted. There is a correlation between wealth in America and voting. The richest people in America always vote. Always. Come down the line, the middle class, they hesitate sometimes. They do not come out large enough. When you get to the very bottom, they are the ones who do not vote at all. The people who need government most do not vote. Those who need government are willing to pay. The Center for Responsive Politics has a chart here in a report they issued on the PAC, Political Action Committee, expenditures for the Clinton-Dole campaign and the soft money.

Where did the contributions come from? It is very informative. If you want to know why one sector of our society feels that they do not have to, they pay less taxes now than they used to pay, and they do not have to obey a certain part of the Internal Revenue Code. They are so powerful, they are going to be taken care of. They have gotten the green light from somebody, but they do not have to obey the law.

Yeltsin has a problem with the Mafia in Russia. They go to collect taxes, they are just maybe gunned down. The Mafia has killed members of the legislature, they have threatened high-ranking officials. Things are totally out of hand in Russia, so they do not try to collect the taxes with too much zeal. The people who really have the money also have the muscle.

That is very crude, that is very savage. That is a failed society. We are not a failed society. If we allow this to go on, however, if they get away with disobeying the Code in this case, they will do it somewhere else. We will have a pattern that will lead other people at lower levels to say, we are not going to obey the law also.

□ 1915

We had a savings and loan swindle. They called it the savings and loan swindle, but it was the banking industrial complex of America swindle because the amounts of money that regular banks that were not savings and loans banks lost was pretty great also. The savings and loans swindle, it is estimated, will cost American taxpayers $500 billion before it is all over.

There was a Stanford University report that I read some time ago. I do not have the documentation here. But it said that, when you get through paying back the money through the Federal Deposit Insurance Corporation and the money that was appropriated directly by Congress to make up for what had been stolen and you get through with the administrative costs of all the various bodies we set up to recover the money, the American taxpayers are going to be out $500 billion.

They got away with that basically. The number of people who went to jail, the number of people who spent any reasonable time in prison is minuscule. The amount of money recovered is a tiny amount, a very tiny amount compared to the amount that was stolen. The biggest thief who was actually pinpointed and convicted, he became a personification for the rest, Charles Keating. Charles Keating in California was recently released on a technicality. They said, we made a mistake. Yes, you did cost the taxpayers $2 billion. Your Lincoln Savings Bank, your bank, your operation did cost us $2 billion. That we can document. But on some technicality, rich Mr. Keating is out. He claims he is penniless, but none of us were born yesterday. We are certain that a multimillionaire did not go to jail penniless and he did not come out penniless, but he is out. Charles Keating is out. And he was the most celebrated, the most highly publicized.

If he is out, then you know all those other folks that we did not even know about, they are out, too. Some high placed officials and their relatives, they were involved. So the savings and loan swindle was the biggest swindle in the history of mankind of its kind. And large amounts of people got away with it, became rich, stayed rich.

So you had a precedent there. Do not allow too many of these precedents to develop, Americans; you are on the road to a collapsed society. It is possible, if you keep doing this, to have no faith in law and order, certainly no faith in the regulations of our financial institutions.

Banks were closely regulated by the Government. They could not have done this without collusion from public officials, the savings and loan swindle.

In this chart, the financial sector, they have different sectors here. For the school children of America, you need to know that our laws are made by various complexes, industrial complexes. Do not believe what you read. The simple thing about the House of Representatives and the Senate and they get together. The most important thing is not discussed. The various complexes, the defense industrial, military industrial complex we all know about. President Eisenhower, when he left office, shook us and woke us up and said be aware. There is a military industrial complex which will drain large amounts of money away from the American taxpayers, and it has.

It has a record that keeps going on and on, the war is over, the excuse for it. The evil empire is defeated but the military industrial complex is still effective. They do not make the biggest contributions anymore. It is the financial industrial complex that makes the largest contributions. Close to $40 million for the Clinton-Dole soft money campaigns and the regular campaigns, close to $40 million went to the Republicans. Half that amount went to the Democrats from the financial sector.

In every other category, except labor, about twice as much was spent for the party in power in Congress, majority party, than for the Democrats or for the Republican candidate because these great industrial complexes, the financial industrial complex, the agricultural industrial complex, there is the construction industrial complex, the defense industrial complex, energy industrial complex, the health industrial complex, the transportation industrial complex.

Only organized labor, which is considered not a business complex, but it is listed here because it gave large amounts of money, only organized labor contributed more money to Democrats than to Republicans. That is interesting. And then of course there are others. The pattern is pretty clear that the buying of a point of view, the people advocating cutting corporations even further, they wanted capital gains cuts, people are advocating a huge tax cut for the richest Americans, the people who are advocating that we cut only those programs that go to the poorest people, the people who turned their back on the welfare, the corporate welfare, those are the people who get the largest amount of money from the various complexes and the financial complex where the corporations and the brokers and the whole set of people who make the most money, they give the most.

In conclusion, Mr. Speaker, we will hear more about corporate welfare. The gentleman from Ohio [Mr. KASICH] and the Republicans are also interested in cutting corporate welfare. But here is a piece all we need to do is tell the Internal Revenue to enforce the law. You could realize a large amount of money, take some of the burden off other taxpayers and have the result of making every American institution as well as individual pay their taxes, April 15 is coming. We should all pay for taxes.

## SOCIAL SECURITY AND BALANCING THE BUDGET

The SPEAKER pro tempore (Mr. MANZULLO). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, in the interest of bipartisanship, I yield to the gentleman from Minnesota [Mr. MINGE].

### FLOODING IN MINNESOTA

Mr. MINGE. Mr. Speaker, I would like to first thank the gentleman from

Wisconsin for yielding to me and indicate that I dearly appreciate the strong and cordial bipartisan working relationship that we are trying to establish in the House. Almost 200 of us went to Hershey, PA, the sweetest place on Earth for a bipartisan retreat to work on building civility and strong, positive working relationships in this Chamber on both sides of the aisle. This is a task I think that all of us need to continue to address.

Mr. Speaker, this evening I wish to address the House with respect to a matter of great concern and interest to me. The Minnesota River, the Red River of the North and several other streams and rivers in the upper Midwest are experiencing flooding problems on a scale that has never before occurred in the recorded history of this region of the country.

The impact that this is having on dozens of communities is overwhelming. However, through a coordinated effort of State, local, and Federal officials, what appeared to be the impossible is being achieved in many of these communities. I have lived just outside the city of Montevideo, MN, for the last 20 years.

I have members of my family in a community downstream called Granite Falls, MN. Never before have these communities received national attention. But now in April 1997, they have been the initial stories on network news, evening after evening. And why? It is because of the harrowing battle that is being waged. The U.S. Army Corps of Engineers has come in and helped build dikes on streets and highways. Hundreds of volunteers have come from as many as 150 miles away with trucks and strong backs to load and place sandbags to fight the river.

The river is like a raging bull. It is coursing down a narrow channel in one of these communities, and you look at that raging stream and you wonder, is that going to jump the banks. How can we control it. Thanks only to the strength of these levees that have been constructed by the Corps and the force of gravity is this river as a threat contained.

Local residents of these communities have been working, toiling for as much as 20 hours a day constructing these dikes and levees and protecting property. In some cases residents have been forced to evacuate their homes with as little as 5 minutes notice. Yet they are succeeding.

I am also pleased to report that the Federal Emergency Management Agency, working with the Governor of our State and the President, has already released the report that these communities and these areas have been designated as Presidential disaster areas and that FEMA will be quickly moving into the region along with other agencies to provide the type of assistance that is necessary to enable them to both clean up and recover.

This is not a handout. These are programs that we have established over many decades. They are programs which the Federal Emergency Management Agency has earned a reputation, a well-deserved reputation in the last 5 years, of very capably administering. I think that we can all be proud as Americans of what this agency is doing and what it is contributing to the well-being of small communities who have been afflicted by these natural disasters.

Mr. Speaker, I would like again to express the appreciation that all of us in Congress have for the volunteerism, for the hard work and the sacrifice and the community spirit that is alive and well in America and what this is doing to renew the faith of people in our ability to respond to the challenges that face us in pulling together and pulling ahead.

SOCIAL SECURITY AND BALANCING THE BUDGET

Mr. NEUMANN. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. GUTKNECHT]. May I say it was a pleasure to visit Winona at Winona State and have the privilege of joining you at a town hall meeting.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman. It was our privilege to host the gentleman in Winona.

If I could just say that we want to do a special order tonight and talk about Social Security and balancing the budget. And my colleague from Minnesota and our fellow Committee on the Budget member [Mr. MINGE] recently just alluded to the unbelievable problems being faced, especially in western Minnesota and the Dakotas. I would just like to say that on behalf of all Members of Congress, particularly this one from Minnesota, I want to make certain that we here at the Federal level are doing all that we possibly can for those people.

It is really hard for some of us to imagine what it must have been like to wake up and find that much water on your streets and in your neighborhoods and then have 40- to 50-degree-below wind chill factors blowing ice and water and then on top of that many of the homes being without electrical power. So we really cannot imagine how tough it has been on some of the people in those communities. The only thing I guess we can say to them is that we are going to do everything we can here at the Federal level to make certain that we get things right.

I might also mention though that when we talk about floods, what we want to talk about tonight is this flood of red ink which threatens not only to drown us but, worse than that, to drown our children. And I am going to yield back to the gentleman so we can have a discussion about really the size, dimensions, and ultimately what the implications are of this debt and of the deficit spending that has been going on in this body and in this Congress for most of the last 40 years.

Mr. NEUMANN. Mr. Speaker, I also want to talk about the budget process and that debt that is drowning us as a nation.

Before I get into that this evening I would like to recognize a very special group of people that are out here in Washington this week. We talk so much about education and we hear so many cases where education is not working the way it should be working. But I would like to just recognize a good friend of mine, John Eyster, a teacher from Janesville Parker High School who is out here with a group of students illustrating just how education does work and setting an example for young people all across America, showing us how education can and does work in Janesville, WI. He brought these students out here. I had the chance to spend about an hour with them today. And I have got to say, they are some of the best educated students that I have ever talked to.

John consistently brings his class out here every year and it is just a privilege to meet and talk with these folks and to see how far along they are in the educational process and, in all fairness, how well versed they are on the issues facing this great Nation of ours.

□ 1930

With that, I will start into why I came to Washington and what I think the budget process needs to get back to. I start by referring to this chart I brought with me because it is about the best chart I have ever seen in terms of talking about that debt that we are all drowning in as a nation.

What it shows is the growth of the Federal debt facing this Nation and it shows, starting in 1960 all the way to the year 2000, where we are at in this growth in debt. It is important to note that from 1960 to 1980 we have a relatively flat line. There has been very little growth in debt. But in 1980, from there forward, this thing has grown and grown and grown.

And you know, what really bothers me about this is when I hear all of the Democrats in America say that was the year Ronald Reagan took office and all the Republicans say, well, that was the year the Democrats in Congress could not control spending. But the bottom line is if we are really going to solve this problem we will have to accept and recognize it as an American problem and that we as the American people have to solve it, not as Democrats and Republicans but as Americans.

I want to point out that as we look from here forward we are no longer in a position where we can fight about Democrats and Republicans. We are all the way up here on this chart right now. And when we think about what that is doing to our Nation, we need to understand that it is not just about this chart, it is about the fact that the government goes into the private sector and borrows that money out.

Because that is what is happening with this, this is what the deficit spending leads to. When the government goes into the private sector and borrows the money out to pay for its

deficit spending, that makes for a tighter money supply. Government borrowing out of the private sector tightens the money supply and raises interest rates. And when you raise interest rates it hits home quickly, because it means many Americans cannot afford to buy houses or cars.

And that is really a problem in this Nation. That is why in the past years, here, as the deficit has come down until this year, for the first time in 4 years, as the deficit has been coming down, the interest rates have held steady and we have literally been in a position where the economy has boomed. And it has boomed because of the fact if interest rates are steady, the government is not confiscating as much of the private people's money out of the private sector, there is more money available and lower interest rates, which keeps the home building business going strong, the auto industry going strong, and a lot of people able to borrow money to buy things.

And of course when people buy houses and cars, that means other people go to work to build the houses and cars and that really, folks, is what this budget battle is all about, about getting the government to stop borrowing the money out of the private sector so it stays out there and the interest rates stay down and people can afford to buy houses and cars.

I have a son, currently a sophomore in college, and my good friend from Minnesota, I believe he is going to school in his district, as a matter of fact, and I think about the young people like Andy and all the others like him across this country as he graduates from college, takes his first job, starts his own family, starts thinking about buying a house and a car, and I think about how important the interest rate is to him in terms of being able to afford that house and car.

There is another issue that most people do not relate to the young people in this country and that is Social Security. Most people think the Social Security discussion is about just the senior citizens. It is not. It is about the people in their 40's and 50's hoping to get Social Security, and it is about the young people who are paying $15 out of every $100 they earn into the Social Security System with literally no hope of getting any of that money back.

So I want to talk about Social Security as it relates to the overall budget process. And I have noticed, and the gentleman from Minnesota, [Mr. GUTKNECHT], I think maybe he has too this week, that as we look at the budget proposals currently in Washington, none of them deal with the fact that Washington is currently spending the Social Security Trust Fund's money.

The Social Security System is taking money out of every paycheck in America today. As a matter of fact, if you look at all the money being collected by the Social Security Trust Fund today, they are collecting $418 billion. This is pretty straightforward. They are writing checks back out to our senior citizens in the amount of $353 billion. Well, it is much like a checkbook. If you take $418 in and spend $353 out, you are in pretty good shape, and that is good news for the Social Security System today.

But that $65 billion is supposed to be set aside in a savings account. The idea is this. Everybody sees the baby boom generation headed toward retirement. So the idea was to collect extra money now, put it into a savings account, and when these two numbers turn around, they are no longer collecting enough to make good on the Social Security checks, at that point in time they would go into the savings account, get the money out, and fulfill our commitment and make good on the Social Security checks.

The problem we have is that is not what Washington is doing with the money. When Washington saw this $65 billion sitting there, Washington did the Washington thing and they spent it. As a matter of fact, that $65 billion today is going directly into the big government checkbook. It is called the General Fund. But you can think about it like the big government checkbook. When they are done writing out checks in this government, of course, the checkbook is overdrawn and that is what we call the deficit. So they are taking the $65 billion, they are putting it in the big government checkbook, and when they are all done writing checks out of the big government checkbook there is no money left. So they put an IOU in the trust fund. They do not count that IOU toward the deficit.

This is a huge problem as we move forward. We have proposed legislation in our office, and I am happy to say we have bipartisan support for this legislation at this point in time. The legislation is very straightforward. It simply says that the $65 billion it has collected from the Social Security Trust Fund should simply be put down in the Social Security Trust Fund.

It is straightforward, the legislation, and I am happy to say we have bipartisan support for it and we now have 60 cosponsors on the Social Security Preservation Act.

This week we are out here talking about budgeting. It is real important to understand how this Social Security System issue affects the overall budgeting process. This picture really kind of says it all. When the Federal Government, when Washington, talks about the deficit, they talk about this blue area. They talk about how much they have overdrawn their checkbook and they forget to tell you in addition to the amount they overdrew their checkbook they have also taken that $65 billion out of the Social Security trust fund.

So the deficit, when they talk about it being $107 billion, the reality is the deficit is in fact $107 plus 65, or $172 billion overall.

I think it is real important to look at how that affects the overall budget process and what we are talking about when we say we are going to balance the budget by the year 2002. When we talk about balancing the budget by the year 2002, virtually every budget plan out here, President Clinton, the Republican plans in some cases, they all talk about getting rid of this blue area. But what they actually mean when they say they are going to balance the budget in the year 2002, what they mean is they are going to go into the Social Security trust fund, pull out $104 billion, put it in their checkbook and say their checkbook is balanced.

So when the people in Washington talk about balancing the budget, they are not telling you that when they say they are going to balance the budget they are still going to be going into that Social Security trust fund taking the money out, putting it in their checkbook and saying my checkbook is now balanced. That is ridiculous, and if it was done in the private sector they would be arrested for it. It is that simple; that cut and dried.

The answer is the Social Security Preservation Act needs to be passed. And to my colleagues who might be watching this evening, the important thing is when we pass a budget plan this year, we must address the fact that balance means balance without using the Social Security trust fund's money. When we say we are going to balance the budget to the American people, we should go about balancing the budget, not balancing the budget by stealing the money out of the Social Security trust fund.

What does this mean to the people of this Nation? Well, if we do not fix this problem, by the year 2005, 2006, maybe 2012, if we are very, very lucky, when there is not enough money coming into the Social Security trust fund, we will have to either tell our senior citizens they cannot have the benefits they have been promised, and the likelihood of that happening in Washington, DC, is near zero, or we will have to go to young people, like my Andy in college in your district, or my Tricia, a high school senior, or my younger son, who will then be in the work force, and all the other kids like them, we will have to go to them when they are just beginning to form their families, and say to them we could not do this right in 1997 when we were in Congress. We just could not get the job done. We could not put the Social Security trust fund's money aside, so now we have a shortfall in Social Security and we only have one choice, young people, we are coming into your paychecks to take more money out to make good on our promises to our seniors.

That is a sad situation and not right for the future of our country. We need to pass the Social Security Preservation Act as soon as possible.

We have expanded what has been talked about in the budget process, and I think this is real important, because even if we do get to a balance, and even if we do not spend the Social Security

trust fund's money by the year 2002, we still have a $6.5 trillion debt hanging over our heads, a debt that is costing our children and young people, a family of five in America, $600 a month to do nothing but pay the interest on the Federal debt.

In the budget plan that we have put together we go a step further. I want to expand the vision of this Congress and expand the vision for America over what we can actually do. I want to show very simply how we can pay off the Federal debt, restore the Social Security trust fund money and, most important of all, pass this Nation on to our children debt free instead of under the burden of a debt that costs our families $600 a month to do nothing but pay the interest on the Federal debt.

Our plan is really pretty straightforward and simple. After we get to balance in the year 2002, we take a look at how much revenues are going out to the Federal Government. Now, revenues to the Federal Government go up for two reasons: They go up because of inflation and because of real growth in the economy. Now, currently we have an inflation rate of roughly 3 percent and real growth of roughly 2 percent. That means we would expect revenues to go up by 5 percent total next year.

Our plan is very simple. It says that if revenues are going to go up by 5 percent, we only let spending go up by 4 percent. So spending is allowed to go up at a rate 1 percent slower than the rate of revenue growth to the Federal Government.

I might add, and much to the chagrin of some of the folks listening this evening, that is still faster than the rate of inflation. So spending at the Federal Government level going up faster than the rate of inflation, but 1 percent slower than the rate of revenue growth puts us in a position where we could literally pay off the Federal debt by the year 2023.

This is important for a whole bunch of reasons. No. 1, it frees our young people to raise their families without this tax burden. No. 2, and equally important, is it restores the money that is supposed to be in the Social Security trust fund. So instead of the Social Security trust fund being out of the money in the year 2005, 2006 maybe 2012, it extends the Social Security trust fund to the year 2029 so our senior citizens can count on their money. And our people in their forties and fifties can count on getting their money out of the Social Security System also because the trust fund has been restored.

This is a plan that we need to embrace in this Congress. I understand the Speaker has started talking about this. NEWT GINGRICH has started presenting some of these ideas in some of his speeches, and it is an idea we need to embrace, to expand our horizons beyond just balancing the budget, beyond 2002, and into the years 2010, 2020 so we can give this Nation to our children debt free.

I see my good friend, the gentleman from Michigan, has joined us, Mr. HOEKSTRA.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding. I am encouraged by the work my colleague has done and that he has completed on working toward, not a balanced budget but actually working toward a surplus budget as soon as possible, and actually developing a plan to pay off the national debt so that our children can look to a much brighter future.

I would like to just refer my colleagues to an article that was in USA Today on Monday, April 7. It talked about what we in the Committee on the Budget have discussed as a vision, where a one-income family is where we want to get to, where a one-income family can derive enough income to support a family and support government, and where a two-income family becomes an option.

It is kind of interesting. In USA Today yesterday they cited that the number of two-parent working families in 1995 has increased to 64 percent of the population. They then took a look at what we get with 64 percent of our families having two incomes. The second wage earner basically ends up working, as our majority leader would say, we have one person working for the government and one person working to support the family.

Mr. NEUMANN. If the gentleman would yield, I would point out that if we were to enact this and we were to actually carry this plan out, if the people in Washington were to do what is right for the future of America, we would be looking at $600 a month that would not have to be collected from a family of five. That goes a long ways toward that second wage earner's income.

Mr. HOEKSTRA. That is right and provides them with either the opportunity to take the income to improve the quality of life for their family or to take that time away from working and invest it in the family.

I would yield to my colleague from Minnesota.

Mr. GUTKNECHT. You gentlemen are right on the money. I want to point out a couple of things, and I want to congratulate both of you. I do not know of any members of the Committee on the Budget who have worked harder to try to preserve the American dream and guaranteeing that we pass on to our kids a legacy of hope and opportunity rather than a legacy of debt and dependency.

I want to point out something that I think is important, that Mr. NEUMANN suggested earlier. There was a famous architect from Chicago, and he once said ''Make no small plans.'' I think the beauty and the simplicity of what we are talking about tonight is that if we have the discipline as a Congress to embrace a plan which actually will allow Federal spending to increase at greater than what we project the inflation rate to be but less than what we think the total growth in revenues will be, if we have the courage to do that, say, all right, we will let government grow, slightly, but not as fast, not nearly as fast as it has grown over the last 40 years, we can literally create a system that will guarantee that our seniors are protected, that will guarantee stronger economic growth for people our age, but more important than that, we can give our kids a debt free future.

□ 1945

I cannot think of anything more compelling, a bigger vision, something that is worth fighting for than what I call a generational fairness plan, that protects the seniors, that protects working people today, and protects our children's future. I think those are the kinds of things that, if we can work together and if we have the discipline here in Congress, it can clearly happen.

Mr. Speaker, if I could just make one additional point. Sometimes when we start talking about the budget, we throw around terms and there are all kinds of CBO and OMB and a lot of things that I think most Americans really have a hard time staying with. I think we sometimes have to get back to the big picture. Ultimately in the end I think we have to say to ourselves and to the American people that balancing the budget and stopping this deficit spending really are moral issues, because I think we all know down in our bones that it is morally wrong to continue to borrow against our kids and our grandkids. And so I think we have got to stop that.

We are making progress but, as you suggested, we are still using that Social Security trust fund to sort of mask the size of the deficit. I think in this process we have got to expose that, we have got to deal with that. Clearly the time to deal with it is now, before it turns around, before we have a situation where Social Security is actually paying out more than it is taking in.

Mr. HOEKSTRA. Mr. Speaker, I think the gentleman is absolutely right, it is a moral issue. Saddling our kids with $100 billion, $200 billion of additional debt each and every year is the wrong thing to do. The other thing, I came out of the business world, as I know my colleague from Wisconsin did, and I am not sure, you were in the legislature and before that maybe had a real job.

Mr. NEUMANN. Auctioneer.

Mr. HOEKSTRA. Auctioneer. The other thing we look at in business is the value you get for your dollar, and the problems we were trying to solve for our customers in the business world. We have to take a look as we go through this process and take a look at some of the things that taxpayers are sending money to Washington for and asking, is that really the best place to solve these problems.

Every day when we cross the street, we come over a street that is called Independence Avenue. Me and my staff,

we have talked about it, we kind of think that maybe we could rename the street into Dependence Avenue because that street is littered with bureaucracies that we have moved responsibilities from families, from local and State government, from churches and nonprofit institutions and said we really do not think that you are the most effective place to handle these issues and we are going to have bureaucrats in Washington address these problems.

I think my colleague will remember the discussion that we had last year during welfare reform where we said, just send the money to Wisconsin and let the people in Wisconsin decide how best to help those on welfare in Wisconsin and how to escape the welfare trap because there are probably people in Washington here who, I think, were we not talking about that my colleague had a bunch of waivers from Wisconsin that he could not get approved?

Mr. NEUMANN. Mr. Speaker, we were simply requesting that the people in Wisconsin who had already passed a welfare reform bill, passed the State assembly and the Senate by a wide majority including both Democrats and Republicans, but after we debated this bill for 18 months in Wisconsin, reflected welfare the way the people of Wisconsin wanted to do it with both Democrats and Republicans agreeing, we had to come down here to Washington and ask for permission from a bunch of bureaucrats out here, 900 miles from Wisconsin, ask for their permission to implement what the people of Wisconsin already wanted. What in the world is there that would make us think that the people sitting out here in an office know better than the people in Wisconsin what is right for them? It just does not make sense.

Mr. HOEKSTRA. Mr. Speaker, we are going to have to go through that process. I think that is an exciting debate and discussion to have. I know that one of the things that we are spending a tremendous amount of time on is an oversight subcommittee that I chair and we absolutely agree with the President. The President in March 1996 said, ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.'' What was he referring to? He was referring to the bureaucracy of education that we currently have, which is 760 programs in 39 different agencies spending $120 billion per year.

Mr. NEUMANN. I would just like to point out that during the past week in my district back in Wisconsin, they have started running a new commercial from our friends at the AFL–CIO, attacking me, and demanding that we implement program No. 761. I would just like to warn the chairman of the Education Subcommittee that they are going to be getting some requests from some folks that think we should have another Washington program and another Washington bureaucracy to tell our people back in Wisconsin how they should educate their own children.

Mr. HOEKSTRA. When this President gets done, if he gets this approved, he will be building our schools, he will be teaching our teachers, certifying our teachers, putting in the technology, feeding them lunch, feeding them breakfast.

Mr. NEUMANN. And doing it with our money.

Mr. HOEKSTRA. Teaching them about sex education, giving them national tests, doing after-school programs, maybe even midnight basketball and a couple of other things. Other than that, it is your local school.

Now, the President has moved away from this. He has now proposed a whole new set of programs spending $55 billion more. What we are doing in our committees, we are urging this Congress to say before we spend another dollar, because we think when we spend a dollar in education today, only 65 cents gets to the classroom, gets to your children in Wisconsin, gets to my kids in Michigan. Thirty-five cents gets eaten up by the bureaucracy.

Mr. Speaker, before we spend more on education and ask the American taxpayers to send more to Washington, we ought to be taking a look at what we are doing with that dollar. Instead of saying, let us spend $1.10, we ought to be saying instead of 65 cents getting to the classroom, let us see if we cannot get it up to 85, 90, 95 cents of every dollar, because for bureaucrats to take 10, 15, 35 cents of every dollar before it gets to our kids, that might be another moral issue.

Mr. NEUMANN. I would like to point out it is not only education where we are looking at this problem. Our President has looked at this growing debt, and he has looked at us near the top of this debt chart. Here is what he has concluded in his budget plan because I took it apart myself personally and I found out what is in his budget plan. In Medicaid alone we are proposing $4 billion in new spending in 1 year alone. It is a total of roughly $15 billion over 5 years. In Medicare spending, we are proposing $5 billion in 2002 alone, a total of roughly $15 billion more.

Mr. Speaker, these are not like: We have got this in the Medicare Program and how are we going to pay the bills of the current Medicare Program. These are: Hey, I have got a new idea, and we do not have enough Washington programs already, so the President says we need some more new Washington spending programs.

That is where the Social Security trust fund money is going. They are taking that money out of the trust fund and spending it on these new Washington programs. It is not just education.

Let me go on one more.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will just yield for a second, I have to take leave. I appreciate the gentleman for sharing his time and the gentleman from Minnesota for sharing his time. I am sure we will be back at this, and I am confident we will present a budget that we can be proud of.

Mr. GUTKNECHT. I think just once more for our colleagues who may be watching on C–SPAN in their offices, what was the total number of dollars being spent currently on education programs and how many various Federal programs are we currently operating?

Mr. HOEKSTRA. We are operating at least 760 programs through 39 different agencies. They are not all in the Department of Education. They are in 39 different, distinct agencies, and they spend $120 billion per year.

Mr. NEUMANN. Mr. Speaker, how much of that gets to the students?

Mr. HOEKSTRA. We estimate that for the dollar that goes for K through 12, about 65 cents gets to the children, gets to the classroom. Thirty-five cents gets eaten up in the bureaucracy and the paperwork. Those are not impressive numbers. We can do significantly better than that.

Mr. NEUMANN. So what my colleague is really telling me is, out of the $122 billion we are currently spending on education, only $79 billion is actually getting out there to help the students; and the other $45 billion roughly is going to bureaucracy?

Mr. HOEKSTRA. We know that in the K through 12, which is a portion of that $120 billion, that is what we are seeing. In some of those other programs, it may be better, it may be worse, but it is not a pretty picture.

Mr. Speaker, I thank the gentlemen for allowing me to participate.

Mr. NEUMANN. To get back a little more on the debt discussion, I held 20 town hall meetings in addition to the one over in Winona with my colleague. At one of the meetings a gentleman, George Wundsam of Salem, WI, handed me this thing, and I think it really hits the nail on the head as we are talking here this evening. Here is what it says. He handed me this quotation:

> I place economy among the first and most important virtues, and public debt as the greatest of dangers to be feared. To preserve our independence, we must not let our rulers load us with perpetual debt. If we run into such debts, we must be taxed in our meat and drink, in our necessities and in our comforts, in our labor and in our amusements. If we can prevent our government from wasting the labor of the people, under the pretense of caring for them, they will be happy.

Would you like to take a shot at who said that?

Mr. GUTKNECHT. I think I know who said that, and I think he served in the Continental Congress, and I think he helped draft our Declaration of Independence. That was the ethic in those particular days. I believe his name was Thomas Jefferson.

Mr. NEUMANN. Thomas Jefferson said that. That is not today. Can you imagine if Thomas Jefferson, one of our Founding Fathers, was standing here with us today and we were showing him this debt chart, $5.3 trillion facing the American people, $20,000 for every man, woman, and child in the United States of America, $100,000 that our Federal Government has borrowed on behalf of a family of five like mine?

Each month $600 to do nothing but pay the interest on the Federal debt. Can we imagine what our Founding Fathers would say? This is what they thought. They recognized that the debt was a huge burden.

Mr. GUTKNECHT. It is interesting that some of our colleagues, who like to quote our Founding Fathers when it fits their purposes, tend to forget that when Jefferson said that, he did not just mean it for those people in those times. He meant it for all people and for all times. I think he understood the corrosive effect that the debt would have. I think your chart is instructive. The unfortunate thing is, particularly when we add in what is going to happen with the demographic change, and I have told people this story. I was born in 1951. When I graduated from college, the speaker at our commencement address was the Director of the U.S. Census. Most people do not remember their college commencement addresses and I do not remember all of it, either, but I do remember some of the points that were made that day. He said that there were more kids born in 1951 than any other single year. I represent the peak of the baby boomers. What is going to happen when we start to retire makes that chart look like a day at the park, because as the baby boomers start to retire, all of a sudden Medicare expenses go up dramatically, Social Security goes from a significant surplus to huge deficits, and what it is saying, this should be a siren song for all of us, that we have got to do something now. If we take modest action now, if we take responsible action now, we can save the budget, we can save our children, we can save Social Security, we can save Medicare, and yet unfortunately there are people in this town who would prefer to put their head in the sand and pretend that it is not real, that those numbers are not real and that somehow there is a tooth fairy out there that is going to save us. The only thing that will save us is responsible action. Jefferson was correct. This is a moral issue, and the public debt is the greatest of evils to be feared.

What we are trying to do is awaken some of our colleagues here and awaken the American people to say, this has got to stop. All it takes is some moral courage to say this is wrong. And we are going to have to say no.

I was so delighted that the gentleman from Michigan [Mr. HOEKSTRA] was with us and talked a little about the Education Department, but as the gentleman from Wisconsin has indicated, it is not just education, it is all programs.

In some of my town meetings, I use this little story. If I could, I would like to share it. What I ask people to do sometimes is to close their eyes and pretend for a minute that they go home from work or they go home from school and they open their mailbox and there is a letter there from a law office from far away and they open up the letter and all of a sudden they realize that they have been named an heir to an enormous fortune, from somebody they did not even know was related to them and they have left them this enormous fortune. And so I ask them to think about that and what it would be like and then think about the fact that this is a windfall, and you would like to do something to help children or you would like to do something to help your fellow human beings and you would like to give a significant portion of this windfall to help your fellow human beings or to help children. Think about that, envision that. Think about this happening to you. And then think about where you would give that money. And after you have thought a minute, I ask the people, now, how many of you honestly, liberals, conservatives, Republicans, Democrats, independents, whatever, how many of you, the first thing that you thought of was, I know, I'll give the money to the Federal Government? The answer to that in every town meeting is laughter. No one would give the money to the Federal Government. Why? Because I think we all instinctively know what the gentleman from Michigan [Mr. HOEKSTRA] told us a few minutes ago, that the Federal Government is a poor bargain and that the Government is one of the most inefficient ways to spend money or to help people.

In fact when we had this great welfare debate over the last year and a half, and it is still going on, as you indicated Wisconsin has been far ahead of the pack in terms of reforming welfare. What I have said, I said then, I say now, the real debate was not about saving money. In the end it was really about saving people, saving families, saving children from one more generation of dependency and despair.

What we are really saying is, let us break that cycle, let us slow the rate of growth in Government and let us preserve Social Security and let us pay down and pay off ultimately that national debt so that we can leave our kids a debt-free future. That is what Thomas Jefferson believed in, I think that is what most Americans believe in, and hopefully we can get more of the Members of Congress to believe in that as well.

□ 2000

Mr. NEUMANN. You know, if the gentleman would yield back, we have been talking about these things and why we need to do these things. We have talked about the fact that Social Security is bringing in more money than what that is paying out to our seniors in benefits and that that extra money coming in, that $65 billion this year is supposed to be set aside in a savings account, but that actually instead of putting it aside in a savings account so it is there when the baby boom generation gets to retirements, so it is there to make good on Social Security commitments, that we are spending it in Washington in other Washington programs, and we have looked at this chart where we understand that Washington reports a deficit that is simply their overdrawn checkbook, and in fact in addition to overdrawing their checkbook they are taking that money out of Social Security trust fund.

They do not even count that toward the deficit when they report the deficit to the American people, and we have talked about the fact that in the year 2002, when Washington says they are going to balance the budget, what they mean is they are going to go into the Social Security trust fund, take out $104 billion, put it in their checkbook and call their checkbook balanced. We talked about the fact that in Washington a balanced checkbook means taking $104 billion out of the Social Security trust fund. That money should not be taken folks. That money should not be spent in other Government programs.

But where is Congress at? And, Congressman, we have gone through now 100 days of the 105th Congress, and I thought we maybe should just address a little bit what is going out and maybe, maybe if nothing else just to help us get back on track. During the first 100 days some very unique things have happened for the Republican led Congress and things that I do not think it is why I came to Washington in the first place, and I am anxious to see those things turned around.

We have seen the deficit go up for the first time in 4 years. We are seeing a higher deficit. And that is real, folks, that not only affects the people here in Washington, it affects the whole country because when the deficit goes up that means Washington is going into the private sector, borrowing more money, creating a tighter money supply and with the tighter money supply we see exactly what happened last week Tuesday, which is higher interest rates. Higher interest rates mean people cannot afford to buy houses and cars. When they do not buy houses and cars, that means there are not as many job opportunities, and that is a problem in this Nation. That is why we need to stay on track to a balanced budget.

So the first thing I point out that this Congress has seen in the first 100 days, for in the first time in 4 years is a deficit that has gone back up again. I might add that I voted against the bill last October, $22 billion that led to this deficit increase this year.

Second thing we saw when we first got out here, the Republican Party should stand for letting the American people keep more of their own money. We have had one tax vote in this Congress that was for a tax increase. Seventy-three of us voted against that bill. It is time we not have 73 but all 227 Republicans get back on track with the idea that we do not stand for raising taxes on the American people, we stand for letting the American people keep more of their own money. It is not like Washington gets this money and it is

theirs. It is not Washington's money, it is the people's money. So when we have tax votes in the future, our second vote is a vote on taxes, it was a tax increase. You may remember the airline ticket tax increase. We need to stop doing that and get back on track.

The third vote I would like to talk about during the 100 days: We took $340 million out of the pockets of the American citizens and we sent it overseas to foreign aid for purposes of family planning. So we took $340 million out of the pockets of American citizens, sent it overseas for purposes of family planning, including abortions. That is not why I came to Washington. So that is another vote that went the wrong direction. Of course we voted against it; many of us did.

But the bottom line is as a party we need to get back on track. No more tax increase votes. As a matter of fact, we want to vote to let the American people keep more of their own money. No new spending bills that are going to allow the deficit to go up. That is not what this party is about. This party is about controlling spending.

The last vote I talk about during the 105th Congress, first 100 days, was the last vote we took before the Easter recess. It was a vote to raise Washington committee staff spending by 14½ percent. So our first real spending vote of the 105th Congress was for a 14½-percent spending increase. I am happy to say that bill did go down to defeat and it was reworked, and we got closer to a freeze; maybe not what I would like to see exactly but did get closer to a freeze. But I think that bill represents for the first time the Republicans once again standing for what Republicans stand for, and that is less Washington, less bureaucracy, and I think maybe this flow in the wrong direction has been stopped and once again we will become the party that stands for letting the American people keep more of their own money and doing that by reducing the size and scope of Washington. We do not need more Washington committee staff, we need the American people keeping more of their own money, deciding how to spend their own money.

Now if Washington is going to take more money from the American people, if Washington is going to go into your paycheck and collect more taxes, of course they need more people to figure out how to spend that money. My suggestion is instead we just let the American people keep more of their own money. Then we will not need the additional Washington staff.

Does that mean we have problems in Social Security? No way. Social Security, if we just do the right thing, leave our Washington hands off of the Social Security money, Social Security is safe and solvent. If we keep spending the trust fund, we are in serious trouble, but if we keep our hands off that money in Washington, Social Security is fine.

How about Medicare? Well, the reality is we had a Medicare battle about 70 cents for every $100 of spending. We do not need to fight about Medicare, and I hear about all these cuts in Medicare spending. I have in front of me perhaps the most conservative budget being proposed in Washington. Medicare spending has gone from $211 billion in 1997 all the way up to $285 billion in the year 2002. So Medicare spending can still go up under this budget plan.

We can balance the budget, we can let the American people keep more of their own money, and we can still have Medicare and Social Security and the programs that are most important.

You know, I always enjoy these discussions in Washington because in Washington people start wringing their hands and saying, ''Oh, we can't do this and we can't do this; we have got to have more of the American people's money.'' We sometimes forget that we are already collecting $6,500 on behalf of every man, woman, and child in the United States of America.

Just think about this. The Federal Government today spends $6,500 on behalf of every man, woman, and child in the United States, and, Congressman, you know at our townhall meetings we talked about how much spending was being cut, that draconian cut in Washington, and do you remember the reaction we got from our folks at the townhall meetings when I read those draconian spending cuts that are going on in Washington? You remember when I read the numbers of actual spending, that spending was being cut from $1,568 billion all the way down to $1,629 next year and it was further being draconianly cut to $1,657 billion the next year, and do you remember what the people did——

Mr. GUTKNECHT. They could not believe it.

Mr. NEUMANN. They could not believe it. Spending is not going down under these budget plans, spending is going up each and every year. From the year 1996 to the year 2002 spending is not going down, spending has gone up from $1,568 billion to $1,810 billion. I sometimes think that the American people forget that this Government, Washington, DC is collecting $6,500 out of their pocket. You know some of them go, ''Well, I don't have to worry, I don't pay that much out of my paycheck.'' But every time a person walks into a store and buys something as simple as a loaf of bread the store owner makes a small profit on that loaf of bread, and when the store owner makes a profit on that loaf of bread part of that profit gets sent down here to Washington because of course they are paying taxes on their profit.

Mr. GUTKNECHT. If the gentleman would yield, another point you made and I think it may have slipped by some of our colleagues, how much interest on the debt each family is required to pay every year. Now they may not pay it directly, they may not pay it in direct taxes, but they pay it one way or the other. They pay it in the price they pay for a loaf of bread, when they want to buy a car, when they want to buy something else for the family, when they want to take a vacation. Those taxes are there and they have to be paid.

And I wonder if you can tell us—I know you do not have your chart on that, but that is an added burden on every family, and I want to come back to the burden on the family and what it means.

Mr. NEUMANN. It means $600 every month from an average family of 5 to do nothing but pay the interest on the Federal debt, 600 bucks a month. And you know when you think of a young family starting out in life or they maybe had a couple kids and you start thinking about them having to pay $600 a month to do nothing but pay the interest and then you think about this city where they start describing what it is they have to have the money to spend it on.

I think the worst example I have seen out here is the Russian monkeys being sent into space and you and I have had this conversation: I find it very frustrating because we brought an amendment last year to the floor of the House to prevent this from happening, but the fact is there was a Senator who wanted it so it got put back in. We sent $35 million of the American people's money to Russia so Russia could launch monkeys into space to do research on the monkeys. Now we killed that here in the House, but when it got over in the Senate they put the money back in.

And I think that is the point. Is it really fair to go to our families and ask them to send more money to Washington so that Washington can continue these programs, and you know it is a very important time out here. We have gone through those first 100 days; they are over and behind us. Are we going to get back on track to control Washington spending or are we going to keep going as we have been for the first 100 days?

I personally look forward to NEWT GINGRICH and the leadership of the Republican Party getting us back on track of what Republicans stand for: Less Washington, smaller Government, still the things necessary for our society, a strong defense, take care of the people who are not able to take care of themselves and by that I mean the handicapped and the disabled, but let us not keep going into our families' pocket and taking more and more money out here for all kinds of unimaginable things that we keep spending on. It is just a ludicrous thing.

We are in some very, very difficult times out here because the establishment believes that we have to keep spending more money. I heard today, for example, that in order to pass the bills what we actually have to do is spend another $20 billion.

Now remember we spent 22 billion extra last year and that 22 billion led to the first deficit increase, and 6

months almost to the day after that vote, 6 months almost to the day after that vote to increase the deficit, we saw the interest rates take a hike, and now I am hearing that we have got to spend another $20 billion just to get the bills to a passable form. I personally find it offensive that we would even consider such a thing.

And you know I look at this chart with the Social Security and think about the fact that it is new Washington spending that has taken that money from the Social Security Trust Fund and blown it in, that has taken that money from our children's future and spent it. It has just got to be stopped.

Mr. GUTKNECHT. If the gentleman would yield, the story of the Russian monkeys going into space, the real sad part of that story if you really boil it all down is that we had to borrow that money from our kids and every dollar we spend now in new programs or new items in the budget, we have got to borrow that money.

The first time I came out here as a candidate for Congress I wore a little pin and it said carpe diem: seize the day. And the one message that came through loudly and clearly at most of my townhall meetings that I had when we were home for the Easter break was that the American people, the people of my district want us to regain the initiative, they want us to seize the day. They understand that good habits are hard to get a hold of, bad habits are easy to fall into, and they want us to get back in those good habits of forcing fiscal discipline, and I was proud to be a part of the 104th Congress in spite of some of the back sliding we did toward the end. I think we made some real progress, but there is a real fear that you have and that I have that it is easy to fall back into those old habits of saying yes to all the various special interest groups who come out here to Washington and want more of our children's money.

If I could just say this too, and I want to say you know we do not want to paint too dark a picture because good things are happening. We have gone a long way in terms of reforming our entitlement system. The welfare system is a long way down the road to becoming much more what Wisconsin wants, what Minnesota wants, what the States want and encouraging personal responsibility and encouraging families to stay together.

We are making progress on Medicare. The President's budget and our numbers now are not far a part. He has proposed a hundred billion dollars' worth of savings, and we think that is good. On Medicaid the President has recommended 32 billion dollars' worth of savings.

But the real issue before us I think in this Congress, and I think as you said we can work with the welfare numbers, we can work with the Medicare numbers, we can work with the Medicaid numbers, we can work with the defense numbers, but the real problem is the discretionary spending.

Mr. NEUMANN. And new——

Mr. GUTKNECHT. New discretionary spending.

Mr. NEUMANN. On new programs.

Mr. GUTKNECHT. On new Washington spending programs. And once you start a new program you create a new constituency and that is one thing that if we have the courage to stand up and say no to any new programs, if the President wants new programs then he is going to have to find other programs that he is going to have to eliminate, and we all know there is wasteful, duplicative programs that are not working.

Mr. NEUMANN. If the gentleman would yield, I think that is the point. If Washington finds a genuine need and it is legitimate and they actually need to spend money on something that is legitimate, they need to find other programs that are not legitimate or not working and cancel those programs that are not working so we can afford to do a program that may be needed. Let me give you an example of how this might work.

We just found out that women in their forties should have mammograms and we found out that it is a genuine need. We have welfare reform where able-bodied welfare recipients are now required to be in the work force. So we potentially have a woman in her forties who has gone into the work force, taken her first job, is earning someplace between $6 and $8 an hour or maybe even minimum wage, so she is at the bottom end of the pay scale. So Medicaid is going to have to cover—generally eligible for Medicaid, Medicaid would have to cover those mammograms. You cannot just say we are going to cover all the mammograms because the money has to come from somewhere.

So let me give you an example how this might work. Suppose for example we said we are not going to send Russian monkeys into space with American tax dollars and instead what we are going to do is pay for mammograms for women in their forties who have just left the welfare roll and are in their first job and could not afford to have them otherwise.

□ 2015

That is how this thing could work when we find out that there is a legitimate need for doing something.

If I can just speak on one more point here, we were talking about the tax increases before, and we both campaigned during the same year when we first came here. I remember distinctly campaigning extensively against the 1993 tax increase.

If my colleagues recall, that vote passed this institution, the House, by one vote, and it passed over in the Senate by one vote. It raised the gasoline tax by 4.3 cents a gallon, and the people in Wisconsin were very upset about it. They were especially upset about it because they were taking another 4.3 cents a gallon in gasoline tax, but they were not using it to construct roads in Wisconsin or Minnesota or anywhere else. They were simply pouring on more Washington spending programs.

We came here campaigning against those tax increases and against that 1993 tax increase that passed here by one vote, of course passed over in the Senate by one vote, and the President then signed. But the bottom line is, I think our colleagues and I think the American people have the right and should know that many of us have not forgotten why we came here, and that even though these things seem to be adrift, we have not forgotten what we came here to do so our children will have opportunities in this great Nation of ours.

We came here to make sure that Social Security is solvent for our parents and for the senior citizens that rely on it. We came here to make sure Medicare does not go bankrupt. We came here to fix a broken system that was spending too much of our children's money. We have not forgotten what we came here to do. We came here to make sure that our families, that the American people that go to work every morning, get to keep more of their own money.

Many of us have not forgotten what we came here to do, and I think our colleagues and I think the American people should understand that there is a large number of us that, even if the rest seem adrift, we have not forgotten what the Republican Party stands for and why it was that we were elected as Republicans and sent to Washington.

Mr. GUTKNECHT. Mr. Speaker, we will continue to stand with the working families of middle America.

I would close with just one reminder, because our time has about expired here. When I was growing up, when my colleague was growing up, most of us grew up in families where only one person had to work, and that was because the tax rate was something like 4 to 5 percent of my folks' gross income. Today, the average family spends more for taxes than they do for food, clothing, and shelter combined. If tax increases had been the answer to these growing deficits, we would have had a balanced budget years ago.

The truth of the matter is, the real answer is we have to control our appetite for more spending. If we are willing to do that, if we are willing to face up to the special interest groups, if we are willing to say that if we want new programs we have to eliminate some of the old programs that are not working, if we are willing to do that, we can solve this budget problem, we can save Social Security without touching the CPI adjustment. We can do all of these things, but we have to have the courage and we have to seize the day.

Mr. NEUMANN. Mr. Speaker, I think that is a good way to wrap it up. I think it is important to wrap it up by reiterating that we can in fact balance

the budget by the year 2002, while we let the American people keep more of their own money and at the same time save the Social Security system. If we go past 2002 and we talk about how we pay off the debt, as we pay that debt off we are restoring those funds in IOU's and the Social Security trust fund now, we can do these things if we just control new Washington spending programs.

This is not even about going into programs that currently exist and somehow destroying them or attacking them, because the revenues are so much higher than what anybody anticipated, the economy is doing so well, that this is no longer about the things that were talked about 2 years ago. This is now just about controlling our desire in Washington, DC to spend and spend and spend in new Washington programs to satisfy some constituency.

We need to regain that initiative. We need to regain what we came here to do: Balance the budget so our children have hope and opportunities in this great Nation we live in; preserve Social Security and Medicare for our senior citizens; and for goodness sakes, let the American people keep more of their own money. It is their money, not Washington's money. That is how we preserve this Nation for the next generation, and that is what I hope our service to this country is all about.

## SOUNDING THE ALARM FOR AMERICA'S PATENT SYSTEM

The SPEAKER pro tempore (Mr. MANZULLO). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, next Thursday, April 17, the House of Representatives will make a crucial decision, and this decision has yet to be covered by the mainstream news media of the United States. Thus, the American people are for the most part unaware of this oncoming threat to our country and to the well-being of our citizens.

So let me sound the alarm bell, and that is what I am hoping to do tonight, sound the alarm bell. In the next few minutes I will be exposing a maneuver which, if successful, will do incredible long-term harm to the United States of America. Yet, at this moment, this legislation is being quietly maneuvered through the process and is likely to pass a vote in the House of Representatives and be made into law.

What I am referring to is dramatic and fundamental changes that are being proposed to be made to America's patent system, a system of rights and government institutions that have ensured that the United States has been, since the founding of our country, a technological leader in the world; that our fellow Americans, basically, were the inventors of the reaper, the inventors of the telegraph, the inventors of the telephone, the inventors of the television and of the electric light and the airplane and the microprocessor, and the MRI and other marvelous health technologies that we enjoy today, that have made our life a quality life compared to what it was just a few short years ago. Those Americans were the ones who invented these fabulous technologies that changed the way of life for the people of this world and uplifted the standard of living of the American people. That was no mistake.

We had patent laws and a patent system that protected the individual and made it profitable for investors to finance the development of new technologies. Written into our Constitution is the establishment of the patent office. Now, most people do not even understand that. They have no idea that we are any different than any other country of the world when it comes to technologies and inventions. They have no idea.

They know that we are different than other countries in the world in that we have freedom of speech, that we have freedom of press, we have freedom of religion, and that we respect the rights of the individual, and that was the purpose of our Founding Fathers, to establish a government that would protect people's rights. Yes, people know that about the United States, but they do not know one of the major factors that have given them the standard of living, given our people the standard of living that they enjoy, that has meant that they have reasonable and decent lives, was the fact that there were other protections in our Constitution, protections for the rights of people who invented and created things, things that would improve our lives.

From the earliest days of our Republic we had these protections and we had a patent office, actually part of our Federal Government since the time our Constitution was written. In fact, up until 2 years ago we had, as protected by law, by the United States law, all the way from our country's founding until 2 years ago, we had something that was called the guaranteed patent term.

Now, what is that all about, a guaranteed patent term? Well, what a guaranteed patent term has been in the United States of America is something that has ensured that we have been the ones who invented all of these wonderful things. The guaranteed patent term, from the time of our Constitution until two years ago, was that when someone had invented something, when they went to apply for a patent, that inventor, once that inventor applied for the patent, no matter how long it took the patent to be issued, the inventor was guaranteed a certain patent, legal patent term. At first it was 14 years and then it was expanded over 100 years ago to be 17 years, so we have had a guaranteed patent term of 17 years.

Now, what difference does that make, people will ask. Well, they did not have this in other countries. Inventors had their ideas stolen from them by very powerful people, and in fact, in other systems, it would be so mixed up in the bureaucracy, a person would never be granted a patent until 10 and 20 years after they applied. But in our country they knew that no matter how long it took a patent to be issued, they would have 17 years to recoup their investment.

This meant that people invested in our country, the private sector invested in new inventions and new ideas, which made all of the difference in our standard of living. We did not have to rely on the government to invest in new technology development because we had people in the private sector who would seek out inventors and creative people and give them money voluntarily to try to provide them the resources they needed to invent the telephone.

How different would our lives be today if the telephone had not been invented? How different would our lives be if these inventions that created the bountiful harvest of food in our country had not been invented? But private inventors sponsored by private investors did the job because they were guaranteed 17 years of protection.

Well, 3 years ago, and I am sorry to inform those of you who are reading this for the first time or listening to this for the first time, 3 years ago our right to a guaranteed patent term, a right Americans have enjoyed since the founding of our country, was taken from us and taken from us in a very stealthy manner, so most of the American people have no idea that this right has been taken away and what the implications of that right are.

The fact is that that right was taken away by a provision that was snuck into the GATT implementation legislation. That GATT implementation legislation of over 2 years ago now, 3 years ago actually, basically replaced the 17-year guaranteed patent term with an uncertain patent term. In fact, just a look at this issue from a distance, some people actually thought the patent term was being expanded and made longer.

Instead, what happened was, 17 years of a guaranteed patent term was exchanged for a patent term which is called 20 years from filing, and it sounds like there would be even more protection. Nope, no. In fact, what this did was take a situation where you were guaranteed, you knew how much time you would have in a patent and you were guaranteed that as a right, and instead, because the clock was ticking against the bureaucracy and this deterred people from trying to interfere with the process, now we have replaced it with 20 years from filing.

What that means is, once someone files for a patent, the clock is ticking against that person. The clock is ticking against the inventor, against the investor, and whatever time it takes is taken away from their time of protection, away from their property rights.

This will be a dramatic decrease in the amount of money that is spent in the United States to develop new technologies, the technologies that will keep us the No. 1 leader in the world economically. These new technologies are the only things that permit us to out-compete the slave labor and the cheap labor overseas. It is the good technology that has permitted the American people to increase their standard of living. But no, now that has been taken away, or it was in the GATT implementation legislation which eliminated the guaranteed patent term.

By the way, if someone's patent takes 15 years to issue, as many of our breakthrough technologies do, unimportant technologies issue very quickly, but things that make a difference, I mean billions of dollars of new wealth, that takes 10 years, 15 years sometimes, that means that for those 15 years foreign multinational corporations do not have to pay royalties into the pockets of our inventors.

□ 2030

That is 10 to 15 years that the money is going to be in their coffers instead of in the pockets of American inventors, instead of in the bank accounts of American citizens.

I consider this act of sneaking this into the GATT implementation legislation to be a total betrayal of the people of the United States. I voted for fast track. Fast track, which is what permitted them to sneak this provision into the bill, basically permitted them to change the patent law.

Let me explain how that worked. Fast track means that we as Members of Congress vote to give the right to the administration to negotiate a trade agreement with potential trading partners. The administration, in exchange for that agreement, that they can basically negotiate the agreement and bring it to Congress and put it before Congress, and we were only permitted up and down votes, that is what that fast track means, that we would only be permitted an up-or-down vote on this legislation that had been negotiated with our foreign trade partners.

But in exchange for fast track, the administration had to agree to two things. No. 1, there would not be anything included in the implementation legislation brought to Congress. There would not be anything in that legislation except that which was required by GATT itself. No. 2, we would have ample time, 50 days, to look over the GATT agreement in order to make our decision.

The administration waited until the last possible moment to put the GATT implementation legislation before Congress, just a few days before Congress was to adjourn, and they expected us, in I think it was 10 days, to work on this and to basically approve it without having a chance to read it and look it over.

One of the reasons we want to look it over is to find out what is in the GATT implementation legislation. Sure enough, there was a provision in that legislation that dramatically changed our patent rights. However, that provision was never required by the GATT agreement itself. In other words, that was not something that they had to put into the bill in order to be consistent with the GATT agreement they had made with our trading partners. Someone had snuck it into the bill.

When I say snuck into the bill, I mean snuck into the bill. I got wind there was some change going to be made in our patent laws, so I began calling the Trade Representative and others in the administration, asking whether or not there was actually going to be a provision in the GATT implementation legislation that changed American patent law. I was told that I did not have a right to know.

I, an elected representative of the people of the United States, as are the rest of my colleagues, and the administration told me I had no right to know what was going to be in a piece of legislation that was to be presented to the Congress of the United States? That is not only a betrayal, but an arrogant betrayal of the American people.

Basically, Mr. Speaker, we ended up in a situation where the Members of Congress were forced to vote in favor of the GATT implementation legislation that included a major change, a fundamental change, in the protection of American technological rights. We were forced to vote on that as one package. In other words, we either accepted this drastic change, this drastic change in American patent law protection, or we had to vote against the entire world trading system. We had to isolate the United States from the entire world trading system.

That was a betrayal, and I will never again vote for fast track authority going to this administration, under any circumstances. They lied that time, and I say lied, and that is exactly what this was, was a lie when they presented it to this body with a provision that was not mandated by the agreement itself. They lied when they said they would give us ample time to discuss the issue.

During my efforts to basically return to the guaranteed patent term and to try to stop it from going through in the GATT process, I learned of an ongoing plan that was aimed at, and I hesitate to use these words but they are accurate, aimed at destroying, that is right, I said destroying, the American patent system.

The American patent system, which has been the gem of our society, which has permitted us to develop technologies that will actually change our way of life and make our lives better as compared to other people around the world, the gem that has improved the life of the average person in our country as compared to the life of people in other countries, this gem is being destroyed.

The patent system that gives us the technological edge is being destroyed in a very hushed and quiet manner, and it will come to a vote, the next step in this process, it will come to a vote on the floor.

Mr. Speaker, here we are facing a very quiet maneuver, something that has been kept out of the mass media, something that the regular media, the news media in this country has not covered, that is going to make a dramatic change in America's fundamental technology and a dramatic change in our rights and a dramatic change in our standard of living. It will be something that over a long period of time will have a greater impact on our standard of living than our natural resources and the other great things that have made America such a wonderful country.

When did this all start? It is going to come to a head on April 17 when the Steal American Technologies Act, H.R. 400, comes to a vote on the floor of this House. About half of the Members of this House have no idea this bill is coming to a vote and have no idea what this bill is all about.

Four years ago Bruce Lehman, the head of our Patent Office, went to Japan where he signed an agreement with the head of the Japanese Patent Office to harmonize America's patent laws with those of Japan. To put this in perspective, America's patent laws over the history of our country have been the strongest and most protective laws in the world. That is what gave America the edge. Yet Bruce Lehman, head of the American Patent Office, went there 4 years ago, signed an agreement, a hushed agreement I might add, which I did not find out about until years later, to harmonize our law.

He was not signing the agreement to harmonize our law to bring Japanese protection up to the level of protection that is enjoyed and has been enjoyed by the people of the United States. Instead, what Mr. Lehman supposedly, representing the interests of the United States, signed was an agreement to make our system, our patent system, a carbon copy, a mirror image, of the Japanese system.

Let us make sure this is understood. The changes that were agreed to by our representative were to make our strong protection a weak protection like they have in Japan. In Japan, Japanese economic shoguns beat their competition down ruthlessly. If you are not in the ''in'' clique, you have no rights. The Japanese economic shoguns who rule that society know they have leverage on people because the laws do not protect the individual in Japan. They are aimed at the collective good in Japan, and the individual rights that have been so much part of our system, they do not even think that way.

That has permitted these powerful interests in Japan to keep an iron grip on that society. That is why it has been so difficult to open their markets

to American goods, because we were not dealing with their consumers who would want American products, we were dealing with Japanese powerful businessmen who know what power is all about and had used it in their own country.

Now we are changing our laws, our patent laws, to harmonize with them so they can do to the American inventor and the American people over here what they have been doing to their own people for 100 years.

What is worming its way through Congress is legislation that is implementing phase 2 of this notorious harmonization agreement. Phase 1 of the agreement was, guess what; what do you think phase 1 was? Phase 1 was the elimination of the guaranteed patent term, and the replacing of it with a system based on 20 years from filing, an uncertain term, which is the Japanese system. That was phase 1. That was what we got.

Immediately they tried to implement this agreement with Japan by sneaking it into the GATT implementation legislation, and forcing Congress to either vote against the entire world trading system or ratifying this secret and hushed agreement with the Japanese.

Phase 2 of that agreement with the Japanese is coming to the floor in one week, H.R. 400. How do I know? I know because H.R. 400 includes a provision that would destroy a vital protection of our law, our patent law, and replace it with a provision that comes directly from the Japanese code.

The Japanese code said, you know, it is 20 years from filing instead of a guaranteed patent term of 17 years. We change it to that. What else does the Japanese code say? What is this provision? Hang onto your hats. If H.R. 400 passes, we, like the Japanese, will have a system, a legal system, that mandates that when our inventors invent something and go to apply for a patent, after 18 months, whether or not that patent has been issued, it is going to be published for the entire world to see.

So if we have a system where breakthrough technologies, like the microprocessor or the MRI or the laser system, which took 20 years to get a patent, or polypropylene plastic which was a major breakthrough in the way we packaged things around the world, it took 20 years to get that patent issued, what is going to happen is after 18 months, whether or not the patent has been issued, every one of our technological secrets are going to be published for the entire world to see.

What does that mean? That means our technological secrets will be used by our enemies to destroy us economically. People who hate America, people who want to destroy our way of life, people who want to bring down the standard of living of the American people will have our technological secrets. This is the elimination of a right that we have had as well.

We had a right, from the founding of our Constitution, to a guaranteed patent term. That was eliminated by this sneaky maneuver in the GATT implementation legislation.

Now H.R. 400 goes the second step and it eliminates what right? From the founding of our country until this bill, if it passes, we have had a right of confidentiality. When an inventor goes with his patent application to the Patent Office, he has had a right that none of that information will ever be published, will ever be published, until his patent is issued. Because once it is issued, he then has protection. He has legal rights, then, that will protect him, and he knows that his adversaries, economic adversaries, cannot steal from him and use his own ideas against him. This was a right our people had.

Members have heard of industrial espionage. That espionage is that we do not want our adversaries to have our technological secrets. H.R. 400 will come to the floor of the House of Representatives a week from Thursday, and it will, if passed, mandate that every one of our technological secrets will be published for our enemies to use against us. It will eliminate the right of confidentiality.

If it does any good, I guess you can say they could probably use this as advocacy, it is certainly going to eliminate industrial espionage. Some laugh. This will be the first step in the destruction of America's ability to compete with other nations where they have cheap labor and slave labor. This will be the first step on the escalator down for the standard of living of the American people, and billions of dollars into the pockets of our worst enemies and competitors.

□ 2045

H.R. 400, I call it the Steal American Technologies Act, there are Members who are advocating this with a straight face and they are saying, if we published this, this will show our enemies what not to steal. Bruce Lehman, head of our patent office, last year was stopped short and believe me, it took all of our effort to do it, in his efforts to do what? What was his plan? He wanted to send the entire database of the patent office to China, the disk. He wanted to send our computer disk with the entire database of our patent office to China.

That is like sending the worst thief in the world the combination of your safe and saying, we are just sending it to you so you will know what not to steal. By the way, that was what he said was the purpose of sending the database, so they would know what not to steal. Something is haywire here; something is haywire here. The news media in the United States is not covering it. The American people do not know about it. And H.R. 400 is being supported by an army of lobbyists from multinational and foreign corporations that are going to meet each and every Member of Congress to try to get them to vote for this heinous piece of legislation. Disclosing all of our secrets? Disclosing all of our technology?

When this bill was first introduced, it had a different name. The name of the bill, now H.R. 400, is guess what? It is the 21st Century Patent Law Reform Act. Boy, does that sound positive. The 21st Century Patent Law Reform Act. What was this bill called when it was first introduced as 1733, which was 2 years ago? This bill, which was introduced by Carlos Moorhead and Pat Schroeder, was first called the Patent Publication Act. They were trying to sneak this through and they had no idea anybody was going to be on to it. That is what happened.

It was called the Patent Publication Act, but it got too hot, because that is the real purpose of this bill. The real purpose of the bill is to force our system to harmonize with the Japanese system so you publicize this. You publicize this after 18 months, you publicize the patent application, but they say, that is all right, we are including in H.R. 400 the right of people to sue, to sue.

If someone, when you have applied for a patent and your patent is published and some Japanese huge corporation or Chinese, like the Chinese army has these big companies now that steal our stuff over in China, if they start using your technology, then you can sue them once your patent is issued. That is what right they have given us. So sue me.

Can you imagine small American inventors trying to go up against these corporate giants, these corporate gangsters in these dictatorships like China or Vietnam or these corporate goons over in Japan?

So now these people who are trying to push this bill through, who have hired lobbyists to come and see your Member of Congress, my Member of Congress, everybody's Member of Congress being visited by these lobbyists, they are doing everything they can to pass the bill. And when you ask them, why are you supporting this bill, people call up their offices, after they have heard about how horrible it is. Every inventor in the United States is desperate to stop this bill. They are desperate. They know what this will mean.

So when people call up their Congressman and they say, why are you supporting this bill, I notice that you are supporting this H.R. 400, the Steal American Technologies Act, and the Member of Congress says, oh, just like the authors of the bill, they have been told that this is what they say, they talk about some really nice reforms in the bill.

There are a few here that are pretty good things in H.R. 400. They talk about, for example, ensuring that patent fees are retained in the patent office to make the patent office better and allowing the patent office to hire new employees, for example, and to protect inventors against fraud from phony advertising, sort of a truth in labeling type provision. That is all in H.R. 400. By the way, I support those

reforms. Those are very good reforms. But those are minor changes compared to what the real intent of the legislation is. They are figleafs. They are covers. They are a facade for something evil that is about to go on in this body.

It is like giving someone a bouquet of beautiful flowers. You have handed someone a bouquet of beautiful flowers. Then the proponents of the legislation hand the bouquet of beautiful flowers, and you are very happy. I have this bouquet of beautiful flowers. But then you happen to notice there are snakes in the bouquet. This bouquet is crawling with snakes as well as flowers. Well, you say, well, by the way, are these snakes poisonous?

They say, let me talk about the flowers, see how beautiful the flowers are here in this bouquet. No, I want to know if the snakes are poisonous because I do not want to hold on to it. Look at that beautiful rose in the bouquet. Why are you talking about snakes when you can look at the rose?

I do not want to take this home to my family. These snakes are poisonous. They will kill my children.

Do not think about that. Look at the beautiful flowers. Let me tell you about all the flowers.

That is what is going on with H.R. 400. They are talking about beautiful flowers, when the bouquet is filled with poisonous snakes. One of the snakes is mandating publication so that everybody in the world can steal it, steal our technology, steal our ideas and use them against us. That is a snake.

I had an industrialist in my office, a guy who ran a small solar energy company. And when this piece of legislation went through committee, and it has already gone through committee, he said, Congressman, if they mandate that I publish all of my patent applications, what is going to happen is they are going to use my patent applications, then will use all of the things that I have spent money for, millions of dollars to develop. They are going to go into production in Japan with my ideas, and all the money that they make from producing my technology they will use against me to defeat me in court and to steal my technology from me in court. They will be using my ideas and my innovation and my development to destroy me. That is a real snake. That is a real poisonous snake. That is what is going to be happening if H.R. 400 passes. That is a threat to our future.

H.R. 400 is the Steal American Technologies Act. But by the way, that snake that I just described, that is about new patents. If that was not bad enough, let me mention another snake that we have found hidden in the bouquet of flowers. I did not find this until recently when we had legal minds go over this bill with a fine-tooth comb, with a microscope.

What did we find? Another snake hidden among the flowers. That is that current patent owners, you see, the one I was just talking about where you have to publish your patent application, that only dealt with future technology. Current patent owners in the United States of America are going to find that there are provisions in this bill that opens them up to challenge by these huge corporate interests and by foreign and multinational corporations. In other words, once their patent has already been issued to Americans, we are going to find these huge corporate entities overseas coming in and filing court cases and challenging American patents that have already been issued.

Today it is very limited, very limited scope as to what you can challenge someone who owns a patent. They do not want it brought up again and again and again. What H.R. 400 does is open it up to a panoply of issues that you can bring before a court. Every one of our patent owners is going to be put in jeopardy. All of our current technology will be put in jeopardy. Not just the future, not just publication but current technology.

It is going to be challenged by the big boys of the world, both foreign and domestic.

There is a snake. There is a snake for you. How about another snake that we found in the bouquet of H.R. 400. Another snake is the snake that would permit these very same interests to interfere with a patent applicant as the process is moving. Once they find out, once they find out what he is up to because it has been published, they could actually go into the process and interfere with the process. That is what we found out. Can you imagine that. We are opening up, our own people are going to be cut off by the biggest people in the world. They will probably make a little change in the patent and then go in and try to interfere with the process. That is a real snake. That is a snake to everybody.

What about publication, what happens? By the way, one thing you have to understand, if the patent is not issued and you have then published it after 18 months, what happens if the patent is never issued. That means our American inventors are putting their heart and soul and investment in something and it does not pan out and the patent is not issued, what happens is everybody in the world knows all of their work. And if the patent is never issued, they have no rights whatsoever to sue anybody who is using their information.

Mr. Speaker, all of this was confidential before. It only became public up until this bill, if it passes, for since the founding of our country this has all been confidential information.

By the way, there is one big snake in this H.R. 400 Steal American Technologies Act, one big snake in the bouquet that I have not mentioned. It is probably the biggest snake of all. And it is so easy to see that proponents of the bill have had to go a long way to try to disguise it. Basically for the first 200 years of our country, since our Constitution, the Patent Office has been part of the U.S. Government. We have had patent examiners. Patent examiners make quasi-judicial decisions that determine who owns technology that represents billions of dollars, tens of billions of dollars. These people, they have had to be cleaner than judges because they determine ownership of technology, of property, of what will become money, of wealth.

These stalwart public employees at the Patent Office, these patent examiners, have been shielded from outside influences because they have been Government employees. Do my colleagues know what? In 200 years of this country's history, there has never been a scandal, never been a scandal with these patent examiners. The patent examiners have never been through scandals that have gone through many other different parts of our Government, because they have been shielded. They have been protected from outside influences.

And what does H.R. 400 do to the Patent Office that has been part of the U.S. Government since our country's founding? It obliterates it. It destroys it. It eliminates it. That is it. It takes the Patent Office and turns it into a corporate entity, a corporate entity. Maybe something like the Post Office. They do this in the name of privatization.

I am here to say that I am a Ronald Reagan conservative, I look at privatization as a very good thing. But there are core functions of government, the court system, our military, core functions of government, institutions that are set up to protect our individual rights, and you do not leave that in the hands of a corporate elite. You do not corporatize that. That is a legitimate function of government.

Mr. Speaker, they want to take the Patent Office and turn it into a corporate structure with a private board of directors made up of, and it is mandated in H.R. 400, to be made up of people with a business and financial background, meaning corporate leaders of this country will appoint who is the head of the Patent Office and oversee the policies of the Patent Office. And what effect will this corporatization have on this, on the honesty and the protection of our patent examiners from outside influences?

All I can say is that part of H.R. 400 is a provision that permits this new entity, this corporate entity, the Patent Office becomes a corporatized entity, permits that entity to accept corporate gifts, private and corporate gifts from foreign companies, from domestic companies. It permits this entity which will determine who owns what technology to accept gifts from the people who it is having to decide on who owns what. This is beyond belief, taking our patent examiners and subjecting them to who knows what outside influences by who knows who.

More than that, the new corporate entity will be able to float bonds so

that they can build huge palaces. This is one of the things that Bruce Lehman would like to do. He wants to build a huge new patent building. And by the way, if the new Patent Office corporatization does not have the money for some reason, well, the taxpayers are the ones who have to meet the obligation if those bonds that are floated by this corporate entity are not repaid.

H.R. 400 is the Steal American Technologies Act. It has already gone through subcommittee, passed I think by voice vote, went through committee. I think it passed by either voice vote or a close-to-unanimous vote.

□ 2100

It has already passed through these committees and there is an army of lobbyists in the Nation's Capital, hired by multinational and foreign corporations as well as some of our own domestic corporations, who are here trying to basically do what they have a right to do, which is influence the vote of Members of Congress.

The administration is behind this piece of legislation. They are backing it. Of course, this is the same administration which has been compromised by receiving campaign donations from Chinese interests, from Communist Chinese interests, I might add, by some of the same people we could expect to steal the American technology as soon as it was published. But the administration is backing it.

So we have these forces at play. These forces are working right now and this bill will pass unless the American people personally get involved. This is the way it has always been when there has been a threat to our well-being. Unless the American people get involved, the Government can go in the wrong direction. Unless people actually call their Member of Congress and say, for goodness sakes, oppose H.R. 400, the Steal American Technologies Act, and please support the bill, H.R. 811, Congressman ROHRABACHER's bill, and H.R. 812, a bill which will reaffirm, it is called the Patent Term Restoration Act, reaffirm and strengthen patent protection in America. It is diametrically opposed to H.R. 400.

What we have now are my bill, which would strengthen the patent office, and H.R. 812. H.R. 811, my bill, which would strengthen the American patent protection, over here, versus a piece of legislation, H.R. 400, that would destroy our patent protection as we know it and destroy the patent office.

They are coming to a head on the floor of the House a week from Thursday. What will happen is my vote will come as a substitute motion, which means it will be a vote either for H.R. 811 and 812 or for H.R. 400. If H.R. 400 passes, gets the higher number of votes, it will be passed into law, and I believe it will pass through the U.S. Senate.

As I say, it will have dramatic repercussions. It will be, and I honestly believe, be a Pearl Harbor in slow motion. Our standard of living, our way of life will be attacked and 20 years from now people will never know, will never know what hit them.

It was just 100 years ago when two young Americans decided that they would set out to discover the secrets of manned flight. Two young Americans, Orville and Wilbur Wright. They did not have a lot of education, but they had freedom and they were Americans and they had a dream. They owned this bicycle shop in Ohio and they read everything they could get their hands on.

Perhaps more than any other Americans, these two young men represented the spirit of what our country was and hopefully always will be all about. Orville and Wilbur there in their bicycle shop, reading and writing letters to people all over the world, struggling to find, to discover that secret, the secret that would permit all of mankind to soar, to soar into the heavens like birds, like meteors.

They worked hard. They had very little money. They had investors. They did have investors, and their investors knew if they discovered this, there would be a time period when their secret would become profitable. They would discover the secret and they would be able to make some return on their money. That is why people invested in them. Orville and Wilbur knew they would have a 17-year guaranteed patent term and they also knew their secrets, what they discovered would be kept secret until their patent was issued.

These two young Americans did what the crown heads of Europe and the huge empires around the world could not do. The Kaiser could not do it. The French, the English crown could not discover the secret, the technology that would permit man to soar like the birds, to fly into the heavens. All they had was their enthusiasm and their freedom.

I visited Kitty Hawk, NC, last year, and it is one of the most inspiring sites that I can imagine. I would recommend that to anyone who is listening or reading this in the CONGRESSIONAL RECORD. Kitty Hawk talks about the indomitable spirit of the American people. They had an indomitable spirit because they lived in a society that protected creators. It protected investors. It protected innovators.

It protected the likes of Orville and Wilbur Wright, normal, common, everyday Americans, rather than a legal system that protected the elite like they have had in Japan, or the elite in Europe and the other countries from which our forefathers and mothers fled to the new world to live a new life and to live in freedom.

So the people like Orville and Wilbur were able to dream great dreams, and one day, and after years of failure and trying again and trying again, they did it. They discovered the secret, and the secret for them was the shape of the wing. It was the shape of the wing that they had not seen before that permitted them to understand lift; that managed to take mankind off of the ground on the windy shores of Kitty Hawk, NC, and catapulted mankind into a new era.

Here we are, less than 100 years later, less than 100 years after that first flight, and look how this has changed our way of life. Look what their discovery has meant for the United States of America. Their discovery has meant that we have built a tremendous aerospace industry that not only took man to the moon but has facilitated jet air travel throughout this planet, and has uplifted the standard of living not only of the people who work for the aerospace industry, who have good paying jobs, but everybody else who is able to enjoy the goods and services and visits that we have learned to expect as Americans, as part of our way of life and our freedom to travel.

What would have happened if Orville and Wilbur Wright would have had to publish their secret before that patent was issued? Would there have been a Mitsubishi Corp. who would take their invention and create an aerospace industry in Japan, while at the same time using their money and resources to destroy Orville and Wilbur Wright and destroy them in our own court system?

If H.R. 400 would have been in place, what would have happened was that the Japanese would have had all their secrets, and before that patent was issued the Mitsubishi Corp. could actually have come and interfered with their right to get the patent. It could put a challenge on if the patent had already been issued. It could have tied up these little guys from Ohio and tied them in knots, and they could have used the resources from the Wright brothers' own discovery, the wealth that was created by this new knowledge, to destroy the Wright brothers.

Now, that is only one example. That is only one example of how technology and the protection of technology will directly affect our standard of living. Hundreds of thousands of people work in the aerospace industry in the United States today. Good high-paying jobs. That is because it was started with Orville and Wilbur Wright. It was because our creators and innovators have had that protection. And now we are trying to harmonize our system with the Japanese law. We cannot stand by as free people and let this happen. We cannot let it happen.

We cannot let our own huge corporate interests, who are pushing this bill, and they are all of the big companies now thinking that we have to pass this bill. Because of what? They call it globalism. They say that we are entering in this new era of global harmony. Well, Lord protect us from those people who would perfect all of the people of the world. Because usually these idealists who want to create a perfect world end up causing great damage to the people of the United States of America,

to our rights and to our liberty and to our way of life.

Globalism, this thought that has captured the imagination of our corporate leadership, now is being used as an excuse to do things that will hurt the standard of living of the American people and will reduce the protections and the legal rights of our people.

This patent maneuver is just one example of that. It is maybe the first easily defined and easily described example of that. We cannot permit the corporate interests, who basically have the right to live here and enjoy the protection that the American people have given them, and they use their investments to go overseas to countries like China and create factories, perhaps even based on the technology they have stolen from their fellow Americans, we cannot permit this to happen so that our wealth and our technology and our ideas are used against the United States of America in the name of some global concepts.

It is not globalism they want. They are putting that money in their own pocket. They know that and they are justifying that sellout of the American people by talking about globalism.

I have not met any corporate leaders who come into my office and told me about the big meetings they have had with their Chinese leaders on the mainland of China about human rights. They always talk about how most-favored-nation status and trading with the Chinese is going to bring about more liberalization on the mainland of China and more respect for human rights, and yet they have never spoken to the red Chinese bosses themselves about human rights. I guess they think it is osmosis that will create these ideal flows.

Well, I know those people who were sitting in my office trying to get me to vote for most-favored-nation status were really interested in a 20-percent return on their investment rather than investing in the United States of America and getting only a 5- to 10-percent return. I know that is what it is all about. That is fine. If I can vote against it, I will, but I understand where they are coming from.

What is happening with H.R. 400, they have convinced themselves, the corporate leaders have convinced themselves that they are creating this new global economy, and that they can basically bring down the level of protection for American citizens and it will not bother them at all because they are creating this new global economy which will be better for everybody.

No. Their real purpose is to put more money in their pocket and to excuse every dastardly act that they need to do to make that money, even if they are making deals with the worst butchers in the world. The people of Tibet could be totally incinerated tomorrow, millions of them, and our corporate elite would still want to have most-favored-nation status with China.

Where does this all fit in with, of course, the campaign donations made to this administration? Where does it fit in with the subject of patents? It is the Red Chinese as well as the Japanese and other copycats around the world who are going to use our technology. They are going to have the benefits, these monster regimes will have the benefits of all the innovations and creative ideas before our own people are even issued the patent.

That is what H.R. 400 is trying to do. H.R. 400, the Steal American Technologies Act, will give them all that even before the patents are issued. We cannot let that happen. And we can stop it. The lobbyists can be defeated if people let their Member of Congress know that they are opposed to H.R. 400, the Steal American Technologies Act, and want their representatives to vote for the Rohrabacher alternative, H.R. 811 and 812. They can be stopped.

Whether it is Orville or Wilbur or whether it is Tom Edison, or whether we are talking about the people that have come up with the ideas and fought the wars, the people who have built the churches, the people who teach in our schools, the people who make this country what it is, a great and wonderful country, and have defended this country, these are ordinary American people. These are people who have come here from every part of the world to live in freedom, and not to have our laws harmonized downward with the laws that they came here to escape. They came here because this was going to be a better place, where individual rights of all citizens would be protected. The ordinary people of the United States of America. People who are not rich.

Both of my parents were raised on farms. Homesteads. My dad was a marine who fought in World War II. I spent 10 years as a journalist before I got involved in politics, and I did not make much money. It is ordinary people that will save our Republic. It is ordinary people that have saved and preserved our freedom, and this is one of those occasions when the ordinary people of the United States have got to make their will felt or we will see our freedom diminished and we will pay a price in the long run.

I am confident that a week from Thursday when this vote comes, that good will triumph and American freedom will be preserved because the people will speak and they will not let down the Orville and Wilbur Wrights of the past. They will not let down the patriots of bygone eras, and they will not let, in the name of some global concept, our rights as Americans to be diminished and to be frittered away by an elite that seems to have lost their patriotism and their direction and their moral values.

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

□ 2115

## THE STRUGGLE FOR FREEDOM IN BURMA AND AFGHANISTAN

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

Mr. ROHRABACHER. Mr. Speaker, I have been involved with many various groups of people who are struggling for their freedom in different parts of the world. Tonight, I would like to mention two of them. One is the people of Burma. The people of Burma are still under the heels of a despotic regime. Let me note that those people in Burma are led by a nobel laureate named Aung San Suu Kyi. Aung San Suu Kyi is one of the true heroes of our day. I would hope that as the American people hear about the issue of patents, which I just described, that they will realize that there are some people, no matter how brutal a regime, that are still willing to trade and do business with countries and governments like that in Burma. That government and the Burmese people are separated by a wide difference in the sense that one is the oppressed and one is the oppressor.

We set our policies, and as Americans we should always be identifying with the people who are the oppressed people and not those people who are the oppressors. This is important for our trade policies as well as our personal and political policies.

The other country I would like to mention is Afghanistan, where the Taliban movement is in control of three-quarters of the country. There is a king of Afghanistan in exile in Italy today who could and offers a positive alternative to the chaos and somewhat repressive nature of those individuals or other individuals seeking power in Afghanistan. I would hope that the people of Afghanistan can someday free themselves from the tyranny of chaos that has gripped them since the Russians invaded their country back in 1979–80.

So tonight, as part of my message, I would hope that people in Burma and the people of Afghanistan who have struggled so long and hard for their liberty understand that while we are here on the House floor debating issues like the patent law and other laws that really impact us greatly in the United States of America, that we also understand that America is a shining light of hope for the people of the world, whether they are oppressed people in Burma or in Afghanistan or elsewhere, and that in Afghanistan, where there is a chance for the king to bring about a new era, that the United States Government backs him and helps to end the cold war which was put to an end by the strength and freedom of the Afghan people.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. ARMEY), for today, on account of medical reasons.

Ms. KAPTUR (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. POMEROY (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. FILNER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Mrs. MCCARTHY of New York (at the request of Mr. GEPHARDT), for today, on account of illness.

Ms. CARSON (at the request of Mr. GEPHARDT), for today, on account of illness.

Ms. KILPATRICK (at the request of Mr. GEPHARDT), for today, 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 Member (at the request of Mr. SHERMAN) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, on April 9.

Mr. CHRISTENSEN, for 5 minutes each day, on April 9 and 10.

Mr. SHIMKUS, for 5 minutes each day, on today and April 9.

Mr. PAPPAS, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. BONO, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. KINGSTON, 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. SHERMAN) to revise and extend their remarks and include extraneous material:)

Mr. ANDREWS.

Mr. STARK.

Mr. PASCRELL.

Mrs. MALONEY of New York in two instances.

Mr. WEYGAND.

Ms. WOOLSEY.

Mr. UNDERWOOD.

Mr. TRAFICANT.

Mr. KLECZKA.

Mr. KUCINICH.

Mr. STOKES.

Mr. HOLDEN.

Mr. THOMPSON.

Mr. MORAN of Virginia.

Mr. DIXON.

Mr. VISCLOSKY.

Mr. ORTIZ.

Ms. HARMAN.

Mr. ACKERMAN.

Mr. MARTINEZ.

Mr. COYNE.

Mr. BERRY.

Mr. BROWN of California.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS.

Mr. BLUNT.

Ms. ROS-LEHTINEN.

Mr. GINGRICH.

Mr. SENSENBRENNER.

Mr. GILMAN in three instances.

Mr. GALLEGLY.

Mr. GEKAS in two instances.

Mr. MCCOLLUM.

Mr. DAVIS of Virginia in two instances.

Mrs. ROUKEMA.

Mr. PORTMAN.

Mr. SHUSTER.

Mr. FRANKS of New Jersey.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN.

Mr. CLAY.

Mr. DEUTSCH.

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On March 21, 1997:

H.R. 514. An act 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.

## ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 9, 1997, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2493. A letter from the General Sales Manager and Vice President, Commodity Credit Corporation, transmitting the annual report on monetization programs for U.S. fiscal years 1993, 1994, and 1995, pursuant to 7 U.S.C. 1431(b)(9)(B); to the Committee on Agriculture.

2494. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Revisions of part 46, Regulations Under the Perishable Agricultural Commodities Act (PACA) (FV96–351) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2495. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches (FV–96–916–3 Interim Final Rule) received April 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2496. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the the Department's final rule—Community Facilities Grant Program (Rural Housing Service (RHS)) (RIN: 0575–AC10) received April 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2497. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb Hydrochloride; Pesticide Tolerance for Emergency Exemptions [OPP–300464; FRL–5597–2] (RIN: 2070–AC78) received March 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2498. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Disclosure to Shareholders; Disclosure to Investors in Systemwide and Consolidated Bank Debt Obligations of the Farm Credit System; Quarterly Report (RIN: 3052–AB62) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2499. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Interim Rule: Special Combinations for Flue-Cured Tobacco Allotments and Quotas (RIN: 0560–AF14) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2500. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Farm Credit—Title VI of the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) (RIN: 0560–AE87) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2501. A communication from the President of the United States, transmitting his requests for a fiscal year 1997 supplemental and a fiscal year 1998 budget amendment for the Federal Election Commission [FEC], pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–61); to the Committee on Appropriations and ordered to be printed.

2502. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1996, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on National Security.

2503. A letter from the Under Secretary of Defense, transmitting the Secretary's selected acquisition reports [SARS] for the quarter ending December 31, 1996, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

2504. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting the Department's final rule—Air Force Privacy Act Program [Air Force Reg. 12–35] received

March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2505. A letter from the Assistant Secretary of Defense for Force Management Policy, Department of Defense, transmitting an interim response to the requirement of section 1256 of the National Defense Authorization Act for fiscal year 1997 for a report on Parity of Pay for Active and Reserve Component members; to the Committee on National Security.

2506. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting a report on printing and duplicating services procured in-house or from external sources during fiscal year 1996, pursuant to Public Law 104–201, section 351(c) (110 Stat. 2490); to the Committee on National Security.

2507. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Panama Canal Commission Acquisition Regulation; Debarment, Suspension, and Ineligibility [48 CFR Part 3509] (RIN: 3207–AA30) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2508. A letter from the Secretary of Defense, transmitting the Department's report entitled ''Military Capabilities of the People's Republic of China''; to the Committee on National Security.

2509. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to various countries, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2510. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 1996 annual report to Congress, pursuant to 12 U.S.C. 3305; to the Committee on Banking and Financial Services.

2511. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Regulation M, Consumer Leasing Act [Docket No. R–0952] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2512. A letter from the Chairman, National Credit Union Administration, transmitting the 1996 annual report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking and Financial Services.

2513. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Economic Growth and Regulatory Paperwork Reduction Regulatory Amendments (RIN: 1550–AB05) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2514. A letter from the Acting Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting notice of Final Priority—Educational Research and Development Centers Program—received March 25, 1997, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2515. A letter from the Acting Secretary of Labor, transmitting the 1996 reports of the Department of Labor's Advisory Council for Employee Welfare and Pension Benefit Plans; to the Committee on Education and the Workforce.

2516. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Educational Research and Development Centers Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

2517. A letter from the Chairperson, National Council on Disability, transmitting the Council's annual report for fiscal year 1996, pursuant to 29 U.S.C. 781(a)(9); to the Committee on Education and the Workforce.

2518. 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; California—Ozone [FR #CA126–0030; FRL–5804–5] received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2519. 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 Air Quality Implementation Plan Revision for Utah; Visibility Protection [UT–001–0001a; FRL–5802–2] received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2520. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Minnesota; Enhanced Monitoring [MN40–01–6988a; FRL–5694–4] received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2521. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Indiana [IN–53–1a; FRL–5710–1] received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2522. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Program of Delegation; Indiana [IN74–1(a); FRL–5687–8] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2523. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities for Uncontrolled Hazardous Waste Sites [FRL–5805–2] received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2524. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Vermont; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Volatile Organic Compounds Not Covered By Other Category-Specific Regulations [A–1–FRL–5801–9] received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2525. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Microbial Products of Biotechnology; Final Regulation Under the Toxic Substances Control Act [OPPTS–00049C; FRL–5577–2] (RIN: 2070–AB61) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2526. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution; Amendment to Emission Requirements Applicable to New Gasoline Spark-Ignition Marine Engines [FRL–5805–7] received March 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2527. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Program of Delegation; Wisconsin [WI73–01–7302(b); FRL–5691–7] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2528. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—State of Florida: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 5802–9) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2529. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Revision of Part 2 of the Commission's Rules Relating to the Marketing and Authorization of Radio Frequency Devices [ET Docket No. 94–45, RM–8125] received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2530. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Telephone Number Portability [CC Docket No. 95–116, RM–8535] received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2531. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Relocate the Digital Electronic Message Service From the 18 GHz Band to the 24 GHz Band and to Allocate the 24 GHz Band for Fixed Service [ET Docket No. 97–99] received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2532. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rules—Amendment of Part 90 of the Commission's Rules To Provide for the use of the 220–222 MHz Band by the Private Land Mobile Radio Service [PR Docket No. 89–552 RM–8506]; Implementation of Sections 3(n) and 332 of the Communications Act [GN Docket No. 93–252]; Regulatory Treatment of Mobile Services; and Implementation of Section 309(j) of the Communications Act—Competitive Bidding [PP Docket No. 93–253] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2533. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 1 of the Commission's Rule—Competitive Bidding Proceeding [WT Docket No. 97–82] received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2534. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Notice and Request for Comment Regarding Compliance Assistance and Civil Penalty Leniency Policies for Small Entities—received April 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2535. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Listing of Color Additives for Coloring Contact Lenses; 1,4-Bis [(2-hydroxyethyl) amino] -9, 10-anthracenedione bis (2-propenoic) ester copolymers; Confirmation of Effective Date [Docket No. 91C–0189] received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2536. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Consolidation of Drug Regulations [Docket No. 96N–0183] (RIN: 0910–AA53) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2537. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational Device Exemptions; Disqualification of Clinical Investigators [Docket No. 92N–0308] received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2538. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Medical Device Reporting; Annual Certification [Docket No. 91N–0295] (RIN: 0910–AA09) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2539. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Electronic Records; Electronic Signatures [Docket No. 92N–0251] (RIN: 0910–AA29) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2540. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food and Drugs; Technical Amendments [21 CFR Parts 101 and 102] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2541. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Tamper-Indicating Seals for the Protection and Control of Special Nuclear Material (Regulatory Guide 5.15) received April 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2542. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Generic Letter 97–01: Degradation of Control Rod Drive Mechanism Nozzle and Other Vessel Closure Head Penetrations [GL 97–01] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2543. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Monitoring the Effectiveness of Maintenance at Nuclear Power Plants (Regulatory Guide 1.160, Revision 2) received March 24, 1997, pursuant to 5 U.S.C. 801(a) (1)(A); to the Committee on Commerce.

2544. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Nuclear Power Plant Instrumentation for Earthquakes [Regulatory Guide 1.12] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2545. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Identification and Characterization of Seismic Sources and Determination of Safe Shutdown Earthquake Ground Motion [Regulatory Guide 1.165] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2546. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Pre-Earthquake Planning and Immediate Nuclear Power Plant Operator Postearthquake Actions [Regulatory Guide 1.166] received April 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2547. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Restart of a Nuclear Power Plant Shut Down by a Seismic Event [Regulatory Guide 1.167] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2548. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Standard Review Plan; Basic Geologic and Seismic Information [Section 2.5.1 of NUREG–0800] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2549. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Standard Review Plan; Vibratory Ground Motion [Section 2.5.2 of NUREG–0800] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2550. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Standard Review Plan; Surface Faulting [Section 2.5.3 of NUREG–0800] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2551. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Reactor Siting Criteria (Regulatory Analysis) [10 CFR Part 50 and 100] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2552. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Status of Investment Advisory Programs under the Investment Company Act of 1940 [Release No. IC–22579; IA–1623; S7–24–95] (RIN: 3235–AG07) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2553. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Informal Guidance Program for Small Entities (17 CFR Part 202) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2554. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Penalty-Reduction Policy for Small Entities (17 CFR Part 202) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2555. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Israel for defense articles and services (Transmittal No. 97–12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2556. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 03–97 for the relocatable over-the-horizon radars [ROTHR] project arrangement [PA], pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2557. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 09–97), pursuant to 22 U.S.C. 2796(a); to the Committee on International Relations.

2558. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2559. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Overflight Payments to North Korea (Office of Foreign Assets Control, Treasury) (CFR Part 500) received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2560. A communication from the President of the United States, transmitting a report to the Congress detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services, pursuant to Public Law 104–114, section 102(g) (H. Doc. No. 105–62); to the Committee on International Relations and ordered to be printed.

2561. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–524, ''Department of Insurance and Securities Regulation Establishment Act of 1996'' received March 21, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2563. A letter from the Acting Comptroller General of the United States, transmitting a list of all reports issued or released in February 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

2564. A letter from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2565. A letter from the Chief Executive Officer, Corporation for National Service, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2566. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the official resolution disapproving the Mayor's response and revised fiscal year 1998 financial plan and budget submitted to the Authority on March 18, 1997, pursuant to section 202(d) of Public Law 104–8; to the Committee on Government Reform and Oversight.

2567. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C 552(e); to the Committee on Government Reform and Oversight.

2568. A letter from the Chairman, Federal Election Commission, 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.

2569. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Death Benefits (5 CFR Part 1651) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2570. A letter from the Acting Secretary, Federal Trade Commission, 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.

2571. A letter from the Acting Administrator, General Services Administration, 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.

2572. A letter from the Executive Director Neighborhood Reinvestment Corporation,

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.

2573. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowances (Nonforeign Areas) [5 CFR Part 591] (RIN: 3206–AH07) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2574. A letter from the Director, Peace Corps, 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.

2575. A letter from the Railroad Retirement Board, 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.

2576. A letter from the Acting Commissioner, Social Security Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2577. A letter from the Executive Director, United States Artic Research Commission, transmitting the Commission's consolidated semiannual report under the Inspector General Act, and the annual report under the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2578. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the annual report of the coastal zone management fund for the National Oceanic and Atmospheric Administration for fiscal year 1996, pursuant to Public Law 101–508, section 6209 (104 Stat. 1388–309); to the Committee on Resources.

2579. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Services final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Three Plants and Threatened Status for Five Plants from Vernal Pools in the Central Valley of California [50 CFR Part 17] (RIN: 1018–AC00) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2580. A letter from the National Marine Fisheries Services, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 032097A] (50 CFR Part 679) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2581. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 022697A] received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2582. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 031497C] received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2583. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 031497D] received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2584. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7012–02; I.D. 031097A] received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2585. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 031097B] received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2586. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Prohibited Species Catch Limits for Tanner Crab [Docket No. 961217360–7052–02; I.D. 112596C] received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2587. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Consolidation of the Fishery Management Plan for the Atlantic Bluefish Fishery [Docket No. 970303042–7042–01; I.D. 021097C] (RIN: 0648–AJ78) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2588. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Season Opening [I.D. 031497A] received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2589. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component [Docket No. 960807218–6244–02; I.D. 032097F] received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2590. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Catch Sharing Plans [Docket No. 961217359–7050–02; I.D. 121196B] (RIN: 0648–AJ11) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2591. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 031997A] received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2592. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Technical Amendment [Docket No. 960612172–7054–02; I.D. 011697A] (RIN: 0648–AI21) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2593. A letter from the Acting Assisting Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 14 [Docket No. 961108316–7051–02; I.D. 101796C] (RIN: 0648–AI47) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2594. A letter from the Acting Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Hawaiian Islands Humpback Whale National Marine Sanctuary [Docket No. 950427120–7006–02] (RIN: 0648–AH99) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2595. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 23 [Docket No. 970324064–7064–01; I.D. 021997B] (RIN: 0648–AJ32) received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2596. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 20 [Docket No. 970318056–7056–01; I.D. 021397B] (RIN: 0648–AJ43) received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2597. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pollock in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 032897B] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2598. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 032497A] (50 CFR Part 679) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2599. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; District 16 of Registration Area D [Docket No. 960502124–6190–02; I.D. 022097B] (50 CFR Part 679) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2600. A letter from the Acting Director, Office of Surface Mining, transmitting the Office's final rule—Iowa Regulatory Program [SPATS No. IA–009–FOR] received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2601. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final

rule—Hopi Tribe Abandoned Mine Land Reclamation Plan [HO–004–FOR] received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2602. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Alaska Regulatory Program [AK–005–FOR, Amendment No. V] received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2603. A letter from the Secretary of Commerce, transmitting the biennial report regarding the activities of the National Oceanic and Atmospheric Administration's [NOAA] National Marine Fisheries Service's Chesapeake Bay Office to protect and restore the living resources of the Chesapeake Bay, pursuant to section 307(b)(7) of the NOAA Authorization Act of 1992; to the Committee on Resources.

2604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Monetary Penalties Inflation Adjustments (U.S. Coast Guard) [CGD 96–052] (RIN: 2105–AC63) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2605. A letter from the Director, Federal Bureau of Investigation, transmitting the Bureau's final rule—Implementation of Section 109 of the Communications Assistance for Law Enforcement Act (RIN: 1105–AA39) received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2606. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Literacy Program [BOP–1036–I] (RIN: 1120–AA33) received march 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2607. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 18th annual report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

2608. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Post-Employment Conflict of Interest Restrictions; Exemption of Positions and Revision of Departmental component Designations (RIN: 3209–AA07) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2609. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters (Federal Aviation Administration) [Docket No. 96–SW–15–AD; Amdt. 39–9900; AD 97–02–15] (RIN: 2120–AA64) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company (formerly Beech Aircraft Corporation) Model 1900D Airplanes (Federal Aviation Administration) [Docket No. 96–CE–43–AD; Amdt. 39–9907; AD 97–03–01] (RIN: 2120–AA64) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Battle Mountain, NV (Federal Aviation Administration) [Airspace Docket No. 96–AWP–32] (RIN: 2120–AA66) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking at Training Centers: Editorial and Other Changes (Federal Aviation Administration) [Docket No. 26933; Amdt. Nos. 61–101, 121–263, 135–67, 142–1] (RIN: 2120–AA83) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bonafouca Bayou, LA (U.S. Coast Guard) [CGD8–95–026] (RIN: 2115–AE47) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Government Cut, Miami, FL (U.S. Coast Guard) [COTP Miami–97–009] (RIN: 2115–AA97) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area Regulations; Lower Mississippi River (U.S. Coast Guard) [CGD08–97–008] (RIN: 2115–AE84) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2616. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Speed Limits for the St. Mary's River (U.S. Coast Guard) [CGD09–97–005] (RIN: 2115–AE84) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Performance-Oriented Packaging Standards; Final Transitional Provisions; Revisions and Response to Petitions for Reconsideration (Research and Special Programs Administration) [Docket No. HM–181H; Amdt. Nos. 172–150, 173–255, 178–117] (RIN: 2137–AC80) received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2618. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CT7 Series Turboprop Engines (Federal Aviation Administration) [Docket No. 96–ANE–34; Amdt. 39–9956; AD 97–05–12] (RIN: 2120–AA64) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–22–AD; Amdt. 39–9974; AD 97–07–01] (RIN: 2120–AA64) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–107–AD; Amdt. 39–9975; AD 97–07–02] (RIN: 2120–AA64) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2621. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Selawik, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–28] (RIN: 2120–AA66) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2622. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Nuiqsut, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–27] (RIN: 2120–AA66) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kake, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–26] (RIN: 2120–AA66) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules (Federal Aviation Administration) [Docket No. 25910; Amendment Nos. 1–47, 61–102, 141–8, 143–6] (RIN: 2120–AE71) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2625. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Clinton, OK (Federal Aviation Administration) [Airspace Docket No. 96–ASW–12] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2626. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Panhandle, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–06] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2627. A letter from the General Counsel, Department of Transportation, transmitting the Department's finel rule—Establishment of Class D Airspace; McKinney, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–15] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2628. A letter from the General Counsel, Department of Transportation, transmitting the Agency's final rule—Adding Controlling Agency to Restricted Areas: R–2530 Sierra Army Depot, CA; R–4802 Lone Rock, NV; and R–4811 Hawthorne, NV (Federal Aviation Administration) [Airspace Docket No. 97–AWP–4] (RIN: 2120–AA66) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2629. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pauls Valley, OK (Federal Aviation Administration) [Airspace Docket No. 96–ASW–09] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2630. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Russellville, AR (Federal Aviation Administration) [Airspace Docket No. 96–ASW–13] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2631. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–41; Amdt. 39–9972; AD 97–06–15] (RIN: 2120–AA64) received March 27, 1997, pursuant to Public Law 103–337, section 342(b) (108 Stat. 2721); to the Committee on Transportation and Infrastructure.

2632. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–19; Amdt. 39–9971; AD 97–06–14] (RIN: 2120–AA64) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2633. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28839; Amdt. No. 1788] (RIN: 2120–AA65) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2634. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28838; Amdt. No. 1787] (RIN: 2120–AA65) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2635. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Corsicana, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–18] received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2636. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Pelican Passage Dauphin Island, AL (U.S. Coast Guard) [COTP Mobile, AL 97–005] (RIN: 2115–AA97) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2637. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Tank Level or Pressure Monitoring Devices (U.S. Coast Guard) [CGD–071] (RIN: 2115–AD69) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2638. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Regulated Navigation Area Regulations; Lower Mississippi River (U.S. Coast Guard) [CGD08–97–008] (RIN: 2115–AE84) received March 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2639. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendments to Former Interstate Commerce Commission Regulations in Accordance with the ICC Termination Act of 1995 (Federal Highway Administration) (RIN: 2125–AE12) received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2640. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Design Standards for Highways; Geometric Design of Highways and Streets (Federal Highway Administration) [FHWA Docket No. 95–12] (RIN: 2125–AD38] received March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2641. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Light Truck Average Fuel Economy Standard, Model Year 1999 (Federal Highway Traffic Safety Administration) [Docket No. 97–15; Notice 1] (RIN: 2127–AG64) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Minimum Levels of Financial Responsibility for Motor Carriers; Hours of Service of Drivers; Technical Amendments (Federal Highway Administration) (RIN: 2125–AE07) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2643. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Railroad Consolidation Procedures—Modification of Fee Policy (STB Ex Parte No. 556) received April 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2644. A letter from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summaries as part of their annual report for the fiscal year beginning October 1, 1995, and ending September 30, 1996, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

2645. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Upgraded Discharges (RIN: 2900–AI40) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2646. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AI55) received March 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2647. A letter from the Chief, U.S. Customs Service Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Duty-Free Stores (U.S. Customs Service) [T.D. 97–19] (RIN: 1515–AB86) received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2648. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Maquiladora Industry Coordinated Issue [I.R.C. 168(g)(1)(A) received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2649. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–17] received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2650. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Construction/Real Estate Industry Percentage of Completion Method Timing of Cost Recognition—received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2651. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Differential Earnings Rate for Mutual Life Insurance Companies [Notice 97–17] received March 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2652. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Substantiation of Business Expenses for Travel, Entertainment, Gifts, and Listed Property [TD 8715] (RIN: 1545–AT98) received March 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2653. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Trust Arrangements [Notice 97–24] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2654. A letter from the Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Petroleum and Retail Industries Coordinated Issue: Convenience Stores—received April 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2655. A letter from the Acting Secretary, Department of State, transmitting a report assessing the voting practices of the governments of U.N. member states in the General Assembly and Security Council for 1996, and evaluating the actions and responsiveness of those governments to U.S. policy on issues of special importance to the United States, pursuant to Public Law 101–167, section 527(a) (103 Stat. 1222); Public Law 101–246, section 406(a) (104 Stat. 66); jointly, to the Committees on International Relations and Appropriations.

## 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:

*[The following action occurred on March 31, 1997]*

Mr. BURTON: Committee on House Oversight. Oversight plans for all House committees (Rept. 105–44). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted April 8, 1997]*

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 1000. A bill to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977 (Rept. 105–43). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 107. Resolution providing for consideration of motion to suspend the rules (Rept. 105–45). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 1003. A bill to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide; with amendments (Rept. 105–46 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

*[The following action occurred on April 4, 1997]*

Pursuant to clause 5 of rule X the Committees on House Oversight, the Judiciary, and Transportation and Infrastructure discharged from further consideration. H.R. 3121 referred to the

Committee of the Whole House on the State of the Union.

*[Submitted April 8, 1997]*

Pursuant to clause 5 of rule X the Committees on Ways and Means, the Judiciary, Education and the Workforce, Government Reform and Oversight, Resources, and International Relations discharged from further consideration. H.R. 1003 referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the speaker:

H.R. 1003. Referral to the Committees on Ways and Means, the Judiciary, Education and the Workforce, Government Reform and Oversight, Resources, and International Relations extended for a period ending not later than April 8, 1997.

## 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. HYDE (for himself, Mr. CONYERS, Mr. MCCOLLUM, Mr. SCHUMER, Mr. CANADY of Florida, Mr. WEXLER, Mr. MICA, and Mr. MCNULTY):

H.R. 1225. A bill to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Ms. DUNN of Washington, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. COYNE, Mr. THOMAS, Mr. HERGER, Mr. CAMP, Mr. ENSIGN, Mr. HAYWORTH, Mr. WELLER, Mrs. KENNELLY of Connecticut, Mr. LEVIN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Mr. TANNER, Mrs. THURMAN, and Mr. PORTMAN):

H.R. 1226. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Ways and Means.

By Ms. DUNN of Washington (for herself, Mr. GINGRICH, Mr. WATTS of Oklahoma, Ms. GRANGER, Mr. CHRISTENSEN, Mr. SAM JOHNSON, Mr. SNOWBARGER, Mr. METCALF, Mr. GIBBONS, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mrs. EMERSON, Mr. FRANKS of New Jersey, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. HERGER, Mr. HASTINGS of Washington, Mr. BARR of Georgia, Mr. PAUL, Mr. DEAL of Georgia, Mr. CAMP, Mr. COOK, and Mr. WELLER):

H.R. 1227. A bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mrs. MORELLA, Mrs. MCCARTHY of New York, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. BROWN of California, Ms. CHRISTIAN-GREEN, Mr. EVANS, Mr. FARR of California, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Ms. FURSE, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. KENNEDY of Massachusetts, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MANTON, Mr. MARKEY, Mr. NADLER, Ms. NORTON, Mr. PORTER, Mr. RANGEL, Mr. ROMERO-BARCELO, Mr. SCHUMER, Mr. STARK, Mr. UNDERWOOD, Mr. YATES, Ms. LOFGREN, Mr. BLUMENAUER, and Mr. ROTHMAN):

H.R. 1228. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a felony, and for other purposes; to the Committee on the Judiciary.

By Mr. ACKERMAN:

H.R. 1229. A bill to amend the Public Health Service Act to ensure that affordable, comprehensive, high quality health care coverage is available through the establishment of State-based programs for children and for all uninsured pregnant women, and to facilitate access to health services, strengthen public health functions, enhance health-related research, and support other activities that improve the health of mothers and children, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and 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. DELAY:

H.R. 1230. A bill to give all American electricity consumers the right to choose among competitive providers of electricity in order to secure lower electricity rates, higher quality services, and a more robust U.S. economy, and for other purposes; to the Committee on Commerce.

By Mr. BLUMENAUER (for himself, Mr. FROST, and Mr. FOGLIETTA):

H.R. 1231. A bill to amend title 39, United States Code, to establish guidelines for renovation, relocation, closing, or consolidation of post offices, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BONO (for himself, Mr. TRAFICANT, Mrs. THURMAN, Mr. CALVERT, Mr. WELDON of Florida, Mr. NEY, Mr. RIGGS, Mr. MICA, Mr. STEARNS, Mr. HUNTER, Mrs. MEEK of Florida, Mr. WATTS of Oklahoma, Mr. WEXLER, Mr. KING of New York, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Mr. GOSS, Mr. CONDIT, Mr. MILLER of Florida, Mr. BARR of Georgia, Mr. BISHOP, and Ms. KAPTUR):

H.R. 1232. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of such labeling requirements; to the Committee on Agriculture.

By Mr. CLAY (for himself and Mr. RANGEL):

H.R. 1233. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle income families who are struggling to pay for college, to amend the Higher Education Act of 1965 to provide significantly increased financial aid for needy students, provide universal access to post-secondary education, reduce student loan costs while improving student loan benefits, to streamline the Federal Family Education Loan Program, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 1234. A bill to require States to equalize funding for education throughout the State; to the Committee on Education and the Workforce.

By Mr. DICKEY:

H.R. 1235. A bill to establish a Corporate Welfare Reduction Commission, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, 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. DREIER:

H.R. 1236. A bill to provide for an annual report to Congress concerning diplomatic immunity; to the Committee on International Relations.

By Mr. FRANK of Massachusetts:

H.R. 1237. A bill to provide retrospective application of an amendment made by the Violent Crime Control and Law enforcement Act of 1994 pertaining to the applicability of mandatory minimum penalties in certain cases; to the Committee on the Judiciary.

H.R. 1238. A bill to amend the Immigration and Nationality Act to reduce the period during which a court has exclusive authority to administer the oath of allegiance to an applicant for naturalization from 45 days to 5 days; to the Committee on the Judiciary.

H.R. 1239. A bill to amend the Immigration and Nationality Act to permit the Attorney General to waive the requirement that an applicant for naturalization take an oath of renunciation and allegiance in cases where the applicant is unable to understand its meaning because of a disability or mental impairment; to the Committee on the Judiciary.

By Mr. GEKAS (for himself and Mr. GILMAN):

H.R. 1240. A bill to amend certain provisions of title 5, United States Code, relating to pay for administrative law judges; to the Committee on Government Reform and Oversight.

By Mr. KLECZKA (for himself, Mr. HERGER, Mr. GONZALEZ, Mr. FAZIO of California, Ms. JACKSON-LEE, Mr. FROST, Mr. RAHALL, Mr. FILNER, Ms. PELOSI, Mr. BARRETT of Wisconsin, Mr. SENSENBRENNER, Ms. FURSE, Mr. DEFAZIO, Mr. HAYWORTH, Mr. MATSUI, Mr. NEY, and Mr. CUNNINGHAM):

H.R. 1241. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.R. 1242. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus owner-operators shall be allowable in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. MICA, and Ms. BROWN of Florida):

H.R. 1243. A bill to amend the base closure laws to reform the process by which property at military installations being closed or realigned is made available for economic redevelopment and to improve the ability of the Secretary of Defense to contract for protective services at installations being closed; to the Committee on National Security.

By Mr. MEEHAN (for himself, Mr. HANSEN, Mr. RIGGS, Mr. WAXMAN, Mr. SERRANO, and Mr. VISCLOSKY):

H.R. 1244. A bill to prescribe labels for packages and advertising for tobacco products, to provide for the disclosure of certain information relating to tobacco products, and for other purposes; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 1245. A bill to amend the Public Health Service Act with respect to research on cognitive disorders arising from traumatic brain injury; to the Committee on Commerce.

H.R. 1246. A bill to prescribe alternative payment mechanisms for the payment of annual enrollment fees for the TRICARE program of the military health care system; to the Committee on National Security.

By Mrs. MYRICK (for herself, Ms. DUNN of Washington, Mr. MCINTOSH, Mr. GINGRICH, Mr. HASTERT, Mr. STUMP, Mr. SAM JOHNSON, Mr. LIVINGSTON, Mr. BLILEY, Ms. MOLINARI, Mr. SOLOMON, Mr. ARMEY, Mr. PAXON, Mr. COX of California, Mr. LINDER, and Mr. DELAY):

H.R. 1247. A bill to prohibit the Secretary of the Trreasury from changing the treatment of partnership distributions to limited partners; to the Committee on Ways and Means.

By Mr. NEY (for himself, Mr. WICKER, Mr. HOSTETTLER, Mr. NORWOOD, Mr. DICKEY, Mr. RAHALL, Mr. MCHUGH, Mr. STUPAK, Mr. ROEMER, Mr. WISE, Mr. SOLOMON, Mr. THOMPSON, Mr. FALEOMAVAEGA, Mr. CLYBURN, Mr. SPRATT, Mr. BARRETT of Nebraska, Mr. INGLIS of South Carolina, and Mr. ENGLISH of Pennsylvania):

H.R. 1248. A bill to amend title XVIII of the Social Security Act to permit classification of certain hospitals as rural referral centers, to permit reclassification of certain hospitals for disproportionate share payments, and to permit sole community hospitals to rebase Medicare payments based upon fiscal year 1994 and 1995 costs; to the Committee on Ways and Means.

By Mr. PEASE:

H.R. 1249. A bill to redesignate the Federal building located at 107 Federal Building, in Terre Haute, IN, as the ''John T. Myers Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. SCHUMER (for himself and Mrs. MCCARTHY of New York):

H.R. 1250. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. BOYD, Ms. BROWN of Florida, Mr. CANADY of Florida, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. GOSS, Mr. FOLEY, Mr. MCCOLLUM, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, Mr. STEARNS, Mrs. THURMAN, Mr. WEXLER, Mr. YOUNG of Florida, and Mr. WATTS of Oklahoma):

H.R. 1251. A bill making emergency supplemental appropriations for salaries and expenses of the National Weather Service, including the National Centers for Environmental Prediction, for the fiscal year ending September 30, 1997; to the Committee on Appropriations.

By Mr. MURTHA:

H.J. Res. 68. Joint resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Con. Res. 57. Concurrent resolution expressing the sense of Congress respecting the designation of jazz as a rare and valuable national treasure; to the Committee on Education and the Workforce.

By Mr. BROWN of California:

H. Con. Res. 58. Concurrent resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002; to the Committee on the Budget.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

28. By the SPEAKER: Memorial of the House of Representatives of the State of Idaho, relative to improving patient access to quality health care; to the Committee on Commerce.

29. Also, memorial of the House of Representatives of the State of Idaho, relative to the implementation of the new national ambient air quality PM2.5 and ozone standards; to the Committee on Commerce.

30. Also, memorial of the House of Representatives of the State of Idaho, relative to the Bitterroot Grizzly Bear Environmental Impact Statement; to the Committee on Resources.

31. Also, memorial of the House of Representatives of the State of Idaho, relative to the Snake River in the Hells Canyon National Recreation Area; to the Committee on Resources.

32. Also, memorial of the House of Representatives of the State of Idaho, relative to proposed regulations governing Bureau of Land Management criminal law enforcement; to the Committee on Resources.

33. Also, memorial of the House of Representatives of the State of Idaho, relative to the introduction of Canadian wolves in the State of Idaho; to the Committee on Resources.

34. Also, memorial of the House of Representatives of the State of Idaho, relative to a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. PRICE of North Carolina, Mr. BACHUS, and Mr. SOLOMON.

H.R. 27: Mr. PAPPAS, Mrs. CUBIN, Mr. ENSIGN, and Mr. SANDLIN.

H.R. 34: Mr. BARRETT of Nebraska.

H.R. 44: Mrs. KELLY, Mr. TRAFICANT, and Mr. CUNNINGHAM.

H.R. 65: Mr. BRYANT, Mr. TRAFICANT, Mrs. ROUKEMA, Mr. CUNNINGHAM, and Mr. CAPPS.

H.R. 71: Mr. SKEEN and Mr. WOLF.

H.R. 76: Mr. MASCARA, Mr. MCINTYRE, Mr. MCCOLLUM, Mrs. MINK of Hawaii, Mr. SANDLIN, Mr. BALDACCI, Mr. DEFAZIO, Mr. DOOLITTLE, Mr. MATSUI, Mr. SCOTT, Mr. HANSEN, Ms. DEGETTE, Mr. ADAM SMITH of Washington, and Mr. LUCAS of Oklahoma.

H.R. 93: Mr. LUCAS of Oklahoma.

H.R. 96: Mr. HOLDEN, Mr. MICA, Mr. COOKSEY, Mr. ENGEL, Mr. CLEMENT, Mr. WALSH, Mr. CRAPO, Mr. FROST, Mrs. CLAYTON, Mr. BENTSEN, Mrs. MYRICK, Mr. BARR of Georgia, Mr. KING of New York, and Mr. BOEHLERT.

H.R. 107: Mr. GORDON, Mr. POMEROY, Mr. COMBEST, Ms. ROS-LEHTINEN, and Mr. MARTINEZ.

H.R. 108: Ms. FURSE.

H.R. 123: Mrs. JOHNSON of Connecticut, Mr. FOX of Pennsylvania, and Mr. LATOURETTE.

H.R. 125: Mr. BARRETT of Nebraska, Mr. HASTERT, Mr. EWING, Mr. WELLER, Mr. LAHOOD, and Mr. FAWELL.

H.R. 127: Mr. FOX of Pennsylvania, Mr. WOLF, Mr. BOEHLERT, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. QUINN.

H.R. 130: Mr. SOLOMON.

H.R. 136: Ms. ROS-LEHTINEN, Mr. DAVIS of Florida, Mr. WEXLER, and Mr. MILLER of Florida.

H.R. 164: Mr. GRAHAM, Ms. NORTON, Mr. MILLER of California, Mr. QUINN, Mrs. TAUSCHER, Mrs. CARSON, Ms. LOFGREN, Mr. LEWIS of Georgia, Mr. FALEOMAVAEGA, Mrs. MALONEY of New York, Mr. RUSH, Mr. DELAHUNT, Mr. GEJDENSON, Mr. HINCHEY, Mr. TRAFICANT, Mr. BONIOR, Mr. FAZIO of California, Mr. YATES, Mr. EVANS, Ms. PELOSI, Mr. WAXMAN, Ms. JACKSON-LEE, Mr. OBERSTAR, Ms. SANCHEZ, Mr. ROTHMAN, Mr. DELLUMS, Mr. ACKERMAN, Mr. FOX of Pennsylvania, Mr. GORDON, Mr. MENENDEZ, Mr. STUPAK, Mr. MATSUI, Mr. KILDEE, Mr. COYNE, and Mr. MCINTOSH.

H.R. 165: Mr. NORWOOD.

H.R. 178: Mr. ROTHMAN.

H.R. 180: Mr. DAVIS of Florida, Mr. BOYD, and Mr. MICA.

H.R. 192: Ms. GRANGER, Mr. COSTELLO, Mr. COLLINS, Mr. ORTIZ, Mr. ROHRABACHER, Mr. FRANK of Massachusetts, Mr. HUTCHINSON, Mr. LINDER, Mr. ANDREWS, Mr. HANSEN, Ms. MOLINARI, Mr. BACHUS, Mr. CAPPS, and Mr. GORDON.

H.R. 195: Mr. BLILEY, Mr. LAFALCE, Mr. MCHUGH, Mrs. KELLY, Mr. MCCRERY, Mr. SENSENBRENNER, Mr. ENGLISH of Pennsylvania, Mr. BATEMAN, Mr. CASTLE, Mr. MATSUI, Mr. KLUG, Mr. WELDON of Pennsylvania, Mr. GOODLATTE, Mr. HINCHEY, Mr. GEKAS, Mr. MCINTYRE, Mr. NEAL of Massachusetts, Mr. HINOJOSA, Mr. MCINNIS, Mr. LEWIS of Georgia, Mr. JEFFERSON, and Mr. WELLER.

H.R. 202: Ms. DELAURO.

H.R. 216: Mr. DELLUMS, Mr. WATT of North Carolina, and Mr. MARTINEZ,

H.R. 218: Mr. BONILLA, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. GOODE, Ms. DANNER, Mr. LINDER, Mr. QUINN, and Mr. WATTS of Oklahoma.

H.R. 222: Mr. BONO, Mr. MICA, Ms. BROWN of Florida, Mr. SHAW, Mr. CANADY of Florida, Mr. BILIRAKIS, Ms. ROS-LEHTINEN, and Mr. HOLDEN.

H.R. 225: Mr. CANADY of Florida and Mr. FARR of California.

H.R. 228: Mr. DEAL of Georgia and Mr. SENSENBRENNER.

H.R. 230: Ms. WOOLSEY, Mr. PICKETT, and Mr. FROST.

H.R. 279: Mr. CUMMINGS, Ms. HARMAN, Mr. PRICE of North Carolina, Mr. SHERMAN, Mr. MCINTYRE, and Mr. TIERNEY.

H.R. 292: Mr. HUTCHINSON and Mr. MCKEON.

H.R. 297: Mr. BOUCHER.

H.R. 301: Mr. BOUCHER.

H.R. 303: Mr. TRAFICANT, Mr. CUNNINGHAM, Mr. DICKEY, Mr. ANDREWS, and Mr. BARTLETT of Maryland.

H.R. 304: Mr. DELLUMS.

H.R. 306: Mr. LOBIONDO, Mrs. MCCARTHY of New York, Mr. BERMAN, Mr. FRANK of Massachusetts, and Mr. NEAL of Massachusetts.

H.R. 335: Mr. GORDON, Mr. SAXTON, and Mr. HALL of Texas.

H.R. 339: Mr. NEY and Mr. HILLIARD.

H.R. 367: Mr. HASTERT and Mr. BACHUS.

H.R. 383: Mr. SKEEN and Mr. HORN.

H.R. 407: Mr. BILBRAY, Mrs. KENNELLY of Connecticut, and Mr. WEXLER..

H.R. 408: Mr. DINGELL, Mr. EHRLICH, and Mr. FOLEY.

H.R. 414: Ms. GRANGER, Mr. LAHOOD, Mr. COLLINS, Mr. COSTELLO, Mr. PAXON, Ms. DANNER, Mr. DOOLITTLE, Mr. HANSEN, Mr. ANDREWS, Mr. LINDER, Mr. HUTCHINSON, Mr. ROHRABACHER, Mr. ORTIZ, Mr. CAPPS, and Mr. GORDON.

H.R. 418: Mr. WYNN, Mr. HORN, and Mr. KIND of Wisconsin.

H.R. 426: Mr. GOODE, Mr. OBERSTAR, Mr. CUNNINGHAM, Mr. BARCIA of Michigan, Mr. TOWNS, Mr. INGLIS of South Carolina, and Mrs. NORTHUP.

H.R. 437: Mr. CALLAHAN, Mr. BALDACCI, Mr. HILLIARD, Mr. INGLIS of South Carolina, Mr. EVANS, Mr. FILNER, Mr. WEXLER, Mr. CUNNINGHAM, Mr. PETERSON of Pennsylvania, Mr. DINGELL, Mr. BROWN of California, Mr. OBERSTAR, Ms. DELAURO, and Mr. LOBIONDO.

H.R. 446: Mr. CLEMENT, Mr. SOLOMON, and Mr. PITTS.

H.R. 475: Ms. RIVERS, Mr. LIPINSKI, and Mr. FOX of Pennsylvania.

H.R. 491: Mrs. TAUSCHER, Mr. HUTCHINSON, Mr. HORN, Mr. METCALF, Mr. DELLUMS, Mr. GUTIERREZ, and Mr. BARRETT of Nebraska.

H.R. 493: Mr. PRICE of North Carolina, Mr. MARKEY, and Mr. DELLUMS.

H.R. 500: Mr. MANTON and Mr. ROTHMAN.

H.R. 501: Mr. DAVIS of Illinois and Mr. DELLUMS.

H.R. 505: Mr. BENTSEN and Ms. DELAURO.

H.R. 521: Mr. HILLIARD, Mr. SABO, Mrs. JOHNSON of Connecticut, and Mr. HEFNER.

H.R. 533: Mr. CLYBURN.

H.R. 536: Mr. FLAKE and Mr. MARTINEZ.

H.R. 563: Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. COBURN, Mr. KUCINICH, Mr. MCGOVERN, and Mr. BEREUTER.

H.R. 564: Mr. PAUL.

H.R. 570: Mr. FALEOMAVAEGA.

H.R. 574: Mr. CLYBURN.

H.R. 577: Ms. WATERS.

H.R. 586: Mr. ALLEN, Mr. PAPPAS, Mr. RILEY, Mr. ROEMER, Mr. SENSENBRENNER, Mr. SHAW, Mr. STRICKLAND, Mr. VISCLOSKY, and Mr. WYNN.

H.R. 587: Mr. SENSENBRENNER and Mr. ENGLISH of Pennsylvania.

H.R. 603: Mr. ROTHMAN and Mr. FRANK of Massachusetts.

H.R. 604: Mr. SMITH of Texas and Mr. FAZIO of California.

H.R. 630: Mrs. TAUSCHER.

H.R. 635: Mr. MARTINEZ.

H.R. 659: Ms. DANNER, Mr. HEFNER, Mr. STENHOLM, Mr. PASTOR, and Mr. SOUDER.

H.R. 664: Mr. DELLUMS.

H.R. 667: Ms. MOLINARI, Mrs. JOHNSON of Connecticut, Mr. FARR of California, Mr. FALEOMAVAEGA, Mr. KING of New York, and Mr. MARTINEZ.

H.R. 674: Mr. LIVINGSTON, Mr. WEXLER, and Mr. BOYD.

H.R. 676: Mr. MANTON, Mr. MARTINEZ, Mr. KUCINICH, Mr. FATTAH, Mr. VENTO, Mr. FOX of Pennsylvania, and Mr. MCINTYRE.

H.R. 680: Mr. HILLIARD.

H.R. 683: Mrs. FOWLER, Mr. JONES, Mr. GOODLATTE, Mr. PAPPAS, Mr. SUNUNU, Mr. TIAHRT, and Mr. WEXLER.

H.R. 684: Mr. FILNER.

H.R. 687: Mr. GUTIERREZ and Mr. DELAHUNT.

H.R. 688: Mr. COMBEST, Mr. HOLDEN, Mr. STENHOLM, and Mr. WICKER.

H.R. 689: Mr. PRICE of North Carolina and Mr. FROST.

H.R. 714: Mr. SHUSTER.

H.R. 739: Mr. ENGLISH of Pennyslvania.

H.R. 753: Mr. PAUL, Ms. STABENOW, Ms. WATERS, Ms. DEGETTE, Mrs. MALONEY of New York, Mr. ALLEN, Mr. FAZIO of California, and Mr. GONZALEZ.

H.R. 766: Ms. STABENOW and Mr. DELLUMS.

H.R. 777: Mr. MARTINEZ, Mr. FROST, Mr. CONYERS, Ms. FURSE, Mrs. CLAYTON, Mr. VENTO, Mr. OBERSTAR, Mr. FILNER, Ms. NORTON, Ms. LOFGREN, Mr. DAVIS of Illinois, Mrs. MINK of Hawaii, Mr. SHAYS, Mr. FORD, Mr. MEEHAN, Ms. SANCHEZ, Mr. SCOTT, Ms. WOOLSEY, Mr. ANDREWS, Mrs. MALONEY of New York, Mr. EVANS, Mr. BONIOR, Mr. STARK, Mr. MCGOVERN, Mr. OWENS, Mr. KUCINICH, Mr. ROMERO-BARCELO, Mr. HINOJOSA, Mr. PASTOR, Mr. PAYNE, Mr. MILLER of California, Mr. TIERNEY, Ms. DEGETTE, Mrs. MCCARTHY of New York, and Ms. WATERS.

H.R. 789: Mr. SNOWBARGER, Mr. MORAN of Kansas, Mr. SOUDER, Mr. VISCLOSKY, Mr. RUSH, Mr. SUNUNU, Mr. NEY, Mr. NEUMANN, and Mr. BALLENGER.

H.R. 793: Mr. DELLUMS and Mr. LIPINSKI.

H.R. 802: Mr. DEAL of Georgia.

H.R. 805: Mr. CAMPBELL.

H.R. 813: Mr. DUNCAN.

H.R. 815: Mr. BARRETT of Wisconsin, Mr. FLAKE, Mr. THOMPSON, Mr. WYNN, Mr. MILLER of California, Ms. PELOSI, Mr. ENGLISH of Pennsylvania, Mr. TIAHRT, Mr. HORN, Mr. CHRISTENSEN, Mr. KIND of Wisconsin, Ms. LOFGREN, Mr. MARTINEZ, Mr. BOUCHER, Mr. MATSUI, Mrs. CLAYTON, Mr. KUCINICH, Mr. HEFNER, Mr. HOBSON, and Ms. FURSE.

H.R. 816: Mr. STUMP, Mr. CANADY of Florida, Mr. COOKSEY, Mr. SENSENBRENNER, and Mr. NETHERCUTT.

H.R. 831: Mr. CAMPBELL.

H.R. 832: Mr. ACKERMAN.

H.R. 875: Mrs. JOHNSON of Connecticut, Mr. MCDADE, Mr. SMITH of Texas, Mr. MEEHAN, Mr. PICKETT, Ms. BROWN of Florida, Mr. MCCRERY, and Mr. DEAL of Georgia.

H.R. 895: Ms. FURSE.

H.R. 897: Mr. NEY and Ms. FURSE.

H.R. 906: Mr. PAPPAS, Mr. GOODE, and Mr. SAM JOHNSON.

H.R. 907: Mr. MCINTYRE.

H.R. 916: Mr. MCCRERY, Mr. BUNNING of Kentucky, Mr. CHRISTENSEN, Mr. WATKINS, Mrs. THURMAN, Mr. KLUG, Mr. WHITFIELD, Mr. STUMP, Mr. OXLEY, Mr. VENTO, Mr. CRAMER, Mr. FILNER, Mr. ROHRABACHER, Mr. CLYBURN, Mr. SMITH of Michigan, Mr. LATHAM, Mr. OBERSTAR, Mr. RAHALL, Mr. LAHOOD, Mr. CANADY of Florida, Mr. COSTELLO, Mr. HALL of Ohio, Mr. WISE, Mr. STEARNS, Mr. MORAN of Virginia, Mr. MCHALE, Mr. SPENCE, Mr. FALEOMAVAEGA, Mr. FROST, Mr. BENTSEN, Mr. KUCINICH, and Mr. BOEHNER.

H.R. 918: Mr. KILDEE.

H.R. 928: Mr. WATTS of Oklahoma, Mr. SAM JOHNSON, Mr. PETERSON of Pennsylvania, Mr. HAYWORTH, Mr. WICKER, Mr. ROHRABACHER, Mr. LATHAM, Mr. LIVINGSTON, Mr. GOODLATTE, Mr. MCINTOSH, Mr. SKEEN, Mr. KNOLLENBERG, and Mr. COLLINS.

H.R. 934: Mr. NEY, Mr. YOUNG of Alaska, and Mr. HALL of Texas.

H.R. 947: Mr. ALLEN.

H.R. 949: Mr. LIPINSKI, Ms. BROWN of Florida, Mr. STARK, Ms. NORTON, Mr. VENTO, Mrs. MALONEY of New York, Mr. BLUMENAUER, Ms. FURSE, Mr. THOMPSON, and Mr. DAVIS of Virginia.

H.R. 955: Mr. SAXTON, Ms. HARMAN, Mr. DOOLITTLE, Mr. SENSENBRENNER, Mr. SHAYS, and Mr. CHABOT.

H.R. 956: Mr. FALEOMAVAEGA, Mr. MICA, Mr. FATTAH, Mr. OXLEY, Mr. NETHERCUTT, Mr. DAVIS of Virginia, and Mr. BOEHNER.

H.R. 965: Mr. SNOWBARGER, Mr. TAYLOR of North Carolina, Mr. HEFLEY, Mr. SPENCE, and Mr. SHADEGG.

H.R. 972: Mr. NEUMANN.

H.R. 979: Mr. ALLEN, Mrs. CLAYTON, Mr. CALLAHAN, Mr. FATTAH, Mr. CONDIT, Mr. FAZIO of California, Mr. FOX of Pennsylvania, Mr. WELLER, Mr. HORN, Mr. SANDERS, Mr. BERMAN, and Mr. FALEOMAVAEGA.

H.R. 980: Mr. LEWIS of California, Mr. SKEEN, Mr. SOLOMON, and Mr. SPENCE.

H.R. 981: Mr. OBERSTAR, Mr. MARTINEZ, Mrs. MINK of Hawaii, and Mr. FALEOMAVAEGA.

H.R. 983: Mr. MILLER of California.

H.R. 991: Mr. FOX of Pennsylvania and Mr. MCGOVERN.

H.R. 1000: Mr. BERRY, Mr. KINGSTON, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Ms. DANNER, and Mr. SESSIONS.

H.R. 1009: Mr. DICKS, Mr. HASTINGS of Washington, Mr. HILL, and Mr. STUMP.

H.R. 1010: Mr. STEARNS, Mr. MCINTOSH, Mr. BALLENGER, and Mr. GOODE.

H.R. 1014: Mr. EVANS, Ms. FURSE, Mr. DELLUMS, Mr. SANDERS, and Ms. WATERS.

H.R. 1016: Ms. BROWN of Florida.

H.R. 1023: Ms. DEGETTE, Mr. HILLIARD, Mr. JEFFERSON, Mr. RANGEL, Mr. TRAFICANT, Mrs. LOWEY, Mr. DIXON, Mr. RAMSTAD, Ms. STABENOW, Mr. ALLEN, Mr. MCNULTY, Mr. COSTELLO, Mr. GILMAN, Mr. LUCAS of Oklahoma, Mr. SANDERS, Mr. SHADEGG, Mr. LEVIN, Mr. HOEKSTRA, and Mr. GIBBONS.

H.R. 1041: Mr. MCDERMOTT, Ms. PELOSI, Mr. FORD, and Mr. STRICKLAND.

H.R. 1049: Mr. DELLUMS.

H.R. 1050: Mr. RANGEL, Mr. JACKSON, Mr. TIERNEY, Mr. WATT of North Carolina, and Mr. SERRANO.

H.R. 1060: Mr. ARCHER, Mr. CLEMENT, Mr. BLUNT, Mr. HORN, Mr. GOODE, Mr. LEWIS of Kentucky, Mr. BUNNING of Kentucky, Mr. LAFALCE, Mr. SPENCE, Mr. DUNCAN, Mr. BALDACCI, and Mr. PALLONE.

H.R. 1071: Mr. CONYERS, Mrs. MALONEY of New York, Mr. PAYNE, Mr. HILLIARD, Mr. SANDERS, Mr. FILNER, Mrs. MORELLA, Mr. DELLUMS, Mr. FROST, Mr. FALEOMAVAEGA, and Mrs. MEEK of Florida.

H.R. 1089: Ms. DELAURO.

H.R. 1090: Mr. LUTHER, Mr. SCOTT, Mr. BARRETT of Wisconsin, Ms. WATERS, and Mr. WEXLER.

H.R. 1126: Mr. KILDEE, Mr. GUTIERREZ, Mr. NADLER, and Mr. FRANK of Massachusetts.

H.R. 1129: Mrs. MEEK of Florida, Mr. WATT of North Carolina, Mrs. KELLY, Mr. METCALF, Ms. ESHOO, Mr. PORTER, Ms. DEGETTE, Mrs. CARSON, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. WAXMAN, Mr. KUCINICH, and Mr. CAPPS.

H.R. 1130: Mr. ABERCROMBIE, Mrs. THURMAN, Mr. DELLUMS, Ms. NORTON, Mr. FOGLIETTA, Mr. RUSH, Ms. SLAUGHTER, Ms. DEGETTE, Mr. JEFFERSON, Mr. FLAKE, Mr. FAZIO of California, Mr. MARTINEZ, Ms. MILLENDER-MCDONALD, Mr. CAPPS, Ms. CHRISTIAN-GREEN, and Mr. HILLIARD.

H.R. 1134: Mr. TRAFICANT, Mr. DAVIS of Virginia, Mr. OLVER, Mr. KENNEDY of Rhode Island, Mr. DEAL of Georgia, Mr. LIVINGSTON, Mr. DELLUMS, Mr. FATTAH, Mrs. LOWEY, Mr. GEPHARDT, Mr. SANDERS, and Mr. HINCHEY.

H.R. 1138: Ms. DANNER, Mr. HALL of Texas, Mr. HANSEN, Mr. HAYWORTH, Mr. NEY, Mr. STUMP, and Mr. DUNCAN.

H.R. 1140: Mr. GREEN, Mr. LEWIS of Georgia, and Ms. WOOLSEY.

H.R. 1151: Mr. KILDEE, Mr. CONYERS, Mr. BARCIA of Michigan, Mr. KLINK, Mrs. JOHNSON of Connecticut, Mr. WALSH, Mr. KUCINICH, Mr. FILNER, Mr. HILLIARD, Mr. GEJDENSON, Mr. LANTOS, Mr. SHERMAN, Mr. DIXON, Mr. MARKEY, and Mr. THOMPSON.

H.R. 1153: Mr. HOUGHTON, Mr. SKEEN, Mr. WATTS of Oklahoma, Mr. SENSENBRENNER, and Mr. HAYWORTH.

H.R. 1156: Mr. PALLONE and Mr. MANZULLO.

H.R. 1161: Mr. FROST, Mr. WOLF, Mr. FOX of Pennsylvania, Mr. HUNTER, Mr. DAVIS of Virginia, Mr. BILBRAY, and Mr. TAYLOR of North Carolina.

H.R. 1169: Mrs. MYRICK, Mrs. LOWEY, Mr. PALLONE, Mr. SHAYS, Mr. TRAFICANT, Mr. SHERMAN, Mr. SAWYER, Ms. DELAURO, Mr. SANDERS, Mr. ETHERIDGE, Mr. ALLEN, and Mr. MARTINEZ.

H.R. 1204: Mr. FILNER and Mr. GALLEGLY.

H.R. 1205: Mr. ENGLISH of Pennsylvania and Mr. MCKEON.

H.J. Res. 47: Mr. TIERNEY.

H.J. Res. 54: Mrs. CLAYTON, Mr. DELAHUNT, Mr. GOODLING, Mr. HILLIARD, Mr. HOBSON, Mr. PEASE, and Mr. SHAW.

H.J. Res. 59: Mr. PAUL and Mr. CHAMBLISS.

H. Con. Res. 6: Ms. KAPTUR.

H. Con. Res. 8: Ms. DEGETTE, Mr. DICKS, Mr. DELLUMS, and Mr. MANTON.

H. Con. Res. 14: Mr. WEXLER.

H. Con. Res. 27: Mr. FORD, Ms. RIVERS, Mr. WATT of North Carolina, Mr. CLAY, Mr. MCNULTY, Mr. QUINN, Mrs. CLAYTON, Mr. BARRETT of Wisconsin, Mr. MASCARA, and Mr. FLAKE.

H. Con. Res. 40: Mr. MALONEY of Connecticut, Mr. UNDERWOOD, Mr. FILNER, Mr. DELLUMS, Mr. MCGOVERN, Mrs. TAUSCHER, Mr. DAVIS of Illinois, Mr. OLVER, Mr. LEWIS of Georgia, and Ms. SLAUGHTER.

H. Con. Res. 43: Ms. SLAUGHTER and Mr. WELLER.

H. Con. Res. 50: Ms. ROS-LEHTINEN, Mrs. MALONEY of New York, Mr. FRANKS of New

Jersey, Mr. HASTINGS of Florida, Ms. NORTON, Mrs. KELLY, Mr. MANTON, Mr. MCGOVERN, Mrs. MEEK of Florida, Mr. ENGEL, Mr. WATTS of Oklahoma, Mr. KING of New York, Mr. WEXLER, Ms. DUNN of Washington, and Mrs. MORELLA.

H. Con. Res. 55: Mr. FOLEY, Mrs. MALONEY of New York, and Mr. CUNNINGHAM.

H. Res. 26: Mr. MCDERMOTT, Mr. BROWN of California, Mrs. MORELLA, Mr. WATT of North Carolina, Ms. NORTON, Ms. RIVERS, Mr. GREEN, and Mr. BONIOR.

H. Res. 98: Mr. ADERHOLT and Mr. SESSIONS.

## PETITIONS, ETC.

### Under clause 1 of rule XXII.

9. The SPEAKER presented a petition of the Republican Party of San Mateo County, CA, relative to the American Land Sovereignty Protection Act; which was referred to the Committee on Resources.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, APRIL 8, 1997 No. 40

# Senate

The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Rabbi Yechiel Eckstein, president of the International Fellowship of Christians and Jews.

We are pleased to have you with us.

## PRAYER

Our Father in Heaven, we come before You this day and every day in awe, gratitude, praise, humility, and prayer. This, indeed, is the day the Lord has made, let us rejoice and be glad in it.

O Lord, instill in our hearts a love for You and for all Your creation. May we be ever mindful that it is from You that we derive our strength, our wisdom, our hope, and our conviction.

May we be inspired by Your Word and reminded of Micah's admonition to act justly, love mercy, and walk humbly with the Lord our God. May we never avert our eyes from the pain and suffering of others.

O Lord, on this and every day, we seek Your guidance and direction. Watch over us and our leaders—indeed, the men and women in this room.

We pray for the peace of Jerusalem as Psalms 122:6 urges us to do, and indeed for peace among all people of all nations. So that, instead of finding swords and weapons we will find only plowshares and pruning forks. We, the people, look to You, O God and to you, our leaders, to bring that day of peace about.

May we be inspired to transcend our diversities and differences and be blessed from on high with the fulfillment of the ancient Biblical promise of Psalm 133, ''How good and how pleasant it is for brethren to dwell together in unity.'' God bless you and always be with you. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

## WELCOME TO RABBI YECHIEL ECKSTEIN

Mr. THOMAS. Mr. President, first, on behalf of the Senate, I say welcome to Rabbi Yechiel Eckstein, president of the International Fellowship of Christians and Jews, to the Senate. Thank you so much for your prayer this morning. Rabbi Eckstein is an outstanding spiritual leader, author, lecturer, and radio and television communicator. Chaplain Ogilvie has invited Rabbi Eckstein to lead a seder dinner for Senators and their spouses this next Tuesday evening, April 15, 1997, which should be a great opportunity. My wife and I attended last year and, as Methodists, we enjoyed it a great deal. We intend to be there again this year.

Rabbi, we thank you for your message and sharing with us some of the feelings of the heritage we share as Jews and Christians.

## SCHEDULE

Mr. THOMAS. Mr. President, I would like to announce today's schedule on behalf of the majority leader. Today there will be a period of morning business until the hour of 12:30 this afternoon. At 12:30, the Senate will recess until the hour of 2:15 to allow for the weekly policy conferences to be held. When the Senate reconvenes at 2:15, we will resume debate on the motion to proceed on S. 104, the Nuclear Waste Policy Act legislation. Under the order, the time between 2:15 and 5:15 will be equally divided, with a vote occurring at 5:15 on invoking cloture on the motion to proceed to S. 104.

If cloture is invoked, the majority leader hopes that the Senate will be allowed to proceed to the consideration of the bill in a reasonable time period. If cloture is not invoked, I remind all Senators that a second cloture motion was filed last night and therefore a second cloture vote would occur tomorrow. If that vote becomes necessary, all Members will be notified later today as to when they can expect that vote on Wednesday.

## MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30, with Senators permitted to speak therein for up to 5 minutes each.

Who seeks time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

## TAXES

Mr. THOMAS. Mr. President, several of us have asked this morning for a half hour to talk about an item that is of particular interest now, and that is taxes. It is of particular interest because we are now close to April 15, when taxes are more real to us all than they are at some other times. We want to talk about taxes because they are part of the Republican agenda. We have talked, over the years, about the idea of allowing families to spend more of their own money, allowing businesses to be able to invest and create jobs in the private sector. I think it is appropriate to talk about taxes because it has been an area of controversy—the idea of whether or not we ought to have an effort at tax relief at the same time we seek to balance the budget.

Mr. President, I am here to tell you that having been in my home district in Wyoming over the past week, as most of us have, and having a series of town meetings, the issue that came up most often is: What are you going to do

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper containing 100% post consumer waste

about taxes? What are you going to do about the capital gains tax? What are you going to do about estate taxes or some tax relief for families to be able to help take care of their own children?

So I feel very strongly about it. Let me just say that too often when we talk about taxes and the budget, I think it seems that we are talking about arithmetic and bookkeeping when we talk about budgets. It just seems to me that when we talk about budgets, we are really talking about something quite broader than that, and that is the direction of this Government and whether or not we want to have more central Government, or whether we want to have less, whether we want to move more of our activities back closer to people at the State and local governments, or whether we want to continue to build up more and more at the central Federal Government level.

With that concept, the philosophical direction that is inherent in those decisions is also a decision about taxes and, I suspect, if possible, although we haven't done it for 30 years, to balance the budget and to continue to spend at the same time. You do that by raising taxes. That is the way you do that. That is what the President did several years ago, to move toward a balanced budget by continuing to spend but to raise taxes.

There is a philosophical difference of view. There are those who believe that we ought to have more Government, who believe that the Government actually spends money to a better advantage than people themselves do, who believe that we ought to have more and more functions carried on at the Federal level in the central Government. That is a legitimate point of view. I don't happen to share it.

I think, Mr. President, that quite often when we talk about the details of issues, really at the center of it is that issue of whether you want more Government or whether you want less. It is a pretty basic philosophical issue. That is what we are talking about here. It does seem to me that—No. 1, when you have a tax burden on the American citizens that averages between 38 and 40 percent in taxes for families, that is a heavy burden. That is a very heavy burden.

It seems to me, of course, that there are lots of ways in which we can reduce the size of the Federal Government. We can contract, we can have more things done in the private sector, and we can move more of it to the State government. There are a lot of the things out of the $1.7 trillion budget we don't have to do. Many of those things have been there forever and they just go on because they go on. I guess I am suggesting that we ought to take a long look at that budget. In my view, one of the priorities for this Congress and for this Senate ought to be to balance the budget and provide tax relief for American citizens. That is what it is all about, I believe, so we want to talk about that.

There is a different view. There are those who, I think legitimately from a strategic point of view, say, ''Let us balance the budget first.'' That is OK, I guess, if you are committed then to doing the tax relief. However, I believe we ought to deal with them at the same time. I am one who signed a letter—there were 16 of us, I believe—to the leader saying that we ought to deal with the whole concept of the size of the budget, how we balance the budget and how we give tax relief to American families and to business. That seems to be what we ought to do.

What did I hear about at home? I heard about capital gains taxes. I heard an awful lot about the idea that people would like to be able to invest in businesses if they could make some profit over time, even if it is nothing more than inflation over time, and about paying taxes on the investments for the inflation they have made. That discourages them. We have a lot of small businesses in my State, as is true everywhere. Small business is the backbone of this economy. We have a lot of farmers and ranchers and families who have spent their whole lives putting together an estate in their ranch or farm. Now we find, quite often, because those are not really cash-flow cows—there is a great deal of asset value there, but not much cash—you have to dispose of that property in order to pay the taxes. You can't pass it on to your family. There is a lot of concern about that.

Well, Mr. President, I have been joined by several of my associates to talk for a little bit about taxes this morning. So I yield to my friend, the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President, and I thank the Senator from Wyoming for yielding time and for organizing this time to talk about the desperate need for tax relief for American families and businesses. I rise today in very strong support for meaningful and permanent tax relief for American families and businesses. This is, I believe, no time for us as conservatives, no time for us as Republicans, no time for us as Americans to retreat or backtrack or to equivocate on our commitment to the American people that we will fight for them and fight for tax relief.

One of the problems—and there are many—with the President's budget is that he matches temporary, very narrowly targeted tax cuts with permanent tax hikes. So while the minimal targeted tax cuts would be sunsetted, the American people will be obliged to continue to pay and pay and pay the tax increases. Not too long ago, Mr. Greenspan, Chairman of the Federal Reserve, testifying before the Senate Banking Committee, said, ''Ultimately, you cannot solve the long-term deficits from the receipt side. It's got to be from the expenditure side.''

Put very plainly, it seems to me that Mr. Greenspan is saying that the problem we have in our chronic deficits is not that the Federal Government does not have enough money, it is not that our National Government does not have enough revenues; it is that we are, in fact, addicted to spending. So the question is—and the debate continues to exist—Can we balance the budget and provide tax relief simultaneously? I think the answer to that is an emphatic, yes. The problem is not that we don't have enough revenues or that we need to increase taxes. The problem has been and continues to be that we spend too much and that we cannot get a control on our spending habit and that we are unwilling to deal with the very real problem of entitlement spending that consumes more and more of the budget pie.

So I suggest that we can cut taxes and that we must cut taxes for the American people. There are three areas, I think, particularly that we need to emphasize. First, as the Senator from Wyoming emphasized, was family tax relief. Families today, working families, hard-working families, are being squeezed more and more by an ever larger tax bite—almost 40 percent for the average family—at the Federal, State, and local level, which is more than they are spending for housing, for education for their children, for health care, more than they are spending for recreation, all combined together, they are spending to the tax collector. That is too much. That is unfair.

I also was listening to my constituents over the recess. We had 12 town meetings in Arkansas. In Fayetteville, AR, after making a speech and taking questions for more than an hour, a gentleman came up to me and said, ''Senator, something is wrong in America.'' He said, ''I was raised in a family of eight of us. There were eight children. Mom stayed home, dad worked. Dad, as a single breadwinner in a single-income family, he could provide for the eight of us. We had a pretty good life. My dad had a high school education. Now I have a college degree, two children. My wife and I both work, and we can barely keep things together. Something is wrong.'' While there may be many, many answers to that question, what is wrong and what has happened—a big part of it—is that Government has gotten larger, and as Government has gotten larger, its demand on the family has increased and the amount that it confiscates from the American family of higher taxes has grown to the point that the American family has a very difficult time paying it.

We need family tax relief. We need estate tax relief. There are fewer things I heard more about during my town meetings than the need for estate tax relief. There are fewer taxes in this country I believe that are more un-American than the estate tax. There are fewer taxes that are more of a killer and a destroyer of the American dream than the estate tax.

We used to say that part of the American dream is if you work hard,

save your money, and if you invest well, that you not only will have a better life, but you will be able to pass that on to your children and grandchildren so that they will have greater opportunities than we have. But today, if you work hard and if you have done well, we will take 55 percent of it in estate taxes. It is killing that American dream, or a big part of that American dream. I think that is wrong.

There are five bills in the Senate to reform or to eliminate the estate tax. I am on all of them. I think we need to at least raise the exclusion. But better yet, we need to eliminate it. It is a very ineffective way to fund the Federal Government anyway. We are 65 cents short in collections for every dollar that we receive from the estate tax. It is a very ineffective way of funding Federal programs.

Then, finally, I want to mention that we desperately need immediate capital gains tax relief. I heard a great deal about this. This is what they say. They say, yes, the Republicans are for capital gains tax relief, that it is a tax break for the wealthy. Well, we know that the vast majority of tax filers will at some time in their life file capital gains on their tax returns, most of those being middle-income earners. It is not a tax break for the wealthy.

Let me tell you how it plays out in Arkansas. A young couple started 30 years ago building a poultry farm in the Ozark Hills. They spent their life paying off that mortgage. They are getting up in age. They are not wealthy. But they have worked their whole lives to pay off that farm. Maybe they can no longer tend that big farm, or maybe they want to move into town close to the hospital, or maybe they need to get in close to the grandchildren. They go to sell that farm. They discover that the capital gains taxes would be so high that they can't afford to sell the farm they worked a lifetime to pay for. They are not wealthy. But that is what we have done with the capital gains tax.

I will give you one other example. My chief of staff is from Stone County, AR. Stone County has one of the largest per capita incomes in the State of Arkansas. His parents own a little cafe called Cody's Cafe in Fifty-Six, AR, next to the State park. It is a good restaurant. It has good food. I recommend it. I eat there when I am in Fifty-Six, AR. But Todd's parents wanted to sell that little restaurant. It is a mom-and-pop operation. They don't have many employees. It is a very small cafe. They wanted to sell it and put it into another business, in another restaurant in another part of Arkansas. They had a buyer, somebody who was going to buy that cafe-restaurant. Those buyers undoubtedly were going to expand, and they were going to hire additional employees as well. Todd told his parents, ''Before you make that deal, before you sign that contract, be sure to check with your accountant. Find out what the capital gains taxes will be.''

When they checked they found they couldn't afford to make that sale. So they hung onto it. They continued to operate it.

But I want you to think with me, my colleagues. What would have been the impact had they been able to make that sale, had we not had the exorbitant capital gains tax we impose? We would have had a new business started with new employees. The economy would have been stimulated with more taxes being paid to the Federal Treasury. We would have had new business owners there in Stone County with the desire to expand that restaurant operation, hire additional employees and, therefore, not only stimulate the economy in Stone County, but pay more taxes to the Federal Treasury.

You take that little example from Stone County, AR, and multiply that thousands of times across the United States, and you begin to get the picture of what we could do in stimulating the American economy, and therefore making it easier for us to balance the Federal budget if we would simply cut drastically and dramatically the capital gains tax rate. I believe we need to do that.

So I know there are others who are here to speak. I just want to conclude by saying this is no time for us to retreat on our promise made to the American people that we are going to work for tax relief. I believe it is the moral equivalent of what President Bush did in 1990. I admire and love President Bush, but I think he made a terrible mistake when he told the American people ''no new taxes,'' and then violated that pledge in reaching a budget deal. We must not, in our desire to reach some mythical budget deal, forsake, abandon, or equivocate on the promise and the pledge we made to the American people that we have come up here to lessen that ever-increasing tax burden under which they labor.

So I, for one, will continue to work for a budget that is going to have family tax relief, estate tax relief, and capital gains tax relief for the American people.

I yield the floor, Mr. President.

Mr. THOMAS. I want to ask the Senator if there is a Fifty-Six, AR.

Mr. HUTCHINSON. There is a Fifty-Six, AR, and Cody Cafe is the place to eat.

Mr. THOMAS. Mr. President, I yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

## THE SINKING OF THE ''TITANIC'', TAX DAY, AND OTHER MANMADE DISASTERS

Mr. GRAMS. Mr. President, 1 week from today, we will mark the anniversary of two infamous, manmade disasters. One may slip by unnoticed. I am certain the other will not.

The first disaster we will commemorate next Tuesday is the 85th anniversary of the sinking of the *Titanic*, an event made all the more tragic because it could have been prevented. The story of the *Titanic* is a sad story of excess, of man's ongoing reach for something bigger, something more powerful.

The second manmade disaster is the arrival of tax day. Now, I do not mean to draw a direct comparison between the loss of life in the *Titanic* incident and the plight of America's working men and women. But for many Americans, April 15 is another potent symbol of man's ongoing reach for something bigger and more powerful. The bigger and more powerful entity in this case is not the world's largest ship, but the largest government the world has ever known. And Washington's constant need to expand its reach has imprisoned working families in a disastrous cycle of taxation.

Look what our outrageous tax burden has done to families over the past 40 years. Taxes today dominate the family budget. The annual tax bill for a typical family now averages $21,365—significantly more than they spend on food, clothing, and shelter every year.

Factor in State and local taxes and the hidden taxes that result from the high cost of government regulations, and a family today gives up more than 50 percent of its annual income to the government. We pay an especially high price in my home State of Minnesota—a study released last year by Harvard University revealed that Minnesota taxpayers pay the seventh highest taxes in the Nation.

Taxes are not merely an inconvenient fact of life. They are the 1990's version of highway robbery.

Who has borne the brunt of these ever-increasing taxes since the 1940's? Working families with children. No wonder these Americans shake their heads in dismay each April.

Mr. President, when my colleagues and I in the sophomore class were elected in 1994, we were sent here by our constituents on a promise that we would balance the budget and cut taxes. That same promise was made by the Members of the new freshman class. And we do not intend to let 1 more year pass without delivering on those promises. Tax relief and deficit reduction can and must go hand in hand. Any budget presented in this Chamber that favors deficit reduction at the expense of lower taxes—what Washington's big spenders like to call the save-the-dessert-for-after-dinner approach—is nothing more than an exercise in futility. Until the opponents of tax relief recognize that what they call dessert is what most taxpayers consider their salary, we will never reach agreement on a budget.

I would like to also add that I received a letter today from a mayor back home who opposed tax relief. He didn't call it dessert, but he called it political goodies that we would like to disperse to our constituents. Allowing working men and women to keep more of their money is what he calls political goodies.

This is the mindset of many who are serving in government today, whether they be local, State, or Federal officials. Somehow the people's money is somehow government's claim, and if we want to make sure that they can keep some of it, it is somehow political goodies.

But it was later in his letter that I found what was really his real concern. In the letter I think he felt that lower taxes could mean fewer dollars to be sent from Washington to his town. So his concern wasn't the political goodies, but it could mean fewer dollars if we reduce the size and scope of the Federal Government. That is money that would be allowed to be spent, or really the pork from Washington—not political goodies but pork. Let the Federal Government raise the taxes rather than having the local taxes support the programs for pork that they want. So, in other words, provide for their residents. It is really great that we can stand here and get credit for spending their money—the taxpayers' money—for programs, for what really is pork that the Government thinks that they should have, or that they need. It is great that we have this great ability to figure out for the local citizens what is best for them.

The American people have spoken very clearly on this point. A USA Today-CNN-Gallup Poll released just last week confirms what many of us have been saying all along: Tax cuts must be part of any budget agreement we enact this year. When asked if they think the Republicans should drop their attempts to include tax cuts in their overall plan to reduce the budget deficit, or should they keep the tax cuts in their plan, fully 70 percent of the respondents said the tax cuts should stay. Seven out of ten Americans are calling on us to keep our tax-cutting pledge. And a majority agreed that tax cuts and deficit reduction can be accomplished at the same time.

Mr. President, if Congress intends to make the strongest possible statement in support of working Americans, we will not do it by building a bigger Federal Government that demands more taxpayer dollars. We will do it by cutting taxes and leaving families a little more of their own money at the end of the day.

Earlier this year, I was proud to join my colleagues, Senator HUTCHINSON and Senator COATS, in reintroducing this desperately needed tax relief in the form of the $500 per-child tax credit.

The $500-per-child tax credit takes power away from Washington and puts it back with families, where it can do the most good. Once we leave that money in the family bank account, taxpayers are empowered to use it meeting the needs of their families, whether that is clothing, medical and dental expenses, insurance, or even groceries, or education.

Mr. President, there is no action Congress can take today that will make next Tuesday, April 15, any easier for America's working families. But we have before us unlimited opportunities to profoundly change every other tax day, far into the future. Washington created the mess we are in, and the taxpayers are now demanding that Washington get us out of it. Thank you very much. I yield the floor.

Mr. THOMAS. Mr. President, I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I thank my colleague from Wyoming for putting this order together at this propitious time to discuss tax policy in the country with April 15 looming on the horizon and Americans all over the country concerned about the amount of money we pay to the Federal Government in Federal income taxes.

Mr. President, I have an important announcement to make. I have been authorized to announce that on tax day, April 15, the U.S. Senate will have a historic opportunity to vote on a resolution which will express the sense of the Senate that we support a requirement that Congress, the House and the Senate, be required to raise taxes with a supermajority. In other words, that we could not raise taxes with a bare majority, that it would require a two-thirds vote for a tax increase to go in effect, much like the requirement in States throughout the United States, and a very successful requirement, I might add. The full House is actually going to vote on tax day on the actual constitutional amendment. Our resolution will be a sense of the Senate in support of that same concept. Obviously, we are not prepared yet to actually vote on the constitutional amendment.

The reason for this, Mr. President, is that the average family of four back in 1948 paid about 5 percent of its income in Federal taxes. But today that burden is about 24 percent. And, as our colleague from Minnesota just noted, if you add the State and local taxes to the mix, we are paying about 40 percent of our income in taxes to government.

The last tax increase to pass in the Congress in 1993 was the largest in history. And, yet, it failed to even achieve a majority in the U.S. Senate. There was a tie of 50–50. President Clinton's largest tax increase in history only passed because Vice President GORE came to the Chamber and cast the deciding vote. We believe that it ought to be at least as difficult to raise taxes as it is to cut them. It is now easier, sadly, to raise taxes than it is to cut them.

Consider this irony. This two-thirds majority would fix this problem, by the way. When we passed the balanced budget amendment of 1995, the President vetoed it. It included big tax cuts. The President vetoed it. We had to have a two-thirds majority to overcome the veto, and we couldn't do that. So it would have required a two-thirds vote for us to reduce taxes. But, as I pointed out, the biggest tax increase in the history of the country in 1993 passed without even a majority vote.

As I said, Mr. President, we think it ought to be at least as hard to raise taxes as it is to cut them. That is why we are going to be voting on April 15 to support the principle that there should be a supermajority for Congress to raise taxes.

The Kemp commission, appointed by the Speaker of the House and the previous majority leader of the Senate, came to this conclusion about this requirement. I am quoting: ''The commission believes that a two-thirds supermajority vote of Congress will earn Americans' confidence in the longevity, predictability, and stability of any new tax system.''

They made that point in recommending this two-thirds supermajority of both Houses of Congress to raise taxes as a key component of our tax policy. As I said, there are 14 States that currently have some form of tax limitation in effect. There was an interesting study in 1994 by the Cato Institute which found that a family of four in States with tax and expenditure limits faces estate and tax burdens that are $650 lower on average 5 years after the implementation than it would have been if the State tax growth had not been slowed. In other words, the people who live in States that have these supermajority requirements are better off, pay less in taxes than those States which do not have such a requirement.

It also matters, Mr. President, how we raise or lower taxes. Or I should say, put it another way, how we increase revenues to the Treasury matters because you can increase revenue to the Treasury not by raising tax rates but actually by lowering certain tax rates.

We all agree that lower tax rates stimulate the economy, which results in more taxable income and transactions and more revenue to the Treasury as a result. In fact, the tax cuts out of the early 1980's make this point. They spawned the longest peacetime economic expansion in our Nation's history.

Revenues to the Treasury, the Federal Treasury, increased as a result from $599 billion in fiscal year 1981 to $990 billion in fiscal year 1989, up about 65 percent.

On the other hand, higher tax rates discourage work and production and savings and investment so there is ultimately less economic activity to tax. That is exactly what Martin Feldstein, the former Chairman of the President's Council on Economic Advisers, found when he looked at the effect of President Clinton's 1993 tax increase. He found that taxpayers responded to the sharply higher marginal tax rates imposed by the Clinton tax bill by reducing their taxable incomes by nearly $25 billion. They did that by saving less, investing less, and creating fewer jobs, and the economy eventually paid the price in terms of slower growth.

In other words, as I said, how Congress raises taxes is more important than how much it can tax. The key is whether tax policy fosters economic growth and opportunity. And that is why we believe, as I said before, that it ought to be more difficult to raise tax rates. It ought to be just as easy to cut taxes. We should raise tax rates only if there is enough consensus on that to provide a two-thirds majority of both Houses of Congress.

So on April 15, tax day, all of us in the Senate will have the opportunity to go on record to tell our constituents where we stand. Do we believe that it ought to be just as difficult to raise taxes as it is to cut them? We will have the opportunity to vote on the principle of requiring a supermajority in Congress to raise taxes. And I certainly hope that my colleagues will support us in that vote.

I thank the Senator from Wyoming for this time.

Mr. THOMAS. Mr. President, I am pleased now to yield to my friend, the Senator from Oklahoma, who has actually been chairman of our 1994 group. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Wyoming for having this time devoted to such a significant issue.

Mr. President, I ask unanimous consent that the time which has been allotted to Senator THOMAS be extended until the hour of 11:15.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. INHOFE. I think something that is very significant that has not yet been said was touched upon by the distinguished Senator from Arizona [Mr. KYL], when he approached the economics of this issue. Unfortunately, when we talk about tax reductions, there is a mindset that if you reduce taxes, you reduce revenues. History has shown us very clearly that is not the case.

In fact, it was a Democrat who first came up with the idea that you could actually increase revenues by reducing taxes, and that was President Kennedy back in the early 1970's when he said we have a problem in this country; we have to increase revenues, but we also are overtaxed, so the best way to increase revenues is to reduce the tax rates.

Now, today, the Democrats do not think that way. The liberals in Congress think that it is a static situation, and that if you raise taxes nothing else happens.

That, of course, is not true. I remind my colleagues that in 1980, the total amount of money used to run Government was $570 billion, the total revenue that came in in 1980. In 1990, the total revenue that came in to run Government was $1 trillion 30 billion. That is almost exactly double what it was in 1980.

Well, what happened during that decade? During that decade, we had the largest tax reductions we have ever had in this country's history. So the same thing that happened back during the Kennedy administration when he had the wisdom to say we have to increase revenues and the best way to do this is to reduce taxes happened again in the 1980's. Unfortunately, we have an administration in the White House that does not understand this.

In fact, I was amazed early in this administration when Laura Tyson, who is the chief economic adviser to the President of the United States, President Clinton, back in 1992 said—and this is nearly a direct quote—there is no relationship between the level of taxes a nation pays and the amount of economic productivity of that nation.

That is saying they believe if you tax everybody 100 percent, they are going to work as hard as if you taxed them 10 percent. This is what Senator KYL was getting to, that there is a relationship between the level of taxation and the productivity of a nation. In fact, to be specific, for each 1-percent increase in economic activity of a country it increases new revenue $24 billion.

So those of us who are conservative, those of us who believe that what history has taught us is very factual are standing here saying we want to lower taxes, we want to do as Senator KYL suggested and make it more difficult for people to raise taxes. I suggest, if you go back and look at the votes that took place to raise taxes, at least in the 10 years I have been here, it has always passed by maybe 1 or 2 percent. If you put a supermajority on that, I believe we can accomplish a lot.

And so as the speakers before me have indicated, there are a lot of advantages here to get this machine working and to become more productive, and if for no other reason than the distinguished Senator from Minnesota said—we who are elected to the Senate, that is, those of us in the Chamber right now, in 1994 committed and promised that we would vote for a balanced budget and reduce taxes, and we are going to do that.

I yield the floor.

Mr. THOMAS. Mr. President, let me just sort of wind up on our tax thing and say that if you are like me—a weekend from now it will be April 15 and all of us I hope are beginning to think about preparing our tax returns. It is a headache, of course, and so we tend to procrastinate. We are taxed too high, I am sure. And I am sure also that people out there look at Washington and wonder if all that talk about tax relief is just talk.

We are here to say that it is not. Tax relief for families in America, for small business, is alive and well and one of the good ideas that is coming out of Washington, I hope soon. By next year, it is our hope that as we begin to think about compiling tax returns we will have accomplished what Americans deserve and expect from Washington as a matter of fact—reforms that let families keep more of their money. Republicans want to lower the tax burden and provide some common sense to the tax system.

Currently, according to the Census Bureau, a typical family of four spends more than 3 hours of every 8-hour day working for dollars that are dedicated to Federal, State and local taxes. That is an average of almost 40 percent of income—40 percent of our income to continue to grow a central government. You get big government and you get a bloated bureaucracy. Instead, we ought to be able to use those dollars to increase our businesses, to feed our kids, to send them to school. So we need reform, smart reform, smart tax reform. That has a nice ring to it, doesn't it?

I hear also in town meetings more and more about the IRS. Let me tell you that at least to some extent you cannot do much about the IRS until you change the system and make it simpler. Which taxes to reform? Where should we start? The inheritance tax for one. We have already talked about that. Here is one that makes no sense at all. We spend more time avoiding inheritance taxes than we do paying them. People who have spent time in business and farms cannot pass it on to their own families. The current tax penalizes the development of wealth and business. That is wrong. It is really a matter of freedom. Citizens own their property and families should not be compelled to sell it if the head of the household passes away. In the West it is an environmental problem. The view of the West, the mountains will be subdivided unless we act.

How about capital gains reduction? Entrepreneurs and small business investors take substantial risks when they open or invest in businesses. Cutting capital gains will increase economic growth. Add to that tax credits for our families with children. Grant a $500-per-child tax credit and give families the opportunity to do some things.

When it is all wrapped up, tax reform should have to pass a simple commonsense test. Does it impose the lowest possible compliance and enforcement? Does it encourage growth? Does it work to help strengthen families? By anyone's measure, our current system does not pass this test. So we deserve a Saturday in April with our family instead of sitting with a stack of receipts and the Tax Code. We want tax simplicity. We want tax relief.

The President's proposed budget, according to the Joint Committee on Taxation, the President's fiscal year 1998 budget contains a net tax increase of $23 billion over 10 years. That is not tax relief. That is more burden. That is not what we need in the future. The President needs to come to the snubbing post and join with us on taxes and reform in balancing the budget. We can do that, and our opportunity is now.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to yield myself time that is allocated to the minority leader.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

## DISASTER IN THE DAKOTAS

Mr. DORGAN. Mr. President, I came to the floor to visit about a very important issue, the issue of the chemical weapons treaty and the requirement the Senate vote on that treaty. But before I do that, I want to tell my colleagues of a circumstance that exists in our part of the country that they have no doubt seen and heard on the television and radio and that is the worst blizzard we have seen in some 50 years in North Dakota on top of a flooding condition that was already existing that looks to be a 100-year flood.

Last evening, I and my colleagues from North and South Dakota went to see President Clinton in the White House along with the head of the Federal Emergency Management Agency to discuss the emergency that exists in our part of the country.

The President has made a disaster declaration. He has signed it. There is now a team of people from FEMA in the Dakotas beginning to work, beginning to marshal equipment from around the country—generators, snow removal equipment, and a whole range of things that will be necessary to deal with this crisis.

I want to tell my colleagues of the kind of crisis that exists. Again, we had a blizzard that in many parts of North Dakota gave us 15, 18, and 20 inches of snowfall on top of a circumstance that already existed that would have provided us and will provide us with a flood that is a 100-year event. So this is an enormously difficult time for North Dakotans. We have had the spectacle of people actually sandbagging in the middle of a blizzard, which is a very unusual event. Normally you fight a flood or normally you fight to survive a blizzard, but we have had the confluence of two events that is enormously difficult. We have substantial livestock death. We have reports of people missing entire livestock herds. The stories of people helping one another in coping this past weekend are compelling and gripping, of courage, neighbor helping neighbor. It is a very tough time in the Dakotas.

My colleagues and I will likely be going back out—we just came back—with the senior team which the President will send. He intends James Lee Witt and I believe at least one other Cabinet Secretary and some others as part of a senior team from the administration to go out and to survey the damage and to begin the active work of supervising the people who are already on the ground.

This is as tough a time as anything I have ever seen in the Dakotas. Most North Dakotans tell me it is the toughest winter they have ever seen. The blizzard this weekend, as I indicated, is the toughest we have had in 50 years in North Dakota, and it came on top of five or six successive blizzards in North Dakota that essentially shut down our State on five or six occasions previously. As of Saturday evening, this past Saturday evening, in North Dakota traffic was stopped in virtually every direction on every road. It was a very difficult time and remains a very difficult time with thousands of North Dakotans still without electricity after many days. This is a crisis which will continue to exist because of the flooding which has not yet crested in many parts, especially of the Red River.

I thank President Clinton; I thank James Lee Witt, the head of FEMA; I thank our colleagues, Republicans and Democrats, who join together in times like this to extend a helping hand to people who need help and who are fighting their way through a crisis that is very difficult to deal with.

## THE BUDGET

Mr. DORGAN. Mr. President, I would like to mention two additional items very quickly. One is an issue that has just been discussed at some length on the floor about a budget and tax relief. My hope is that we will find a way to have a bipartisan compromise on a budget. The law requires that by April 15 a budget be enacted by this Congress. It is clear now that the Congress will miss that date. But the date is less important than the result. The result ought to be a budget that achieves balance so we are not spending our children's money, often on things we do not need.

We ought to decide that there is as much energy in this Chamber to balance the budget as there was to change the Constitution of the United States. I said during the debate on the constitutional provision that was offered here that you could change the Constitution now, and 2 minutes from now you would not have altered the deficit by one penny. What will alter the budget deficit and eventually eliminate the budget deficit will be individual spending and taxing decisions inside the budget by Members of the U.S. Senate and U.S. House. I think it is past the time in which the President and Members of Congress, Republicans and Democrats, join together to say here is where we ought to head and here is the road map by which we get there, to establish balance.

I have cast hard votes and tough votes. In 1993 I cast an awfully tough vote. We have reduced the budget deficit by 60 percent in the last 4 years. If we continue down that road, we can eliminate the Federal budget deficit, and we should. I am willing to cast more tough votes, and I hope very much we can decide this is not a partisan issue but rather a shared issue for Republicans and Democrats who decide that there is merit and virtue in balancing this Federal budget and not charging what we are now spending to our kids and grandkids.

## CHEMICAL WEAPONS TREATY

Mr. DORGAN. Mr. President, I came to the floor to speak about another issue that is very important this week as well. This week the Senate comes back from a 2-week break and turns to the question of nuclear waste. That is an important issue and one I hope this Congress and the President will address seriously and solve. But there is another issue that is very important that has a deadline that we must address, and that is the issue of the chemical weapons treaty.

We now have a circumstance in which this country, with 160 other countries, has signed a convention in which a chemical weapons treaty to the Geneva Disarmament Conference in 1994 was negotiated and completed. It was initiated by President Bush, supported by President Reagan, it was continued under President Clinton and submitted to the U.S. Senate for ratification.

The chemical weapons treaty will restrain the proliferation and will reduce the threat of the use of chemical weapons in our lifetime. It is the first ever treaty to try to ban an entire class of weapons of mass destruction. Never again should men and women in our lifetime face a weapon of mass destruction called a chemical weapon or poison gas. We have a treaty that has now been signed by 70 nations, more than the 65 that is needed to ratify the treaty, so it will go into effect on April 29 of this year. This country has not yet ratified it. Our key allies, Australia, Britain, Canada, France, Germany, Italy, and others, have already ratified this treaty, and we need to do so and we need to do so by April 29.

There are opponents of this who say, ''No, this is not a perfect treaty.'' And it is not. Opponents say, ''If we adopt this treaty, Saddam Hussein is not going to adopt the treaty, so what are we doing here?'' Because some will commit murder, do we not want to make murder a crime in America? We understand there are some who may not want to abide by this treaty. This country has already made a decision, in the mid-1980's, that we are going to destroy our stockpile of chemical weapons. We have already made that decision. We made a decision under President Bush and continued it under President Clinton to negotiate a chemical weapons treaty. That treaty was negotiated. Seventy nations have now ratified it, and we have not yet done so, and we should. Ratifying it will strengthen this country, not weaken this country. Those who allege that ratifying the chemical weapons treaty will somehow weaken this country's hand, in my judgment, are wrong. I respect their opinion, but they are wrong. It is urgent and necessary that we, by April 29, ratify this treaty. We are able, with our allies, to provide leadership to destroy an entire class of weapons of mass destruction in our society. If we do not take this opportunity to do it, we will have made a very grave mistake.

I was not here when we were testing nuclear weapons in massive quantity, but I know when it was proposed that

we cease testing nuclear weapons and have a test ban on nuclear weapons, there were some who stood up and said we cannot do that because it will weaken our country. Yet we had a ban on testing nuclear weapons, and it was the right thing to do. History tells us it was the right thing to do.

This is the right thing to do as well. It is very important that we understand this must be part of the Senate's business this month. If we do not take the opportunity to provide leadership in banning the use of chemical weapons, a weapon of mass destruction in our society, if we do not take the opportunity to establish that leadership, we will have made a very grave error.

This is not a case of one side of a debate being soft headed and fuzzy and the other side being the real prodefense folks. The people who support this—former National Security Adviser Brent Scowcroft, former Secretaries of State James Baker, Larry Eagleburger, former Arms Control and Disarmament Agency head Ron Lehman—all urge the Senate to ratify the chemical weapons treaty, none of whom can be alleged to have been soft on defense issues. These are people very prodefense, people who are very concerned about making certain that we do not lose advantage, that we are a strong country, that we can defend ourselves. But these are people who also believe, as did President Bush, that this treaty makes sense for our country, to provide leadership on the abolition of chemical weapons. Leadership on the abolition of poison gas as a weapon in war makes great sense for our country and great sense for humanity.

The reason I raise the question today is this. We have a limited time, and a deadline of April 29, to ratify this treaty in order for us to be part of the regime that begins to develop the methods by which this treaty is enforced. Yet, we have no agreement even to bring the treaty to the floor of the Senate for a vote or discussion. Some of us believe very strongly that, with the exception of the emergency supplemental appropriations bill, for example, or with the exception, perhaps, of a budget bill to balance the Federal budget—which we should do—with the exception of those things we ought to make sure this is first in line. Until we have assurance this is first in line, we ought not be doing other business. This ought to be brought to the floor of the Senate, and we ought to have agreement to do that soon.

I hope we will have an aggressive and significant discussion about this treaty. My understanding is the distinguished Senator from Oklahoma may intend to speak some about this treaty and some of his concerns about it. But my hope is, perhaps this afternoon—I intend to come back to the floor—some of us can have a discussion back and forth. I have great respect for people who take an opposite view on this and on other issues. We do not have to call each other names because we disagree with each other. Debate ought to be to evaluate what are the merits of a position, what are the facts, and what conclusions can one develop from those facts.

My position is to say I think we ought to do this. It is an easier position, I must say, to oppose it. It is an easier position. That is not to say opposing it is necessarily wrong, and there are cases where the opposition might be the right position on some issues. But Mark Twain once said, when he was asked to debate, ''Of course, but I need to take the opposing side.'' They said, ''But we have not even told you what the topic is.'' He said, ''That doesn't mean anything to me. That doesn't matter. I only need to take the opposing side because that doesn't require any preparation.''

The point he was making is it is always easier to take the opposing side. I say to my friend from Oklahoma, that doesn't mean the opposing side in every debate is wrong. But in this case, the need to ratify the chemical weapons treaty, the affirmative side is the right side for this country. It is urgent and has a time deadline, and we ought to do it. I hope this afternoon, perhaps, we can have some thoughtful discussion about what are the merits of this, why do we have such a large group of Republicans and Democrats from the Bush administration and the Clinton administration and many others who believe this is a priority for this country and believe it is something that this country ought to take a lead on.

My hope is that at end of the day today, or this week, we will have an agreement by which we can at least bring this to the floor, even though some might want to vote against it. I think those who want to do that should give us the opportunity to have a debate and a vote on the chemical weapons treaty. We very much owe that to this country. If and when we get to the decision to give us a debate and a vote on the chemical weapons treaty, I will be happy with that. We have to make our best case and we have to make an affirmative case for this treaty. We have that responsibility. But we cannot do that if we are prevented from seeing it brought to the floor of the Senate for a debate and a vote.

Mr. President, with that I yield the floor.

Does the Senator from Oklahoma intend to speak?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CHEMICAL WEAPONS CONVENTION

Mr. INHOFE. Mr. President, I have the utmost respect for my distinguished colleague from North Dakota, Senator DORGAN. I have to admit, however, I seem to disagree with him more than agree with him. Let me just cover a couple of things that he said that I feel quite strongly—I am sure he believes them, but they are certainly not true.

First of all, as far as the deadline is concerned, it seems like every time you want to get something done you impose a deadline and say we have to do it by—in this case, the 29th of April. There is no deadline on this. Once this thing goes, the vote takes place, we can become a part of it if we want to wait until June or July or August. There is no deadline.

I am reminded a little bit of the deadline they had when we had, I believe it was, the GATT Treaty. We had a special session of the U.S. Senate that was held in November, before the new Senate came in—this was in 1994—that would allow those individuals who were defeated or who retired to vote on something and not the new person who was elected. My daddy taught me a long time ago if the train is coming fast, slow it down. That is what we need to do with the Chemical Weapons Convention. We had a debate on this last fall. I think the debate was a very fruitful one, and a lot of things came out. So let us not talk about a deadline of the 29th. I look forward to debating this and discussing this with the Senator from North Dakota this afternoon.

The next thing that he said that I take issue with is the idea that it is easier to oppose than to support the Chemical Weapons Convention. He is saying it is easier. Maybe it was easier for Mark Twain. This is not easier, because I will tell you I have been very outspoken in opposition to this Chemical Weapons Convention, and all I hear from people is, ''You mean you are for chemical weapons?'' That is not the issue at all. It is a lot easier to demagog this thing and say, ''Let's sign this and do away with chemical weapons.'' We are not going to do away with chemical weapons, and we all know that.

As far as this is not a matter, as he stated, between the fuzzies and those in favor of a strong national defense, let us wait until the vote takes place and make that determination. I will wager that when the vote takes place, we will find out that those individuals with the highest American security ratings would be the ones who will oppose the Chemical Weapons Convention. That is a very easy thing to do. Just take the ratings and look and see how the vote comes out. Those individuals who consistently vote against such things as the National Missile Defense System, Theater Missile Defense System, vote for all of these disarmaments. A lot of the motive there is to put that money into social programs. I think we all know that.

Let me just cover a couple of things in this brief period of time. First of all, this is not global. The Senator from North Dakota talked about Spain and about France and about all these countries. We don't have a problem with

these countries. Let us look and see who is not a part of this. Iraq is not a part of this.

North Korea is not a part of this. Libya is not a part of this. Syria is not a part of this. If you ask any ''in'' person, in a logical manner, ''Who do you think would be the greatest threat to the United States,'' and you name the top 15, those countries would be there. It is not global. Those countries that involve themselves in terrorist activities are countries that are not a part of this. Of course, I think we all understand it does not cover terrorist activities anyway.

Let's look at the countries that are a part. Iran is now a signatory here, and yet Iran, if anyone here believes that they will keep their word in destroying all of their chemical arsenal, then I have a bridge I would like to sell them, because that is not going to happen. We know it is not verifiable, and there is no better evidence of that than after the Persian Gulf war when the United Nations was given incredible power to go out and examine and inspect and try to determine whether or not Iraq, who we had just defeated, had chemical weapons, then we find out through our intelligence community, that even with those very stringent inspection abilities that the United Nations had, that Iraq, still, was developing various weapons of mass destruction, including chemical weapons.

I think it is important to show that it is not effective, that it will not banish poison gas or shield our soldiers, as Clinton claims. Jane's Defense Weekly came out last week and reported that Russia has developed three new nerve agents without using any of the precursor chemicals banned by the Chemical Weapons Convention. What does that mean, Mr. President? It means that they are already out there trying to figure out and trying to develop chemical weapons that can be used that are not using the precursor chemicals that would be banned. In other words, let's assume everybody is honest and everybody is complying, it is all verifiable, and all the countries belong to it. When it gets down to it, the bottom line is, you can still come out with chemicals that do not use these precursor chemicals. So, it would not be effective in that respect.

I think we should also look at the constitutionality of this. I know a lot of times things are passed around here over the fact that it is a violation of the Constitution. I happen to be the chairman of the Clean Air and Private Property and Wetlands Subcommittee of the Environment and Public Works Committee. It is almost a daily thing that the Government takes land away from people without due compensation. So we know that there are things happening that violate constitutional rights. But in this case, it would permit searches and seizures without warrants or probable cause. I think this is a very serious thing.

And as far as trade secrets, we would be giving up something here. We all hear we are going to all destroy our chemical weapons. We have not stopped to realize what we are giving up in order to have this utopia that we seem to think is going to appear. One is, we have to open up and allow countries, like Iran, to inspect our chemical companies and our fertilizer companies and our cosmetic companies to see if there is anything in there that they are using and they would be able to get a lot of technology from this. This is something with which we have to be concerned.

Then we have more regulations on American business. This is something that we deal with. I have often said there are three reasons we are not globally competitive in this country. One is we are overtaxed; the other is our tort laws; and the other is we are overregulated. How can we compete with other countries when we are overregulated? This is one more regulation, one more set of forms that all these companies—cosmetic companies and others—will have to fill out.

Then, of course, we have the thing that is talked about quite often, and that is, this is going to make us much more comfortable in terms of our defense against any type of chemical weapons.

I have an editorial, that I will be asking in a minute to be printed in the RECORD at the conclusion of my remarks, from the Wall Street Journal. I hope my friend from North Dakota, the distinguished Senator who spoke before me, will listen to this. I will read the last couple of sentences in this editorial from the Wall Street Journal, which is dated February 19, 1997:

> The biggest danger of ratification is that it would similarly lull the U.S. and other responsible nations into the false belief that they are taking effective action against the threat of chemical weapons. The case for this treaty strains belief too far.

Lastly, let me suggest that a lot of the people, who are very fine people, who have signed on and said, ''Yes, we want the United States to be a part of the Chemical Weapons Convention,'' have not really taken the time to study and see what we are giving up. I will share with you just a couple of things that came from a meeting of February 27, 1997, when General Schwarzkopf, who is supportive of ratification of the Chemical Weapons Convention, was before our Senate Armed Services Committee, and I asked him a few questions.

I asked him questions concerning how it would affect terrorists. Of course, he agreed it would not have any effect.

Then I said:

> Do you think it wise to share with countries like Iran our most advanced chemical defensive equipment and technologies?
>
> General SCHWARZKOPF. Our defensive capabilities?
>
> Senator INHOFE. Yes.
>
> General SCHWARZKOPF. Absolutely not.
>
> Senator INHOFE. Well, I'm talking about sharing our advanced chemical defensive equipment and technologies, which I believe under Article X [they] would be allow[ed] . . . Do you disagree?

Then he said:

> I'm not familiar with all the details . . ..

One of the problems we have is, so many people who are supporting the ratification of this Chemical Weapons Convention have not read all the details, have not read what we are giving up, I say to the distinguished Senator from North Dakota, and we are giving up many things that would normally be considered private.

Lastly, I will say, in conclusion, that there are a lot of people who are opposed to this. They are very prominent in the defense community. Certainly, four of our past Secretaries of Defense are opposed to the ratification of the Chemical Weapons Convention. Rumsfeld, Schlesinger, who, incidentally was in a Democrat administration, Weinberger, and Dick Cheney have all taken positions and said this is not in the best interest of the United States.

So, I hope we will have a lengthy debate on this, and I am hoping, quite frankly, that we are not going to be able to bring this up until we have had a chance for a thorough debate.

Mr. President, I ask unanimous consent that the testimony from the Senate Armed Services Committee hearing of February 27, 1997, be printed in the RECORD, and immediately following that, the Wall Street Journal editorial dated February 19, 1997, be printed in the RECORD, in that order.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE SENATE ARMED SERVICES COMMITTEE HEARING, FEBRUARY 27, 1997

Senator INHOFE. If the Chemical Weapons Convention were in effect, would we still face a danger of chemical attack from such places as Iraq [which has not signed the CWC]—or Iran [which] actually signed onto it?

General SCHWARZKOPF. Senator, I think that the answer is probably yes. But, I think the chances of that happening could be diminished by the treaty only because it would then be these people clearly standing up and thumbing their noses at international law—and it would also help us build coalitions against them if that were to happen.

Senator INHOFE. Aren't they still thumbing their noses right now in Iraq?

General SCHWARZKOPF. There's no question about it, Senator—I mean the fact that they used it in the first place against their own people but, I still feel—we have renounced the use of them and I am very uncomfortable placing ourselves in the company with Iraq and Libya and countries such as North Korea that have refused to sign that Convention. The problem with those kinds of things is that verification is very difficult and enforcement is very difficult. . . .

Senator INHOFE. General Shali[kashvili] I think in August of 1994 said that ''even one ton of chemical agent may have a military impact.'' I would ask the question: Do you believe that an intrusive, on-site inspection—as would be allowed by the Chemical Weapons convention—would be able to detect a single ton or could tell us conclusively that there isn't a single ton?

General SCHWARZKOPF. No, no as I said earlier, we can't possibly know what's happening on every single inch of every single territory out there where this would apply.

Senator INHOFE. And as far as terrorists are concerned, they would not be under this?

General SCHWARZKOPF. Of course not.

Senator INHOFE. Like any treaty, we have to give some things up, and in this case, of course we do and there are a couple of things that I'd like to [explore]—the interpretation from the White House changed—they said that if the Chemical Weapons Convention were agreed to, that it would affect such things as riot control agents like tear gas in search-and-rescue operations and circumstances like we faced on Somalia—where they were using women and children at that time as shields. Do you agree that we should be restricted from using such things as tear gas?

General SCHWARZKOPF. I don't believe that is the case but I will confess to you that I have not read every single detail of that Convention so, therefore, I really can't give you an expert opinion. I think you could get a better opinion here.

Secretary WHITE. I am going to hesitate to give a definitive answer because there has been, in the administration, a very precise and careful discussion about what exactly, and in what situations, this would apply and when this wouldn't apply. . . .

Senator INHOFE. Do you think it wise to share with countries like Iran our most advanced chemical defensive equipment and technologies?

General SCHWARZKOPF. Our defensive capabilities?

Senator INHOFE. Yes.

General SCHWARZKOPF. Absolutely not.

Senator INHOFE. Well, I'm talking about sharing our advanced chemical defensive equipment and technologies, which I believe under Article X [they] would be allow[ed] to [get]. Do you disagree?

General SCHWARZKOPF. As I said Senator, I'm not familiar with all the details—I—you know, a country, particularly like Iran, I think we should share as little as possible with them in the way of our military capabilities.

---

[From the Wall Street Journal, Feb. 19, 1997]

A DANGEROUS TREATY

Among the many good reasons why the Senate should not ratify the Chemical Weapons Convetion is a substance known as A–232. This highly lethal nerve agent was concocted by a Russian scientific team precisely for the purpose of circumventing the terms of the CWC, which both the U.S. and Russia have signed but not yet ratified. A–232 would escape scrutiny under the treaty because it is made from agricultural and industrial chemicals that aren't deadly until they are mixed and therefore don't appear on the CWC's schedule of banned chemicals.

The world has known about A–232 since the May 1994 publication on this page of an article by a Russian scientist, who warned how his colleagues were attempting to camouflage their true mission. It is now the subject of a classified Pentagon paper, reported in the Washington Times earlier this month, on the eve of what is shaping up to be an escalation of the battle joined in September over ratification of the Chemical Weapons Convention.

The Administration was forced to sound the retreat then, pulling the treaty from consideration when it became clear that the Senate was preparing to vote it down. Now it's trying again, this time in full cry about the urgency for U.S. ratification before April 29, the date it goes into effect. For now, Senator Jesse Helms has kept the treaty tied up in the Foreign Relations Committee, making the sensible argument that the new Senate ought first to focus on matters of higher priority then ramroding through a controversial treaty that merits careful deliberation.

The Administration, meanwhile, is mounting a full-court press, with the President offering a plea for ratification in his State of the Union address ''so that at last we can begin to outlaw poison gas from the earth.'' This is an admirable sentiment—who isn't against marking the world safe from the horrors of poison gas?—but it's far from the reality. In fact, ratification would more likely bring the opposite results.

Article XI is one of the key danger areas. It would obligate U.S. companies to provide fellow signatories with full access to their latest chemical technologies, notwithstanding American trade or foreign policy. One country delighted at the prospect of upgrading its chemical industry is China, which, upon signing the CWC, issued a declaration saying, ''All export controls inconsistent with the Convention should be abolished.'' No doubt Cuba and Iran, to name two other signatories, share the same sentiment. That Russian team that came up with A–232 no doubt could accomplish much more with the help of the most up-to-date technology from the U.S.

Verification is an insurmountable problem, and no one—not even the treaty's most ardent supporters—will promise that the treaty can be enforced. In the Administration's obfuscating phrase, the CWC can be ''effectively verified.'' Yet if chemical weapons are easy to hide, as A–232 proves, they are also easy to make. The sarin used in the poison-gas attack on the Tokyo subway was created not in a fancy lab but in a small, ordinary room used by Aum Shinri Kyo's amateur chemists. The treaty provides for snap inspections of companies that make chemicals, not of religious cults that decide to cook up some sarin in the back office. The CWC wouldn't make a whit of difference.

Those snap inspections, by the way, could turn into a huge burden on American businesses, which would have to fork out millions of dollars in compliance costs (through the biggest companies no doubt would watch the heaviest burden fall on their smaller competitors).

More than 65 countries have already ratified the CWC, including most U.S. allies. But somehow we don't think the world is more secure with Australia and Hungary committed to ridding the world of chemical weapons when such real threats as Libya, Iraq, Syria and North Korea won't have anything to do with the CWC. How can a treaty that professes to address the problem of chemical weapons be credible unless it addresses the threat from the very countries, such as Syria and Iraq, that have actually deployed these weapons?

With or without the CWC, the U.S. is already committed to destroying its chemical weapons by 2004. That doesn't mean the rest of the world shares any such commitment; what possible peaceful purpose does Russia have in the clandestine production of A–232? Instead of pushing a treaty that can't accomplish its impossible goals, the Administration would be better advised to use its clout, rather than that of some planned U.N.-style bureaucracy, in getting the Russians to stop making nerve gas.

It's hard to find a wholehearted advocate of the treaty. The gist of the messages from most of its so-called champions is that it's a poor deal, but it's the best on offer. But their cases have acknowledged so many caveats that it's hard to see how they've reached such optimistic conclusions. The biggest danger of ratification is that it would similarly lull the U.S. and other responsible nations into the false belief that they are taking effective action against the threat of chemical weapons. The case for this treaty strains belief too far.

Mr. INHOFE. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## CHEMICAL WEAPONS CONVENTION

Mr. BINGAMAN. Mr. President, I want to add my voice to the statement that the Senator from North Dakota made a little earlier in the proceedings about the importance of us getting on to a vote on the Chemical Weapons Convention. I believe very firmly that this is an issue which has been hanging around the Senate for too long. We have had many—in fact, years of consideration. We have had, I believe, 14 hearings now on the Chemical Weapons Convention.

The convention was supported, of course, by the previous administration. President Bush signed the agreement. We need now in this administration, the second Clinton administration, to go ahead and ratify it. There is an important date coming up which is the 29th of April, which is the date by which we need to take action. Let me address that issue first, because I know the Senator from Oklahoma did speak to the fact that, in his opinion, April 29 was not a date of any consequence and it did not matter whether we did anything this month or not on the treaty. This is sort of a recent argument that has been made and one I think needs to be responded to.

A failure to ratify by April 29 will have significant adverse consequences for our security and for U.S. businesses as well. Our ability to oversee the first critical days and months of implementation of the treaty will be lost. We now have Americans who are heading up the various divisions that monitor the treaty's budget and security measures and industry inspections, and those individuals, those Americans who now are involved in that will be replaced by individuals from countries that have ratified the treaty if we do not take action by the 29th of April.

Moreover, Americans will not be able to be hired as inspectors with these international teams if we do not ratify the treaty. Hundreds of millions of dollars in sales of American chemical companies and many jobs in many of our States will be at risk as a result of mandatory trade restrictions which were originally designed to pressure rogue states to join in the treaty. Those will be applied to us, Mr. President, if we do not go ahead and vote and ratify this treaty.

Failure to ratify, of course, relegates us to the so-called international pariahs that we give a lot of speeches about here on the Senate floor, countries like Libya and North Korea. We would be squandering U.S. international leadership in the fight against chemical

weapons and other weapons of mass destruction.

There have been many speeches given on the floor and by our President about how the United States, at this particular point in history, is the indispensable Nation. We are the one remaining superpower in the world, both militarily and economically and, as such, we have a particular responsibility to lead. Our failure to take action on this treaty on the Senate floor is an abrogation or default of that responsibility and one I think that I do not want to be any party to.

Another issue that has been raised, which I think needs to be addressed, is this issue which involves the question of whether or not the Chemical Weapons Convention could be interpreted as providing rogue states with the ability to acquire advanced U.S. technologies if we enter into this treaty. The issue was raised at the Armed Services Committee hearing that we had a couple of weeks ago. In fact, the Senator from Oklahoma was there and requested that we get some kind of statement from our Department of Defense in writing about their view of this.

Mr. President, I ask unanimous consent that a letter dated April 2 to Senator ROBERT SMITH and signed by Franklin Miller, who is the Acting Assistant Secretary of Defense for International Security Policy be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
*Washington, DC, April 2, 1997.*

Hon. ROBERT C. SMITH,
*Senate Dirken Office Building,*
*Washington, DC.*

DEAR SENATOR SMITH: During my 5 March 1997 testimony before the Subcommittee on Strategic Forces of the Senate Armed Services Committee, several questions were raised regarding the impact of the Chemical Weapons Convention on the ability of rogue nations to acquire advanced U.S. technologies and the impact of the Convention on U.S. industry. I am pleased to provide the Administration's official response on these matters.

Article X: Assistance and Protection Against Chemical Weapons. One concern expressed during the hearing was whether Article X of the CWC might force us to share with nations like Iran our most advanced chemical defense technologies and equipment. I am pleased to reconfirm that Article X, which establishes procedures for State Party requests and possible responses to requests for assistance against chemical weapons, does not require the U.S. to share its advanced chemical weapons defenses and defensive technologies with countries such as Iran. Assistance is defined in the treaty as including items ranging from protective equipment to medical antidotes and treatments.

States Parties obligations under Article X may be met in one of three ways—by contributing to the voluntary fund (managed by the Organization); by concluding agreements with the Organization concerning the procurement, on demand, of specific types of assistance; or by declaring (within 180 days after the CWC's entry-into-force) the kind of assistance it might provide in response to an appeal by the Organization. To meet its obligations under Article X therefore, the U.S. can choose from a variety of options and forms of assistance none of which require sharing our most advanced chemical defense or equipment.

Senator Inhofe raised a particular concern regarding Paragraph 3 of Article X. This paragraph states that ''Each Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning the means of protection against chemical weapons.'' The inclusion of the words ''facilitate'' and ''possible'' underscores that no specific exchange is required and that any exchange which does occur is limited to that which we determine would be appropriate and permitted under the Convention.

A specific concern also was raised regarding whether paragraph 5 of Article X would require the release of advanced and classified information about defensive capabilities and technologies. Paragraph 5 requires the international Technical Secretariat that administers the Convention to establish and maintain ''for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.'' As stated in the Article-by-Article Analysis submitted to the Senate on November 23, 1993, ''freely available'' means ''from open public sources.'' Further, the CWC imposes no obligation on states parties to contribute to this database. Hence, the provision will not require the release of classified or otherwise sensitive information about U.S. chemical defenses.

Article XI: Economic and Technological Development. A second area of concern raised in the hearing was whether Article XI of the CWC, which relates to cooperation in the field of chemical activities for purposes not prohibited by the CWC, might force our industry to share dual-use technologies and manufacturing secrets with other nations. Article XI does not require private businesses to release such proprietary or otherwise confidential business information, nor does it require the U.S. Government to force private businesses to undertake such actions.

Access to Information During Inspections. A final area of concern raised during the hearing was whether the CWC might permit nations, such as Iran, to have access to some of our most critical technologies and manufacturing secrets during inspections. In this context, a question was raised as to whether the CWC required modification to preclude rogue nations from getting access to our technologies during inspections.

The CWC will not provide nations, such as Iran, with access to our most critical technologies and manufacturing secrets. The CWC, which was written with the help of U.S. chemical industry representatives, already contains important protections for industry, including provisions relating to routine and challenge inspections that were designed to protect against the loss of confidential business information.

The Convention stipulates that States Parties have the right to prohibit inspectors of any nationality from conducting inspections within their territory or any other place under their jurisdiction or control. Additionally, in the case of challenge inspections, the Convention stipulates that the inspected State Party has the right to reject inclusion on the inspection team of an observer from the country requesting the challenge. The Convention stipulates that these teams are composed of international civil servants ''who meet the highest standards of efficiency, competence and integrity.'' If they violate their obligations to hold all information confidential they will be subject to severe penalties, including the possible loss of immunity from prosecution by the inspected State Party.

The Confidentiality Annex to the Convention provides further protection for confidential information at facilities undergoing inspections. Paragraph 13, for example, specifies that ''States Parties may take such measures as they deem necessary to protect confidentiality, provided they fulfill their obligations to demonstrate compliance. . . .'' Paragraph 16 requires ''due regard . . . to the requirement of protecting confidential information,'' while paragraph 17 limits the information in the international inspectorate reports to ''only . . . facts relevant to compliance.''

With regard to the question of access, in neither routine inspections nor challenge inspections does the Convention require any facility to allow inspectors unlimited access. For routine inspections, the United States has the right to negotiate a facility agreement for each facility, which will define the degree of access that inspectors would have, including ''specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access'' (Paragraph 16 of Confidentiality Annex). This facility agreement would provide the facility with the opportunity to protect sensitive information. Moreover, since advance notice would be given for routine inspections, the facility would have ample time to prepare for the inspection.

In the case of challenge inspections, the CWC also provides for ''managed access'' that will be conducted in accordance with constitutional obligations with regard to proprietary rights or searches and seizures. Moreover, the facility that is challenged will participate in the negotiations on the degree of permissible access. While the U.S. and the facility shall make every reasonable effort to provide the inspection team an alternative means to satisfy the stated concerns about the facility's compliance, the facility is not obligated to allow inspectors to have unfettered access within the facility.

I hope this information clarifies the matters that were raised during the 5 March 1997 hearing. As I stated in my opening remarks, the Department of Defense firmly believes that the Chemical Weapons Convention is in the national security interests of the United States. We strongly support its prompt ratification by the United States and approval of its accompanying implementing legislation. If I may be of further assistance to you and to the members of your Subcommittee, please do not hesitate to contact me.

Sincerely,

FRANKLIN C. MILLER (Acting).

Mr. BINGAMAN. Mr. President, this letter goes into great detail about why there is no provision in the treaty and there is nothing in the treaty that our Department of Defense would interpret as putting an obligation on us to provide sensitive technologies to rogue states:

Senator Inhofe raised a particular concern regarding Paragraph 3 of Article X. This paragraph states that ''Each Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning the means of protection against chemical weapons.''

The letter goes on to say:

The inclusion of the words ''facilitate'' and ''possible'' underscores that no specific exchange is required and that any exchange which does occur is limited to that which we determine would be appropriate and permitted under the Convention.

I think it is clear from this analysis that our own Department of Defense feels very comfortable with the provisions of this Chemical Weapons Convention. The overriding context that this convention is presented to us in has to be considered, Mr. President, whenever you are debating the chemical weapons treaty or the Chemical Weapons Convention.

Sometime over a decade ago, the United States made a decision to terminate the use of chemical weapons and, in fact, to destroy our stockpile of chemical weapons. President Reagan signed the law to do just that. In accordance with that, President Bush came along, after President Reagan, and went ahead and carried out that policy and entered into the Chemical Weapons Convention on behalf of the country and sent the treaty to the Senate for consideration. It has been languishing here ever since President Bush sent it here for consideration.

I think that we would have a very different debate and you would have a very different lineup of people on different sides of this issue—and, frankly, you would have many more people in opposition to this treaty—if, in fact, we had not made a decision and put in our own law a provision to renounce the use of chemical weapons. But we did. We made that decision. President Reagan signed that law.

And now for people to come to the floor and say, no, no, we are going to be putting ourselves at some kind of disadvantage if we enter into a treaty with 161 other countries which would subject them to the same kind of policy decision which we already made some decade ago, just has no logic to it.

Clearly, there are problems in verifying this treaty. There are problems in verifying any treaty. They are probably complicated when it comes to verifying a treaty to ban chemical weapons because it takes such a small amount of technology and such a small amount of space to produce chemical weapons. But that does not mean that we should just give up on any and all efforts to verify and any and all efforts to inspect.

I think Madeleine Albright, our Secretary of State, made the point very well in a statement she made yesterday where she said, just because there may be people—and there are people—who will continue to murder and pillage and sell drugs, does not mean we should not pass laws to prohibit that. We should pass those laws. We should do our very best to enforce those laws and implement them. That is true with chemical weapons as well.

There may be people—and there undoubtedly will be—some rogue states and some individual groups, terrorist groups, that try to violate this treaty. All I can say is, we need to redouble our efforts to enforce the treaty once we ratify it. We need to work with other countries to gain their assistance in doing that enforcement.

Clearly, it is in the best interest of the people of this country that we take every action we possibly can to reduce the likelihood that chemical weapons will ever be used against Americans in future conflicts or in a nonconflict situation. Perhaps the biggest threat that we face is not in the use of chemical weapons in a conflict. The biggest threat may be the kind of an incident that occurred in Japan in a subway where a terrorist group decides that for some perverted reason they are going to engage in the use of chemical weapons. This treaty will help us to ferret out those kinds of incidents, those kinds of risks and to deal with them ahead of time. I think it is clearly in our best interest to do so.

Mr. President, let me just say that I have confidence that the Senate, if allowed to vote on this issue, will vote by the necessary supermajority to go ahead and pass the treaty and ratify the treaty. What we are up against now is an inability to get the treaty to the floor for a vote. And that, I think, is a very sad procedural circumstance that we have. We have a committee chair who has announced that he may or may not allow this issue to be reported from the committee so that the full Senate can express its will on the subject.

Mr. President, I hope very much that my colleagues will join me in seeing to it that we do get this issue to the floor, and that we go ahead and vote on the treaty. If a Senator wants to vote against the Chemical Weapons Convention and go home and explain to his or her constituents why they voted against the Chemical Weapons Convention, then fine. That is the way the system is supposed to work.

But for us to deny Members the right to vote is really indefensible, in my view, on an issue of this importance. This is tremendously important. I have urged, as several Members know, the Democratic leader, and indicated to the majority leader that I thought it was irresponsible for the Senate to continue doing business as usual while this issue continues to languish in committee.

The deadline is approaching. This is time sensitive. We need to go ahead and get the issue to the floor and allow a good debate, allow amendments, and allow a vote on the Chemical Weapons Convention.

I think that needs to be our top priority this April. And we are still early enough in the month that we can bring this to the floor, debate it, vote on it, and let the Senate do its will. The American people have a right to expect that from us. And clearly we need to go ahead and follow that course of action.

I think for us to continue with discussions about: Well, it does not really matter whether we sign up now or sign up in June or maybe July or maybe this fall some time, that is not accurate, Mr. President. It does matter. And we will be giving up a leadership role that we should have on arms control issues. We will be giving up a leadership role we should have on the banning of chemical weapons. Clearly, I think that is contrary to the best interests of the people I represent and contrary to the best interests of the American people generally.

Mr. President, I urge the majority leader and my colleagues on both sides of the aisle to put aside other business, and bring this issue to the floor. Let us vote on it. Let us have a debate. Anyone who wants to offer an amendment should be able to do that. Anyone who wants to offer implementing legislation should be able to do that. The Senate should vote on it, and then get about other business. So I hope that is the course we follow.

Mr. President, I know there will be additional chances this afternoon and later on to debate this issue in more depth. I look forward to those. I believe very firmly that this is one of the most important issues this Congress, this 105th Congress, will address. I hope very much that we will clear the other procedural matters and the other substantive matters that are on the agenda and get on to a vote on the Chemical Weapons Convention.

Mr. President, with that I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEDICARE REFORM

Mr. WYDEN. Mr. President, as I indicated yesterday, I intend to come to the Senate floor each day this week as part of an effort to build bipartisan support in the Senate for Medicare reform. It is very clear to me that there is a rare window of opportunity now for the Senate to act on this issue, a window, an opportunity I think would be a serious mistake to not exploit.

We know that the Federal deficit is a bit lower than was anticipated this year, in the vicinity of $108 billion. We are seeing that there is a fairly benign economic environment. Certainly, there are still folks hurting in our country, but, overall, the economy has been positive. We know that we are a few years away from what I believe is sure to be a demographic earthquake, with many more older people in our country, and older people who need and deserve good quality health care.

Yesterday, I tried to outline what I thought were the central principles of comprehensive Medicare reform. Beginning today, Mr. President, I intend to

try to outline some of the specific aspects of what Medicare reform ought to consist of and how to get this program on track for the 21st century so that it operates in a fashion that is good for both older people and for taxpayers.

Right now, in much of the United States, the Medicare Program is a 30-year-old, ''Tin Lizzy''-style operation that rewards waste and penalizes frugality. This is particularly unfortunate since the end result is that in communities like my own in Portland, OR, that hold down costs, the end result for all the heavy lifting is simply a smaller reimbursement check. I believe what we have today under the Medicare Program is a situation where because of the reimbursement of formula, a sleep-inducing, eye-glazing concept known as the average adjusted per capita cost, you have a situation where in much of the United States there are few, if any, choices for older people under Medicare because health plans are reluctant to come to those markets, or you have a situation where it is almost impossible for an older person to navigate the system simply because they cannot obtain understandable, coherent information about their Medicare choices.

Mr. President, it would be impossible for you to be able to see this chart, but I intend in the days ahead to blow this up because it makes my point with respect to how Medicare has made it difficult to have true competition like the competition that exists in the private sector for health care. This chart, which obviously is going to be difficult for you, Mr. President, and those who may be watching to see, involves a wall that has been set up in Los Angeles with all of the information that an older person has to go through in Los Angeles to make choices about choosing a health plan. It clearly illustrates, in my view, what we have seen with the Medicare Program over the last few years.

Because the reimbursement formula encourages waste and penalizes frugality, we will have, in many areas, few choices for Medicare, discouraging competition, or, as I have shown through this chart and picture developed by the General Accounting Office, you will have just a blizzard of information that older people find it very difficult to navigate and make sense out of, thereby making it hard for them to have real choice in their health system.

The irony, of course, is that every Member of the U.S. Senate knows what a competitive health system could look like, and a competitive health system that avoids the kind of problems I have just demonstrated with this chart from the General Accounting Office. Mr. President, 21st century Medicare could really be modeled around the very program that Members of the U.S. Senate participate in, known as the Federal employee health benefits plan. The Federal employee health benefits plan offers enrollees a portfolio of plans, each one with somewhat different service offerings. Consumers are helped to make appropriate, independent choices because the managers of the Federal employee plan pay attention to the details, including the way plans develop written explanations presenting what individual policies will or will not do.

So for Members of the U.S. Senate, it is possible to get understandable, coherent information about what is available for Senators and their families. But if you are an older person who wants to compare and shop for health care, you have to try to figure out how to make sense of this incomprehensible picture that I just showed, demonstrated by the General Accounting Office.

In addition, in the Federal employee health system, policies are inspected and reviewed on performance, and Federal employee plan participants are then given what amounts to report card grades on many of the important care provisions so that average consumers can sit down at their kitchen table and make plan-against-plan comparisons when they choose their coverage.

Again, the difference between what is available to older people in many parts of the United States for Medicare and what is available to those Federal employees and Members of the U.S. Senate is striking in its contrast. Members of the Senate and Federal employees are going to be in a position where they can make plan-against-plan comparisons so as to inject some competition in the system. Again, the General Accounting Office tells us that no such features exist in much of Medicare.

Finally, the Federal employee benefits managers look for high-quality service at competitive rates for employees. They work on a competitive basis to upgrade the quality and prices for the plan, while keeping premium rates at the lowest possible level. At the same time, these managers work to diminish risk selection by the plans, so that the older individuals who are part of the Federal employee plan, or persons with disabilities or chronic conditions, will not be eliminated from coverage when they want to enroll.

Again, we see an effort to deal with the central questions that face health care reform in America, making sure that people are in a position to compare their plans so that there is real competition, and to make sure that nobody is left behind just because they are older or they suffer from a chronic condition.

So, in addition to these very positive features, in recent years, average Federal employee health plan premium increases have stayed below 3 percent per year per enrollee, while the Medicare Program has seen average annual increases of almost 9 percent during the same period.

So, Mr. President, what we are seeing is that well-structured competition, like in the system that Members of the Senate belong to, can work. It can work for patients and consumers in making sure they have good quality care. It can work for taxpayers in that it holds costs down, and it, for all practical purposes, is very similar to the system that we have in my hometown of Portland, OR.

In my hometown, Portland, we have the highest percentage of older people in the Nation now participating in managed care. It is about 60 percent. Certainly, while not perfect, it avoids much of the set of problems that we have seen in other parts of the country. You don't see the gag clauses, for example, in our plan. And, hopefully, the U.S. Senate will pass the legislation this session that Senators KYL, KENNEDY and myself have introduced to make sure that, as we go to the 21st century, all patients understand their options and all of them know about the various services that are available. But we don't have those gag clauses in Portland, and we do have high-quality managed care, and we are able to do it for substantially less than much of the rest of the Medicare system. The per capita rate in my hometown, the per person rate for Medicare participants, is still $60 to $80 below the national average for Medicare.

One of the things that I hope the Senate will do, on a bipartisan basis, is lift these penalties against towns like my home community that have done the heavy lifting and have ended up being penalized for it. I think, on a bipartisan basis, the U.S. Senate should make changes in Medicare to lift the reimbursement for low-cost counties, particularly in rural communities, and by doing so, benefit both seniors and taxpayers. Seniors will benefit from having the opportunity to get good-quality health plans in their areas, and it will also bring real choice and real competition for the first time to those areas. The fact of the matter is, many of those communities haven't been able to unleash entrepreneurial and competitive forces into their health systems such as we have in the private sector, because Medicare isn't paying those low-cost communities a fair rate. I have made changes in that discriminatory reimbursement proposal in my Medicare reform plan, and I hope the U.S. Senate will accept that in this session.

I was pleased to see that, in the last week or so, the head of the Health Care Financing Administration, Dr. Vladeck, has indicated that there is a significant backlog of needed changes required to bring Medicare up to date. I hope that we will see more discussion of that in the days ahead. I felt that it was positive news to see those comments from the head of the Health Care Financing Administration.

Mr. President, finally, let me say that I think, in addition to promoting competition, using the model of the Federal employee health plan, it's time for Medicare to look to the Federal employee health plan and the private sector for ways to improve quality in our health system. Again, there is nothing

partisan about the agenda to improve health care quality, but this is an area where Medicare has also lagged, both in relation to Federal employees and the private sector. In other parts of our health system, it's possible, for example, to get good statistics on disenrollment, people leaving because they are not satisfied with the plan. It is possible to get information about providers who leave a system because they, too, feel it doesn't adequately address the needs of patients in providing good-quality health care.

In other parts of the health system, there are grievance procedures, and we know, for example, how long it takes people to get through a grievance procedure, or how long it takes to get a referral, or what happens when you are denied benefits. In each of these areas so central to providing quality health care in America, Medicare is lagging behind the Federal employee health system, and Medicare is lagging behind much of the private sector. In my legislation, we would change that. We would require that these critical measures of quality be made available through report cards and other measures. I emphasize that today, Mr. President, because I think that, as we look to the 21st century of Medicare, we have an opportunity over the next few years to redesign the system and try to get it on track for the next century when we will have many more older people depending on Medicare.

So the alternative is very clear: A bipartisan effort to bring competition and choice and a new focus on quality in the Medicare Program, or to continue business as usual and face what the General Accounting Office has told us will be a program that has simply run out of money when we hit the next century. I believe that, after years of bickering and partisanship on this issue, there is an opportunity now to address Medicare reform in a bipartisan way. Democrats have been right in the Senate to call on making sure that benefits are defined, that older people have guaranteed, secure benefits. Republicans have been correct, in my view, in calling for more competition and more choice in the system. Today, I have tried to talk about how that competition and choice exists in the program that Members of the Senate belong to and is also available in much of the private sector.

Mr. President, this issue is so important that in the next century I believe that the public is going to ask every Member of the U.S. Senate, ''What were you doing to try to get Medicare on track?'' This program isn't just an important part of the Federal budget. It is going to be the Federal budget for the next 15 or 20 years. So now is the time to act to get the program on track. I believe that this can be done in a bipartisan way.

Mr. WYDEN. Mr. President, as I have said, I intend to come to the Senate floor each day this week part of an effort to help build bipartisan support in this body for Medicare reform.

Not via an independent commission. Not in the next Congress. But now, and by us, the Members of the 105th Congress.

I think we have an historic opportunity to transform Medicare from a 30-year-old, tin-Lizzie style social welfare program into a 21st century, comprehensive seniors health care system that is humane, cost-efficient and sustainable.

The reformed Medicare Program I envision, and which I think is within our grasp, is a health plan that is about choice, quality and access, and also about the efficiencies that characterize much of the Nation's private health care marketplace.

But changing Medicare will require tough decisions, tough votes and, as in turning a battleship in mid-ocean, a good deal of time and patience on the part of beneficiaries and health care providers.

We must start by making the right moves, the right changes, today, before some 75 million baby boom generation retirees begin swamping the Medicare Program in 2013.

In my private conversations with colleagues, I've been arguing that this is the classic pay-me-now, or pay-me-later situation. Structural changes enacted in the next year or two will not be easy. But in the face of what Congress would have to overcome beginning early in the next century, these changes will seem like child's play.

Medicare's problems are a snowball rolling down hill, picking up speed and mass on almost a daily basis. Now is the time to slow-down that snowball, if not stop it because in a few more years the program will be crushed by its weight.

Each year without structural reform makes the task that much harder, and the risk to balanced Federal budgets that much more significant.

And assigning the task to a bipartisan commission without first doing our best to solve Medicare's problems is a retreat not just from our responsibility, but from opportunity as well. I think there's a fervent desire among my colleagues to try to fix Medicare in the current Congress.

I think we gain little by assigning that job in the first instance to a bipartisan committee, only to have to try to make tough votes on their recommendations in 1998, an election year for those who need to be reminded.

The path to reform is not easy. Fortunately, however, there are sign posts and trail markers along the way, offering meaningful models for changes and reform.

I think we see these possibilities for a 21st century Medicare program in systems as diverse as the Federal Employee Health Benefits Program, which serves many Members of this body, to the Medicaid Program which now operates in my home state of Oregon under a special Federal waiver.

The Federal Employees Health Benefits Program offers its enrollees a portfolio of plans, each one with somewhat different services offerings. Consumers are helped to make appropriate, independent choices because the managers of FEHBP pay attention to the details, including the way plans develop written explanations presenting what individual policies will or won't do.

Further, those policies are then inspected and reviewed on performance, and FEHBP beneficiaries are then given what amounts to report card grades on many of the important care provisions so that average consumers can sit down at their kitchen tables and make plan-against-plan comparisons when they choose their coverage.

Finally, FEHBP smart-shopper managers negotiate high-quality service at competitive rates for enrollees. These government managers work with their plans on a continuous basis to upgrade the quality and range of services offered by the plans while keeping premium rates at lowest possible levels. At the same time, these managers work to diminish risk selection by the plans, so that older FEHBP members, or persons with disabilities or chronic conditions aren't eliminated from coverage when they want to enroll.

In recent years, average FEHBP plan premium increases have stayed below 3 percent per year, per enrollee, while the Medicare Program has ballooned to average annual increases of almost 9 percent during the same period.

Oregon's ground-breaking Medicaid plan also helps mark our way toward an improved national Medicare system.

In Oregon, we've expanded the traditional Medicaid Program to cover not only the federally qualified participants but also tens of thousands of working poor Oregonians who can't afford private insurance, but whose incomes would disqualify them for traditional Medicaid.

The result has been a tremendous reduction across the State in unreimbursed hospital charity care, more preventative medicine for youngsters and young mothers, and a per capita Medicaid cost rate that is 10 percent below the national average.

More care.

Less cost.

Efficient, preventative services that keep children and adults out of the hospital.

Managed care has played a dominant role in this success story, as it has in Oregon's Medicare experience.

Oregon's Medicare-qualified seniors have the highest penetration rate in the Nation in coordinated care. In Portland, nearly 60 percent of the Medicare beneficiaries are in managed care.

And in this, the State's highest reimbursed city for Medicare beneficiaries, the per capita rate is still 60 to 80 dollars below the national average for Medicare.

I suggest that we may be doing some things right, out West and in the FEHBP program. And sad to say, these good things we see happening in Medicaid and Medicare are almost in spite of

a Federal regulatory structure that hamstrings Medicare and Medicaid in terms of increasing both efficiency and quality, and expanding enrollment to the uninsured and under-insured.

This is a problem that is recognized even within the bowels of the Medicare management structure.

Mr. President, I was heartened to see the comments of my good friend Dr. Bruce Vladeck in the trade press last week. Specifically, Bruce acknowledged that there is a tremendous backlog of needed statutory changes required to bring Medicare up-to-date.

Gail Wilensky of Project Hope, puts it even more succinctly:

> In sum, the present structure of Medicare hardly makes it surprising that it is facing financial problems. The elderly have limited options in the health care plans available to them. Medicare pays most of the costs for services it covers and almost all of the elderly have coverage that is supplemental to Medicare, either privately purchased Medigap or Medicaid.
>
> That means there is little reason for an elderly person to seek out cost-effective physicians or hospitals, or to use lower cost durable medical equipment, laboratories or outpatient hospitals.

Dr. Wilensky goes on to say that there is little reason for practitioners to provide cost effective care ''if there is any medical gain to be had from providing services and some reason to fear legal repercussions if they do less than they might have done and the patient has an adverse outcome.'':

And because payments to capitated plans now follow payments for local fee-for-service Medicare, Medicare HMO's in many high-cost counties are extravagantly over-paid, while in low-pay counties plans and HMO enrollment languish because of under-reimbursement.

We throw money at fat health plans in big counties, while we starve the system of both choice and access—and I would argue quite probably quality as well—in counties where the payments are below the national average.

This current state-of-affairs is precisely antagonistic to our goal.

Let me postulate that it is nuts to reimburse Medicare HMO's in high-cost counties at the same level, more or less, of the highest-cost fee-for-service practitioners in those counties. That fact alone is one of the big reasons why, quite rightly, the administration has argued that we have a general HMO over-payment problem.

But the administration's argument that every HMO should be cut, however, to cure that problem is like saying amputation is an appropriate treatment for bunions.

Holy Dr. Kildare. In any other economic model or sector, a proposition like our current average adjusted per capita cost [AAPCC] formula would seem nuts. But that's the way it works in our creaking, inefficient and decidedly consumer unfriendly Medicare system.

Clearly, we must provide incentives for beneficiaries to choose just the cost-effective health care they need, and to demand that physicians, hospitals and other providers limit practice to cost-effective medicine.

This can be done while preserving the Medicare guarantee of a basic, good quality package of health services to every eligible senior, no matter what their health status or income level.

Here are components of a new Medicare system that provides both choice and quality, with cost efficiency:

First, radically reform the formula by which we determine how Medicare managed care programs are paid so that reimbursements are geared to the actual costs of managed care among elderly populations in a particular county, or region, rather than the local cost of fee-for-service medicine.

At the same time, scale-back payment increases in our high-reimbursement counties, and accelerate payments in the low-reimbursement counties where, because payments have been too thin, beneficiaries have only fee-for-service Medicare to choose from.

In other words, give millions of disenfranchised Medicare beneficiaries a real choice.

Second, require Medicare managers organize open bidding between plans in high-pay counties where profit margins are exorbitantly high.

Make the plans that are currently, hugely over-paid bid against one another, on price, for Medicare beneficiaries in those counties.

I believe such competitions should take place in every county where the average adjusted per capita cost—the AAPCC—is 120 percent of the national average.

In sum, make adjustments in the HMO payment formula that decrease reimbursements in counties that we know are substantially over-compensated; increase payments in counties that are so under-compensated as to discourage HMO entry and competition; and resist proposals to reduce all county payments, alike, from 95 percent to 90 percent of the local AAPCC rate—a crude tool that will hurt the cost-efficient counties much more than the ''fat'' counties.

Mr. President, I believe that accelerating the growth of good quality managed care, such as we have in Oregon, can be a major factor in curing Medicare's financial ills. Changing this AAPCC formula in a way that makes sense—in a fashion that does not kill our efforts to bring Medicare into vast areas of this country where no choice but fee-for-service medicine exists for beneficiaries—must be a high priority piece of the solution.

Third, put our two fastest growing portions of Medicare—home health care and skilled nursing facility care—on a financial management diet.

That regimen is called prospective payment, and it means that in much the same way we control hospital costs we would create a schedule of daily maximum service costs for different aspects of care in each of these important areas.

In my bill, S. 386, the Medicare Modernization and Patient Protection Act, prospective payment provisions for home health and skilled nursing facilities would, together, save approximately $20 billion over 5 years, according to the Congressional Budget Office.

Eventually, but quickly, I think we ought to impose these kinds of financial management tools on other aspects of fee-for-service Medicare.

I see no reason why, as a matter of global budgeting, that practitioners in this field ought not be held to the same kind of case management that HMO's require as part of their plans.

One method might be to require all Medicare fee-for-service practitioners to join a Medicare-sponsored provider network, which has at its core a case management system that ensures all participating beneficiaries get the care and quality they need, but that practitioners and other providers don't overbill or overprescribe.

This kind of PPO management would bring case gate-keeping into fee-for-service Medicare, ultimately producing reasonable price and cost controls in the system.

Fourth, require competitive bidding for durable medical equipment purchases and eliminate what Dr. Vladeck has termed the ''current silly inherent reasonableness'' process.

I know many of my colleagues may not have looked hard at this bit of Medicare arcana. But let me say that this is all about getting medical equipment paid for by the program at the lowest possible cost as determined by the market.

At the same time, we need to know more about what procedures and services work, and which don't, so that we can save money for the program and ensure that beneficiaries are getting optimum care.

The Health Care Financing Administration must be required to collect, analyze, and act on more of the available data, in this regard, and that admonition needs to be part of comprehensive Medicare reform.

Fifth, require HCFA to do local service-provider report cards for beneficiaries. This sort of qualitative analysis should extend both to HMO's and their practitioners, and to local fee-for-service doctors and other providers.

This needed reform would include authorizing the program to demand and collect all relevant data from Medicare participants.

Sixth, the program must move much more aggressively in establishing special plans and services for the sickest, frailest enrollees; these are the Medicare beneficiaries who are usually qualified for both health and income reasons to receive benefits from Medicaid as well.

These enrollees are the fastest growing group of Medicare beneficiaries, and the most expensive with costs to both programs amounting to about $100 billion per year.

Lack of systems to deal with the huge comprehensive care problems these folks face has resulted in the worst possible scenario; much money is wasted while many folks don't receive the type or quality of care they need.

Fortunately, there are a number of highly specialized programs called social HMO's or PACE programs, that provide coordinated care—using both Medicare and Medicaid bucks—for populations of these beneficiaries in less than two dozen communities. One of those programs, ElderCare at Providence Hospital in Portland, is up and running in my hometown, and it is serving these frail elderly at well below the national average cost for the so-called dual-eligibles.

Why don't we have more? HCFA currently requires each of these programs to apply on a waiver basis every time an individual community wants to start a social HMO or PACE program. This is expensive and time consuming, and it limits the reach of a very good, cost-effective system.

And again, something that takes about 5 minutes to start up in the private sector, takes about 5 years through the Federal Government.

For this group we must create greater access for highly specialized, dual-eligible programs by giving organizers clear and certain and uniform rules of entry through the Medicare Program; eliminate the so-called 50–50 rule, requiring 50 percent non-Medicare enrollment for any HMO serving Medicare beneficiaries, based on enhanced performance and quality standards; develop tougher restrictions on adverse risk selection making it harder for plans to deny enrollment to sicker, frailer beneficiaries; and set up a so-called outlier fund within Medicare, a special pool of cash fueled by reimbursement withholds from overpaid HMO's, to appropriately compensate plans that demonstrate they are serving sicker, more costly beneficiaries.

Seventh, reform our Medicare supplemental insurance laws—the Medigap regulations—to guarantee that every Medicare beneficiary can enroll in a Medigap program at any time. I believe this change is crucial to encouraging more seniors to try HMO's, knowing that if they decide they must return to fee-for-service medicine they will be able to get back into Medigap coverage.

About a dozen States, including my home State of Oregon, already require guaranteed-issue. The Medigap market has not been destroyed in those States. There must be a universal Federal standard protecting beneficiaries.

Eighth, ensure better treatment and more appropriate treatment for Medicare beneficiaries by capturing the service and efficiency offered by telecommunications technology.

An important aspect of this is expanding the terms and conditions under which Medicare will pay for services via the fiber-optic lifeline, and working with both the Federal Government and the States to knock down anticompetitive licensure practices and restrictions that hamper the ability of physicians and other practitioners to practice via this new technology.

I can tell my colleagues that Oregon, like much of the west, is looking hard at telemedicine as a way of getting better quality medicine to folks who live way out in the country; and there are lots of places falling under that definition, west of the Mississippi.

Medicare needs to help in that effort, not build walls against 21st-century medicine.

Ninth, Medicare must unleash the quality and efficiency promised by a rapidly growing cadre of alternative health care providers.

The program can save money and deliver to beneficiaries better, more targeted services by identifying and incorporating appropriate assignments for nurse practitioners, PA's, druggists, chiropractors, and other licensed professionals within the health care network.

Mr. President, these nine items are not the whole solution to modernizing Medicare. But I do believe that together, they represent an appropriate jumping off position for real Medicare reform that can be accomplished in this Congress.

I know colleagues from both sides of the aisle will be talking about their own ideas in the weeks and months to come. I urge them, I urge all of us, to move these issues through the congressional process beginning this year rather than expect a bipartisan commission to cure Medicare's problems for us.

Mr. President, tomorrow, I will go on to talk about other fundamental principles of Medicare reform.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

## DISASTER SUPPLEMENTAL, THE BUDGET, AND THE CHEMICAL WEAPONS TREATY

Mr. CONRAD. Mr. President, my State has been hit by a massive disaster over this last weekend. North Dakota has been hit with the strongest storm in over 50 years. This is a storm of staggering proportions. Mr. President, North Dakota this last weekend got hit by a combination of an ice storm and blizzard that is unprecedented in the last 50 years.

In North Dakota, we are used to harsh winters, but, frankly, we have never seen anything quite like this one. This most recent storm not only involved ice, it involved 70-mile-an-hour winds. That combination has knocked down power poles all across the eastern part of our State. As of yesterday, we had 80,000 people still without power in the State of North Dakota, many of them with no power since Saturday morning. The temperatures have been 40 degrees below zero wind chill since the heat went out.

Mr. President, we have story after story of people who are huddled in homes around stoves trying to keep warm. My scheduling director, who is from the small town of Warsaw, ND, has talked to her mother, who is over 80 years old. She has had no heat since Saturday.

Mr. President, this is a disaster of truly staggering proportions. In this storm, there were whiteout conditions for 10 hours straight—10 hours straight—where the snow was so heavy and the wind so strong, you literally could not see 5 inches in front of your vehicle. As I have indicated, all of this led to, first of all, a massive snowfall. In some parts of our State, it was as much as 24 inches. In much of the State, it was 17 and 18 inches. That is on top of record snowfall that we had already received. This is a headline from before this most recent disaster: ''106 Inches of Snow and Rising.'' This is the Fargo Forum newspaper, the biggest newspaper in the State of North Dakota, and this was before the most recent disaster. Now we can put another 17 inches on top of that in the Fargo area. This was a record at 106 inches.

Mr. President, we have extreme hardship now across the State of North Dakota—no power, extremely cold temperatures, and facing us is the worst flooding in 150 years. The National Weather Service has now told us that we can anticipate the worst flooding in 150 years. That is on the heels of the most powerful winter storm in 50 years. It makes you wonder precisely what is happening with these weather patterns.

We have had an entire community ask to be moved to an emergency shelter—1,500 people. In one of the small towns in North Dakota, they asked to have the whole town put in an emergency shelter because there is no heat and has not been any heat since Saturday. We had a local rancher call in to the radio station, and he said, ''My entire herd is out because the fences went down with this incredible ice storm and these extraordinary winds.'' He asked people who were listening to the radio, ''If you see my herd roaming around, give me a call.'' I had another rancher call in from a town out in the western part of North Dakota, and he had a hundred cows and he had a calve crop coming in. Understand, this is the part of the season when you are calving. The calves are being born and being born in these disastrous conditions. They had a hundred cows, and they had a calve crop coming in, and they believe all of them are dead. They brought 10 into their own home—10 calves into their home to try to save them. All of them died. What was happening was, as the calves were being born, the wind is so strong, the snow is being forced up into their nostrils and the cows were suffocating. Now, if they didn't suffocate, they froze to death. Now, that is the extraordinarily brutal conditions that we are facing.

Mr. President, we had a disaster supplemental sent up by the White House before we had this 2-week break. I hope very much that the first order of business here will be that disaster supplemental. We ought to move that legislation and move it now. There is assistance in that legislation for some areas that have already been hard hit. There is further assistance for those that have been hard hit since that disaster bill was sent up here.

So I would ask respectfully of the leadership to get that disaster supplemental to the floor as quickly as possible. These are situations that cannot wait. These people need help. They need it now. North Dakota has been first in line to help out others when they faced disasters, and we have been happy to do so.

Mr. President, we are now faced with a staggering disaster and we need help. We are asking for it now.

Mr. President, I see there are other Senators wishing to speak. Will we be able to continue?

The PRESIDING OFFICER. The Senator's time has expired, and it would take unanimous consent for the Senate to continue.

Mr. CONRAD. Mr. President, I ask for 1 minute more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, in addition to the disaster supplemental, I think we should also ask, ''Where is the budget?'' Because the budget contains items that are going to be critically important to dealing with these disasters as well. The budget was supposed to have come out of the Budget Committee by April 1. That deadline has been missed. The full Senate is supposed to act by April 15. I hope we don't miss that deadline as well, because this Congress is developing a reputation of failing to act.

Mr. President, finally, there is a third matter. That is the chemical weapons treaty. We have a deadline of April 29. That is when it goes into effect. Where is that piece of legislation?

Mr. President, I say to my colleagues that there are three pieces of business that we ought to do and do quickly.

The disaster supplemental ought to be first in line.

Second, the budget: We have a deadline of April 15.

Third, the chemical weapons treaty: We have a deadline of April 29.

All three of those ought to be taken up, taken up quickly, and passed so the people of this country know that this Congress is doing its business.

I thank the Chair. I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Thank you, Mr. President.

The PRESIDING OFFICER. If the Chair could interrupt the Senator, the Senator has an order to go into recess at 12:30. It would take unanimous consent for the Senate to extend that.

Mr. JOHNSON. I ask unanimous consent to extend morning business, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE DEVASTATION IN SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I come to the Senate floor today to commend and recognize the strength and tenacity of the residents of my State of South Dakota, and also to further emphasize the importance of this body in expediting the President's request for supplemental appropriations for disasters occurring in the Great Plains and other parts of our country.

I returned to Washington yesterday after spending 6 days touring the devastation occurring in virtually every corner of my State. South Dakotans are a hearty stock and during my years serving the citizens of South Dakota I have repeatedly witnessed South Dakotans' ability to overcome any obstacle Mother Nature has given us. However, I don't believe I have ever seen South Dakotans rise to the occasion in quite the manner they are doing right now under extraordinary circumstances.

I traveled to South Dakota last week expecting to see widespread residual damage from the severe winter weather the State experienced over the past several months and subsequent high water from the ongoing snowpack melt. Relentless sub-zero temperatures and continual snowfall in January forced South Dakota Governor William Janklow to request a major disaster declaration from President Clinton to ensure roads could remain clear for emergency services and basic travel and access to livestock. President Clinton responded positively to the Governor's request and granted the declaration which gave the State additional tools to help meet its basic transportation needs.

Farmers and ranchers began facing hard times last fall with normally available grazing and unharvested row crops being buried with snow. The subsequent extreme cold increased the nutritional requirements of livestock and depleted winter feed supplies. This already tough situation became a crisis when the early January blizzards literally killed livestock and put most producers' livestock at risk because of access to feed being cut off. No one yet knows how many livestock were killed, but estimates top at least 100,000. In addition, many livestock suffered frostbite and were significantly weakened.

During this time, ordinary activities became extremely and increasingly difficult because of the excess snow. Wintertime expenses likely tripled as just getting livestock feed became a Herculean task. The continued stress on livestock, especially cattle, meant that the most important time of the year for ranchers—calving season—was approached with trepidation if not outright fear. Nutritional stress during late gestation makes for weak and dead calves.

I toured the State during this winter storm disaster and was struck by the dramatic impact, particularly in the northeastern region of the State, of the winter weather. Snowdrifts as high as buildings, roads with only one lane cleared with snow piled high on either side, homes without heat for days in the bitter cold, tens of thousands of dead livestock, schools closed for a week at a time, and the depletion of our indigenous wildlife populations were commonplace. I vividly remember watching a cow climb to the top of a snowdrift as high as the roof of the barn so that he could eat the shingles from the roof. And, I also remember the positive, stubborn attitude of the residents of South Dakota in the face of this disaster. South Dakotans knew that what they were facing was tough, but they also knew that they were tougher.

As if surviving the severe winter cold of December, January, and February was not challenge enough, residents and State and local officials knew they could not rest from fighting the forces of Mother Nature. Once all of the roads were cleared, emergency services were no longer threatened, and it appeared that the worst of the winter weather was over, focus turned to the next challenge: potential flooding problems the State could experience once the snowpack began to melt.

Governor William Janklow provided exceptional leadership with his comprehensive and aggressive efforts to get every community as ready as it could possibly be for the impending floods. Governor Janklow set up a state task force to monitor the flows of the rivers and to work with local governments in their preparations. State and local governments worked with the Corps of Engineers and the National Weather Service to predict precipitation and runoff levels, identify areas where additional flood protection measures should be undertaken, and design and implement additional flood control measures. The efforts made by communities were considerable. For example:

In Sioux Falls, the largest city in South Dakota, the Big Sioux River flood protection system was temporarily bolstered to hold up to 41,000 cubic feet of water per second. It was designed in the 1950's and 1960's to hold 24,000 cubic feet—5,600 in the main river channel in western Sioux Falls and 18,400 in the diversion channel in the northeast corner of the city. Sioux Falls also aggressively sandbagged and used over 60,000 sandbags in its efforts.

The small community of Davis filled and placed over 8,000 sandbags. Residents of the town of Hecla, population 400, built two dikes at the west and north ends of town to hold back the James River. In Aberdeen, the city built a levee about 2 feet high around the northern edge of the city in just 6 days.

These are just a few examples of the mitigation efforts undertaken by communities all over South Dakota. Because of these efforts, from all reports, South Dakota communities could not have been better prepared for the anticipated flooding. I traveled to South Dakota early last week expecting to see high water fairly well controlled by these mitigation efforts with some areas faring worse than others.

Unfortunately, the situation was worse than I anticipated because Mother Nature, as only she can do, had changed the rules of the game and given the residents of the State of South Dakota more water than initially anticipated and additional severe winter weather. The devastation I witnessed and subsequent destruction in the short time since my touring ended is heart-rending in its thoroughness and in its indiscriminate taking of property and possessions.

Let me give just a few examples of the ways in which our communities have pulled together:

In a relatively small community near Huron, 150 students, volunteers, and State inmates joined together to save the James Valley Christian School from the waters of the James River. Their efforts were absolutely inspiring. These individuals labored for days to stem the rushing James River with a sandbagged dike and sandbags all over the area to protect the school. Unfortunately, the James Valley Christian School lost its fight just days after I toured it. It now sits in 6 feet of water.

I visited the farm of Gary and Diane Foster near Bruce, SD, where 30 head of cattle were calving on a small island surrounded by flood water. I will not soon forget this tragic sight.

It was evident that our farmers will once again face a financially devastating problem in regard to springtime planting. Flooded fields prevent any field preparation, let alone planting. And there probably is not enough time for drying before it will simply become too late to plant this years' crops. In 1995, another very wet year, less than 40 percent of my State's crops were planted on time.

The current flooding means that we probably will not even match 1995's slow performance. This is going to deal a tough blow to the agricultural economy of my State—and, in the end, it will deal a blow to consumers and businesses on Main Street.

I was amazed by the reality that many South Dakotans who normally travel 10–15 miles to work, now have to drive 50–90 miles to work to avoid washed out or water covered roads, which often times are our major highways. The Sioux Falls Argus Leader reported that Janice Mellema, a nurse who lives west of Platte but works at the Gregory County Hospital, is forced to leave her home at 3:30 in the morning to arrive at work by 6. She now has a 90-mile commute.

Some 100 people in north central South Dakota have already spent 30 days in a motel after they were evacuated from their homes because of rising water. This last weekend 5,000 people in Watertown, SD, have had to leave their homes.

Essential services in many communities such as wastewater treatment plants are threatened. Many communities' systems have been overwhelmed and have been forced to release untreated water.

Vital infrastructure has been dramatically impacted. During my tour, we drove on roads covered with water and saw many, many county roads completely washed away by a deluge of water. In McCook County every road that goes into the county from both the east to the west and from the north to the south are closed at some point.

Just as South Dakotans were accepting and successfully fighting the increased flows of water, Mother Nature hit the State with yet another blizzard over the weekend. Some areas received 34 inches of snow accompanied by 60-mile-per-hour winds. This winter storm resulted in sub-zero wind chill temperatures and zero visibility in much of the State for an extended period of time. A 100-mile stretch of Interstate 90 was closed and many communities were forced to prohibit all travel. I was stranded in Wall, SD for over 24 hours because of this winter storm.

This winter storm would have been a lot to handle as an isolated incident but coupled with the flooding already experienced all over the State, the impact of the winter weather has been unprecedented. The added precipitation and severe weather has led to unparalleled devastation.

Last weekend's blizzard is truly salt in the wound for producers in my State. Our producers are in the middle of calving season now and trying to prepare for springtime field preparations. The blast of cold and more snow on top of already treacherous conditions will surely mean that the number of dead livestock will continue to rise. This may well put many producers over the edge financially—after all, they only get one chance per year to successfully complete calving season.

This storm severely impacted the city of Watertown, causing the situation to escalate from a 100-year flood event to a 500-year flood event. Earlier this week, Mayor Brenda Barger, who I must commend for her effective leadership during this crisis, poignantly observed that, ''It's a humbling thing when you see people out sandbagging in 60-mile-per-hour winds, in a blizzard, knee-deep in water.'' I think her statement sums up a lot of what everyone has felt over the last few weeks and, in particular, the last few days. Everyone banded together to save and minimize damage to both public and private property regardless of the weather conditions.

In a State that covers 80,000 square miles, it is both rare and unfortunate to have a situation where regions across the entire State are so disastrously affected by severe weather. The widespread nature of this disaster has devastated the agribusiness economy of our entire State and assistance in the coming months is absolutely critical to ensuring the future existence of many small businesses in South Dakota. The combined impact of the weather disasters over the last 5 months on agriculture is the gravest threat South Dakota farmers and ranchers have faced from nature in probably 100 years. Additionally, the damage done by the prolonged flooding has jeopardized the long-term viability of parts of South Dakota's infrastructure. Prior to the extensive damage done from this year's severe weather to South Dakota's roads, the State of South Dakota had an excess of $500 million in backlog needs on its State Highway System alone. And, the damage to personal property is as yet uncalculated in monetary or sentimental value.

Our State has been fortunate enough to receive an outstanding response from President Clinton and FEMA in the past. I am grateful that, once again, the President has responded expeditiously with much needed assistance for South Dakota. Yesterday, the President made a major disaster declaration for the entire State which will supplement the efforts of the State and local governments during this difficult time.

As I mentioned previously, the spirit of South Dakotans, even in this incredibly difficult time, never ceases to amaze me and this weekend's trip reemphasized that impression in my mind. I am committed to doing everything I can do to assist the State and communities as much as possible to ensure South Dakotans can get back to living their normal lives at the earliest possible time. I look forward to continuing to work with Senator DASCHLE, Representative THUNE, Governor Janklow, and local communities in the coming weeks and months as we clean up from this disaster. After all South Dakotans have endured over the past few months, they need all we can give. We need expeditious action on this floor on the supplemental appropriations requests.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent morning business be extended long enough for me to give my statement, which I believe will be less than 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I also ask unanimous consent that the privilege of the floor be accorded to Mr. Dan Katz from my staff, who should be admitted to the floor because he worked so hard.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

(The remarks of Mr. LAUTENBERG pertaining to the introduction of S. 527 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## RECESS

The PRESIDING OFFICER. The Senate will stand in recess until 2:15 today.

Thereupon, at 12:54 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

## NUCLEAR WASTE POLICY ACT AMENDMENTS—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the time between 2:15 p.m. and 5:15 p.m. shall be for debate equally divided on the motion to proceed to the consideration of S. 104, which the clerk will now report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 104) to amend the Nuclear Policy Act of 1982.

The Senate resumed consideration of the motion to proceed.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have been requested by Senator KENNEDY—and it is my understanding Mr. HATCH has requested of Senator MURKOWSKI—to give 15 minutes of our time to Senator KENNEDY and Senator MURKOWSKI will give 15 minutes to Senator HATCH. I ask unanimous consent for that at this stage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to express appreciation to Senator MURKOWSKI and Senator REID for their willingness to give Senator HATCH and myself an opportunity to introduce our children's health bill. I see my colleague, Senator HATCH, on the floor now. So, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH, Mr. KENNEDY, Mr. DODD and Mr. KERRY pertaining to the introduction of S. 525 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Nevada.

Mr. REID. Would the Chair report the matter that is now on the floor?

The PRESIDING OFFICER. The matter pending before the Senate is a motion to proceed on S. 104, the Nuclear Waste Policy Act.

Mr. MURKOWSKI. Mr. President, if I could make an inquiry relative to the time we will have on the bill this afternoon.

Mr. REID. It is my understanding that the proponents and opponents have an hour and 15 minutes each, and I say to the chairman of the committee, I was going to speak for about 20 minutes.

The PRESIDING OFFICER. The Chair announces that under the previous agreement, an hour and a half is divided. However, 15 minutes from each side has been allocated to the previous speaker, so there is an hour and 15 minutes remaining for each side.

Mr. REID. We both understand that.

Mr. MURKOWSKI. I thank the Chair.

Mr. REID. If the chairman of the committee desires to go first, I have no problem.

Mr. MURKOWSKI. The Senator from Nevada should proceed. I went first yesterday. I suspect we will be taking turns.

Mr. REID. I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, as we indicated yesterday, this matter is on the floor for one reason and one reason only. That is the nuclear power industry. That is the reason we are here. There is no other reason. The fact of the matter is that the situation here is the same as it was last year.

What I indicated, Mr. President, yesterday, and it was confirmed by the chairman of the committee, we are not here because of science. We are here because of politics. We underline and we underscore that.

What I said I would do yesterday I want to do today. That is, indicate to the Members of the U.S. Senate that there are approximately 200—I repeat, 200—environmental groups opposed to this legislation. I am not going to read the names of the environmental groups, but I ask unanimous consent the entire number and names of the environmental groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL AND CITIZENS GROUPS AGAINST THE BILLS THAT WOULD REPLACE THE CURRENT ACT

Nuclear Information and Resource Service, Greenpeace, League of Conservation Voters, Public Citizen, U.S. Public Interest Research Group, Physicians for Social Responsibility, Sierra Club, Military Production Network, Natural Resources Defense Council, Office for Church in Society, United Church of Christ, Project on Government Oversight, League of Women Voters of the United States, Union of American Hebrew Congregations, United Methodist General Board of Church and Society, Nuclear Free America, National Ministries of the Presbyterian Church (USA), Nuclear Waste Citizens' Coalition, Safe Energy Communication Council, Friends of the Earth, Citizens Awareness Network, Missouri Coalition for the Environment, 20/20 Vision, Prairie Island Coalition, Environmental Action.

Native Youth Alliance, Nuclear Control Institute, Clearwater, Citizens for Alternatives to Chemical Contamination, Rocky Mountain Peace Center, Snake River Alliance, Citizen Alert, Redwood Alliance, National Environmental Coalition of Native Americans, Campaign for Nevada's Future, Southwest Research and Information Center, Clean Water Action, Free the Planet, Blue Ridge Environmental Defense League, Kansas Sierra Club, Envirovideo, Kansas Natural Resources Council, Greens/Green Party USA, Fellowship of Reconciliation, Good Money, Inc., Wyoming Outdoor Council, Nuclear Resister, Three Mile Island Alert, Western North Carolina Alliance, GE Stockholders Alliance, The Peace Farm, Tennessee Valley Energy Reform Coalition, C–10 Research and Education Foundation, Northwest Environmental Advocates, Oyster Creek Nuclear Watch, Green Party of Ohio, Grass Roots Environmental Organization, Physicians for Social Responsibility, Los Angeles, Alliance to Close Indian Point, Sierra Club Legal Defense Fund, Louisiana, Toledo Coalition for Safe Energy, Wilmington College Peace Resource Center, Grandmothers for Peace, Student Environmental Action Coalition, U. of Wisconsin, Milwaukee, Orange County Greens, U. of Florida Environmental Action Group, Eco-Action, Penn State U., Austin Greens, Student Environmental Action Coalition, U. of Northern Iowa, Los Gatos Unitarian Fellowship.

Alliance for Survival, Nuclear Democracy Network, Stop the Organizations Raping Mankind, Pennsylvania Environmental Network, Heart of America Northwest, Desert Citizens Against Pollution, Eco Sense, American U, California Communities Against Toxics, Nuclear Energy Information Service, Nuclear Age Peace Foundation, People's Action for Clean Energy, Iowans for Nuclear Safety, New England Coalition on Nuclear Pollution, Physicians for Social Responsibility, Kansas, Student Environmental Action Coalition, U. of Delaware, St. Joseph Valley Greens, Economists Allied for Arms Reduction, Kwanitewk Native Resource Network, Physicians for Social Responsibility, Atlanta, Los Alamos Study Group, Abalone Alliance, Fernald Residents for Environment, Safety & Health, Womens Action for New Directions, STAND, Center for Energy Research, Humans Against Nuclear Waste Dumps, Mescalero, Physicians for Social Responsibility, Colorado, American Friends Service Committee, Denver, North American Water Office, Students for Social Responsibility, CalPoly, War & Peace Foundation, North Carolina Waste Awareness & Reduction Network, Ohio Sierra Club Nuclear Issues Committee, Downwinders, Women's Environment & Development Organization, Mississippi River Basin Alliance, Ygdrasil Institute, Nukewatch, WESPAC (Westchester People's Action Coalition), Oregon Peace Works, San Luis Obispo Mothers for Peace, International Institute of Concern for Public Health, Save Ward Valley, GRACE Public Fund (Global Resource Action Center for the Environment), Environmental Defense Institute, Citizens Regulatory Commission, The ZHABA Collective, Northweast Ohio Greens, Arizona Safe Energy Coalition, Indian Point Project, No Escape, Citizens at Risk: Cape Cod, E–3, Wesleyan University, Wolf Creek Citizens Watchdog Group, Indigenous Environmental Network, Pax Christi USA, University of Maine Student Government.

The cities of Los Angeles, Denver, St. Louis, Philadelphia, Decatur, GA, Mt. Rainier, Takoma Park & Greenbelt, MD, Beacon NY, Falls Township, PA, Amherst, MA, Wadesboro, NC and Ventura, San Luis Obispo, Santa Barbara (CA), Marshall, Anson (NC), and Bucks (PA) counties.

And, according to a December 1995 poll, 70% of the American people.

These bills override environmental laws, pre-empts state environmental laws and regulations, weakens radiation protection standards, makes taxpayers liable for nuclear waste accidents, and threatens 50 million Americans with a Mobile Chernobyl.

It's a disaster for the environment.

Mr. REID. Among those that are opposing this legislation are the Physicians for Social Responsibility, Clean Water Action, the Students Environmental Action Coalition of the University of Northern Iowa, Eco-Action of Penn State University, Southwest Research and Information Center, Snake River Alliance, Alliance for Survival, San Luis Obispo Mothers for Peace, Los Alamos Study Group, Desert Citizens Against Pollution. These are only a few, Mr. President, of the organizations that oppose this legislation. There is not a single environmental group in the United States of America that supports this legislation.

We heard yesterday and we have heard time and time again, Mr. President, that the State of Nevada had nuclear testing, therefore, why do we not have open-armed acceptance of storage of nuclear waste? I say, Mr. President, some have said that since the Nevada desert has already been degraded from nuclear weapons testing, it is a logical place to store nuclear waste.

Somehow, this logic seems to contradict the old saying that two wrongs do not make a right. The suggestion assumes that these two activities have something in common. The only thing they have in common is posing danger to Nevada citizens and its environment.

We have just recently finished 50 years of the most dangerous period in America's history. During this period of time, the Soviet Union and the United States had tens of thousands of nuclear warheads pointed against each other.

Mr. President, as I said, just a few years ago, tens of thousands of nuclear warheads were pointed toward the Soviet Union and toward the United States. This dangerous era was ended successfully, I believe, Mr. President, in large part, because of what was done at the Nevada test site. That is, we tested the new weapons, the safety and reliability of those that were in existence. This, Mr. President, was a time of national crisis. All were called upon to do what they must in order to protect our country's security. The urgency of this national mission required things to be done in ways that, under less stressing conditions, would never have been permitted.

Well, just like the promises made by advocates for waste storage in Nevada, that was then and this is now. Then was a period of national crisis and danger. Now is one of peace and prosperity. Now is a time when we can surely do things right. There is no danger presently that would drive us to endanger our environment or our public by reckless and ill-conceived actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, with respect to disposal of high-level nuclear waste, this Nation is today at a crossroads. The job and the responsibility of addressing the disposal of spent nuclear fuel from our Nation's powerplants—is an obligation of this body. The time for fixing the problem is now.

There has been a lot of progress made. We have selected a permanent repository at Yucca Mountain. That is already done. It is underway. We have expended about $6 billion, and that 5-mile exploratory tunnel will soon be completed. This is a positive commitment by the Congress to proceed with a permanent repository. We can build on this process.

This bill, Senate bill 104, continues the site characterization activities for a permanent repository. Make no mistake about it. But this is an ongoing process. In the meantime, we have an obligation to take this waste next year, in 1998. Well, this Senator from Alaska and the majority of my committee are of the opinion that a contract is a binding commitment.

The Federal Government, 16 years ago, entered into a contract with the nuclear industry to take this waste in 1998. We have no place to put this waste because Yucca Mountain isn't completed. We face penalties; we face litigation. It is estimated that the damages associated with the inability to fulfill the contractual commitment will run somewhere between $40 billion and $80 billion. That is an additional load on the taxpayers of this country. We need a temporary storage facility or we will continue to be storing this waste across the Nation for decades to come.

Where is the waste? Well, let's look at this chart. We have commercial reactors represented on the chart. We have shut down reactors with spent fuel on sites represented on the chart. We have 110 of the commercial reactors, 110 reactors in about 41 States. We have 10 shut down reactors, represented on the chart. We have one existing site for spent commercial nuclear fuel storage on the chart, is in the State of Illinois. Non-DOE research reactors—we have 38 shown on the chart. We have naval reactor fuel up in Idaho, up in Washington, and in Georgia. There are 10 of those sites. Department of Energy-owned spent nuclear fuel sites, about 12, are indicated on the chart.

So there is where we are. We have this stuff scattered all over the United States. We can choose now whether the Nation needs these 80 sites, or just 1—1 in the arid remote Nevada test site, where we exploded a series of nuclear bombs during the cold war, a site that has been determined to be safe. It is a remote location. It has been well monitored by an experienced work force and a security force as well.

Now, if Yucca is licensed for a permanent repository, it will simply be a very easy task to move the spent fuel to the permanent repository from the interim facility this bill would authorize. Now, the problem is that Yucca isn't going to be ready until the year 2015. Some suggest, well, what happens if Yucca is not licensed or is found to be unsuitable? Will we need a centralized interim site anyway so that we will be way ahead of the game? The answer is, yes, regardless of what happens at Yucca, this is a step we should take and take now.

Critics have claimed that we can't store waste safely, that we don't have the technology. Nature itself suggests that a geologic repository, which this bill supports, is the best long-term answer. Let me refer again to a natural geological nuclear waste repository that has been in existence for a long time. Such a repository is in Gabon, in Africa. There, approximately 1.8 billion years ago, at a place called Oklo, scientists have proven that naturally occurring, highly enriched uranium began a spontaneous nuclear reaction producing almost a ton of plutonium, as well as all of the other fission byproducts that occur in spent fuel from modern nuclear power plants. That is the history. That is a fact. It actually happened, under the watch of Mother Nature. Now, Mr. President, when it happened, it happened just a few feet beneath the surface. No geologists studied the site before the waste was ''stored'' there. There was no engineering barriers around the so-called spent fuel. However, scientists have proven that the plutonium and the other fission products did not migrate away from that site. There is nothing unique, Mr. President, about the geology of Oklo. This ''experiment'' shows that radioactive waste can be successfully contained within a geologic repository. Mother Nature did it 1.8 billion years ago. Now we are talking about the science, the technology, and the application of mankind in the process. Well, it certainly seems to be taking equally as long.

When I said that we had designated Yucca as a permanent repository and that we spent some $6 billion in the process, and will probably expend as much as $30 billion, it is important to recognize what comes next. First, it has to be deemed viable. That means the scientific information gathered by 1998 will show that nothing is there that would disqualify Yucca Mountain for a permanent repository. That is done next year, in 1998. What are the odds on that? They tell us about 90 percent.

The second factor is the suitability. Yucca Mountain must be suitable. It must be a suitable site for a permanent repository under the guidelines issued by the Department of Energy. When is

that supposed to be completed? In the year 2001. What are the odds on that? They tell us about 80 percent. Then, of course, it has to be licensed, licensed by the NRC, who issues the license for a permanent repository. Well, for the date of that we can only rely on the former Secretary of Energy O'Leary, who indicated that would be about the year 2015.

Talking about this waste brings us to the reality that we are going to have to transport it. You simply can't leave it at these sites. So let's talk a little bit about the transportation issue, because this is on the minds of many Members. This map accurately shows, from 1979 to 1995, the movement and transportation routes of 2,400 individual shipments of waste around the country. The interesting thing, Mr. President, is that they go through every single State of the 48, with the exception of South Dakota and Florida. All the States are represented here. That is the harsh reality. We have been moving this waste for 16 years. Why hasn't it been on the front pages of the papers? Because it has been a nonevent. It has moved safely. It has moved from reactors. It has moved from Navy facilities and from Army facilities, and it has been on railroads and on highways, and it has been under the auspices of the Department of Energy, and it has been safe.

We have heard in this debate, primarily from my good friends from Nevada, that somehow this waste is a new threat that America has never faced before. That is just poppycock. Emotional statements have been made time and time again, suggesting that somehow the health and safety of 50 million Americans will be threatened. And there have been references to the unfortunate Chernobyl accident. That accident, as everybody knows, involved a graphite reactor without a containment building. Electricians were in there doing an operation they weren't supposed to be doing. They didn't have the training. They bypassed the safety procedures, took the reactor critical, and the results were very unfortunate. But it was human error, Mr. President. The graphite reactors are not the type that we have in the United States. Yet, this effort to try to address an obligation to our Nation's waste has been referred to as a ''mobile Chernobyl.''

Here is what we have been moving, Mr. President. Again, do we want to move it to one site in the Nevada desert now, as we wait for the development of our permanent repository? Or do we want to leave it for another 15, 16, or 17 years, actually, in the 80 sites in 41 States? No fatality, injury, or environmental damage has ever occurred in the United States because of radioactive cargo movement. That is just a fact. We have taken steps to ensure that the risk is as negligible as possible.

Some of our friends would imply that if this bill doesn't pass, then nuclear waste won't be shipped on our Nation's roads. Well, that is simply not true, Mr. President. Let's take a look at the routes used—the routes used for 15 years, again, for the thousands of fuel shipments. Some say they didn't know the fuel shipments took place. Again, as I have said, that is because they are uneventful. Trucks carrying the casks have been in accidents, but the casks that contain the nuclear material have performed as designed. They have not broken open. The nuclear disasters that the Senators from Nevada have referred to, Mr. President, simply haven't happened.

Now, we have heard claims that the number of shipments that would occur under Senate bill 104 is an unprecedented amount. Well, that is simply not true. We have our storage in our reactors in the cells adjacent to the reactors and the pools, and those are filling up. We need to relieve that congestion, and that is the whole purpose of the interim retrievable storage. We currently have about 30,000 metric tons of spent fuel in this country. But the French alone have shipped that amount of spent fuel all over Europe—for that matter, all over the world. This is not just history. It is happening today. It is happening all over the world.

The Department of Energy, as a matter of fact, is transporting spent nuclear fuel all over the country and all over the world as we speak. Here it is in the country. Let's take a look at a chart of the world. Here we have it, Mr. President. There seems to be a double standard here when the Department of Energy claims that it cannot possibly fulfill its obligation to the U.S. electric ratepayers to take spent fuel. Why is it doing so in foreign countries? Well, here they are. In Europe, there is Austria, Belgium, Denmark, Turkey, Iran, Pakistan, Australia, throughout South America, and Peru and Canada. We are taking this now under agreements that have been made. Where is it going? It is going to the Savannah River in South Carolina. This chart shows the actual times of delivery from 1996 to 2009. These are the countries to which we have committed taking their waste. So it is a double standard, Mr. President. Why are we doing it for foreign countries? We are not doing it for our own nuclear industry.

You may ask why the taxpayers are paying for the Department of Energy to transport and store nuclear waste in foreign countries while American ratepayers are left out. All the countries in color on this chart ship fuel to the United States for storage at the Department of Energy facilities. It doesn't seem to be a mystery to some. But it is a mystery to me. Another mystery is why many of the same groups that most actively oppose resolving our domestic fuel storage problems were most supportive of taking nuclear waste from foreign countries. Think about it. We are taking waste from Russia—military waste—because we deem that lessens the proliferation threat. If they support taking nuclear waste from overseas, can the safety of transportation be an issue? One wonders why it is now. How can it be safe for the Department of Energy to ship spent fuel halfway across the world but not across a few States? They don't explain that very well, do they?

Actually, if you look closer, you see that the Department of Energy transports nuclear waste across the United States. Let's take a look at a map of the United States. It goes into Hanford. It goes into Savannah; Hanford in the State of Washington. This shows the American research reactors at our universities. They ship fuel for storage at DOE facilities. They are scattered all across the country. The various universities are Ohio State, MIT, the University of Virginia, and Oak Ridge. We could go on and on. They are all across the country. That is why I contend that we have a double standard.

Why does the Department of Energy pay to transport and store nuclear waste from foreign countries but won't do its own duty to the U.S. power reactors that have paid for the service? They have paid for the service. The ratepayers that depend on nuclear energy paid $13 billion to the Federal Government. Where is the money? It has gone into the general fund. It is not an escrow account. But there is a contract signed for next year. The Department of Energy will say that they take foreign fuel to help with the nonproliferation. That is all well and good. But spent nuclear fuel is spent nuclear fuel regardless of where it is. If transportation and storage is safe for some, why isn't it safe for all?

I think this just proves the point that the obstacles to moving our Nation's spent fuel are political. They are not technical. We have moved it. We move it from our research reactors all over the country. We move it from other countries in the world and bring it to the United States to Savannah, and have been doing it for some time.

My bill, and the committee bill, S. 104 of Senator CRAIG and others, provides the authority to coordinate a systematic safe transportation network to move spent fuel to a storage facility under Senate bill 104. The Department of Energy is required to use—''required''; it is not optional—to use NRC-certified transportation containers to transport fuel along special routes chosen by DOT radioactivity transport regulations and considerations set out in the bill.

Let's take a look at how that is shipped because I think it is important to recognize the care that goes into this. This is a truck that is moving over the highways of the Nation probably today; moving some kind of fuel in a cask probably to the Savannah River site in South Carolina. It is moving safely. It is moving in a special container. These are probably spent fuel rods. They are radioactive. But by the same token, care and engineering technology has gone into this. I find it

surprising to note that—and the comment was made in the debate that the environmental groups don't support this legislation. I find it further perplexing that these groups on the one hand are opposed as we all are to the increase in greenhouse gases yet the only current technology available to reduce it dramatically is nuclear energy. Our use of nuclear energy reduces more than 140 million metric tons of carbon dioxide emissions each year, not to mention sulfur dioxide and various other pollutants. This is the contribution that nuclear energy contributes to air quality in this country. Some suggest that the opposition by the environmental groups is simply to shut down the reactors because they do not believe in or don't approve of nuclear energy or nuclear power.

But they don't want to recognize that about 22 percent of our Nation's power is generated by nuclear reactors, and, if you reduce or eliminate the nuclear power industry in this country, you will have to replace it with something. It will probably be replaced with carbon fuels. And there is an emission concern there.

So I say to those that are opposed to this legislation that they have an obligation to come up with something that answers the question of what we do with our spent fuel. I think that is what this bill does.

Further safeguards have been taken in this legislation to provide that transportation cannot occur until the Department of Energy has provided specific technical assistance and funding to States affected by the transportation route, Indian tribes, and for emergency response planning along the transportation routes. That isn't what is done now. But that is what is required in the bill to make it that much safer. The language builds on what is an already safe system for transporting spent fuel in this country. As I have said before, the public has never been exposed to radiation from spent fuel cargo even in accidents. Between 1971 and 1989 the Department of Transportation tells us that there were seven minor accidents involving trucks carrying waste: Flat tires, and various other things. But no radioactivity was released in any of the accidents. That is because transportation canisters are designed to maintain their integrity during severe accidents. They have been used for thousands of safe shipments over the years. As a matter of fact, they were designing casks at one time when they contemplated flying the fuel. It was suggested that the technology existed for casks to be designed for a 30,000-foot free fall. And I am told that they could design it.

Nevertheless, the canisters that are depicted here in the picture, the design approved by the NRC for spent fuel transport have demonstrated a remarkable ability to withstand falls of 30-foot drops. And these are tests that were made into a national unyielding surface. There was no penetration from a drop of 40 inches onto a steel spike; no penetration being engulfed in 1,475-degree temperature fire for 30 minutes; no penetration, submerged under 3 feet of water for 8 hours; no penetration.

So, despite what you may hear, engineers at the national labs tell us that the test conditions that these casks are subjected to are much more rigorous than any that they would face in real, live accidents.

These casks have been tested in some more rigorous ways. Probably it would be interesting to watch because they have been run into by locomotives, and crashed into walls at 70 miles an hour. If any of the Senators or the staff want to see the video of these tests we would be happy to provide them with the tapes to view and to keep.

So I suggest that we face facts. The history of the nuclear waste shipments is that they are moving almost as we speak, continue to move, and will move tomorrow but they are not going to be carrying the waste that they were contracted for. They will be carrying other wastes from other countries from research reactors from our universities. And it fails me to know why we are excluding the waste that we contracted for 16–17 years ago to take next year, and we have no provision to take that waste. That is what this bill is all about. S. 104 provides safe transportation with a perfect record, and I think it makes it even safer.

So as a consequence, that tells the story of the transportation system.

Let's look very briefly at what we are proposing. This is the location for the waste storage at the Nevada test sites that we have used for the previous 800 nuclear weapons tests. That is what it looks like. It is a pretty barren area. You see some roads for access, and mounds where 800 nuclear weapons tests were made. Why was this area picked? Probably there are a lot of reasons. It is remote. That is certainly one. The weather is pretty stable out there. You can observe the testing very well. They had a trained work force. To some extent I suppose there was some economic reasons. But it is not my State, and it is not appropriate that I evaluate the rationale that went into it. But that is the site.

When we look at all other factors and recognize that nobody wants to store waste, the fact that we have it in 40 to 41 States, and the fact that we are going to have to move it regardless of whether it is being moved to a temporary repository or eventually to a permanent one, the transportation factor is a given.

So I hope that those that are concerned about transportation recognize a couple of things: One, they may have waste in their State already. It may be military waste. It may be naval waste. It may be waste from some other activity associated with their university, or they may have nuclear power. If you want it to stay there indefinitely with no action, then that is the status quo. And that is where we have been. But if you want to move it out of your State, you have to move it someplace. The question is where do you move it?

We have determined that this is the permanent site for a nuclear repository. When that was chosen, it was chosen over potential sites in the 50 States. Why was it chosen? Because it was deemed to be, of all the sites that were evaluated, the best site with the highest likelihood of this being named the permanent repository when we get through with the process now underway. That is the process of viability, suitability, and licensing. Then it goes in there permanently under our policy. But the idea of moving now to accept this area for a temporary repository until we can complete Yucca Mountain is what this legislation is all about because it suggests that it would move in those casks by transportation routes, either surface railroad or highway, in these casks out to a pad, out in the desert where it would be monitored. And those casks would be held there so we can fulfill our contractual agreement as we recognized that the storage at our nuclear power generator sites are filled up. They would be moved out to this pad and be monitored until such time as the permanent repository is completed.

On the chance that the permanent repository is not licensed and it doesn't get through this viability, suitability, or licensing, this bill provides that we still have an obligation to address a resolve. That would require the President then to find another site. We have gone through all the 50 States. If this one is not suitable for a permanent repository, it requires the President to find one. If he doesn't find one, he comes back and designates that this be the site.

Now, some suggest there should be some other consideration. Maybe we should do something like the base closing procedure, where we name a group of qualified people to determine a site. The problem we have with this legislation is nobody wants to face the reality of making the decision now. They want to put it off. The administration does not want to have it happen on their watch. They would just as soon have it happen on another's watch. We could easily put this off to another Congress, but we are cheating the taxpayers because the liability for nonperformance of the contract is going to face us next year. The longer we keep that waste in violation of the contractual terms, the greater the liability to the taxpayer for nonperformance, because Government simply passes that liability on to you and me, and we pay for it.

As I said, we have spent $6 billion here at Yucca. We are going to be spending about $30 billion by the time it is completed. We have been transporting waste fuel around this country for 16 years. We sit, today, with 80 sites in 41 States and we are even having some Members suggest that all they want from this legislation is the assurance that it will not be put in their

State. I suppose we could go back to a 6th grade mentality—and pursue a series of amendments from virtually everybody, in all the 50 States with the exception of one. I would hope that would not happen. I would hope we can recognize our obligation as parliamentarians and address this with a resolve that suggests the way to move on this thing, and move now, is as proposed under this legislation, which would provide, after the viability is determined on Yucca Mountain as being a permanent site, which is anticipated sometime next year, to then allow a temporary repository to occur in the Nevada desert at the Nevada test site.

If somebody else has a better suggestion for a response to the obligation we have now, why, I am certainly willing to consider amendments to the pending legislation.

Mr. President, recognizing the time element that we have, I ask how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator from Alaska controls 40 minutes and 50 seconds.

Mr. MURKOWSKI. I thank the Chair. Mr. President, I yield to my colleague at this time.

The PRESIDING OFFICER. Who yields time?

Mr. BRYAN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I want to return to what I think is the fundamental flaw in this legislation, and that is that it is unneeded, unwise, and unsafe. When you ask who wants this legislation, the only one that is really pushing it, the driving force, is the nuclear utilities. That is where this all comes from. Every environmental organization in the country has expressed its opposition. The scientific community—the Congress established the Nuclear Waste Technical Review Board. I will repeat for the benefit of my colleagues, in 1989 a commission was part of the review process. They said there was no safety advantage to interim storage. In 1996, we have a report from the Nuclear Waste Technical Review Board that said there is no urgent technical need for centralized storage of commercial spent fuel. There is no safety factor to consider. And the same technical review board, constituted with new members in 1997, has offered testimony to the effect that it would be a very unwise decision because it would interfere with the permanent siting process.

That was testimony that was given on February 5. So, if we are asking about science and the scientific community, they have expressed themselves. They said this is not a good idea. If you are asking about the environmental community, where they are coming from, they are saying it is not a good idea.

Yesterday, I spent a few moments talking about the specifics of the bill. Let me just very briefly retrace some of those issues for us. In effect, what this legislation does is to gut a process that was a bipartisan piece of legislation, the National Environmental Policy Act of 1969. If you look at page 47, and you go through a number of the specific provisions there—and we will debate this, I suspect, at greater length during the course of the week—but the act virtually emasculates the provisions of the National Environmental Policy Act. It says, yes, there will be an environmental impact statement, but the statement may not consider the need for interim storage, the time of initial availability, any alternatives to spent fuel storage, any alternatives to the site of the facility, any alternatives to the design, the environmental impact of the storage beyond the initial term of the license, which is 20 years. This makes an absolute mockery of any kind of profession that this follows NEPA, the National Environmental Policy Act, of 1969.

There are other provisions as well that refer to the preemption of all Federal environmental laws. That is section 501. We have talked about that extensively during the course of the debate. There are standards which are compromised in this provision. For example, there is a statutory provision that occurs on page 56 that indicates, rather than the Environmental Protection Agency having the ability, independent and unfettered, to make a judgment as to what the correct standard would be in terms of radioactive emission exposure, it sets a 100 millirem standard by statute and requires the EPA to affirmatively prove that the overall system performance standard would constitute an unreasonable risk to health and safety.

We did not do that anyplace else in terms of the WIPP facility which was debated last year. The two able Senators from New Mexico made forceful statements that they believed, because the WIPP facility was going to be operational in their State, they had the expectation that EPA would establish the highest possible standards to protect the health and safety of New Mexicans. Who among us could disagree with that? But that is not the standard for us here in Nevada. The EPA is constrained and limited, in terms of what it can do, and here is an example of 100 millirems of radiation, S. 104. There is safe drinking water, other low-level-waste facilities—the WIPP facility, which I just mentioned, has a standard of 15 millirems during the course of a year. So this thing is absolutely so phony in terms of any kind of protection for health and safety, it ought to be something of concern to any legislator, irrespective of where the final destination may be.

Let me say, the National Academy of Sciences—these are scientists, not people selected by the Governor of Nevada or the Nevada congressional delegation—go through a whole list of things they recommend. They recommend a risk-based standard rather than a 100 millirem standard. They have recommended the protective standard be defined by a critical group: a small, relatively homogeneous group be representative of those expected to receive the highest doses. That is not included.

They maintain that, in terms of the length of time, because nuclear waste is lethal for thousands and thousands of years, there should be no cutoff period of time, that there must be an ability to protect for thousands of years. What does S. 104 provide? That you can only consider the first 1,000 years. I suppose, whether you are an advocate for term limits or not, we would all agree that 1,000 years is not going to affect anybody in this Chamber. But, I mean for something that is deadly for 10,000 years and beyond, that is simply irresponsible to put those kinds of handcuffs on.

Human intrusion—all of the scientific community acknowledges there is no scientific basis for assuming there would be no human intrusion during these thousands and thousands of years. The statute we are dealing with, S. 104, directs just the contrary, to make an assumption that there is to be no human intrusion.

The National Academy of Sciences said that these raise complicated policy issues. There ought to be opportunity for wide-ranging input from all interested parties. These are set by statute, under S. 104—no public comment.

So, I must say that in terms of science, in terms of fairness, in terms of health and public safety, this piece of legislation is a disaster not only for my State but for America.

I want to speak for just a moment about the transportation issue and some of the film footage that has appeared. First, I think it is important for us to understand that, although Nevada, under this legislation, is the ultimate repository on an interim basis, there are some 43 States, 51 million Americans who live within a mile of each of these major corridors. The red depicts the highways, the blue depicts the rail.

You are going to have, wherever you may be looking on this map here, you are going to have roughly 16,000 shipments that would pass along these corridors—16,000. It has been suggested that the Department of Energy is experienced, but I think to put this in some context, Mr. Dreyfus, who was the head of the Radioactive Waste Management Office, an individual well known to my colleagues, having testified before the Energy Committee on a number of times, says this: ''Material like this,'' referring to nuclear waste, ''has been moving around for a long time. So that is not a technical challenge,'' he says. ''But compared to the kind of campaign what we are talking about, what the industry has been doing up to now is trivial. We are talking about a magnitude of many times greater. We are talking about 16,000 shipments.''

Since 1975, the Nuclear Regulatory Commission reported shipments that are sent by rail or by truck averaged approximately 900 miles or less. We are talking about thousands of miles. As the occupant of the Chair knows, our States are in the West and far removed from most of these reactor sites. So, I think it is important to make that point.

Let me add a couple of other things, if I may here. First of all, the casks that have been shown have no relevance to this debate—none. The casks that would be used for shipping have not been designed. They are not in existence. The casks that are used in the film prepared by the Nuclear Energy Institute refer to a previous generation of smaller casks. Those are not what is contemplated. Those are not what is contemplated. We are talking about a new generation of casks, casks that do not meet standards which we believe every such cask should meet.

For example, it requires a 30-minute exposure to a fire at 1,475 degrees. However, diesel fuel burns at an average of 1,800 degrees and can reach 3,200 degrees. So the 30-minute proposed standard for these yet-to-be-designed and produced casks does not address real world accidents, where train wrecks can burn for hours, if not for days. None of the tests would require that kind of protection.

The NRC has estimated that 6 out of every 1,000 rail accidents could cause fundamental damage that will cause the cask to fail. Given the 16,000 shipments that are contemplated, that comes to 96 accidents where the NRC-approved standard would fail. I submit that is not great comfort to those millions of Americans who are going to be along the route.

The NRC claims the cask design will prevent radioactive leakage in severe accidents. But the cask design has never—repeat, never—been tested in lifelike situations. In one computer simulation, the NRC chose four real-life severe transportation accidents and applied these conditions to a cask meeting NRC specs.

In one of those real-life accidents, which involved a 1982 train derailment and fire in Livingston, LA—this was an accident that occurred and a fire that resulted—the NRC publicly acknowledged that the high temperatures would cause an NRC-approved cask to fail. In their words, ''the radiological hazard would exceed compliance values by up to a factor of four.''

This is not some theoretical accident, a hypothetical. This is an accident that occurred in Livingston, LA, in 1982, and the NRC said the standards they propose would not have protected a cask under their proposed design from releasing radioactivity. That is not much comfort, that is not much assurance for those who are going to be along the highways and railways.

Let me address an issue that I think has not received the kind of attention that it should, and that is, this bill is a bailout for the nuclear power industry. Dating back to the time of the inception of the Nuclear Waste Policy Act, it was always agreed that the utilities themselves should pay for the storage and ultimate disposition of high-level nuclear waste, and the mechanism established was to establish a nuclear waste trust fund in which ratepayers would pay at the rate of 1 mill for each kilowatt hour generated into this trust fund. That is the current way.

Here is what this bill does. Rather than have the ratepayers pay for the ultimate cost, this bill very cleverly transfers the liability and responsibility to the American taxpayer. The year 2033 is the last year, under currently licensed nuclear reactors, that there will be reactors in operation. Currently, under General Accounting Office actuarial projections, the fund is from $4 billion to $8 billion underfunded in terms of what will be required, because as each reactor goes off line, it no longer contributes to the fund. The last reactor goes off line in the year 2033, and it is required that the expenditures, in terms of dealing with that waste, continue until the year 2071. So years after the last mill is deposited into the nuclear waste trust fund, expenses will continue. As I have indicated, right now the General Accounting Office says this fund is $4 billion to $8 billion underfunded.

It is contended that the ratepayers have not gotten what they bargained for. That is certainly not true now, and the surplus that is in the account is designed to take care of those years from 2033 to 2071, where nothing will come into the fund by way of a mill-tax levy because there will be no power generated from those reactors.

Here is a very, very clever way of shifting the liability to the American taxpayer. This bill, in its present form, caps the amount of contribution, even though the current fund is underfunded by $4 billion to $8 billion at 1 mill per kilowatt hour, and after the year 2003, it says that the only mill tax that can be collected would be the amount necessary to pay for the appropriation from the fund that year, providing no revenue for the outyears.

So this is corporate welfare, this is corporate pork, this is a new entitlement program which will cost the American taxpayers literally billions and billions of dollars in the outyears.

Everybody acknowledges that the 1998 deadline that was put into the act in 1982 cannot be met. I would say parenthetically, that was not a scientific date that was put in. Indeed, there was resistance in 1982 because it was felt that that time line was too short. This was a deadline that was pushed by our friends, once again, from the nuclear utilities. So it is unfair to blame the Department of Energy and the scientific community for 1998. This was a deadline pushed by the utilities.

I believe that there is equity and fairness to be provided to the ratepayers, because after 1998, they will not have permanent storage available. In each of the Congresses in which I have served, we have offered legislation that would entitle the utilities to an offset; that is, to the extent that the storage would not be available in 1998 and they would incur additional expense, as they will, that should be an offset or a reduction in the contribution that they pay into the nuclear waste fund so that the utility ratepayers do not pay twice. I think that is fair. I think there is a reasonable argument to be made there, and the administration believes that.

As recently as this past month, there were discussions to provide compensation to the utilities because permanent storage will not be available after 1998, and it was rejected by the utilities. They do not care a wit about that. That is not what they are interested in. They are interested in getting the taxpayer to bail them out for the money that will take beyond the year 2033, to the year 2071, to, in effect, take care of the expenses of the nuclear waste that they generated—that they generated—that they have made profits on over all these many years. So there is not an argument of equity we are addressing here, because not a single provision in S. 104 addresses the question of equity.

We have a piece of legislation which we have introduced, again, this Congress which we have previously introduced, which says, ''Look, after 1998, yes, you don't get the permanent storage that was contemplated, we understand that.'' There is no conceivable way that could occur. If this bill was passed tomorrow and signed into law, the 1998 deadline could not be met for at least probably to the year 2001.

The administration has offered to provide compensation to reimburse utilities for the additional costs incurred, and our legislation would specifically do so. So this has not one thing to do with ratepayers being charged twice. They are given an opportunity for relief, if they want it, in the legislation that my senior colleague from Nevada and I have introduced. So let's put that to rest.

The lawsuit. The lawsuit changes nothing. The lawsuit was finalized last year before we concluded our date on 1936, the predecessor to S. 104, and the lawsuit simply provides that there is a legal obligation on the part of the Department to take the waste at some point down the line. There is a legal obligation. It in no way suggests that the waste would be physically removed by 1998, and it could not.

So when you look at the contract, each of the utilities under the 1982 act entered into a contract with the Department of Energy, and that contract simply says that in case there is an avoidable delay, the utility is entitled to an offset in terms of what is being paid into the nuclear waste fund by the amount of additional expense they incur. That is the remedy, that is fair, that is the law.

The distinguished Presiding Officer is suggesting that my time has about run

out. I reserve the remainder of the time and yield the floor.

The PRESIDING OFFICER. Who yields time?

## VISIT TO THE SENATE BY FRENCH PARLIAMENTARY DELEGATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes in order to allow the Senate to greet a French parliamentary delegation that is visiting us.

## RECESS

There being no objection, the Senate, at 3:54 p.m., recessed until 4:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KEMPTHORNE).

## NUCLEAR WASTE POLICY ACT AMENDMENTS—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. REID. Mr. President, first of all, let me respond to a number of things brought up by my friend, the manager of this bill.

First of all, he is right about nuclear power. It produces a lot of electricity in the United States. But everyone recognizes those days are numbered. The average life expectancy of nuclear power in the United States is 15 years. After that it is going to be gone.

As I indicated yesterday, it might be 25 years with one of the reactors and it may 5 years with another. But nuclear power is all through in this country. It simply is too dangerous, and everyone knows that.

I will also speak to the question of what to do with spent fuel. That question has been raised. Senator BRYAN and I continually answer the question. It is very easy. We should leave it where it is—capsulated in the spent fuel rods kept in dry cask containers.

As Senator BRYAN mentioned today and I mentioned yesterday, there would be no fire that would damage the dry cask storage containers as would happen in a diesel truck or train. There would be no accident that would occur driving at speeds that would rupture the casks. It is safe and it is cheap. That is what should be done with nuclear waste for the foreseeable future.

I will also state, Mr. President, that the question still has never been answered: What about the environmental groups? Hundreds of them oppose this legislation—not two or three, not 20 or a couple score, but hundreds that are now a part of the record.

No question has ever been answered as to why these environmental groups oppose the legislation. They oppose the legislation because it is dangerous for the environment. It would be different if there was an equal balance, half of them supported it and half of them did not. Every one of them—it is exclusive—all environmental groups oppose this legislation.

Let me also say, Mr. President, one of the things being lost in this debate is the fact that as we speak hundreds of millions of dollars are being spent in characterizing the repository at Yucca Mountain to determine if in fact that site is going to be scientifically safe for storage of nuclear waste. I repeat, this past year hundreds of millions of dollars have been spent. Next year the same—hundreds of millions of dollars will be spent characterizing that site.

Let us not lose sight of the fact that this legislation is a way to avoid the permanent repository. The very powerful, greedy nuclear industry that is promulgated by the utilities, basically what they want to do is short-circuit the present system. They do not want to take their chances at Yucca Mountain in having a safe, scientifically characterized site. They want to circumvent the system. They want to do away with environmental laws. They want to void the present law that says you cannot have temporary storage in the same State where a permanent site is being considered.

Why have we not heard anything about Yucca Mountain? That used to be the big debate. Because the nuclear industry wants to avoid Yucca Mountain. They want to do it the cheap way.

We have heard raised continually the fact that Nevada used to be a place where they set off bombs, atmospheric tests and underground tests, and more than 900, almost 1,000 of those tests have been detonated.

As I stated, the State of Nevada has sacrificed significantly for that. We did it because there were hundreds, thousands, tens of thousands of nuclear warheads pointed at the State of Nevada and the United States. Conversely, the United States of America pointed their weapons at the Soviet Union. The cold war has terminated. I repeat, this ended a dangerous era. It was a time of national crisis. We were all called upon to do what was necessary to protect this country. The State of Nevada did its share. We did what was right at a time of crisis.

The time has come now, though, to understand that that was then and this is now. There is presently no danger that would drive us to endanger our environment or public by reckless and ill-conceived actions. That is what this legislation is.

There is no nuclear waste crisis that any objective and competent study has been able to uncover. The Nuclear Waste Technical Review Board has testified to the lack of urgency and crisis with respect to moving spent nuclear fuel from its generation sites. The chairman of the board, under the direction of this Congress, testified last year, and now the new chairman this year, that ''There is no urgent, technical or safety reason to move spent fuel to a centralized storage facility.'' So there is no emergency.

Moreover, existing contamination from early nuclear tests is not at all comparable to the potential contamination from premature and reckless storage of spent nuclear fuel in Nevada.

Mr. President, one transportation container of spent nuclear fuel contains about the same amount of radioactive waste as 200 nuclear tests. One transportation container that will travel through the State of Colorado and many other States in this country contains the same amount of radioactive waste as from 200 nuclear tests.

We are contemplating more than 15,000 shipments of spent nuclear fuel. Some of these shipments will have two containers. So more than 3,000 times the amount of contamination from the nuclear testing program—3,000 times as much would be stored in the repository.

Measured another way, each nuclear explosion generates 125 pounds of radioactive material per megaton of yield. The average yield of tests conducted in Nevada is much less than the maximum yield permitted under the limited test ban treaty. Assuming the average yield to be about 85 kilotons, the total testing program in Nevada would have generated only about 5 tons of radioactive waste.

They are trying to move, with this cheap legislation, 70,000 tons of nuclear waste to Nevada. So anyone who compares the nuclear tests in Nevada, which build up 5 tons of radioactive waste, are either exaggerating, deceiving the American public, or do not know what they are talking about.

And anyone who wants can make their choice of the three. The fact is, scientifically, we have 5 tons of radioactive waste compared to 70,000 tons that they are going to try to haul along the railways and highways of this Nation.

Is it any wonder, Mr. President, that entities—cities, municipalities, counties—throughout this country have passed resolutions saying: Do not bring it through our cities.

Complete and enduring isolation of this highly radioactive material is necessary if we are to avoid many times the danger and damage caused by the nuclear testing program.

Mr. President, there has also been a lot of debate on this floor about onsite storage of spent nuclear fuel: It is going to break the country. It is going to break the power generating companies.

Well, let me just say this. This is, for lack of a better description, a scare tactic. It has no foundation in fact. Those who are propounding this have dismissed any thought of risk to the environment or to public health and safety, and any mention of such risk is waved away as scare tactics.

The Nuclear Waste Technical Review Board—remember we keep referring to

this because it is a scientific body that we have deemed legislatively to tell us what to do with nuclear waste—the Nuclear Waste Technical Review Board agrees that new transportation containers deserve full-scale testing to assure that these are as durable as those designed, tested, and procured many, many years ago.

That has not been done. The Technical Review Board agrees that we are not ready to undertake this massive program of nuclear waste shipments. That is why they have said, do not ship them. The scientific body, I repeat, this Congress has designated to tell us how to deal with nuclear waste, has told us, do not ship it.

The board agrees that a lot of planning is necessary and that it is crucial for emergency response teams all along the planned routes to be provided with equipment and training for managing the accidents that will happen, even with the best of planning.

The Nuclear Waste Technical Review Board goes further. They agree with the Senators from Nevada that it is absolutely critical that the promise of objective characterization that we have been given in years gone by be completed before any nuclear waste is shipped to Nevada. The board agrees that the 105th Congress should honor those promises made in earlier legislation.

The board agrees that serious uncertainties remain with respect to Yucca Mountain's suitability. The board's chairman testified to these concerns during the S. 104 hearings.

But let us go forward with Yucca Mountain. Let us not short circuit the system and have this legislation which is being promulgated and propounded and pushed by the very powerful nuclear utilities in this country.

The board agrees about these uncertainties. The board agrees that this process must proceed objectively without a hint of prejudice of even the appearance of a premature decision. Without this promise of high quality, objective assessment, the American people will never believe that permanent disposal of spent nuclear fuel can be done safely.

So, Mr. President, we are not using scare tactics. We are merely standing up for the public health and safety of our country's environment and for protecting the public confidence in the final disposition of spent nuclear fuel.

Instead of doing their job, the nuclear power industry, this powerful, disingenuous industry, and its lobby are busy using scare tactics to try to saddle the American taxpayer with the costs of managing the consequences of all of its profits.

These profits are, for lack of a better description, Mr. President, obscene. The nuclear power industry is required to report its costs and revenues annually. All utilities must do this because they represent a virtual monopoly. The so-called retained earnings of power utilities, with at least 20-percent nuclear generation, average about 17 percent of total revenue.

Mr. President, this chart which I have here—these are in thousands of dollars, so this is a billion. Commonwealth Edison, $1.083 billion net profit. This is not gross profits; net profit, 17.25 percent. Not bad.

You can pick any one of them you want. Virginia Electrical, $731 million net profit, 17.54 percent.

Look at it. 20.5 percent, 18.9 percent. The average, Mr. President, as I have indicated, have profits of more than 17 percent.

I handled a case once. I sued Safeway Stores. The jury said I was entitled to punitive damages. I can remember going back trying to get discovery, getting information from Safeway Stores. I was astounded. Safeway Stores, with the tremendous volume they had, had made less than 2-percent profit. It was 1 percent-plus.

Our utilities who are crying, ''We're starving to death,'' are making revenues of $1 billion, 17.25 percent profit, an average of over 17 percent. Safeway Stores are making less than 2 percent, but our utilities, struggling as they are, are averaging 17 percent. These are only the nuclear utilities, because they are doing better than the rest.

So the so-called retained earnings of power utilities with at least 20 percent of the power they generate by nuclear energy averages about 17 percent. The simple interpretation of these numbers is that once the industry pays its operating costs and its capital mortgage obligations its profit is about 17 percent from all the revenues collected from the customers. Not bad.

A reduction of this obscene profit by just 1 percentage point, reducing the average profit from 17 to 16 percent, would completely cover the ratepayers' fees that are collected to pay for managing the waste, that was generated to the benefit of both the ratepayers and the industry.

So, Mr. President, these pious complaints from the nuclear industry and from the sponsors of S. 104 that the ratepayers are being gouged, are actually accurate. The problem is the gouger is the industry, not the Government. They, the industry, are the gouger. They are the gougers.

So for their next scare, their next fright, S. 104 advocates in the industry have developed their own views on how much more the storage costs of the nuclear waste would be until this permanent repository is operational. This is a dandy. Here is what they come up with here. They are saying that they will have to pay $80 billion, that is what it will cost the taxpayer. They might as well pick a figure of $400 billion. It has as much relevance. They could have picked $80 dollars with as much relevance. They do not know what they are talking about. It is ridiculous.

Sponsors of S. 104 have argued that only passage of this bill will relieve every American family of a $1,300 bill, payable to the nuclear power industry. If that is not scare tactics, I do not know what is. The actual incremental cost, until a permanent repository is operational, is clearly not that much, it is not even close. The cost is negligible compared to their profits.

The Department of Energy has done a study that predicts $8 million as the average fixed cost for onsite storage facility. They estimated the operational costs of onsite storage to be about $750,000 per year for operating reactors, and as much as $3 million for shutdown reactors.

Here is a monopoly that is gouging an obscene profit from customers at a 17-percent rate, claiming it should be awarded damages of $80 billion when the actual costs are less than $2 billion. How is that? The industry and their congressional supporters want the taxpayer to add to the industry's already obscene profits by awarding them billions of dollars that they did not earn, do not deserve, and did not spend. I am here to tell everyone within the sound of my voice that the nuclear industry will not get away with this nuclear extortion. That is what it is.

I wish words could describe my appreciation for the President of the United States saying he will veto this legislation. Mr. President, the Constitution of this country was not drafted to protect the majority. The Constitution of the United States was drawn to protect the minority. There is no better example of that, there is no better example of how this Constitution works than this legislation. Last year, 37 brave Democrats and Republicans said, ''We think this is bad legislation.'' They were following the constitutional dictates that said if there are enough votes to sustain a veto, that legislation is history. It was history last year. It will be this year. We are wasting the taxpayers' time because the Constitution protects the minority. That is what we are doing here.

Now, there has already been a day in court which affirmed that the contract between DOE and the generators of this waste calls for DOE to deal with this spent nuclear fuel beginning in 1998. The court specifically avoided discussion of a remedy, should DOE not honor the terms of the contract, since a deadline has not been reached. Moreover, the standard contract clearly contains language for remedies for failures to meet its terms. They are conditional. It is likely, should a court get involved in determining the remedies—which will probably never happen—the case will focus on conditions leading to the breach. They are very clear if it is the fault of DOE, they pick up the cost. We know that. But the deadline has not been passed yet. It is unlikely any court will rule on breach of contract remedy prior to contract violation.

DOE has made a good-faith effort to involve the industry in developing the solution to the real problems that no repository exists prior to 1998. That good-faith gesture has been rejected

and rejected and rejected by the industry and the sponsors of S. 104 to justify their efforts to rip off the taxpayers, to justify their threats to seek billions of dollars in compensation for a $2 billion incremental cost.

The industry does not want a resolution of this permanent repository dilemma. If one were found, they would not be able to unload all future costs to the taxpayer. Remember, Mr. President, this boils down to the fact that you can store nuclear waste onsite, as I indicated, for $750,000 at an operational site. So the costs are negligible, but they are not willing to do that.

They would be pleased to see S. 104 succeed since they know an interim storage facility in Nevada would become the permanent resting spot for all the waste. In this instance, ''interim,'' by the dictionary of those pushing S. 104, means forever. That needs to stop.

Again, I congratulate publicly the President of the United States for standing by something that is right. We know politically there are big utilities that are telling the President, Oh, do not do this. The President is standing for principle, and the people of this country should admire and respect that because this is going to prevent nuclear garbage from being hauled through the streets, highways, and railways of this country. I hope the President gets his due deserve for doing the right thing.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the cloture vote scheduled for 5:15 this afternoon, subject to the clearance from the ranking member of the Energy Committee, be contemplated to be vitiated, and further Senate action begin on Senate bill 104 for consideration at 1 o'clock on Wednesday, April 9.

I ask the Chair to withhold because I am just advised that there is one clarification needed.

Mr. CRAIG. If you are waiting for a clarification, I am more than happy to go ahead and speak and allow interruption at anytime necessary to clarify.

Mr. MURKOWSKI. I am happy to withdraw, if there is no objection, the unanimous-consent request.

Mr. BRYAN. I think the essence of what the chairman has proposed is agreeable to the Senators from Nevada, and I think implicit in what the chairman said is we will actually go on the bill at 1 o'clock tomorrow.

Mr. MURKOWSKI. That is the intent of the unanimous-consent agreement.

Mr. BRYAN. I just wanted to clarify. I thank the chairman.

Mr. MURKOWSKI. Mr. President, I will withhold the unanimous consent pending a clarification from the ranking member of the Energy and Natural Resources Committee.

I yield to my friend from Idaho, the cosponsor of the bill.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, thank you. I thank my chairman for yielding, and I am pleased to hear the news that we can move to this bill without cloture, starting tomorrow. It appears that agreement is very close at hand.

In fact, I understand it is fine now, so I yield back to the chairman.

UNANIMOUS-CONSENT AGREEMENT

Mr. MURKOWSKI. Mr. President, I renew my request at this time. I ask unanimous consent the cloture vote scheduled at 5:15 today be vitiated, and further the Senate begin consideration of Senate bill 104 at 1 p.m. on Wednesday, April 9.

The leader advises me, for the information of all Senators, there will be no rollcall votes during the balance of today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I yield back to my colleague.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the unanimous consent that our chairman has just put before the Senate and has been accepted is good news. It is good news that we can move immediately to consideration of S. 104 starting tomorrow afternoon.

I think it also portends what we all know here, that S. 104 has a substantial majority support in this Senate and the Senators from Nevada recognize, and we appreciate their recognition of the fact, that this is an issue that is of national scope. While I understand and appreciate their strong defense of Nevada, I also can recognize the need to speak nationally about a national problem and the responsiveness of States, like yours and like mine, who wish to find safe, sound, environmentally recognized storage locations for both high-level waste and nuclear spent fuel, to seek that location in the Yucca Mountain facility that is currently under investigation.

What I wish to do this afternoon is address several points that have been raised by my colleagues from Nevada, some of them yesterday, and some of them today. Before I do that, however, I want to turn briefly to the subject of underground nuclear weapons testing. Yesterday, I addressed this body and discussed in general terms the Nevada test site. I referred to a photo which I have here again behind me which is the Nevada test site. I asked my assembled colleagues to consider whether an interim storage site for spent nuclear fuel and waste could really have a detrimental impact on this land. Every one of the pockmarks in the landscape is a product of underground explosions of nuclear devices. This is the most exploded area on the face of the Earth, maybe other than where the late Soviet Union once did its underground testing, once it had stopped its atmospheric testing.

What I am suggesting is that this is not a pristine environment. It is a place where it is reasonable and responsible, if the kinds of geologic testing that are now going on confirm the fact that we can build an underground deep geologic repository near this location, then we can put an interim storage facility here it would ultimately serve as a receiving and conditioning facility for transferring the waste to the deep underground geologic storage.

Weapons explosions have gone on here for decades. As I listened to my colleague, the senior Senator from Nevada yesterday, I got the sense that he is dead set against any nuclear materials in his State of Nevada. All I have to do is remind the Senators of Nevada, this is Nevada. This is where, for decades, our nuclear testing has gone on, on Federal properties, in that State. Is it not reasonable to assume that the Senate ought to have the right to look at and make consideration of this facility as an interim site?

I recall, however, that last year my colleague from Nevada did support the restart of underground nuclear testing at this very site. Now, Mr. President, I do not mention this to be critical to any Member who supported the testing program—the kind of program which is vital to both States and to our national interests. Defense missions are important, and we have to recognize and balance the issues. When I say that, of course, I defend the right of my colleagues to defend their interest. But it is time we look at national interests in the context and in the balance. Let us talk about what underground nuclear tests involve.

These pockmarks, as you see here, represent the drilling of a deep hole and the exploding of a nuclear device within that. These explosions leave all of these same nuclear components—the same ones that we talked about as being contained in the spent fuel and the high-level waste that we want to dispose of in an underground storage facility near the test site. I suggest, Mr. President, the kind of storage we are talking about is going to be quantum safer, quantum safer, than the kind of explosive activities that went on this terrain during the past decades. Nuclear testing was allowed at this site for decades. To our knowledge it has not caused serious concerns for the water table, or the types of standards we are requiring for a geologic repository at Yucca Mountain.

Now, I ask my colleagues to consider this. I want to quote from my former colleague, the Senator from Louisiana, Bennett Johnston, when we debated this matter last session. This is Senator Bennett Johnston speaking. ''If it is safe to conduct hundreds of nuclear tests, it is much more safe to store * * * nuclear waste under Yucca Mountain in containers which themselves pose quite a barrier to any contamination.''

Now, I wish to address several comments that I heard yesterday, because I believe some clarification, or even correction, is necessary. We heard from

our Nevada colleagues that the Nuclear Waste Technical Review Board has said that an interim storage facility is simply not needed. For the benefit of my colleagues who were not present at the committee hearing on February 5, I am compelled to quote directly from the Chairman of the Nuclear Waste Technical Review Board, Dr. Cohon, in his testimony before the Energy and Natural Resources Committee. Under the heading of ''Key Conclusions,'' Dr. Cohon said: ''A centralized storage facility will be needed.''

Let me repeat that. Dr. Cohon, Chairman of the Nuclear Waste Technical Review Board, said: ''A centralized storage facility will be needed. Planning for it should begin immediately.''

However, he did go on to state: ''There are no compelling technical or safety reasons to move spent fuel to a centralized storage facility for the next few years.''

''Technical or safety reasons * * *.''

Mr. President, you will notice that Dr. Cohon is silent on the other reasons—contractual obligations, lawsuits, failure to implement the 1998 deadline of the current waste act, financial liabilities.

Furthermore, as we all know and the DOE has acknowledged, it will take more than a few years to license and construct an interim storage facility. Even if we were to begin today, right now, immediately, it is still going to take time to make it happen and to make it happen through all of the Federal laws and with an environmentally safe, sound, and acceptable design.

Dr. Cohon testified that steps leading to centralized storage ''should begin immediately.'' That is exactly what Dr. Cohon was speaking of. S. 104 directs that the steps leading to that interim storage be initiated.

Let me quote from the board's second key conclusion on the interim storage: ''Significant advantages can be derived from siting a storage facility adjacent to the repository.''

That is what the board has said. That is exactly what S. 104 does. For some reason, it is very difficult, if not absolutely incorrect, to portray that S. 104 is somewhere out of step with the current Nuclear Waste Policy Act or with the board's finding—this board of technical and professional people who had been brought together for the purpose of establishing the findings necessary to build a permanent repository.

Dr. Cohon goes on to recommend that an interim storage facility be located at the Nevada Test Site only after site viability is determined.

Mr. President, let me dismiss another allegation from our opponents—that S. 104 short-circuits the viability process. It flat doesn't happen, and the bill doesn't proceed in that manner. S. 104 sites an interim storage facility at the Nevada Test Site after site viability is complete—not before viability, not instead of viability, but after viability. That is what the language of the proposed law says.

I am growing weary of a variety of charges that relate to S. 104 short-circuiting the science of the waste program. That is the argument that has been placed by my opponents, that somehow the scientific progress gets short-circuited. That is unfounded. It is done to create fear among those who have not studied the issue thoroughly. It is always important on issues like nuclear waste and high-level nuclear radioactive materials that science be a major player. Therefore, it is always easy to wave the flag of ''no science'' and say it is an unsafe action or we should not be doing that. That simply is not the case here; it has never been the case. The scientists have been at the forefront of all of these actions, and they have led the development of the whole process to the point of where we are.

This brings me to another area that has been the subject of misinformation. My guess is that it is just going to be the subject of misinformation throughout the debate—the issue of transportation. During my remarks yesterday, I went through, in some detail, the tests that are required to be performed before the Nuclear Regulatory Commission will license the containers that are used to transport spent nuclear fuel over highways or railways. What I would like to do is repeat that this has never been an issue, and it isn't an issue now. That isn't to say it isn't a political issue; it is a political issue, but it cannot be argued on scientific grounds, on engineering grounds and, most important, after the 2,500 loads of nuclear material that have traveled across this country over the last several decades, it cannot even be argued after the fact that somehow there was an accident that resulted in human injury as a result of radiation. There were accidents, but the containers and the material were totally safe.

We did hear an allegation yesterday that it is so dangerous to transport these materials that we have never successfully licensed a shipping vessel for transportation of spent fuel. The fact is, not only have spent fuel shipping containers been successfully tested and licensed, the Nuclear Regulatory Commission currently has over 20 different types of shipping containers—not 20 different containers, but 20 different types of shipping containers—that it has successfully licensed. Let me repeat that. It has successfully licensed them for use over highways or railways. These are containers that have passed all of the tremendously rigorous tests that I outlined for you yesterday, such as the drop test, the puncture test, the fire test, the water immersion test; all of them have been licensed under those standards.

This brings me to another erroneous charge that I wish to dismiss. It is the charge that these testing requirements are not adequate to meet real-life accidents. Oh, my goodness. I can't imagine that even could be suggested. You don't drop a metal container 50 feet onto a hard, immovable concrete slab and have that container bounce and stay whole time after time and even suggest that the test itself wasn't real life. It is extraordinary. It is well beyond the norm.

We have heard that the fire test requires a temperature of only 1,475 degrees Fahrenheit and that gasoline fires can burn hotter than this. Well, we need to look at all of the parameters of the fire test to see if it is tough enough for real-life accident conditions.

In response to the gasoline concern, Lawrence Livermore National Laboratory was asked to investigate if the fire temperature required for testing was hot enough. They concluded that when you look at all of the fire parameters, not just temperature, but duration, insulation, how the container is positioned in the flame, look at all of these factors in combination, actual fires would not exceed in overall severity the fire test that the shipping containers must go through. Now, this is one of the best scientific labs in the world. This is the best test that you can create anywhere to check the integrity of the container. After doing so, they said that the container was adequate to meet the standards and the risks involved.

The overall point is that these issues and allegations have been investigated, tested, studied, and, in every case, they have been ultimately debunked. Again, my argument, my premise is that this debate has nothing to do with science, nothing to do with geology, to date, nothing to do with engineering facts. Those have all been established for decades. Those facts are unrefutable. It has everything to do with politics.

There are enough studies and papers on these issues to fill technical libraries at every national laboratory across the country, including the Idaho National Laboratory. It is time to move beyond the hyperbole and scare tactics.

S. 104, the Nuclear Waste Policy Act of 1997, will allow the Government to fulfill the contractual obligation it assumed, under the law passed by this body in 1982. The deadline for action on this obligation is just 9 months away.

S. 104 will resolve the question of what to do with spent nuclear fuel and high-level radioactive waste in a timely manner.

So I urge my colleagues, as we begin this debate tomorrow on S. 104, to recognize that there are facts and there are fictions, and, most important, as is quite typical on this floor, there are politics. The politics of this issue is, you don't want it to happen in your backyard, even if it's now in your backyard. You don't want it to be moved across the country, although we have moved it for years with no human risk from radiation ever having happened. We have the greatest record in the world for transportation. We have built the best science that national engineering can allow. So what is the problem?

Well, the problem is if you can argue the issue long enough and if you can drag your feet long enough, you can bring an industry that provides 20 percent of the electrical power of this country to its knees, because it is the logic of those who substantially oppose the nuclear industry that if you don't responsibly deal with the waste created by that industry, ultimately the American public will no longer tolerate the generation of that waste and the industry itself has to be shut down.

What we are trying to do now is not deal with what I have just said, but deal with the waste we have already created. We have, for four decades in this country, created waste, whether it be defense waste, Government waste, or whether it is commercial spent fuel coming from commercial reactors that generate 20 percent of the electrical output of this country. It is only responsible that we deal with the waste we have, making sure, as other Congresses have concluded, that it is in a single, safe, deep geologic repository where we can rest assured of the kinds of environmental integrity and safety the American public expects.

That is really what S. 104 is all about—Federal obligation, Federal responsibility, liability to taxpayers, sound environmental activity, and wanting to find that single safe repository to which all of the waste from 41 States and over 80 locations can go.

I think it is important that we move ahead in a timely fashion. I am pleased we can move to the debate tomorrow. I hope that we can deal with the necessary amendments that would come up and that by the end of the week, we can move to final passage on this important legislation.

I yield the floor.

Mr. ALLARD. Mr. President, I rise in support of the cloture vote on S. 104. The Nuclear Waste Policy Act of 1997 is a crucial piece of legislation that deserves the support of both sides of Capitol Hill and the administration. It is responsible legislation, necessary legislation, and legislation that when enacted will provide the utmost safety for our constituents.

S. 104 provides for the safe transport of nuclear waste from numerous sites around the Nation to one safe, central location in Yucca Mountain. The Department of Energy must, by November 30, 1998, be accepting waste on an interim basis at the facility. By December 31, 2002, the DOE would be required to apply for authorization to construct a permanent repository at the site.

To put this in context we should examine the alternative to this legislation. Absent this legislation, or action by the courts, costs will continue to be accrued on our constituents. For example, storage of used nuclear fuel at an operating nuclear reactor can cost $34 to $50 million. More importantly from Colorado's perspective it is estimated that keeping spent fuel on site where the reactor has shut down can cost $46 to $64 million. While Colorado currently has no operating nuclear reactors, they do have one commercial facility that has a shut down nuclear reactor, Ft. St. Vrain. Currently, the costs of storage at Ft. St. Vrain are being paid by DOE, if DOE is forced to pick up similar costs around the Nation, it will be a hefty bill that I'm not sure they can afford. Colorado also is home to Rocky Flats, a facility that formerly made nuclear triggers. That facility also has waste that will ultimately end up at Yucca Mountain.

What other alternatives are there? If the court is forced to decide the issue and they require the Federal Government to pay the cost of onsite storage, American taxpayers would pay $7.7 billion over the cost of one central temporary storage facility. Furthermore, additional costs from inaction could range from $40 to $80 billion. Where would this money come from?

Additionally, if this legislation isn't passed, the next opportunity Coloradans will have for removal of this material will be in 2015. I find this unacceptable currently, Colorado has waste stored near millions of people on the Front Range. It is a hazard that we should fix, and this legislation is part of fixing that problem.

Both of these sites have waste that will ultimately be shipped to Yucca Mountain. From Ft. St. Vrain there is about 16 metric tons of spent nuclear fuel and from Rocky Flats there is contaminated plutonium that, once it is vitrified, will be sent to Yucca Mountain. My State needs this legislation, and has paid for this legislation, since the inception of the waste fee Colorado has paid roughly $300,000 to the Nuclear Waste Management Program. We expect the Federal Government to honor its commitment.

Congress has the obligation to support this legislation with or without support from the administration. We have an obligation to act responsibly, even if the administration won't. Once again I thank Mr. CRAIG and Mr. MURKOWSKI for their leadership.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. BRYAN] is recognized.

Mr. BRYAN. Mr. President, debate is winding down today. I know we will have an opportunity to debate this issue throughout the next few days. I thought it might be helpful to clarify a statement made by the Senator from Idaho with respect to the canister issue.

The Senator from Nevada has not said that there are not canisters that have been approved, licensed, and used. There are indeed such canisters. The difference is the kind of canisters that are contemplated in the shipments that will be involved in sending some 75,000 metric tons of nuclear waste to a site in Nevada that have not yet been designed and have not yet been produced. So all of the film footage that the Nuclear Energy Institute and its supporters have used is footage with respect to canisters that would not be used in the kind of massive shipments that are contemplated here.

What is contemplated here is a canister by rail that would accommodate 20 to 24 fuel assemblies. That would be the equivalent weight of about 125 tons; it is a rail cask. And each truck cask would weigh at least 25 tons. So the standards are out there, but they have not yet been designed and built.

There was a reference, at least lately, that the concerns expressed by the Senators from Nevada with respect to the standards that have been proposed for the new enlarged canister are standards that are more than adequate to meet the task, and, indeed, that there may be some scare tactics on our part in referencing those.

Let me just simply indicate that the Livingston, LA, fire—I want to be very clear on this—involved a 1982 train derailment. That is a fact. The circumstances of that accident are not theoretical or hypothetical. They are real. The Nuclear Regulation Commission itself—not a group of Nevada legislators or the scientists that have been engaged by Nevada to argue the case here but the Nuclear Regulatory Commission itself—applied the conditions in the aftermath of the Livingston, LA, fire to the standards that are to be used in this new enlarged cask configuration and acknowledged that the high temperatures in that fire—not a theoretical fire—would cause an NRC-approved cask to fail. In their words, ''The radiological hazard would exceed compliance values by up to a factor of four.'' But the thing that needs to be emphasized—this is not some theoretical, unrealistic, utterly fantastic, farfetched, bizarre set of circumstances that have been conjured up. This relates to a real-life accident in 1982. In that accident, with the fire temperatures that were engendered as a consequence of that derailment applied to the standards which the NRC is proposing for this new canister configuration that would accommodate 20 to 24 fuel assemblies, it would fail. A radiological hazard would be created. That is a statement not by the Senator from Nevada but a statement by the NRC.

Let me make one additional point, if I may, with respect to the transportation issue. As an indication that we are not yet even ready to transport this volume of waste, I think the proponents of S. 104 would have us believe that if through some, in my judgment, irresponsible, reckless act on the part of the Congress to enact this legislation, if this were enacted today, indeed, if the storage facility were opened today, then immediately a mass migration of nuclear waste would occur from the repository sites currently; namely, at the nuclear reactors where they are located and where this flow of shipments began.

I think it is important to try to give some balance because this is not a panacea even if you buy into this corporate welfare program that the nuclear power utilities would have us embrace. I think the words of Dr. Jared Cohon, who is the chairman of the Nuclear Waste Technical Review Board—again, a body created by this Congress, not by some Nevada oversight group—points out:

> Developing a storage facility requires more than a siting decision. It also requires the development of a transportation system and developing a transportation infrastructure, including the transportation cap, and enhanced safety capabilities along the routes necessary to move significant amounts of waste will likely take years longer than would be needed to develop a centralized storage facility.

I need to make that point again. I mean, the thrust of this debate—and you will hear much more from our colleagues who are saying that somehow it is a panacea of S. 104, if enacted and signed into law, that immediately the waste will be removed from the reactor sites. That is simply not true. Even if theoretically a site could be opened in the next year or 18 months—and absolutely no one believes that—siting interim storage would require at least 3 or 4 years.

But assume for the sake of argument that the site was available, what Dr. Cohon is telling us is that because we do not have the casks currently in existence—the standards, yes, but not the casks—that it would take us a while to develop the transportation system that would be required; that it will require a few years to get that done.

So all of this talk about the casks that have been depicted on film and all of the discussion about the casks being dropped from 30 feet, 50 feet, 60 feet, or 100 feet, are totally irrelevant. We are talking about casks that will not be used for this purpose. We are talking about a new configuration cask that has not yet been developed, and I think that point needs to be emphasized.

Let me make one other point, if I may, with respect to the notion that somehow because Nevada, responding to a patriotic call during the height of the cold war in 1951, agreed to allow nuclear testing at the Nevada test site—I was in the eighth grade the year the nuclear testing began in Nevada. I have to tell you that it was a different age and a different time than it is today. We were all pretty naive about what that was about. Were we excited? Yes. We all thought it was a great thing. We were on the cutting edge in technology. In those days the nuclear power lobby convinced America that everything would be nuclear, that we would have little reactors in our back yards and planes would be powered by nuclear fuel; locomotives; and, indeed, as was often said, the nuclear power will be so cheap that it can't be measured. That goes back 46 years ago.

In my hometown of Las Vegas, businesses changed their names to atomic groceries, atomic this and that. There was an atomic hairdoo. Yes. Nevadans sensed that they were being asked to respond to a patriotic call of the Federal Government to respond to a confrontation that we had with a superpower, the Soviet Union. That frightened all of us. I hope that my friends would not suggest that because we responded to that, that there is somehow implicit a duty to accept civilian reactor wastes generated on site, a decision made by local utilities and local customers, and that that somehow be sent to us in Nevada.

I might just say parenthetically with respect to that rather naive world in which we lived in 1951, today every American pays as part of his or her tax dollars to the people who are downwind from those nuclear detonations that we were assured at the time that they were absolutely safe—''Don't worry about it. It is the most exciting thing in the world.'' We invited members of the fourth estate, the Department of Energy. Then it was called the Atomic Energy Commission. There was a little place. They built bleachers for them called News Nob. Come on up and see for yourselves. This is science. This is exciting stuff, folks.

We sent thousands of our military personnel to a place called Camp Desert Rock, and we dug trenches out there and showed them what the exposure would be like to atmospheric radiation.

Mr. President, if any responsible scientist suggested that that was absolutely safe today, I mean he or she would be hounded out of any kind of scientific academy that exists. We all know now that is dangerous stuff. It is very hazardous, and a lot of people downwind paid with their lives, and paid through genetic damage which they have experienced and suffered from cancers. As a consequence, each of us as taxpayers in America today compensate those victims.

Let me make a distinction, if I may. It has been suggested that somehow because the test sites were used for this purpose, it is an absolutely logical, inescapable conclusion that it should be the repository for this interim site. That is fallacious reasoning.

First of all, we are talking about two entirely different kinds of radioactivity. Remember what we are talking about here with high-level nuclear waste—stuff that by its very definition is deadly for thousands and thousands of years. Nobody quarrels with that in the debate—thousands and thousands of years. We all recall that in the aftermath of dropping two atomic bombs on Japan at the end of World War II—one at Hiroshima and one at Nagasaki—that those two cities did not remain isolated for decades or even a score of years. They were rebuilt immediately. The reason is that it is a different type of radiation. There is no question that there is a radiation hazard in the blinding seconds of the detonation. We have all seen that. But it is not the kind of residual radiation that requires isolation and protection for thousands of years.

Let me make a couple of points. I know the distinguished chairman of the Energy Committee has taken the floor. I can assure him I will be just a couple of minutes.

Here is the difference. Trinity was the first successful atomic detonation in the history of the world at Alamogordo in the New Mexico desert on July 16, 1945. That is the first one. That is when we knew we had a bomb that would work. In order to equate the radioactive equivalent of what is referred to as the fission product inventory that would be stored in Nevada as a result of all of these 75,000 to 85,000 metric tons, it would require the equivalent of 2.3 million nuclear detonations—let me repeat that again: 2.3 million detonations—of the Trinity-sized atomic bomb to create the equivalent of what is proposed to be stored at the Nevada test site.

Placed in another context, because Nevada did agree to host the testing programs, based upon the average yearly testing rate during the period that the Nuclear Weapons Program was operational at the Nevada test site that was approximately 20 nuclear weapons detonations per year, in order to equate to the fission product equivalent of what is being proposed to be shipped here, it required that rate of testing, namely 20 nuclear weapons tests a year, for a period of from 10,000 to 100,000 years. So we are not talking about some finite distinction. We are talking about something that is of a totally different magnitude, a totally different character.

I say to my friends who tried to equate the nuclear testing program during the days of the cold war with storage of high-level nuclear waste from civilian reactors, you are talking about apples and oranges in a literal sense. So we are not talking about the same thing. We are talking about waste that by its very nature is deadly for thousands and thousands of years. No one disagrees with that. We are talking about nuclear detonations which have a totally different type of radioactive footprint and which would require the equivalent of 2.3 million Trinity detonations to get the same equivalency being discussed, or a testing protocol that would call for 20 nuclear detonations a year that would have to last from between 10,000 and 100,000 years to equal what is being proposed to be sent to Nevada.

I just think those two points need to be made.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, the parliamentary procedure relative to time on this, in view of the fact that the vote has been vitiated, suggests that we are still bound by our time agreement.

The PRESIDING OFFICER. The Senator may consume as much time as he wishes.

Mr. BRYAN. If the distinguished Senator would yield for a question, I do not intend to offer any more comments today. I don't know of anybody on our side of the aisle who will.

I withhold the comment. I am informed that Senator BUMPERS may take the floor at 5 o'clock. I am not sure whether he will be speaking on this issue, or not. He may very well be. But as long as we can accommodate him, I say to the distinguished chairman that it is not my purpose to hold either the chairman or any other person to a time limit this evening.

Mr. MURKOWSKI. Mr. President, as I understand it, we will be on the bill beginning at 1 o'clock tomorrow. So I assume any Member can come over and speak on this or as if in morning business. With that interpretation, I am going to proceed for a few minutes more. Then that will be my conclusion, at least for today, relative to the topic at hand.

Mr. President, I am very pleased that we have reached an agreement to proceed to the bill, and, as a consequence, starting tomorrow at 1 o'clock, we will have to continue our debate. Many Members on our side have indicated an interest in coming over and being heard.

There are a couple of points I want to make at this time that I think bear a little examination. The other side has indicated that his legislation, S. 104, is unneeded, that it is unwise, that it is unsafe. I just cannot accept that.

First of all, to suggest it is unneeded disregards the obligation we have in a contractual commitment to take this waste in 1998. What good is a Government contract, for Heaven's sakes, if there is no intention, no desire to fulfill that contract?

Mr. President, 16 years have passed. It is clear that the waste will not be taken in 1998 as promised. Yet, the Federal Government has taken from the ratepayers some $13 billion. And who has it been paid to? It has been paid to the Federal Government. And what has the Federal Government done with it? They have not held it in escrow. They have not held it in abeyance out there, ready to meet their obligation to take the waste in 1998. They put it in the general fund. Under the crazy bookkeeping procedures we have around here, it is going to take a significant appropriation to address this obligation. So, when the other side suggests that it is unneeded, I think we have to look a little bit deeper at the significance of a contractual commitment.

(Mr. HUTCHINSON assumed the chair.)

Mr. MURKOWSKI. There has been a lot of criticism of the nuclear industry out there. What has the nuclear industry done? They provided a reliable source of power. They are the second largest supplier of power generation next to coal, 22 percent of our Nation's power. They are a dedicated group, highly technical people for the most part, dedicated to providing a reliable, safe source of energy for this country, for 22 percent of our dependents. They entered into a contractual agreement back in 1982. And where have we been since 1982? We have been here. We have been talking about it. We have been discussing, Yes, we have an obligation, but it is not due. It is due now, Mr. President. It is due next year. And we are not ready.

So what are they supposed to do? The other side would suggest, do not do anything now. Put it off. Wait until some time in the future when we have a permanent repository. How much time do we have to wait? Where is the future? The Secretary of Energy says this repository is not going to be ready, a permanent one at Yucca Mountain, until the year 2015. What, do we have to wait another 18 years? That is what the other side would have you believe.

What are the damages associated with the inability of the Government to fulfill its contractual commitment? There is full exposure, full employment for the lawyers. What we have around here is too much speculation. What we need are some facts. And the facts are that we have this stuff all over the country. The chart here shows where it is. We have the stuff spread in 41 States at 80 sites. We are proposing to address it and put it in one safe site. Where is that site? It is where we have held nuclear tests, out in the desert, for 50 years. So, when they say it is unneeded, I have to dispute that. First of all, it is needed because we are in violation of a contractual commitment that the Federal Government entered into in good faith.

What did the court say about it? The court said the Government is liable. They said that last year. The Federal Government is liable to take that waste. If we do not take it, there are going to be damages. How much are the damages? Full employment for the lawyers, it is estimated at $59 billion.

Nevada is where we propose to put it. We are going to put it in temporary casks, on the surface, until such time as Yucca Mountain's permanent repository is done. We are going to remove it from all these sites around the country and put it in one place. If that is irresponsible, and America's environmental community is opposed to it, then they must be for this.

The other side makes an issue that no environmental group supports this legislation. What do they support? You and I know what they support. They support doing away with the nuclear industry in this country. That is their objective. And what do they propose, to make up that 21, 22 percent of our power generation? They do not want to address that. They say, ''Wind power.'' Fine, I am for wind power. Solar? Fine, I am for solar. You just cannot generate sufficient amounts with the technology we have. How about hydrogen? Let us go that route? Great. But you have to be in the real world. They want air conditioning, they want the lights to go on. And the nuclear power industry is contributing to this, almost 25 percent of our total energy.

So, when they say it is unneeded, they are absolutely wrong. Do we want to shut down those nuclear plants because they are running out of storage space? They were licensed for so much space. You have seen pictures of those pools. You have seen the spent rods being stored there. That was not permanent storage. It was not designed for permanent storage. Everybody knows that. It was temporary, until such time as the Government could fulfill its contract.

Did the environmental community and the folks who are down at the White House who are opposed to this legislation, who, I might add, have no position on this issue, do they want us to have blackouts on hot summer days? What do they propose in the future, if we do not address this problem of adequate storage on hand when our storage is filled in those pools? Do we want to default on our Federal obligation? I have already talked about that. And, remember, the courts have upheld the obligation of the Federal Government.

What kind of precedent are we setting in this country for those who observe the way Government does business, to ignore the commitment to the ratepayers who have contributed with the expectation that the waste would be taken?

The comment was made by the other side that interim storage in Nevada was unneeded and unsafe. Is it safe to continue to store this waste in the pools that were designed to hold that waste for a temporary timeframe?

One of the Senators from Nevada says that the 100 millirem standard is unsafe. Let us talk about that, because those kinds of speculative arguments excite a lot of people. Again, it is speculation.

The current EPA radiation protection guidance is 500 millirem, 500. EPA is considering making it 100 millirem, to even be more protective. So, the current EPA radiation protection guidance says 500, but we have it at 100 in our bill. Additionally, we provide EPA with the authority to proscribe a stricter standard if needed. As a consequence, to suggest our bill is unsafe defies reality. We are promoting the public health and safety with a higher standard, if indeed it is needed.

We have heard it said that transportation is unsafe. We have shown that nuclear fuel was safely transported across the country every single day of the year, year in and year out, 2,400 shipments for 16 years, from 1979 to 1995, through every State in the Nation except South Dakota and Florida. It has been moving. Why has it been moving? It has been moving from all these different sites. It has been moving from universities that have test reactors, research reactors. It has been moving

from military sites, from Navy sites. It has been moving, moving, moving, and we have not had any accidents.

We talk about what kind of container is going to be involved. Obviously, it is going to be a safe container, the same kind that has moved this material in 2,400 shipments. So that is a bogus argument, to say it is unsafe. We have shown that casks cannot be breached with real world accidents. We have shown there has never been an accident involving the release of radiation. Of course, in Europe, in Asia, they move this stuff all over, all over the world. So, if you want to buy fear tactics, this is probably a good environment to buy them in because there are lots of them around here.

A further statement was made relative to our bill being unwise. I have trouble with that. If it was wise enough, sometime ago, for us to decide that it made sense to develop a permanent repository in Nevada, at a cost of some $30 billion, which is not a sure thing, then why is it unwise to spend between $1.5 to $2 billion to build an interim that can handle the problem until the permanent is ready. If Yucca is not determined to be suitable, then we will have a place for the waste until another site is selected if we pass this bill. Either way, we will need an interim site. So this is a very wise, thoughtful approach.

Much has been made in this debate about the Nuclear Waste Technical Review Board, and what they have said. What the board has told us is that central storage is needed if Yucca comes on line, and that central storage is needed if it does not come on line. There may be disagreements about timing, but the end result is the same. We need interim storage, regardless of what happens with Yucca Mountain. We need it either way, Mr. President. Is it unwise to leave waste? Where are we going to leave the waste, with the status quo? That is what the other side proposes.

Is it wise to leave waste at 80 sites in 41 States in pools that were not designed for long-term storage and to leave it there? How long? Until Yucca's done, 2015 or longer. One State, Connecticut, has guards and fences around the pools of nuclear waste in one of our Senator's neighborhoods, a Senator in this body.

So when they say it is unneeded, unwise, unsafe, I suggest they look at reality and recognize there is, indeed, every reason to believe that it is safe to take it out of 80 sites in 41 States that we have safely transported across this country for over 16 years, and it is certainly needed because the pools are full and many of these reactors will not be able to be relicensed for additional storage, because they do not have any. They will have to shut down.

So I encourage the administration and the environmental community, if you do not like this bill, then come up with an answer. I encourage the environmental community to recognize that as they address the legitimate concerns we all have over greenhouse gases, increased carbon emissions, where do we look for relief?

We just had a significant portion of the French Parliament here. They were acknowledged. We had a 2-minute recess. They told me in the back they wished us well with our effort to bury our waste. In France, they do not allow you to bury your waste because it is valuable, because they have embarked on a technology called reprocessing where, through a MAX fuel process, they recover the waste associated with those rods that are stored in the pools and they recover the energy in a plutonium form and put it back in the reactor with enriched uranium. Who is addressing the proliferation threat? They are burning theirs. We are proposing to put ours underground. In the meantime we are like ostriches running around saying, ''We can't do this, we can't do that.''

What are the Japanese doing? The Japanese have taken the French technology which, incidentally, we developed initially when we had proposed to reprocess. We cannot reprocess because we have a policy against reprocessing. But the Japanese have expanded on an effort to be totally independent of imported energy in Japan. What does that do to their industrial economy? It makes it pretty secure. They are going to depend on nuclear energy. If there is any country that has had an experience with nuclear energy that is more sensitive, I do not know what it could be other than Japan.

The Japanese are committed to a $20 billion to $24 billion project. I was up there last December. They are building a refueling, reprocessing, state-of-the-art facility. Do you know what they are doing now? They are sending their waste from their nuclear reactors over to France, the French are reprocessing, and the waste goes back vitrified. But they are going to do it themselves in Japan. They are going to recover the plutonium, put it back in the reactors and reduce the proliferation threat, because plutonium has value.

I am not here arguing the case for that. I am simply stating what is happening in the real world with state of the art. France is 70 percent dependent on nuclear power. We cannot even figure out what to do with our waste. The last nuclear plant was built in this country in 1979, 1980. That is where we are. Nobody in his right mind would try and build one today, because the permitting process would simply make it unfeasible, if there is such a word, certainly noneconomic from the standpoint of generating a return.

I can stand here on the floor of the Senate and predict that within 10 years, we will be going to Japan and we will be going to France for the advanced technology associated with disposal of high-level waste. What this administration has done is to allow in nuclear waste from other countries, but it will not address its obligation to the nuclear power industry to take its waste that it has collected the money for the last 16 years, $13 billion.

So I hope some of the folks down at the White House reflect a little bit on the obligations that we have made commitments and the reality that we have not performed. It is easy to criticize the nuclear industry with regard to nuclear waste, but let's be realistic and let's recognize, again, that they have performed their obligation. Now they are asking the Federal Government to perform theirs.

I want to conclude my debate today with a little reference on a portion of the statement that was made regarding the Nuclear Waste Technical Review Board and the points made in that debate on the other side.

My distinguished friends and colleagues from Nevada have in their statements, I think, misinterpreted or perhaps misunderstood some of the conclusions associated with the Nuclear Waste Technical Review Board. There has been an assertion that the Nuclear Waste Technical Review Board—which, as has been stated, is a panel of scientists appointed to review the Department of Energy's nuclear waste program—opposes the construction of an interim storage facility. The suggestion is they oppose it. This simply is not true, Mr. President.

Following a February hearing on S. 104, I asked the chairman of the board the following question, and this is from the record:

> Those who oppose S. 104 have used the board's report as evidence that ''technical and scientific experts'' believe that a centralized temporary storage facility will not be needed. Is this the conclusion the board intended people to draw?

The chairman responded:

> On the contrary, the board believes that a centralized storage facility will be needed——

Will be needed, Mr. President——

> and the generic planning should begin immediately. Significant advantages can be derived from siting a storage facility adjacent to a repository.

OK, adjacent to Yucca Mountain is what S. 104 proposes. The board did state, however:

> However, there are no compelling technical or safety reasons to move spent fuel to a centralized facility for the next few years.

I think we have here some questions of timing. ''The next few years,'' the last time I checked, few meant two. In order to be able to move spent fuel in a few years—well, we started this process, and we have been, what, 16 to 17 years now trying to move this process along. We entered into a contract with the nuclear power industry to take it 16 years ago. Here we are today, 1 year away from a mandatory obligation to perform under a contract in 1998, and when is this one going to be ready? 2015. So we have 17, 18 years.

The other side said we should not start now, or they interpret the board's interpretation to mean there is no compelling or safety reason to move

spent fuel to a centralized storage facility in the next few years. If we started today in this process, which is what I hope we will do as soon as the Senate supports passage of this bill, we will not be able to start on this facility until we are into the year 2000. We all know that. So it is a question of timing.

It is only natural that the board begin this process. This is a technical body. They probably have no concept of the lead time legislation must have before it can become law and can result in planned action. Again, 17 years on this process already.

So as we move to the bill, I am willing to offer an amendment that would provide a new schedule for siting construction of the interim facility, recognizing 2 years is not going to do it. This is to take into account the passage of time since introduction of the original legislation. Mr. President, even before this amendment, in response to written questions, the chairman stated something else:

> The difference in timing between the board's recommendations and the approach set forth in S. 104 are not substantial.

I think it is fair to say that my friends from Nevada have placed a good deal of faith in the board's judgment, but I would like to point out some of the board's statements that they won't tell you about. At the February hearing, Chairman Cohon stated that:

> The board believes that the risks associated with transporting spent fuel are very low—

Very low——

> and are likely to remain very low even when the number of shipments increases.

I hope that satisfies my friends from Nevada.

While my colleagues have asserted that nuclear waste can stay just where it is, and that is the position they have taken, the board has stated:

> The board believes that one or more centralized spent fuel storage facilities will be needed somewhere if Yucca Mountain proves to be unsuitable for development as a repository.

Where is somewhere, Mr. President? Somewhere is out here at the Nevada site that was used previously for more than 800 nuclear weapons tests over 50 years. That is somewhere. It has to go somewhere. Nobody wants it. This is someplace, contrary to the claims we heard today that the Nuclear Waste Technical Review Board does believe that temporarily centralized storage of nuclear waste is needed and transportation of spent fuel is safe.

The last issue I would like to refute is a question of, well, why not wait until 1998? The administration says it objects to siting a temporary storage facility before 1998 when the viability assessment for Yucca Mountain will be completed. There have been those who asked, ''Why can't we just wait for 1998 and pass the legislation then?'' I think I have addressed that, but to anybody who has watched this process, the obvious answer is, it is going to take a few years, more than a few years. It has taken over 2 years since the first introduction of this legislation, and we are still debating on the Senate floor.

S. 104 takes into account the viability assessment. It provides a procedure for choosing an alternative site if it is negative, and S. 104 gives the Department of Energy the authority it needs to begin the year or so of nonsite-specific work necessary to build an interim storage facility. Anyone who believes that the viability assessment will make passing legislation easier is out of touch with reality. The reality is that no one wants nuclear waste stored in their State, whether it be Arkansas or Alaska or Nevada. But we have to put it somewhere.

And this was good enough for 800 nuclear weapons tests over 50 years out in the Nevada desert where they have an experienced work force. They have security. They have the know-how. And it was selected as the best site for a permanent repository. We have expended $6 billion in a process that ultimately is going to take an expenditure probably of $30 billion to finish it.

At the committee hearing on Senate bill 104 in February, all four members of the Nevada delegation stated that no level of scientific proof would basically lessen their opposition to this project. I commend them for that; they are doing what they have to do for their State. If it was not Nevada, it would be some other State here.

But we have an obligation to put it somewhere. And that is the bottom line of this whole debate. When we go round and round and round, nobody wants it. We will not reprocess it like Japan, like France, and take advantage of advanced technology to counter proliferation threats. We cannot get the environmental community to responsively address reprocessing. So we are hell-bent to bury it—as long as we do not bury it anywhere.

The ultimate reality is that the Federal Government has an obligation to start taking this waste next year. The obligation is to move nuclear waste, not to start thinking about how you might take waste in the future.

So, again, I would urge my colleagues to recognize that we have reached a crossroads. The job of fixing this program is ours. The time for fixing it is now. We have it at 80 sites in 41 States, and no one can convince me that is the best procedure to just leave it there.

We have made progress at Yucca. The 5-mile exploratory tunnel is soon going to be complete. And we can build on this progress. This bill continues the site characterization activities for that permanent repository. And do not believe anything else. But we cannot put all our eggs in the Yucca basket. We need this storage facility, this temporary facility now. Otherwise, Mr. President, what we are going to be doing—make no mistake about it; I want every Member to so note—we are going to be leaving it right where it is: in your State. If you are one of the 41 States, leave it right where it is for another generation to come along and debate it, talk about it.

In the meantime, we are leaving it in storage that was not designed for long-term storage. We can choose whether the Nation needs 80 interim storage sites or just one at the Nevada site where we exploded nuclear bombs during the cold war. It is safe. It is remote. It is monitored.

If Yucca is licensed, which I think it will be, it will be an easy task to move the material to the repository. And if Yucca is not licensed or found to be unsuitable, we will need a centralized interim site anyway. So we will be ahead of the game regardless of what happens at Yucca.

Mr. President, this is a step we should take. The time is now. And any attempt to escape this obligation would be unwise. It would be unsafe to fail to address the problem. And what is unneeded is further delay.

Mr. President, I thank you for the courtesy of recognizing me and wish you a good day and yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I came to the U.S. Senate in 1975. At that time, the nuclear debate was raging full blast. ''Shall we or shall we not build more nuclear-electrical-generating plants?'' I just finished 4 years as Governor of my State. And we had built two nuclear plants up on the Arkansas River. I believe the total cost of both of those plants was $400 million. It was represented to me at the time, as Governor, that that would be by far the cheapest power we would ever know anything about.

But after I came to the Senate and began to investigate the feasibility and the advisability of taking this country down the nuclear path, I quickly came to the conclusion that I would resist any additional nuclear plants. There was another highlight on the front burner called the Clinch River breeder reactor to be built on the Clinch River down in Tennessee.

I remember in 1981, the Republicans took over this place, and Howard Baker, the Senator from Tennessee, and one of the finest men ever to serve in this body, became majority leader. I was trying to keep any additional nuclear plants from being licensed—and it was not a tough chore. A lot of people had made up their minds at that point that the nuclear option was not a good one. I fought for about 4 years to kill the Clinch River breeder.

But I was up against the majority leader. And as everybody here knows, as the old revenuer said, when they announced United States versus Jones, he turned to his lawyer and said, ''Them don't sound like very fair odds to me.'' And it was not very fair odds to go up against the majority leader on the Clinch River breeder, which was going to be built in his beloved Tennessee.

Howard Baker could always just pull out that one extra vote he needed. The

vote was always close, but when you are majority leader, you know, you can just call somebody over and say, ''I need your vote,'' and you usually get it.

Finally, one year I was ahead by about six or seven votes as the votes were being cast, and I think Senator Baker decided that he was done for, and he turned everybody loose that had committed to him who did not really like the idea of the Clinch River breeder reactor and were only voting for it to accommodate him. He turned them loose, and I think we won that day by about 70 to 30. Happily, that was the end of the Clinch River breeder.

I had a group of people from France in my office this afternoon, some politicians and some deeply involved in the electrical industry. They wanted to talk about the new concept of restructuring the electricity industry in this country to go to retail competition. They are doing this in France. They are doing it in Germany and doing it all over Western Europe. And they wanted to talk to me about my bill.

One of them said, ''Senator, we understand that you are the Senator who killed the breeder reactor.''

''Mais oui.''

He said, ''If you had it to do over again, would you do it again?''

''You bet.''

France is heavily dependent on breeder reactors. But they are also in the business of reprocessing and using MOX to generate power, and so on. I guess I am digressing a little bit to say about the breeder reactor, it is dead, dead; and I am glad it is dead.

The reason I did not like the breeder reactor is the same reason I did not like nuclear power, period. It is wonderful. It is the cleanest power you can have. You see that nice, clear white smoke coming out of those smokestacks in Russellville, AR. And you know there is nothing polluting about that plant.

But if you look inside, if you look inside the plant and you see those fuel rods, you have to ask yourself, since these things are going to be radioactive for thousands of years, how do you dispose of them? That is the reason I turned against nuclear power. I could not figure out a way on Earth that we were going to environmentally, acceptably dispose of those fuel rods.

So now, Mr. President, we are here today debating that very proposition and 35,000 tons of spent nuclear fuel created by the electrical generating companies of this country and thousands of tons more by the Pentagon. It has to be disposed of. And we have been laboring with the question of how we are going to do it. As we lawyers say, ''Since the memory of man runneth not.'' We are doing our very best to keep faith with the people of this country and dispose of it in a way that they will be able to sleep at night.

Let me tell you one other thing. If we dispose of it the way the Senator from Alaska proposes right now, we may be transporting that stuff all over the country two or three times. And, you know, I live in a little town of 2,500 people, Charleston, AR. You are being addressed right now almost entirely by the South Franklin County Bar Association. I was about the only lawyer in town—it is so little. But if I were a lawyer in Charleston, I would be very apprehensive about all that nuclear power coming from Russellville, AR, right up Highway 22. And the Presiding Officer knows exactly the location I am talking about. Coming right up Highway 22 through Charleston, AR, headed for Yucca Mountain.

So, what did we do? In 1982, we passed a bill called the Nuclear Waste Policy Act. A good bill. We said to the electrical industry in this country, the nuclear electrical industry, that you pay a fee to the U.S. Government every year. We will use your money to find and develop a permanent repository for this nuclear fuel.

We passed the bill. The deal was cut. We started collecting the fees. Both sides operating in ultimate good faith. No shenanigans. You pay us a fee every year and we will use it to find a site. We found a site called Yucca Mountain in the home State of my good friend, the junior Senator from Nevada.

I am on the same side of the Senator from Nevada. And if it were Arkansas instead of Nevada that they were putting it in, I would be like him sitting in my seat on this floor 24 hours a day trying to keep faith with my constituents and saying, what have we done to deserve 35,000 tons of nuclear waste dumped in our backyard? And I am sad about that. It is one of those things. Somebody has to do it.

So we find Yucca Mountain and everybody says this is the best possible site—not the perfect site, may not be the site ultimately chosen—but it is the site we are choosing to start spending this fee the utilities are paying us.

So, what have we done since 1982? We have dug a 5-mile hole, a tunnel in Yucca Mountain in anticipation of it ultimately being decided that it is by far the best place to locate this spent fuel. We have spent $4.8 billion on that 5-mile hole. And we are going to spend a lot more before it is perfected.

But, Mr. President, the reason we stand here today debating this bill is this. We said to the utility industry, we will take your fuel—we being the U.S. Government, the Energy Department—we will take this 35,000 tons of spent fuel and we will start taking it in about January 1998. That is coming up. It will be here before you know it.

Now, the utilities have been operating in good faith, too. They have been paying their fees in anticipation of getting rid of this stuff which they are storing onsite at their nuclear plants.

Again, the Presiding Officer, I know, has been to those two nuclear sites in Arkansas.

Some of it is lying out in dry casks. Some of it is in water. But it is stored on site. We have 110 nuclear generating plants in this country and 76 storage sites. For example, we only have one storage site in Russellville, but two generators. That is not uncommon in this country.

So we have the 110 nuclear generating plants generating more and more spent fuel and storing it at a considerable cost to them. There is no denying this is very expensive to the utilities. So they say: A deal is a deal. In 1982 we said we would start paying you, and you said January 1998 you would start taking the fuel off our hands and we could quit building all the facilities and storing it.

It is kind of ominous. Most Senators, I suppose, have been to the nuclear plants and looked at those things. You look at the pool of water, it has a very strange color, and the nuclear rods are in that water. I have never seen a real dry cask they put it in. My legislative director has a small mock-up model of a cask they put it in. What they will be doing, if all goes through according to S. 104, they will take that fuel out of water and put in the steel casks. The casks are big, they are expensive. They will put those fuel rods inside those casks, those that are not already there, and they will start transporting them from all over the United States to Nevada. You lucky dog. They will be transporting them to Nevada in those casks.

What the Senator from Alaska says, ''We will pour a gigantic concrete slab and we will carry that stuff out there to Yucca Mountain.'' Not inside the mountain. This is somewhere around Yucca Mountain. I do not know where. We have the 5-mile tunnel built. We have a little more boring to do. But we will pour the concrete slab, transport the fuel out there, and just leave it out there in the open.

Now, this sounds simple, but it is a pretty expensive undertaking. What it means is if S. 104 passes and the President vetoes it and we override his veto, it will cost about $4 billion over the next 5 years instead of the $2 billion we are planning to spend on the permanent repository.

Mr. President, I tell you something interesting that has nothing to do with the debate. If, in August of next year—bear in mind there will be a determination made next August on whether or not Yucca Mountain is suitable. Incidentally, the reason we are here today is because the dates are at cross purposes. We have to start taking the fuel in January, but we do not know whether Yucca Mountain will be determined to be suitable until August of next year. So we are required to start taking the stuff 8 months before we know whether Yucca Mountain will be the ultimate repository. Now, if it is, if next August we find it suitable, there are still a lot of licensing procedures to go through, but basically we are in fat city. Everybody will be happy because Yucca Mountain has been determined to be suitable, and we will take all this waste that S. 104 wants to take out and

put on a concrete slab. In the year 2010 we will start taking it and putting it in that hole, that tunnel in the mountain, and we will seal that sucker up. You think about it. We will put 84,000 tons of spent nuclear fuel in this tunnel in Yucca Mountain and seal that thing. No guards and no monitors walking up and down hallways, putting a Geiger counter on it and see what the radiation is that is coming out of it. We will seal it up forever.

Now, before I get to the end of this tale, let me go back a moment and say this stuff is going to be in Yucca Mountain for thousands and thousands of years. And you know why? Because that is how long it is radioactive. You know what we are debating here today? Ten years. We are saying we cannot wait 10 years to make sensible decisions that affect the lives of every man, woman, and child in America. We have to do it right now because the utility industry is unhappy. They want us to take it now and transport it to Yucca Mountain and get it out of their back door. If they would have listened to me 20 years ago, they would not have a problem because they would not have all that waste. I was not that powerful then. I am not that powerful now either.

But think about this: We are talking about planting 84,000 tons of spent nuclear fuel in Yucca Mountain, to be reposed for thousands and thousands of years, and S. 104 says we cannot wait 10 years to find out. We cannot wait until August of next year to determine whether or not Yucca Mountain is a suitable repository. This is a monumental decision. We are not talking about the Kentucky Derby. We are talking about thousands of tons of lethal spent fuel and how we will dispose of it safely so the American people can sleep at night.

I share the concern of the Senator from Alaska about disposing of this stuff. I am not trying to drag my feet. Everybody knows we have to dispose of this stuff. We are talking about what is the best way to do it. What is in the national interest? What is sensible? What is the safest way to do it?

It is tragic that the Energy Department has to renege on its agreement, but it cannot help it. It was not their fault. It really was not anybody's fault that we did not get this all done by 1998. But the Energy Department says certainly if it is found suitable, we believe we can start taking this stuff by the year 2010 and doing it properly and in a way that everybody will find to be suitable and satisfying.

So what happens under this bill? If Yucca Mountain is found to be unsuitable next August, you have to go ahead and build this thing anyway, this interim storage site, unless the President of the United States finds an alternative site and Congress approves that alternative site all within 2 years. If anybody believes you can do that, hold up your hand. That is an absolutely impossible condition in S. 104. The President cannot find another site and get Congress to approve that site within 2 years. We have been working on Yucca Mountain forever, and now we are in a posture of finally concluding a happy end to this situation. But even if Yucca Mountain is found to be unsuitable, S. 104 of the Senator from Alaska will still require that every pound of nuclear waste in this country be transported to Yucca Mountain, even though that is not going to be the permanent repository site.

So what happens then? We find another permanent repository site. We will load it all up and bring it back through Charleston, AR, once again. That will make the citizens happy. They already had the daylights scared out of them bringing the fuel through their hometowns once. Now they will get it again. So why take it in the first place? Why not at least give the administration and the utility industry an opportunity to work out some kind of an arrangement whereby we will pay them—they are suing us now, and frankly they have a good lawsuit. I do not deny that. They have a good lawsuit. We agreed to take it in 1998, and we cannot do it. So we will have to pay.

So my question is why not pay them to leave it where it is for a few months until we can make a decision about the suitability of Yucca Mountain and proceed the way we have been proceeding?

Now, Mr. President, let me just close by making something of a confession. It is tempting to me to support this proposition. I would not vote for S. 104 under any circumstances, but the concept set out in S. 104 makes it very appealing and very attractive. As I say, I would not vote for an interim storage site right now because we are coming up on the time when we will know with some degree of certainty whether or not Yucca Mountain will be the place. Can we not wait? America, this is the central question. Can we not wait 10 years to determine that this is the safest place in the world and the best place in the world to store this stuff for thousands of years? What is 10 years in the scheme of the thousands of years that this stuff will be stored there?

The options are not good either way. I do not blame the utilities for wanting to get rid of the stuff, but I do not blame us for not wanting to take it. It is folly in the extreme for us to take that stuff out there and spend an extra $2 billion to put in a concrete slab when we know, or will know next August almost to a reasonable degree of certainty, a year from now we will know whether or not we will be able to use Yucca Mountain, and if we are, would it not be infinitely better to transport that fuel one time—not twice, not three times—one time, to put it in a site in which we will all feel comfortable?

Mr. President, I know there are plenty of votes in this place to pass this bill. I know the President will veto it when it is presented to him. We will see what happens after that. I am trying to call for a degree of sanity and reasonableness and saying I would like to get rid of it, too. Nobody has any stronger desire to get rid of this nuclear waste than I have.

The Senator from Nevada and I will probably be on opposite sides next time. If Yucca Mountain is found to be suitable, you can bet I will vote to put it there. I have not supported the Senators from Nevada because I like them, because they are friends; I supported them because I thought they were right. I have supported the Energy Department and the administration's position on this because I think they are right.

I am asking my colleagues, I know they are getting a lot of pressure on them both from the industry and the party and different people, but I tell you something, when you start playing politics with this issue, I plead for my colleagues to remember, people may disagree with you, but they like people who stand up for what they believe, even when it is not popular. People sometimes say to me, why do you guys not screw up your nerve and do something right, something courageous for a change? I hear that all the time. Do you know what they mean by courageous? Unpopular. If it is popular, it is not courageous.

Here is a bill that is very complicated, and the American people are not homed in on it. The people here know what they are doing. I am asking, for Pete's sake, listen to this debate and do what they think is sensible, in the best interests of the country.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 7, 1997, the Federal debt stood at $5,385,190,477,419.92.

Five years ago, April 7, 1992, the Federal debt stood at $3,891,976,000,000.

Ten years ago, April 7, 1987, the Federal debt stood at $2,288,906,000,000.

Fifteen years ago, April 7, 1982, the Federal debt stood at $1,060,872,000,000.

Twenty-five years ago, April 7, 1972, the Federal debt stood at $429,202,000,000 which reflects a debt increase of nearly $5 trillion ($4,955,988,477,419.92) during the past 25 years.

## THE GREAT FALLS OPTIMIST CLUB

Mr. BAUCUS. Mr. President, as a newly inducted member of the downtown Optimist Club of Great Falls, MT, I take great pride in telling my colleagues about the new Optimist International Child Safety Awareness Program.

In recent months, there have been numerous reports of serious and even fatal injuries to children as a result of incorrect positioning or improper restraint in vehicles. Often these injuries are preventable.

The Optimist International Child Safety Awareness Program operates under the premise that adults must assume the responsibility to see that their kids are safe while driving in a motor vehicle. The Optimist Club seeks to increase adult awareness of the hazards of incorrectly positioned children. I am very excited about this plan because I think we can make a real difference.

The Optimists have always been strong advocates for children's safety. I encourage all of my colleagues in Congress to become familiar with the Optimists program and give it their full support. Our children are depending on it.

Mr. President, I yield the floor.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT CONCERNING THE ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

*To the Congress of the United States:*

As required by section 308 of Public Law 97–449 (49 U.S.C. 308(a)), I transmit herewith the Annual Report of the Department of Transportation, which covers fiscal year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 8, 1997.*

## REPORT CONCERNING THE ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

*To the Congress of the United States:*

Pursuant to the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 13th Annual Report of the National Endowment for Democracy, which covers fiscal year 1996.

The report demonstrates the National Endowment for Democracy's unique contribution to the task of promoting democracy worldwide. The Endowment has helped consolidate emerging democracies—from South Africa to the former Soviet Union—and has lent its hand to grass-roots activists in repressive countries—such as Cuba, Burma, or Nigeria. In each instance, it has been able to act in ways that government agencies could not.

Through its everyday efforts, the Endowment provides evidence of the universality of the democratic ideal and of the benefits to our Nation of our continued international engagement. The Endowment has received and should continue to receive strong bipartisan support.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 8, 1997.*

## REPORT CONCERNING THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

*To the Congress of the United States:*

In accordance with section 540 of the Federal Food, Drug, and Cosmetic (FDC) Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1995.

The report recommends the repeal of section 540 of the FDC Act, which requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Center's Home Page Internet Site, and other publicly available sources. Agency resources devoted to the preparation of this report should be put to other, better uses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 8, 1997.*

## MESSAGES FROM THE HOUSE

At 11:38 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 11. Concurrent resolution permitting the use of the rotunda of the Capitol for ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

## MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

S. 522. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; ordered referred jointly to the Committee on Finance and Committee on Environment and Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ABRAHAM:

S. 518. A bill to control crime by requiring mandatory victim restitution; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 519. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 520. A bill to terminate the F/A-18 E/F aircraft program; to the Committee on Armed Services.

By Mr. COVERDELL (for himself, Mr. INHOFE, Mr. HUTCHINSON, Mr. HAGEL, and Mr. SHELBY):

S. 521. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; to the Committee on Finance.

S. 522. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; read the first time.

By Mr. GLENN:

S. 523. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. DORGAN):

S. 524. A bill to amend title XVIII of the Social Security Act to remove the requirement of an X-ray as a condition of coverage

of chiropractic services under the Medicare program; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Mr. STEVENS, Mr. ROCKEFELLER, Mr. BENNETT, Mr. DASCHLE, Ms. COLLINS, Mr. WELLSTONE, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. CAMPBELL, Mrs. MURRAY, Mr. REED, Mrs. BOXER, Mr. LAUTENBERG, Mr. DURBIN, and Mr. REID):

S. 525. A bill to amend the Public Health Service Act to provide access to health care insurance coverage for children; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. JEFFORDS, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Ms. SNOWE, and Mr. WELLSTONE):

S. 526. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. HARKIN, Mr. WELLSTONE, and Mr. KENNEDY):

S. 527. A bill to prescribe labels for packages and advertising for tobacco products, to provide for the disclosure of certain information relating to tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 518. A bill to control crime by requiring mandatory victim restitution; to the Committee on the Judiciary.

### THE VICTIM RESTITUTION ENFORCEMENT ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Victim Restitution Enforcement Act of 1997. I have long supported restitution for crime victims, and have long been convinced that justice requires us to devise effective mechanisms through which victims can enforce restitution orders and make criminals pay for their crimes.

I was very pleased when we enacted mandatory victim restitution legislation last Congress as part of the Antiterrorism and Effective Death Penalty Act of 1996. I supported that legislation and very much appreciated the efforts of my colleagues, particularly Senators HATCH, BIDEN, NICKLES, GRASSLEY, and MCCAIN, to ensure that victim restitution provisions were included in the antiterrorism legislation.

Those victim restitution provisions—brought together as the Mandatory Victims Restitution Act of 1996—will significantly advance the cause of justice for victims in Federal criminal cases. The act requires Federal courts, when sentencing criminal defendants, to order these defendants to pay restitution to the victims of their crimes. It also establishes a single set of procedures for the issuance of restitution orders in Federal criminal cases to provide uniformity in the Federal system. Inclusion of mandatory victim restitution provisions in the Federal criminal code was long overdue, and I am pleased that Congress was able to accomplish that last year.

However, much more remains to be done to ensure that victims can actually collect those restitution payments and to provide victims with effective means to pursue whatever restitution payments are owed to them. Even if a defendant may not have the resources to pay off a restitution order fully, victims should still be entitled to go after whatever resources a defendant does have and to collect whatever they can. We should not effectively tell victims that it is not worth going after whatever payments they might get. That is what could happen under the current system, in which victims have to rely on Government attorneys—who may be busy with many other matters—to pursue restitution payments. Instead, we should give victims themselves the tools they need so that they can get what is rightfully theirs.

The victim restitution provisions enacted last Congress consolidated the procedures for the collection of unpaid restitution with existing procedures for the collection of unpaid fines. Unless more steps are taken to make enforcement of restitution orders more effective for victims, we risk allowing mandatory restitution to be mandatory in name only, with criminals able to evade ever paying their restitution and victims left without the ability to take action to enforce restitution orders.

Last Congress, I introduced the Victim Restitution Enforcement Act of 1995. Many components of my legislation were also included in the victim restitution legislation enacted as part of the Antiterrorism and Effective Death Penalty Act. The legislation I introduce today is similar to the legislation I introduced last Congress as Senate bill 1504, and is designed to build on what are now current provisions of law. All in all, I hope to ensure that restitution payments from criminals to victims become a reality, and that victims have a greater degree of control in going after criminals to obtain restitution payments.

Under my legislation, restitution orders would be enforceable as a civil debt, payable immediately. Most restitution is now collected entirely through the criminal justice system. It is frequently paid as directed by the probation officer, which means restitution payments cannot begin until the prisoner is released. This bill makes restitution orders payable immediately, as a civil debt, speeding recovery and impeding attempts by criminals to avoid repayment. This provision will not impose criminal penalties on those unable to pay, but will simply allow civil collection against those who have assets.

This will provide victims with new means of collecting restitution payments. If the debt is payable immediately, all normal civil collection procedures, including the Federal Debt Collection Act, can be used to collect the debt. The bill explicitly gives victims access to other civil procedures already in place for the collection of debts. This lightens the burden of collecting debt on our Federal courts and prosecutors.

My bill further provides that Federal courts will continue to have jurisdiction over criminal restitution judgments for 5 years, not including time that the defendant is incarcerated. The court is presently permitted to resentence or take several other actions against a criminal who willfully refuses to make restitution payments; the court may do so until the termination of the term of parole. Courts should have the ability to do more over a longer period of time, and to select those means that are more likely to prove successful. Under my bill, during the extended period, Federal courts will be permitted, where the defendant knowingly fails to make restitution payments, to modify the terms or conditions of a defendant's parole, extend the defendant's probation or supervised release, hold the defendant in contempt, increase the defendant's original sentence, or revoke probation or supervised release.

My legislation will also give the courts power to impose presentence restraints on defendants' uses of their assets in appropriate cases. This will prevent well-heeled defendants from dissipating assets prior to sentencing. Without such provisions, mandatory victim restitution provisions may well be useless in many cases. Even in those rare cases in which a defendant has the means to pay full restitution at once, if the court has no capacity to prevent the defendant from spending ill-gotten gains or other assets prior to the sentencing phase, there may be nothing left for the victim by the time the restitution order is entered.

The provisions permitting presentence restraints are similar to other provisions that already exist in the law for private civil actions and asset forfeiture cases, and they provide adequate protections for defendants. They require a court hearing, for example, and place the burden on the Government to show by a preponderance of the evidence that presentence restraints are warranted.

In short, I want to make criminals pay and to give victims the tools with which to make them pay. In enacting mandatory victim restitution legislation last Congress, we demonstrated our willingness to make some crimes subject to this process. I believe we must take additional steps to make those mandatorily issued orders easily enforceable.

This legislation is supported by the National Victim Center and by the Michigan Coalition Against Domestic and Sexual Violence. I ask unanimous consent to have placed in the RECORD letters of support from those victims' rights organizations.

I urge my colleagues to support my legislation, which will empower victims to collect on the debts that they

are owed by criminals and which will improve the enforceability of restitution orders.

I also ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 518

*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 Restitution Enforcement Act''.

**SEC. 2. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION ORDER.**

Section 3664 of title 18, United States Code, is amended to read as follows:

**''§ 3664. Procedure for issuance and enforcement of order of restitution**

''(a) IN GENERAL.—

''(1) RELIANCE ON INFORMATION IN PRESENTENCE REPORT.—With respect to each order of restitution under this title, the court shall order the probation service of the court to obtain and include in its presentence report, or in a separate report, as the court directs, information sufficient for the court to exercise its discretion in fashioning a restitution order.

''(2) CONTENTS OF REPORT.—Each report described in paragraph (1) shall include, to the extent practicable, a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant. If the number or identity of victims cannot be reasonably ascertained, or other circumstances exist that make this requirement clearly impracticable, the probation service shall so inform the court.

''(b) DISCLOSURES.—The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a).

''(c) APPLICABILITY OF OTHER LAW.—This chapter, chapter 227, and Rule 32(c) of the Federal Rules of Criminal Procedure are the only laws and rules applicable to proceedings under this section.

''(d) ENSURING AVAILABILITY OF PROPERTY OR ASSETS.—

''(1) IN GENERAL.—

''(A) RESTRAINING ORDER, INJUNCTION, EXECUTION OF PERFORMANCE BOND.—Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property or assets necessary to satisfy a criminal restitution order under this subchapter. An order under this subparagraph may be entered in the following circumstances:

''(i) Prior to the filing of an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that—

''(I) there is a substantial probability that the United States will obtain a criminal restitution order;

''(II) the defendant has or is likely to take action to dissipate or hide the property or assets of the defendant; and

''(III) the need to preserve the availability of the property or assets through the requested order outweighs the hardship of any party against whom the order is entered.

''(ii) Upon the filing of an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that the defendant has or is likely to take action to dissipate or hide the property or assets of the defendant.

''(iii) Upon the conviction, or entry of a guilty plea, to an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that the defendant may take action to dissipate or hide the property or assets of the defendant or that an order is necessary to marshal and determine the property or assets of the defendant.

''(B) PERIOD OF EFFECTIVENESS.—An order entered under subparagraph (A) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A)(ii) has been filed.

''(2) NOTICE OF ORDER.—

''(A) IN GENERAL.—Except as provided in paragraph (3), an order entered under this subsection shall be after notice to persons appearing to have an interest in the property and opportunity for a hearing, and upon the United States carrying the burden of proof by a preponderance of the evidence.

''(B) ADMISSIBLE EVIDENCE.—The court may receive and consider, at a hearing held under this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

''(3) TEMPORARY RESTRAINING ORDER.—

''(A) IN GENERAL.—A temporary restraining order may be entered without notice or opportunity for a hearing if the United States demonstrates that—

''(i) there is probable cause to believe that the property or assets with respect to which the order is sought would be subject to execution upon the entry of a criminal restitution order;

''(ii) there is a substantial probability that the United States will obtain a criminal restitution order; and

''(iii) the provision of notice would jeopardize the availability of the property or assets for execution.

''(B) EXPIRATION OF ORDER.—A temporary order under this paragraph shall expire not later than 10 days after the date on which it is entered, unless—

''(i) the court grants an extension for good cause shown; or

''(ii) the party against whom the order is entered consents to an extension for a longer period.

''(C) HEARING.—A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

''(4) DISCLOSURE OF CERTAIN INFORMATION.—

''(A) IN GENERAL.—Information concerning the net worth, financial affairs, transactions or interests of the defendant presented to the grand jury may be disclosed to an attorney for the Government assisting in the enforcement of criminal restitution orders, for use in the performance of the duties of that attorney.

''(B) USE OF CONSUMER CREDIT REPORTS.—

''(i) IN GENERAL.—An attorney for the Government responsible for the prosecution of criminal offenses, or responsible for the enforcement of criminal restitution orders, may obtain and use consumer credit reports to—

''(I) obtain an order under this section;

''(II) determine the amount of restitution that is appropriate; or

''(III) enforce a criminal restitution order.

''(ii) GRAND JURY SUBPOENA.—This subparagraph does not limit the availability of grand jury subpoenas to obtain a consumer credit report.

''(iii) PROBATION SERVICE.—Upon conviction, a consumer credit report used under this subparagraph may be furnished to the United States Probation Service.

''(e) INFORMATION TO PROBATION SERVICE.—

''(1) IN GENERAL.—

''(A) PROVISION OF INFORMATION BY GOVERNMENT.—Not later than 60 days after conviction, and in any event not later than 10 days prior to sentencing, the attorney for the Government after consulting with all victims (when practicable), shall promptly provide the probation service of the court all information readily available to the attorney, including matters occurring before the grand jury relating to the identity of the victim or victims, the amount of losses, and financial matters relating to the defendant.

''(B) PROVISION OF INFORMATION BY DEFENDANTS.—Each defendant shall prepare and file with the probation officer an affidavit fully describing the financial resources of the defendant, including a complete listing of all assets owned or controlled by the defendant as of the date on which the defendant was arrested, the financial needs and earning ability of the defendant and the defendant's dependents, and any other information that the court requires relating to such other factors as the court determines to be appropriate.

''(C) NOTICE TO VICTIMS.—The attorney for the Government shall, to the maximum extent practicable and as soon as practicable after the provision of information by the Government to the probation service under subparagraph (A), provide notice to all victims. The notice shall inform the victims of—

''(i) the offenses for which the defendant was convicted;

''(ii) the amounts subject to restitution and any other information that is relevant to restitution submitted to the probation service;

''(iii) the right of the victim to submit information to the probation service concerning the amount of the losses of the victim;

''(iv) the scheduled date, time, and place of the sentencing hearing;

''(v) the availability of a lien in favor of the victim under subsection (n)(1)(D); and

''(vi) the opportunity of the victim to file a separate affidavit with the court under subparagraph (E).

''(D) LIMITATIONS ON INFORMATION.—Upon ex parte application to the court, and a showing that the requirements of subparagraph (A) may cause harm to any victim, or jeopardize an ongoing investigation, the court may limit the information to be provided to or sought by the probation service of the court.

''(E) AFFIDAVIT OF OBJECTION.—If any victim objects to any of the information provided to the probation service by the attorney for the Government under this paragraph, the victim may file a separate affidavit with the court.

''(2) ADDITIONAL DOCUMENTATION OR TESTIMONY.—After reviewing the report of the probation service of the court, the court may require additional documentation or hear testimony. The privacy of any records filed, or testimony heard, under this section shall be maintained to the greatest extent possible and those records may be filed or testimony heard in camera.

''(3) ADDITIONAL TIME FOR DETERMINATION OF LOSSES.—If the losses to the victim are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or a designee of the United States Attorney) shall so inform the court, and the court shall set a date for the final determination of the losses of the victim, not to exceed 90 days after sentencing. If the losses to the victim cannot

reasonably be ascertained, the court shall determine an appropriate amount of restitution based on the available information. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses during which to petition the court for an amended restitution order. The order may be granted only upon a showing of good cause for the failure to include those losses in the initial claim for restitutionary relief.

''(4) REFERRAL TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

''(5) INSURANCE OF VICTIM NOT CONSIDERED.—In no case shall the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source be considered in determining the amount of restitution.

''(f) EVIDENTIARY STANDARD.—Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and the dependents of the defendant shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

''(g) FACTORS FOR CONSIDERATION.—

''(1) IN GENERAL.—

''(A) ECONOMIC CIRCUMSTANCES OF VICTIM NOT CONSIDERED.—In each order of restitution, the court shall order restitution to each victim in the full amount of the losses of each victim as determined by the court and without consideration of the economic circumstances of the defendant.

''(B) AWARD OF REASONABLY ASCERTAINABLE LOSSES.—The court shall order restitution in the amount of the total loss that is reasonably ascertainable, if—

''(i) the number of victims is too great;

''(ii) the actual identity of the victims cannot be ascertained; and

''(iii) or the full amount of the losses of each victim cannot be reasonably ascertained;

''(2) AMOUNT AND TIMING OF RESTITUTION.—The restitution order shall be for a sum certain and payable immediately.

''(3) NOMINAL PERIODIC PAYMENTS.—If the court finds from facts on the record that the economic circumstances of the defendant do not allow and are not likely to allow the defendant to make more than nominal payments under the restitution order, the court shall direct the defendant to make nominal periodic payments in the amount the defendant can reasonably be expected to pay by making a diligent and bona fide effort toward the restitution order entered under paragraph (1). Nothing in the paragraph shall impair the obligation of the defendant to make full restitution under this subsection.

''(4) STATUS OF DEBT.—Notwithstanding any payment schedule entered by the court under paragraph (2), each order of restitution shall be a civil debt, payable immediately, and subject to the enforcement procedures provided in subsection (n). In no event shall a defendant incur any criminal penalty for failure to make a restitution payment under the restitution order because of the indigency of the defendant.

''(h) VICTIM RIGHTS.—

''(1) NO PARTICIPATION REQUIRED.—No victim shall be required to participate in any phase of a restitution order. If a victim declines to receive restitution made mandatory by this title, the court shall order that the share of the victim of any restitution owed be deposited in the Crime Victims Fund in the Treasury.

''(2) ASSIGNMENT OF INTEREST.—A victim may at any time assign the interest of the victim in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make those payments.

''(3) VICTIMS NOT IDENTIFIED OR LOCATED.—If the victim cannot be located or identified, the court shall direct that the restitution payments be made to the Crime Victims Fund of the Treasury. This paragraph shall not be construed to impair the obligation of the defendant to make those payments.

''(i) JOINT AND SEVERAL LIABILITY OF MULTIPLE DEFENDANTS.—If the court finds that more than 1 defendant has contributed to the loss of a victim, the court may make each defendant jointly and severally liable for payment of the full amount of restitution or may apportion liability among the defendants to reflect the level of contribution to the loss of the victim and economic circumstances of each defendant.

''(j) PRIORITY OF PAYMENTS.—If the court finds that more than 1 victim has sustained a loss requiring restitution by a defendant, the court may issue an order of priority for restitution payments based on the type and amount of the loss of the victim accounting for the economic circumstances of each victim. In any case in which the United States is a victim, the court shall ensure that all individual victims receive full restitution before the United States receives any restitution.

''(k) INSURANCE.—

''(1) IN GENERAL.—If a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution shall be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to any such provider of compensation.

''(2) REDUCTION OF AMOUNT.—Any amount paid to a victim under an order of restitution shall be reduced by any amount later recovered as compensatory damages for the same loss by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(3) OTHER RESOURCES.—If a person obligated to provide restitution receives substantial resources from any source, including inheritance, settlement, or other judgment, that person shall be required to apply the value of those resources to any restitution still owed.

''(l) MATERIAL CHANGES IN ECONOMIC STATUS OF DEFENDANT.—The defendant shall notify the court and the Attorney General of any material change in the economic circumstances of the defendant that might affect the ability of the defendant to pay restitution. Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

''(m) JURISDICTION OF COURT.—

''(1) IN GENERAL.—The court shall retain jurisdiction over any criminal restitution judgment or amended criminal restitution judgment for a period of 5 years from the date the sentence was imposed. This limitation shall be tolled during any period of time that the defendant—

''(A) was incarcerated;

''(B) was a fugitive; or

''(C) was granted a stay that prevented the enforcement of the restitution order.

''(2) FAILURE TO PAY.—While within the jurisdiction of the court, if the defendant knowingly fails to make a bona fide effort to pay whatever amount of restitution is ordered by the court, or knowingly and willfully refuses to pay restitution, the court may—

''(A) modify the terms or conditions of the probation or supervised release of the defendant;

''(B) extend the probation or supervised release of the defendant until a date not later than 10 years from the date the sentence was imposed;

''(C) revoke the probation or supervised release of the defendant;

''(D) hold the defendant in contempt; or

''(E) increase the sentence of the defendant to any sentence that might originally have been imposed under the applicable statute, without regard to the sentencing guidelines.

''(n) ENFORCEMENT OF ORDER OF RESTITUTION.—

''(1) IN GENERAL.—An order of restitution may be enforced—

''(A) through civil or administrative methods during the period that the restitution lien provided for in section 3613 of title 18, United States Code, is enforceable;

''(B) by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229;

''(C) by the United States regardless of whether for the benefit of the United States, in accordance with the procedures of chapter 176 of part VI of title 28, or in accordance with any other administrative or civil enforcement means available to the United States to enforce a debt due the United States; or

''(D) by any victim named in the restitution order as a lien under section 1962 of title 28.

''(2) ESTOPPEL.—A conviction of a defendant for an offense giving rise to restitution under this section shall estop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceeding, regardless of any State law precluding estoppel for a lack of mutuality. The victim, in the subsequent proceeding, shall not be precluded from establishing a loss that is greater than the loss determined by the court in the earlier criminal proceeding.''.

**SEC. 3. CIVIL REMEDIES.**

Section 3613 of title 18, United States Code, is amended—

(1) in the section heading, by inserting ''or restitution'' after ''fine''; and

(2) in subsection (a)—

(A) by striking ''The United States'' and inserting the following:

''(1) FINES.—The United States'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting accordingly; and

(C) by adding at the end the following:

''(2) RESTITUTION.—

''(A) IN GENERAL.—

''(i) LIEN.—An order of restitution shall operate as a lien in favor of the United States for its benefit or for the benefit of any non-Federal victims against all property belonging to the defendant or defendants.

''(ii) TIMING.—The lien shall arise at the time of the entry of judgment or order and shall continue until the liability is satisfied, remitted, or set aside, or until it becomes otherwise unenforceable.

''(iii) PERSONS AGAINST WHOM LIEN APPLIES.—The lien shall apply against all property and property interests—

''(I) owned by the defendant or defendants at the time of arrest; and

''(II) subsequently acquired by the defendant or defendants.

''(B) ENTRY OF LIEN.—The lien shall be entered in the name of the United States on behalf of all ascertained victims, unascertained victims, victims entitled to restitution who choose not to participate in the restitution program and victims entitled to restitution who cannot assert their interests in the lien for any reason.

''(3) JOINTLY HELD PROPERTY.—

''(A) IN GENERAL.—

''(i) DIVISION AND SALE OF PROPERTY.—If the court enforcing an order of restitution under this section determines that the defendant has an interest in property with another, and that the defendant cannot satisfy the restitution order from his or her separate property or income, the court may, after considering all of the equities, order that jointly owned property be divided and sold, upon such conditions as the court deems just, notwithstanding any Federal or State law to the contrary.

''(ii) PROTECTION OF INNOCENT PARTIES.—The court shall take care to protect the reasonable and legitimate interests of the innocent spouse and minor children of the defendant, especially real property used as the actual home of that innocent spouse and minor children, except to the extent that the court determines that the interest of that innocent spouse and children is the product of the criminal activity of which the defendant has been convicted, or is the result of a fraudulent transfer.

''(B) FRAUDULENT TRANSFERS.—In determining whether there was a fraudulent transfer, the court shall consider whether the debtor made the transfer—

''(i) with actual intent to hinder, delay, or defraud the United States or other victim; or

''(ii) without receiving a reasonably equivalent value in exchange for the transfer.

''(C) CONSIDERATIONS FOR PROTECTION OF INNOCENT PARTIES.—In determining what portion of the jointly owned property shall be set aside for the innocent spouse or children of the defendant, or whether to have sold or divided the jointly held property, the court shall consider—

''(i) the contributions of the other joint owner to the value of the property;

''(ii) the reasonable expectation of the other joint owner to be able to enjoy the continued use of the property; and

''(iii) the economic circumstances and needs of the defendant and dependents of the defendant and the economic circumstances and needs of the victim and the dependents of the victim.''.

**SEC. 4. FINES.**

Section 3572(b) of title 18, United States Code, is amended to read as follows:

''(b) PAYMENTS; EFFECT OF INDIGENCY.—Any fine, special assessment, restitution, or cost shall be for a sum certain and shall be payable immediately. In no event shall a defendant incur any criminal penalty for failure to make a payment on a fine, special assessment, restitution, or cost as a result of the indigency of the defendant.''.

**SEC. 5. RESENTENCING.**

Section 3614(a) of title 18, United States Code, is amended by inserting before the period at the end the following: ''or may increase the sentence of the defendant to any sentence that might originally have been imposed under the applicable statute''.

NATIONAL VICTIM CENTER,
*March 18, 1997.*

Hon. SPENCER ABRAHAM,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR ABRAHAM: The National Victim Center would like to express it strong support for your bill, the Victims Restitution Enforcement Act of 1997. Restitution is one of the most direct manifestations of justice that our criminal justice system can provide: requiring the convicted offender to pay for the harm caused by his criminal conduct. No other aspect of our system has a greater impact on the lives of crime victims, or on their satisfaction with the criminal justice process.

The provisions of this bill would greatly facilitate the ordering and collection of restitution for victims' of federal offenses, and would serve as a mode for state legislatures who are searching for a means to enhance their own restitution efforts. Adoption of this bill would fully implement the spirit of the Mandatory Victims' Restitution Act of 1996 (P.L. 104–132, §201 et seq.). It would provide courts the information necessary to issue meaningful restitution orders, would create a raft of mechanisms to enhance the enforcement of those orders.

Passage of the Victims Restitution Enforcement Act of 1997 would send a strong signal to the American people that the federal government will do everything in its power to provide justice to our nation's crime victims. We urge your fellow congress members to join in supporting this important legislation.

Yours truly,

DAVID BEATTY,
*Acting Executive Director.*

---

MICHIGAN COALITION,
*April 8, 1997.*

Hon. SPENCER ABRAHAM,
*U.S. Senator,*
*Washington, DC.*

DEAR SENATOR ABRAHAM: The Michigan Coalition Against Domestic and Sexual Violence (MCADSV) fully supports the Victim Restitution Enforcement Act that you introduce today. Perpetrators of domestic violence and sexual assault exact a devastating emotional toll on their victims, a price that many survivors pay for a lifetime. Additionally, there are often substantial financial costs borne by the victim. Obvious expenses are those for property damage and medical care. Often overlooked are the costs of counseling, lost work time, child care, and expenses related to preparing for and attending the trial.

While there is no legislative or other remedy to erase the pain and terror experienced as a result of violent crime, we can take greater measures to ensure that victims are not forced to pay, out of their own pockets, for the actions of criminals. This legislation is necessary both to empower victims and require more perpetrators to pay for the financial consequences of their crimes.

MCADSV greatly appreciates your advocacy efforts on behalf of crime victims by sponsoring this important initiative.

Sincerely yours,

KATHLEEN HAGENIAN,
*Director,*
*Public Policy and Program Services.*

---

By Mr. FEINGOLD:

S. 520. A bill to terminate the F/A–18 E/F aircraft program; to the Committee on Armed Services.

TERMINATING THE F/A–18 E/F SUPER HORNET LEGISLATION

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation to terminate the U.S. Navy's F/A–18 E/F Super Hornet Program.

The basis for this legislation is contained in a 1996 General Accounting Office report entitled ''Navy Aviation: F/A–18 E/F Will Provide Marginal Operational Improvement at High Cost.'' In this report, GAO studied the rationale and need for the F/A–18 E/F in order to determine whether continued development of the aircraft is the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. GAO concluded that the marginal improvements of the F/A–18 E/F are far outweighed by the high cost of the program.

Mr. President, in our current fiscal climate, I have serious concerns about authorizing funding for such a costly program, which according to GAO will deliver only marginal improvements over the current C/D version of the F/A–18.

As GAO noted in its report, at a projected total program cost of $89.15 billion, the F/A–18 E/F Program is one of the most costly aviation programs in the Department of Defense. The total program cost is comprised of $5.833 billion in development costs and $83.35 billion in procurement costs for 1,000 aircraft.

Mr. President, before I begin to describe GAO's findings in detail, I would first like to discuss briefly the role of the F/A–18 aircraft in our Nation's overall naval aviation force structure. The Navy performs its carrier-based missions with a mix of fighter (air-to-air combat), strike (air-to-ground combat), and strike/fighter (multicombat role) aircraft. Currently, carrier based F–14 fighter aircraft perform air-to-air missions; A6E's perform air-to-ground missions; and F/A–18's perform both air-to-air and air-to-ground missions. The F/A–18 E/F Super Hornet is the latest version of the Navy's carrier-based F/A–18 strike/fighter plane.

Mr. President, the F/A–18 E/F is just one of three costly new fighter programs the Department of Defense has on the drawing boards right now.

In addition to the F/A–18 E/F, there is the Air Force's F–22, which is intended to replace the A–10 and the venerable F–16 Falcon. The F–22 is also intended to either supplant or augment the Air Force's top fighter, the F–15. It will have stealth capabilities and will be able to survive in dense air-defense environments.

And of course, there is the Joint Strike Fighter, which I will discuss in greater detail in a few moments. The JSF is intended to perform virtually every type of mission that fighter aircraft perform in today's force structure, and is to be employed by the Navy, the Air Force, and Marine Corps in unprecedented fashion.

There are few who seriously believe that the Pentagon can afford to maintain all three tactical fighter programs. The General Accounting Office, the Congressional Budget Office and many others have maintained that the

likelihood that all three programs can be fully funded with the planned number of aircraft buys is virtually nil. In fact, many view the JSF as the only modernization program that should be continued. Given our fiscal constraints and Federal budget deficit, can we afford to finance three separate fighter programs with the caliber and costs of the F/A–18 E/F, the F–22, and the JSF?

The answer is unequivocally no. And that is why I am introducing legislation to terminate any further development or procurement of the program that appears to be most questionable, the E/F upgrade.

The Navy has based the need for development and procurement of the F/A–18 E/F on existing or projected operational deficiencies of the F/A–18C/D in the following key areas: strike range, carrier recovery payload and survivability. In addition, the Navy notes limitations of current C/D's with respect to avionics growth space and payload capacity. In its report, GAO concludes that the operational deficiencies in the C/D that the Navy cited in justifying the E/F either have not materialized as projected or such deficiencies can be corrected with nonstructural changes to the current C/D and additional upgrades made which would further improve its capabilities.

One of the primary reasons the Navy cites in justifying the E/F is the need for increased range and the C/D's inability to perform long-range unrefueled missions against high-value targets. However, GAO concludes that the Navy's F/A–18 strike range requirements can be met by either the F/A–18 E/F or F/A–18 C/D. Furthermore, it concludes that the increased range of the E/F is achieved at the expense of its aerial combat performance, and that even with increased range, both aircraft will still require aerial refueling for low-altitude missions.

The F/A–18 E/F specification requirements call for the aircraft to have a flight range of 390 nautical miles (nm) while performing low-altitude bombing missions. The F/A–18 E/F will achieve a strike range of 465 nm while performing low-altitude missions by carrying 2 external 480 gallon fuel tanks. While current C/D's achieve a flight range of 325 nm with 2–330 gallon fuel tanks while performing low-altitude missions—65 nm below the specification requirement of the E/F—when they are equipped with the 2–480 gallon external fuel tanks that are planned to be used on the E/F, the C/D can achieve a strike range of 393 nm on low-altitude missions.

Recent Navy range predictions show that the F/A–18 E/F is expected to have a 683 nm strike range when flying a more fuel-efficient, survivable, and lethal high-altitude mission profile rather than the specified low-altitude profile. Similarly, although F/A–18 E/F range will be greater than the F/A–18 C/D, the C/D could achieve strike ranges (566 nm with 3–330 gallon fuel tanks or 600 nm with 2–480 gallon tanks and 1–330 gallon tank) far greater than the target distances stipulated in the E/F's system specifications by flying the same high-altitude missions as the E/F. Additionally, according to GAO, the E/F's increased strike range is achieved at the expense of the aircraft's aerial combat performance as evidenced by its sustained turn rate, maneuvering, and acceleration which impact its ability to maneuver in either offensive or defensive modes.

One claim the Navy has made in response to the GAO report is that the C/D cannot be outfitted with 480-gallon external fuel tanks. GAO disputes this, citing contractor studies that concluded 480-gallon tanks can be carried on the C/D's inboard stations. GAO also points out that the Canadians have flown the F/A–18 C with the larger external fuel tanks.

Mr. President, another significant reason the Navy cites in support of the continued development of the E/F is an anticipated deficiency in F/A–18C carrier recovery payload—the amount of fuel, weapons and external equipment that an aircraft can carry when returning from a mission and landing on a carrier.

However, the deficiency in carrier recovery payload which the Navy anticipated of the F/A–18C simply has not materialized. When initially procured, F/A–18C's had a total carrier recovery payload of 6,300 pounds. Because of the Navy's decision to increase the F/A–18C's maximum allowable carrier landing weight and a lower aircraft operating weight resulting from technological improvements, the F/A–18C now has a carrier recovery payload of 7,113 pounds.

F/A–18C's operating in support of Bosnian operations are now routinely returning to carriers with operational loads of 7,166 pounds, which exceeds the Navy's stated carrier recovery payload capacity. This recovery payload is substantially greater than the Navy projected it would be and is even greater than when the F/A–18C was first introduced in 1988. In addition, GAO notes that while it is not necessary, upgrading F/A–18C's with stronger landing gear could allow them to recover carrier payloads of more than 10,000 pounds—greater than that sought for the F/A–18 E/F (9,000 pounds).

While the Navy also cites a need to improve combat survivability in justifying the development of the F/A–18 E/F, the aircraft was not developed to counter a particular military threat that could not be met with existing or improved F/A–18 C/D's. Additional improvements have subsequently been made or are planned for the F/A–18 C/D to enhance its survivability including improvements to reduce its radar detectability, while survivability improvements of the F/A–18 E/F are questionable. For example, because the F/A–18 E/F will be carrying weapons and fuel externally, the radar signature reduction improvements derived from the structural design of the aircraft will be diminished and will only help the aircraft penetrate slightly deeper than the F/A–18 C/D into an integrated defensive system before being detected.

Mr. President, as we discuss survivability, it is relevant to highlight the outstanding performance of the F/A–18 C/D in the gulf war just a few short years ago. By the Navy's own account, the C/D performed extraordinarily well, dropping 18 million pounds of ordinance, recording all Navy MiG kills, and, in the Navy's own words, experiencing ''unprecedented survivability.''

In addition to noting the operational capability improvements in justifying the development of the F/A–18 E/F, the Navy also notes limitations of current C/D's with respect to avionics growth space and payload capacity. The Navy predicted that by the mid-1990's the F/A–18 C/D would not have growth space to accommodate additional new weapons and systems under development. Specifically, the Navy predicted that by fiscal year 1996 C/D's would only have 0.2 cubic feet of space available for future avionics growth; however, 5.3 cubic feet of available space have been identified for future system growth. Furthermore, technological advancements such as miniaturization, modularity and consolidation may result in additional growth space for future avionics.

The Navy also stated that the F/A–18 E/F will provide increased payload capacity as a result of two new outboard weapons stations; however, unless current problems concerning weapons release are resolved—air flow problems around the fuselage and weapons stations—the types and amounts of weapons the E/F can carry will be restricted and the possible payload increase may be negated. Also, while the E/F will provide a marginal increase in air-to-air capability by carrying two extra missiles, it will not increase its ability to carry the heavier, precision-guided, air-to-ground weapons that are capable of hitting fixed and mobile hard targets and the heavier stand-off weapons that will be used to increase aircraft survivability.

Understanding that the F/A–18 E/F may not deliver as significant operational capability improvements as originally expected, I would now like to focus on the cost of the F/A–18 E/F Program and possible alternatives to it. As previously mentioned, the total program cost of the F/A–18 E/F is projected to be $89.15 billion. These program costs are based on the procurement assumption of 1,000 aircraft—660 by the Navy and 340 by the Marine Corps—at an annual production rate of 72 aircraft per year. Mr. President, as the GAO report points out, these figures are overstated. According to Marine Corps officials and the Marine Corps Aviation Master Plan, the Marine Corps does not intend to buy any F/A–18 E/F's and, therefore, the projected 1,000 aircraft buy is overstated by 340 aircraft.

Although the Pentagon contends that the Navy had intended to purchase 1,000 aircraft all along, extensive documentation and testimony demonstrates this not to be the case and the 1,000 figure was the original complete buy.

I would also note the importance of the Marine Corps opting out of the E/F Program. Although the E/F was originally developed to service two branches with differing needs and requirements, the Marine Corps has chosen instead to invest in the Joint Strike Fighter program and use those aircraft to replace their AV–8B Harriers and F/A–18 C/D's.

Furthermore, the Congress has stated that an annual production rate of 72 E/F aircraft is probably not feasible due to funding limitations and directed the Navy to calculate costs based on more realistic production rates as 18, 36, and 54 aircraft per year. In fact, according to the Congressional Research Service: ''* * * no naval aircraft have been bought in such quantities in recent years, and it is unlikely that such annual buys will be funded in the 1990's, given expected force reductions and lower inventory requirements and the absence of consensus about future military threats.''

Using the Navy's overstated assumptions about the total number of planes procured and an estimated annual production rate of 72 aircraft per year, the Navy calculates the unit recurring flyaway cost of the F/A–18 E/F—costs related to the production of the basic aircraft—at $44 million. However, using GAO's more realistic assumptions of the procurement of 660 aircraft by the Navy, at a production rate of 36 aircraft per year, the unit recurring flyaway cost of the E/F balloons to $53 million. This is compared to the $28 million unit recurring flyaway cost of the F/A–18 C/D based on a production rate of 36 aircraft per year. Thus, GAO estimates that this cost difference in unit recurring flyaway would result in a savings of almost $17 billion if the Navy were to procure the F/A–18 C/D's rather than the E/F's.

Mr. President, this is certainly a significant amount of savings. Now I know that some of my colleagues will say that by halting production of the F/A–18 E/F and instead relying on the F/A–18 C/D, we will be mortgaging the future of our Naval aviation fleet. However, Mr. President, there is a far less costly program already being developed which may yield more significant returns in operational capability. This program is the Joint Strike Fighter or JSF Program.

The JSF Program office is currently developing technology for a family of affordable next generation multirole strike fighter aircraft for the Air Force, Marine Corps, and Navy. The JSF is expected to be a stealthy strike aircraft built on a single production line with a high degree of parts and cost commonality. The driving focus of the JSF is affordability achieved by triservice commonality. The Navy plans to procure 300 JSF's with a projected initial operational capability around 2007.

Contractor concept exploration and demonstration studies indicate that the JSF will have superior or comparable capabilities in all Navy tactical aircraft mission areas, especially range and survivability, at far less cost than the F/A–18 E/F. The JSF is expected to be a stand alone, stealthy, first-day-of-the-war, survivable aircraft. Overall, the JSF is expected to be more survivable and capable than any existing or planned tactical aircraft in strike and air-to-air missions, with the possible exception of the F–22 in air-to-air missions. The Navy's JSF variant is also expected to have longer ranges than the F/A–18 E/F to attack high-value targets without using external tanks or tanking. Unlike the F/A–18 E/F which would carry all of its weapons externally, the Navy's JSF will carry at least four weapons for both air-to-air and air-to-ground combat internally, thereby maximizing its stealthiness and increasing its survivability. Finally, the JSF would not require jamming support from EA–6B aircraft as does the F/A–18 E/F in carrying out its mission in the face of integrated air defense systems.

While the JSF is expected to have superior operational capabilities, it is expected to be developed and procured at far less expense than the F/A–18 E/F. In fact, the unit recurring flyaway cost of the Navy's JSF is estimated to range from $31–38 million depending on which contractor design is chosen for the aircraft, as compared to GAO's $53 million estimate for the F/A–18 E/F. Additional cost benefits of the JSF would result from having common aircraft spare parts, simplified technical specifications, and reduced support equipment variations, as well as reductions in aircrew and maintenance training requirements.

Mr. President, given the enormous cost and marginal improvement in operational capabilities the F/A–18 E/F would provide, it seems that the justification for the E/F is not as evident as once thought. Operational deficiencies in the C/D aircraft either have not materialized or can be corrected with nonstructural changes to the plane. As a result, proceeding with the E/F program may not be the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. In the short term, the Navy can continue to procure the F/A–18 C/D aircraft, while upgrading it to improve further its operational capabilities. For the long term, the Navy can look toward the next generation strike fighter, the JSF, which will provide more operational capability at far less cost than the E/F.

Mr. President, succinctly put, the Navy needs an aircraft that will bridge between the current force and the new, superior JSF which will be operational around 2007. The question is whether the F/A–18 C/D can serve that function, as it has demonstrated its ability to exceed predicted capacity or whether we should proceed with an expensive, new plane for a marginal level of improvement. The $17 billion difference in projected costs does not appear to provide a significant return on our investment. In times of severe fiscal constraints and a need to look at all areas of the budget to identify more cost-effective approaches, the F/A–18 E/F is a project in need of reevaluation.

Last year, I offered an amendment to the fiscal year 1997 authorization bill for the Department of Defense that required the Pentagon to conduct a cost-benefit analysis of the F/A–18 E/F Program, and to report their findings to the Congress by March 30, 1997. This study was to include a review of the E/F program, an analysis and estimate of the production costs of the program for the total number of aircraft expected to be procured at several different production rates and a comparison of the costs and benefits of this program with the costs and benefits of the C/D Program. That analysis has not been forwarded to the Congress as of this date.

In addition to this report, the Quadrennial Defense Review [QDR], responsible for evaluating all weapon system programs, is also scheduled to be completed in the near future.

Unfortunately, I was enormously disappointed when the Secretary of Defense, rather than waiting for these reports to be completed and publicly released, announced on March 28 his decision to move forward with the E/F Program and procure 62 new F/A–18 E/F fighter planes at an initial cost of $48 million each.

I would have hoped that the Secretary, who I have tremendous respect and admiration for, would have waited until the mandated reports had been provided to Congress and until the results of the QDR—which could have a significant impact on the Pentagon's tactical aircraft modernization plans—had been made public. Instead, this perplexing decision to proceed with the procurement of 62 of these expensive planes precludes the Congress from offering any input on the Department's policy based on a review of the required reports. I am puzzled as to why the new Secretary did not await these reports before announcing this decision.

The 1996 GAO report concluded that we could achieve almost $17 billion in cost savings if the Navy elected to procure additional C/D versions of the F/A–18 rather than the costlier E/F model. Mr. President, by all accounts the F/A–18 C/D is a top quality aircraft that has served the Navy well over the last decade, and could be modified to meet every capacity the E/F is intended to fulfill over the course of the next decade at a substantially lower cost.

Therefore, considering the Department of Defense has clearly overextended itself in terms of supporting

three major multirole fighter programs, and given that the most promising tactical aviation program appears to be the triservice joint strike fighter which will likely outperform the F/A–18 E/F at a substantially lower cost, it is clear that we must discontinue the E/F Program before the American taxpayer is asked to fund yet another multibillion dollar duplicative program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 520

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

**SECTION 1. TERMINATION OF THE F/A–18E/F AIRCRAFT PROGRAM.**

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the F/A–18E/F aircraft program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available for procurement and for research, development, test, and evaluation that are available on or after the date of the enactment of this Act for obligation for the F/A–18E/F aircraft program may be obligated for that program only for payment of the costs associated with the termination of the program.

---

By Mr. COVERDELL (for himself, Mr. INHOFE, Mr. HUTCHINSON, Mr. HAGEL, and Mr. SHELBY):

S. 521. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; to the Committee on Finance.

THE COVERDELL TAXPAYER PRIVACY PROTECTION ACT

Mr. COVERDELL. Mr. President, today I rise to offer legislation that will end one of the most pernicious offenses forced upon honest taxpayers. I am talking about file snooping. Others may call it browsing or scanning. Whatever the name, it is just plain wrong, and it ought to be stopped. That is why today I am introducing the Taxpayer Privacy Protection Act.

Too often, the Internal Revenue Service acts as a bully, enforcing the Tax Code through fear and intimidation. Even worse, legal loopholes have allowed certain IRS employees to violate the privacy of innocent citizens without punishment. Some of the most troubling abuses committed by employees of the IRS against innocent Americans include the practices of file snooping.

Recently in the Wall Street Journal, we learned of the case of Mr. Richard W. Czubinski of Boston, MA. He is a member of the Ku Klux Klan who used his IRS job to search the tax returns of political opponents and people he suspected of being Government informers. He was prosecuted and convicted by a jury, but his conviction was overturned in the Federal Court of Appeals. In making its decision, the appellate panel found Mr. Czubinski's browsing to be reprehensible, but also found no crime had been committed because prosecutors could not prove he had used the information or disclosed it.

In addition, a few years back, I was shocked to learn that in my home city of Atlanta, nearly 370 employees of the local IRS office were caught accessing the tax returns and return information of friends, neighbors, and celebrities without proper authorization.

Mr. President, the Taxpayer Privacy Protection Act would make it a crime to engage in file snooping, punishable by a fine of up to $1,000 and/or 1 year imprisonment. Further, a convicted offender would have to reimburse all costs of prosecution and face dismissal.

My legislation also requires notification of taxpayers who suffer this abuse. Unfortunately, what should seem to be a simple matter of decency must be required of the IRS. In response to suggestions taxpayers be notified when their privacy has been invaded by file snoopers, IRS Commissioner Margaret Richardson stated, ''I'm not sure there would be serious value to that in terms of protecting the taxpayers' rights.'' With all respect, such sentiment is typical of a Washington status quo mentality that is out-of-touch with the rest of America.

Finally, my proposal would provide taxpayers who have been victims of file snooping with the option of seeking civil action. Quite simply, it is the decent thing to do.

Taxpayer privacy is one of the most sacred trusts we place in the IRS. Unfortunately, this agency has not lived up to this trust. With passage of the Taxpayer Privacy Protection Act, honest, hardworking taxpayers can be assured their full privacy will be protected every April 15. They deserve no less.

---

By Mr. GLENN:

S. 523. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Finance.

IRS SYSTEMS SECURITY LEGISLATION

Mr. GLENN. Mr. President, the date of April 15 is indelibly etched in the minds of most Americans. For it is on or by that day that honest, hard-working citizens voluntarily share their most personal and sensitive financial information with their Government.

All Americans should have unbridled faith that their tax returns will remain absolutely confidential and zealously safeguarded. That is the foundation of our taxpaying system. If this trust is breached, then the bonds that tie citizens with their Government may break, with disastrous consequences for us all.

In 1993 and 1994, as chairman of the Governmental Affairs Committee, I held hearings which first exposed that vulnerability. We found out that hundreds of IRS employees had been investigated for what I term ''computer voyeurism'', where they call up returns of friends, enemies, celebrities, relatives, or neighbors just to snoop and satisfy their own prurient interests. Even worse, in some cases, IRS employees either altered their own returns to get refunds, or conspired with other taxpayer friends to change their returns and get a kickback from those refunds.

My investigation revealed serious flaws in the IRS' ability to monitor, prevent, and detect browsing.

In response, the IRS Commissioner pledged a zero tolerance policy to protect taxpayer privacy and vigorously discipline those who abuse this trust. The Commissioner also implemented a new system called EARL—Electronic Audit Research Log—to help identify inappropriate and unauthorized access to taxpayer information stored in the IRS' main computer system.

That primary system, IDRS—Integrated Data Retrieval System—handles more than 100 million transactions per month and is used by over 55,000 IRS employees. At least one-third of those employees are authorized to input adjustments to tax account records.

I had asked the General Accounting Office [GAO] to review the progress made by the IRS in reducing computer security risks and in curbing browsing. Earlier this year, GAO produced that report. However, because some of the specific details could jeopardize IRS security, that report was designated for ''Limited Official Use'' with restricted access.

Due to my involvement in this important issue, and because I believe the public has a right to know, I requested that GAO issue a redacted version of the report suitable for public release. I would like to thank GAO for their hard work in this matter and also the IRS for their cooperation in making this possible.

The findings of GAO's report are disturbing. Even more important, their findings are reaffirmed by the IRS in a comprehensive internal report of their own compiled last fall.

Before I get to the specifics, I just want to say a couple of things.

Point One. The vast majority of IRS employees are dedicated and committed to their jobs, and labor in extremely difficult conditions with very outmoded systems. Unfortunately, in this day and age, they must also fear for their own personal safety.

Some 99.9 percent of them would never engage in such snooping or fraud. It is not as if every American has reason to believe that his or her privacy and tax return information has been compromised. But even just a single incidence of this behavior is one too many and cannot be tolerated.

Just last year, in Tennessee, a jury acquitted a former IRS employee who had been charged with 70 counts of improperly peeking at the tax returns of celebrities such as Elizabeth Taylor, Dolly Parton, Wynonna Judd, Michael

Jordan, Lucille Ball, Tom Cruise, President Clinton, and Elvis Presley.

More recently, just a few weeks ago, a Federal appeals court in Boston reversed the conviction of a former employee who had been found guilty of several counts of wire and computer fraud by improperly accessing the IRS taxpayer database. It was reported that he had browsed through several files, including those of a local politician who had beaten him in an election, and a woman he once had dated. The Government had alleged this worker was a member of a white-supremacist group and was collecting data on people he thought could be Government informers.

In both of these cases, because of a loophole in the law, no criminal penalties could be meted out. The reason? No disclosures had been made to third parties.

I doubt these kinds of decisions give great comfort to honest, law-abiding citizens. That is why today I am reintroducing my legislation—the Taxpayer Privacy Protection Act—to close this gap and ensure that any unauthorized access or inspection of return information, in whatever form, is punishable as a criminal offense and that employees so convicted are fired immediately.

I know that the chairman of the House Ways and Means Committee is interested in passing such a bill as are several of my Senate colleagues including Senator COVERDELL. I commend everyone for their interest and looking forward to making this bill—finally—a reality.

Let's pass this by April 15 and send a signal across the land that those who violate the privacy of tax paying Americans will be fined, will be fired, and will be jailed. The public rightfully expects no less.

Point Two. The IRS has recognized this serious issue and has undertaken some responsive actions. Warnings of possible prosecution for unauthorized use of the system appear whenever employees log onto the taxpayer account database. They have installed automated detection programs in some of their systems to monitor employee use and alert managers to possible misuse. And, the IRS has just created a new Office of Systems Standards and Evaluations to centralize and enforce IRS standards and policies for all major security programs. I have confidence that this Office, if given the proper resources, will be a positive force in this effort.

The problem, however, is that these efforts, while well-intentioned, have come too late and fall far short of the commitment, management, and determination sorely needed to confront this matter head-on.

The sad fact is that with 1 week to go until tax returns are due, one thing is clear: the IRS has flunked its own audit and has let down the American people.

The agency promised zero tolerance for browsing. Today's information suggests that they have failed to live up to that pledge—1,515 new cases of browsing have been identified since our last report. Of those only 27 have resulted in employees being fired. I don't know what kind of new math they may be using, but that doesn't sound like zero tolerance to me.

GAO even found that the 1,515 figure may drastically underestimate actual incidents because—and I quote—the agency's ''ability to detect browsing is limited''.

Overall, GAO found that IRS' approach to computer security is not effective. Serious weaknesses persist in security controls intended to safeguard IRS computer systems, data, and facilities and expose tax processing operations to the risk of disruption and taxpayer data to the risk of unauthorized use, modification, and destruction. Further, although IRS has taken some action to detect and prevent browsing, the fact remains that the IRS has no effective means for measuring the extent of the browsing problem, the damage being done by browsing, or the progress being made to deter browsing.

This finding is candidly confirmed in IRS' own internal report:

> progress in developing efficient prevention and detection programs has been painfully slow. The program has suffered from a lack of overall consistent, strong leadership and oversight.

Quite distressing to me is the finding, as stated in the IRS' own report, that employees, when confronted, indicate that they browsed because they do not believe it is wrong and that there will be little or no consequence to them if they are caught.

Before summarizing the major findings, I also want to point out another facet of this report. That is, the effectiveness of controls used to safeguard IRS systems, facilities, and taxpayer data. GAO found serious weaknesses in these efforts, especially in the areas of physical and logical security.

For example, the facilities visited by GAO could not account for about 6,400 units of magnetic storage media, such as tapes and cartridges, which might contain taxpayer data. Further, they found that printouts containing taxpayer data were left unprotected and unattended in open areas of two facilities where they could be compromised.

I really don't want to say much more on this portion of the report than I have already. Except that these matters, and the others referred to by GAO, must be dealt with swiftly and effectively.

I have summarized GAO's findings in a handout. Where appropriate, I have also included references from IRS' own recent internal report on their browsing deterrence and detection program. As I mentioned earlier, that report—[Electronic Audit Research Log (EARL) Executive Steering Committee Report, Sept. 30, 1996]—and I commend the IRS for its candid and frank evaluations in it—affirms most of GAO's findings, conclusions, and recommendations.

I will briefly highlight the major findings in these attachments:

THE IRS SYSTEM DESIGNED TO DETECT BROWSING [EARL] IS LIMITED

GAO found that the system used to monitor and detect browsing is ineffective because it can't distinguish between legitimate work activity and illegal browsing.

Moreover, EARL only monitors the main taxpayer database. There are several other systems used by employees to create, access, or modify data which, apparently, go unsupervised. This is something I have asked the GAO to look into further.

According to GAO:

> because IRS does not monitor the activities of all employees authorized to access taxpayer data . . . IRS has no assurance that these employees are not browsing taxpayer data and no analytical basis on which to estimate the extent of the browsing problem or any damage being done.

In fact, according to the IRS' EARL report:

> The current system of reports does not provide accurate and meaningful data about what the abuse detection programs are producing, the quality of the outputs, the efficiency of our abuse detection research efforts, or the level of functional management follow through and discipline. This impedes our ability to respond to critics and congressional oversight inquiries about our abuse detection efforts.

IRS PROGRESS IN REDUCING AND DISCIPLINING BROWSING CASES IS UNCLEAR

The systems used by the IRS cannot report on the total number of unauthorized browsing incidents. Nor do they contain sufficient information to determine, for each case investigated, how many taxpayer accounts were inappropriately accessed or how many times each account was accessed.

Consequently, for known incidents of browsing, IRS cannot efficiently determine how many and how often taxpayers' accounts were inappropriately accessed. Without such information, IRS cannot measure whether it is making progress from year to year in reducing browsing.

Internal IRS figures show a fluctuation in the number of browsing cases closed in the last few years: 521 cases in fiscal year 1991; 787 in fiscal year 1992; 522 in fiscal year 1993; 646 in fiscal year 1994, and; 869 in fiscal year 1995.

More distressing, however, is the fact that in spite of the Commissioner's announced zero tolerance policy, the percentages of cases resulting in discipline has remained constant from year to year, averaging 29 percent.

IRS itself reported that almost one-third of the cases detected were situations where an employee accessed their own account, which, according to the report, is ''generally attributable to trainee error''.

Their answer creates simply more questions, however. Why are employees accessing their own accounts? Is this a wise policy?

PENALTIES FOR BROWSING ARE INCONSISTENT ACROSS IRS

Despite IRS policy to ensure that browsing penalties are handled consistently across the agency, it appears

that there are disparities in how similar cases are decided among different offices.

For instance, the number of browsing cases resulting in employees being terminated in the last year surveyed ranged from 0 percent at one facility to a high of only 7 percent at another.

The percentage of browsing cases resulting in employee counseling ranged from 0 percent at one facility to 77 percent at another.

Even more incredible to me—and quite distressing—is the extremely low percentage of employees caught browsing each year who are fired for their offense, according to the IRS' own figures. Would you believe that, for all of the browsing cases detected and closed each year, the highest number of employees fired in 1 year has been 12. Between fiscal year 1991 and fiscal year 1995, only 43 employees were fired after browsing investigations. That is generally 1 percent of the total number of cases brought each year. Even if you include the category of resignation and retirement, the highest percentage of employees terminated through separation or resignation/retirement in any 1 year has been 6 percent.

I could go on and on, but I think you get the idea.

Taxpayer privacy is being jeapordized and the IRS is not doing enough to address it.

A new law to make browsing a crime will be an important tool and I have worked with the IRS and the Justice Department in crafting my legislation.

I will also be looking forward to Thursday's hearing of the Senate Governmental Affairs Committee when the IRS will be testifying and this issue is likely to come up.

In closing, I do not want to be standing up here again next year talking about browsing. Although the computer age makes guarding taxpayer privacy more difficult and complex, the fact remains: the IRS can and must do better. The American people expect and demand nothing less.

---

By Mr. DASCHLE (for himself and Mr. DORGAN):

S. 524. A bill to amend title XVIII of the Social Security Act to remove the requirement of an x ray as a condition of coverage of chiropractic services under the Medicare Program; to the Committee on Finance.

MEDICARE LEGISLATION

Mr. DASCHLE. Mr. President, today I am introducing legislation that makes a commonsense change to Medicare's outdated policy regarding chiropractic care. Specifically, my bill would eliminate the requirement that beneficiaries get an x ray before they are authorized to be reimbursed for chiropractic services under Medicare. This legislation accomplishes two important goals. First, it removes outdated vestiges of still pronounced discrimination against chiropractic practitioners in the Medicare Program. Second, this bill makes chiropractic services more accessible and affordable for beneficiaries. I encourage my colleagues to join me in supporting this measure, which is the Senate companion to legislation introduced in the House of Representatives on March 4, 1997 by Representative PHIL CRANE.

Existing Medicare law strictly limits reimbursement for chiropractic services to manual manipulation of the spine and only to correct a subluxation. However, before beneficiaries can be reimbursed for chiropractic care, Medicare requires that the patient get an x ray to confirm the need for these services. Beneficiaries must either pay for the x ray out of their own pockets, a cost that many cannot afford, or pass through the ''gateway'' controlled by other medical providers, whose x rays, typically far more expensive, are reimbursable under the program.

While x rays are often a useful diagnostic tool to verify a medical condition, most medical professionals and health analysts agree that there is no clinical justification for a blanket requirement that Medicare beneficiaries verify the need for chiropactic care through an x ray. Medicare's statutory x ray requirement results in unnecessary patient exposure to x rays and simply cannot be justified as an across-the-board requirement.

Representatives of the Health Care Financing Administration [HCFA] who have closely studied this issue reached the same conclusion that I did and recommended to the President that this provision be included in his Medicare reform plan. I am pleased that the President did include in his fiscal year 1998 balanced budget proposal a provision calling for the elimination of the x ray requirement for chiropractic care. I am cautiously optimistic that bipartisan support from within the Congress and the administration will help facilitate passage of this modest, but important, measure.

I grew up in a community where chiropractors perform a valuable service by providing an alternative to allopathic medicine. The nearly 200 chiropractors in South Dakota serve the State well. In rural States like mine, chiropractors are often an essential source of health care delivery. Sometimes they are the only health providers in the community. In rural States across the country, the chiropractic profession plays an integral role in the health care system.

But the issue is even larger than one of correcting inequities in the law and recognizing the contributions of chiropractors alone. We are constantly searching for ways to give more Americans greater access to quality health care, and to facilitate that availability of care in the most cost-effective manner. One proven way to make progress toward those goals is to exploit the talent and dedication represented in the diversity of practitioners increasingly involved in the delivery of health care services in the United States. Competition among different kinds of providers and access to less expensive forms of care have to be emphasized if we are to control escalating health care costs. Yet this competition is virtually impossible when programs like Medicare put up barriers to beneficiaries receiving care from a group of licensed professionals like chiropractors.

As health care cost increases continue to threaten both the quality and economic stability of our national health care delivery system, the cost savings potential of chiropractic care should be fully explored. The bill I am introducing today will help provide access to quality care at a reasonable cost. I urge my colleagues in the Senate to support this measure to ensure Medicare patients have appropriate access to the benefits of chiropractic care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 524

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

**SECTION 1. REMOVAL OF REQUIREMENT FOR X-RAY AS A CONDITION OF COVERAGE OF CHIROPRACTIC SERVICES UNDER THE MEDICARE PROGRAM.**

(a) IN GENERAL.—Section 1861(r)(5) of the Social Security Act (42 U.S.C. 1395x(r)(5)) is amended by striking ''demonstrated by X-ray to exist''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1998.

---

By Mr. HATCH (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Mr. STEVENS, Mr. ROCKEFELLER, Mr. BENNETT, Mr. DASCHLE, Ms. COLLINS, Mr. WELLSTONE, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. CAMPBELL, Mrs. MURRAY, Mr. REED, Mrs. BOXER, Mr. LAUTENBERG, Mr. DURBIN, and Mr. REID):

S. 525. A bill to amend the Public Health Service Act to provide access to health care insurance coverage for children; to the Committee on Labor and Human Resources.

CHILD HEALTH INSURANCE AND LOWER DEFICIT ACT

Mr. HATCH. Mr. President, today, Senator KENNEDY, I, and a number of others, are introducing the Hatch-Kennedy child health insurance and lower deficit bill, or the CHILD Act, S. 525. We will also introduce a companion measure, S. 526, which contains a tobacco excise tax increase to pay for the program established in the CHILD bill.

The CHILD bill has been negotiated over a long period of time in intensive and sometimes heated negotiations. As anybody can understand, it is difficult to get the two sides together on matters like this. So we have worked very, very hard to try and bring both sides together.

It is no secret that Senator KENNEDY and I have worked together in the past. And, we have fought each other in the past. But today is a time of unity, for I believe we have written a bill that really makes sense, a bill that will work and that will help one of the most vulnerable segments of our society, children without health insurance.

Of the 40 million people who are uninsured in this country, 10 million of them are children. Of those 10 million, about 3 million do qualify for Medicaid, but are not enrolled.

While it has its problems, Medicaid is an excellent program overall, a program that does assist the poorest of the poor children and families. But those above the Medicaid eligibility poverty levels, comprise about 7 million children, most of whom are often called the near poor, or the working poor.

Mr. President, as a recent study has made abundantly clear, about one out of three children in this country lacks health insurance. It is a pathetic situation.

As my colleagues are aware, Senator KENNEDY and Senator KERRY introduced a bill last year which addressed the child health insurance problem from a considerably different perspective than the bill we are finally going to introduce today.

I think it is important to point out the differences for the edification of my colleagues.

The bill we will file today is a bill that is a straight block grant to the States. The States have flexibility to determine their own eligibility standards with minimal Federal requirements.

The proposal is not an entitlement program. It is a fully funded program. It is a 5-year authorization.

The mechanism for funding the CHILD program authorization is an increase in the tobacco excise tax, amounting to 43 cents per package for cigarettes and proportionate increases on other tobacco products. Some have analogized this to a user fee on those who use tobacco products.

We think this excise tax is justified. In 1955, a package of cigarettes cost about 23 cents. Of that amount, 8 cents consisted of a Federal excise tax on the cigarettes.

Today, a package of cigarettes costs almost $2, at least $1.82 in most States, but we have only a 24-cent Federal excise tax on the utilization of those cigarettes.

We think this provision is also justified from a public health perspective.

Smoking is the largest preventable cause of premature death in the United States.

Thirty percent of all cancer patients develop their diseases from smoking. Almost all lung cancer comes from smoking. And much of the cardiovascular disease that we have in our society comes from smoking—including passive smoking as well.

It should be no secret to my colleagues that it was a difficult decision for me to submit a bill which will increase taxes, but after considerable study I concluded in this case it is a just and a right thing to do.

And if we increase the cigarette tax by 43 cents, we will still be below the percentage the excise tax was back in 1955 when a package of cigarettes cost 23 cents and the excise tax was 8 cents of that.

It is important to note that two-thirds of the revenue raised from this bill over the next 5 years will be used for the new child health insurance. The States will be able to negotiate with private health insurance companies to provide coverage, and they will be able to utilize the community health centers which are giving low-cost but high-quality health care in America today.

I am one of the strongest advocate for community health centers, and, I must say, they have done a superlative job of delivering health care in general in our society.

In Utah, we have what is known as the Caring Foundation. For every dollar we raise in charity, Blue Cross/Blue Shield matches that dollar with $1, making $2 for child health insurance. I believe that can be duplicated across this country in the best interest of children and families.

When someone inquires about why I am sponsoring the CHILD Act, my thoughts turn to scores of constituents who have brought their concerns about the cost and availability of health insurance to my attention.

It is heart rending to me when I have uninsured families come into my office—many of whom are young and who have children. These families are frantic; they don't know where to turn when a child gets sick.

Two young women from Provo in my home State came in to visit me recently. Both had six children. They both work part time. Their husbands work full time, but neither family makes more than $20,000 a year. They are hard-working people. They are the working people of our society who are the poorest of the poor not on Medicaid, who cannot afford health insurance and, frankly, who do not know where to turn.

I think that it behooves us to solve this problem for them, and the best way to do it is with a straight block grant to the States.

The grant approach has a lot of benefits. There should be minimal new bureaucracy, because the IRS already collects excise taxes on cigarettes. There should be minimal bureaucracy because HHS will distribute the funds based on a simple formula reflecting the number of uninsured in a State.

We provide a safeguard so there is no incentive for businesses to drop the lower paid people off their health insurance. In this bill, if a company wishes to drop any employee from the company health plan, then they will have to drop all their employees, from the top executives on down.

We are trying to help those who cannot help themselves, which I think is the most conservative thing we can do in this society. We are not trying to help those who can help themselves but refuse to. People who can help themselves ought to help themselves.

What I am saying, Mr. President, is that it is time. It is time for this Congress to get down to business.

Mr. President, it is time.

It is time for us to get down to business.

It is time for the Congress to focus on how to make a great country greater on how to set aside partisan differences and help the people we were elected to help.

It is time to focus on what truly needs to be done in this country not on deadlock or gridlock or shutdown.

It is time to wake up and realize that—in this great land of incredible riches and abundance—in the greatest country of the world—there are still children being left behind.

Who cannot be disturbed, even frightened, by the statistics?

Drug use among our young people is dramatically on the rise. In its ninth annual survey of students in grades 6–12, the National Parents' Resource Institute for Drug Education [PRIDE] reported that annual use of most drugs was at the highest level since the survey began 10 years ago. Record use was reported for cigarettes, marijuana, cocaine, uppers, downers, inhalants, and hallucinogens.

Serious questions have been raised about our children's ability to learn. Our children rank pitifully behind other countries in educational scores. One survey of international test scores for math and science, found Americans to rank dead last and South Koreans ranking the best. And, who could not be disturbed by this? A 1991 National Assessment of Education Progress survey, revealed that only 5 percent of high school seniors demonstrated enough understanding of geometry and algebra to be prepared for college-level math.

Violence is rapidly becoming a way of life for today's children. Over the past decade, the rate of homicide committed by teenagers aged 14–17 has more than doubled, increasing 172 percent from 1985 to 1994. In fact, 35 percent of all violent crime is committed by offenders less than 20 years of age.

And here's another astounding fact. Two years ago, a survey of 1,000 teachers showed that 11 percent had been assaulted in school. Teachers have been robbed, vandalized, slashed by razors, physically assaulted, shot, and set on fire in the schools. What kind of learning environment is that for our children?

And, let's look at child health. How many Senators are aware that almost one out of three children have no health insurance?

Ten million children have no health insurance at all. That is more children than the entire populations of Maine,

Rhode Island, Alaska, Delaware, Georgia, Hawaii, Montana, Nebraska, South Dakota, and Vermont—10 States—combined.

Did anyone know this? Over 500,000 American infants are uninsured, infants who need such critical services as immunizations to grow up healthy.

Mr. President, these are astounding statistics. Terrifying predictors of our world as we head into the 21st century.

And I, for one, am going to put my foot down. I will do everything I can to reverse this trend.

I challenge each Senator in this body to work with me on what must be the top agenda item for the 105th Congress: Making this world a better place for our children.

I will make this a top priority in the Judiciary Committee.

We will look at such issues as the Federal Gang Violence Act, violence in the schools, and, importantly, a strong national antidrug abuse strategy.

Already the committee has approved—only to suffer the most narrow of defeats on the floor—the Balanced Budget Act, passage of which is perhaps the most important legacy we can leave for our children, each of whom is born saddled with $20,000 in debt.

And I hope other committees will be working as well.

For no effort to improve this world for our children can be complete without measures to improve their ability to grow up healthy.

That is why I have united with my good friend and sometimes adversary, Senator KENNEDY, to draft the bill we are introducing today: the Child Health Insurance and Lower Deficit Act. We call it the CHILD bill. The CHILD bill will be accompanied by additional legislation we also introduce today which provides the funding offset for the CHILD Program through an increase in the tobacco excise tax.

Introduction today of S. 525, and the companion bill to increase the tobacco excise tax, completes 3 months of intense negotiations between myself and Senator KENNEDY.

Our discussions were sometimes heated, sometimes acrimonious, but always well intentioned. They have resulted in a bill, the adoption of which I think will make this country a better place.

And so, today, Senator KENNEDY and I have found a solid center—we have compromised from the left and from the right. We are doing this to help the 10 million children in the United States who are without health insurance. We are doing it because it is the right thing to do.

The child health insurance and services bill Senator KENNEDY and I will introduce today is targeted to the near poor, primarily working families, who are not covered by existing Government programs. Two-thirds of the uninsured children come from low-income working families with annual incomes of $25,000 or less; 86 percent are from families where at least one parent is employed.

I think any honest examination of this would show that these statistics are deplorable. Children are our most precious natural resource. If we had a vote on that today, it would pass 100 to 0. And if you agree on that, the next step is simple. I can't think of a more appropriate role for the Federal Government than helping the most vulnerable in our society. It has become a cliche, but children are our future.

Already I have taken criticism for this bill and for uniting with a Democrat to sponsor the CHILD Act. It is true that Senator KENNEDY and I represent the most divergent philosophies in the U.S. Congress. It is for that very reason we are proposing S. 525 today. United, we can provide the basis for a consensus position we hope all our colleagues will endorse.

It is true that Senator KENNEDY and I do not often agree on public policy. I can't even count the number of times I have stood on this floor to oppose—even filibuster—legislation he has sponsored. But with respect to health care—when it comes to helping people—we both have a strong commitment to doing the right thing regardless of politics. And this legislation is the right thing to do.

Joining Senator KENNEDY and me today in cosponsorship of the CHILD bill, S. 525, are 19 Senators, for a total of 21. Those Senators are: SNOWE, KERRY, JEFFORDS, DODD, STEVENS, ROCKEFELLER, BENNETT, DASCHLE, COLLINS, WELLSTONE, SMITH (OR), BINGAMAN, CAMPBELL, MURRAY, REED, BOXER, LAUTENBERG, DURBIN, and REID.

Joining us in cosponsorship of the tobacco tax bill, S. 525, are Senators BENNETT, BINGAMAN, BOXER, DODD, DURBIN, JEFFORDS, KERRY, LAUTENBERG, MURRAY, REED, REID, ROCKEFELLER, SNOWE, and WELLSTONE.

What are the major features of the CHILD bill?

Our proposal sets up a voluntary State grant program—I repeat, voluntary State grant program. The funds will be used by States to subsidize the cost, or part of the cost, of private health insurance for needy children. States will also be able to use Community and Migrant Health Centers to provide services directly to children.

We hope our program will be a catalyst to improve health care for kids. It is a Federal/State/private partnership. Any State that wishes to participate must contribute to the program. States may require individuals or their employers to contribute as well.

We have designed an approach which we believe is fiscally responsible. The bill authorizes program expenditures for each of 5 years, and it is fully financed with a 43-cent increase in tobacco excise taxes. Two-thirds of the revenues will be used for program services, and one-third for deficit reduction.

In drafting S. 525, we have worked very hard to make certain that no large, new bureaucracy will be needed to implement the CHILD Program. The idea of a huge new Federal involvement in health care frightens most Americans, as was so amply evidenced by the resounding defeat of the Clinton health care bill in 1994.

I was one of the loudest objectors to that legislation as a member of both the Finance and Labor Committees at the time it was considered. I want to assure my colleagues that we are not replicating that exercise here today.

HHS will disburse the grant money according to existing Medicaid formulas and the number of uninsured children in the State. The Treasury Department already collects an excise tax.

The States will set eligibility levels, which presumably they could do very easily based on their experiences with Medicaid and other State programs to help the poor and near poor. The States will use their current Medicaid benefits packages to negotiate contracts for insurance coverage. These are not complex calculations. They should be easily achievable.

We also worked very hard to allay any concerns that we were establishing a new entitlement program.

We are not.

The bill does not establish any individual entitlement to benefits. It is a 5-year authorization which is fully funded. It is not like Medicare where we guarantee we will pay for the services of every eligible beneficiary. It is not like Medicaid where we pay an open-ended amount, which is appropriated annually.

What we are really talking about doing with this bill is finding cost-effective ways to get quality health care services to children. Our bill recognizes and strengthens the important role that community, migrant and homeless centers play in caring for the Nation's uninsured children and their families. Community and rural health centers already exist. We are not creating them or remaking them in this bill.

They are located in medically underserved communities where many uninsured children live. Over 940 health centers in every State serve one out of six low-income American children, over 4.5 million children. They are currently the family doctor for one out of seven uninsured children, totaling 1.3 million children. Last year, health center professionals delivered one of every 10 babies born in the United States, and one out of every five low income babies. They are experts in providing quality, comprehensive primary and preventive care to uninsured children—the very type of care we are trying to get to children with this bill.

Our bill permits these children to continue to choose health centers as their primary care provider and to make the choice of a health center available to other uninsured children. In each area currently served by a health center, a direct service option will be available to children who are served by a health center. Families choosing the direct service option will

get the same comprehensive Medicaid package of services as do those who opt for a children's policy. Under the direct service option, children will receive their primary and preventive care at the health center they select and will receive specialty and inpatient care through networks of providers certified by the State or through a wrap-around insurance policy.

We believe that the direct service option will be as cost effective as an insurance policy and may even be less expensive. Several studies which compared the total annual cost of health care for Medicaid patients served by health centers—including primary and specialty care and inpatient care—to the total annual cost of care for Medicaid patients served by other types of providers—including health maintenance organizations and private physicians—found that health center care was the least expensive.

The reason? Health centers prevent illness because of the primary and preventive care they provide. Based on these studies, the cost of all care—primary, specialty, and inpatient—under the direct service option is expected to be lower than the cost for a child cared for by another type of provider.

As the chief sponsor of the balanced budget amendment, I could not support the creation of any new entitlement program.

Indeed, I believe this proposal is fully consistent with the BBA. First, our bill is fully financed by the proposed tobacco products tax. Second, for every $2 of program cost the Hatch-Kennedy bill dedicates $1 to deficit reduction.

When all is said and done, this bill would help to bring the budget in balance—which I believe will be nearly as essential to children in the long-run as necessary health care is in the short-run.

Let me underscore that the net cost to the Federal Government of the CHILD Act is zero, because it is fully funded. In fact, the bill literally saves money, because it provides at least $10 billion in funds for deficit reduction over the next 5 years.

We cap Federal expenditures at $20 billion over 5 years for services, with $10 billion for deficit reduction. Over the 5-year period, the ratio of services to deficit reduction will be 2 to 1.

For services, we will provide the following amounts: 1998: $3 billion, 1999: $3 billion, 2000: $4 billion, 2001: $5 billion, 2002: $5 billion.

For deficit reduction, we provide the following amounts: 1998: $3 billion, 1999: $3 billion, 2000: $2 billion, 2001: $1 billion, and 2002: $1 billion.

Let me make perfectly clear that the size of this program is capped each year. In fact, if not enough revenue is generated, then the size of the program will be lowered accordingly.

Let me take a moment to address other potential concerns about this bill.

Many have asked why we need a new program. Indeed, we have the Medicaid Program, which helps the poorest of the poor. Even so, there are 10 million children without coverage. In fact, 3 million uninsured children are eligible for Medicaid, but are not enrolled.

There is no program for the remaining 7 million children, most of whom come from near poor families. Those families are faced with two very unattractive options: a choice between dropping out of the labor force in order to get Medicaid eligibility, or keeping their jobs with no health care coverage at all.

It might be logical to assume that Medicaid would provide the basis for a program to increase child health coverage. And we did examine that idea. But, Medicaid is an open-ended entitlement—and an expensive one at that. Both the States and the Federal Government are seriously concerned about the runaway costs of Medicaid.

In contrast, our capped program is not an entitlement. It is a targeted approach which allows States considerable flexibility in design and administration.

Others have suggested that we use a tax-based approach. I would be willing to consider a tax credit approach, if we could design one that really works. But I foresee two problems in developing such an approach.

The first is that a tax credit could really amount to an open-ended entitlement, whereas the size of our program is capped each year. The second is that poor and near-poor families, who we are trying to help with this bill, simply cannot afford to buy insurance coverage during the year, and wait until the next April to get the money back.

For the benefit of my colleagues, I want to respond to two other concerns.

First, I must emphasize that S. 525 is not the Kerry-Kennedy bill from last year, S. 2186. It is a new proposal that Senator KENNEDY and I wrote together. Senator KENNEDY and I have both moved considerable distances to write this compromise legislation.

This bill is not an open-ended, permanent entitlement; it is a capped 5-year program, run by the States and, as such, is very similar to a proposal former House Republican Leader Bob Michel authored in 1995.

Second is the assertion that this bill is part of the Clinton agenda on health care. If helping the needy is crime, then I plead guilty. But I hope I have convinced those here today that there is a big difference between Clintoncare and the Hatch-Kennedy bill.

Indeed, I am aware that some believe there is a hidden Clinton agenda to enact health care reform piece by piece, starting with kids care.

I think that is a red herring. This argument suggests to me that we should never do anything worthwhile because of the possibility that it may evolve into something bad. I agree that we do not want the huge Clinton health care mandate proposed and debated during the 103d Congress. But, this bill is not that bill—it is not even a look-alike bill.

I have tried to design a Reaganesque block grant tailored to meet a specific problem with a wide degree of flexibility for the States. Unlike the Clinton program, the CHILD Act is focused. It is fully financed; it does not establish a new Federal bureaucracy; and it does not create any new entitlements. There are no price controls and no regional alliances and no global budgets.

Another difference is that we are trying to make this a bipartisan approach right from the beginning. We have the wisdom of that national debate 2 years ago and are far wiser for it.

Let me next turn to the issue of the tobacco tax as a source of revenue for the Children's Health Insurance and Lower Deficit Act. There can be no doubt that smoking and tobacco use is a major public health problem. By any measure, it is also costly.

Smoking is our Nation's No. 1 preventable health threat. There are about 48 million Americans who smoke. About 2 million Americans use other tobacco products like chewing tobacco.

Consider these facts.

Tobacco kills an estimated 419,000 Americans each year.

An additional 2.5 million more people throughout the world die from smoking each year.

Smoking accounts for about 1 in 5 deaths in the United States.

Tobacco accounts for more deaths than homicide, car and airplane accidents, alcohol, heroin, crack, and AIDS—combined. In fact, cigarettes are also a major cause of fire fatalities in the United States. In 1990, cigarettes were responsible for about one-quarter of all deaths associated with residential fires; this represented over 1,000 deaths.

Each day nearly 3,000 young Americans become regular smokers. Eventually, 1,000 will die early from tobacco-related diseases.

Unfortunately, cigarette smoking is on the rise among the young: According to the Centers for Disease Control and Prevention [CDC], the number of high school students reporting that they smoked in the last month rose about one-third between 1991 and 1995, from 27.5 percent in 1991 to 34.8 percent in 1995.

Among black high school age males the jump in smoking was even more alarming, doubling from 14 percent in 1991 to 28 in 1995.

About 8 in 10 smokers begin to use tobacco before age 18 and about one-half of all smokers started at age 14 or earlier.

In 1964, Surgeon General Luther Terry reported that smoking causes lung cancer in men.

In 1988, the Surgeon General C. Everett Koop reported that smoking was an addictive behavior—the same as for heroin or cocaine.

Each year, the estimated 1 million youngsters who become smokers add

about $9 to $10 billion to the Nation's health care costs over their lifetimes.

According to a 1994 CDC report, tobacco cost an estimated $50 billion in direct health care costs in 1993. Of this total, CDC estimated that $26.9 billion went for hospital expenditures, $15.5 billion for physician expenditures, $4.9 billion for nursing home expenditures, $1.8 billion for prescription drugs, and $900 million for home health care expenditures.

The 1994 CDC report notes: ''The findings in this report indicate that cigarette smoking accounts for a substantial and preventable portion of all medical-care costs in the United States.''

According to CDC projections, in 1993 approximately 24 billion packages of cigarettes were sold in the United States and for each of these packages about $2.06 was spent on medical care attributable to smoking. Of this $2.06 per pack estimated societal medical care cost, CDC estimated that $0.89 was paid through public sources.

The CDC study estimated that there was a twofold increase in estimated direct medical care costs attributable to smoking between 1987 and 1993.

Extrapolating the 1987 survey data reported by CDC, it can be estimated that, in 1993, about $10 billion in Medicare costs and $5 billion in Medicaid costs were attributable to smoking.

It has been estimated that smoking cost $4.75 billion to other Federal health care programs, $1.6 billion to other State health programs, and over $16.7 billion in higher premiums paid to private health insurance companies.

In addition to the direct cost of about $50 billion annually, experts agree that a similar amount of costs are borne by society through lost productivity—that is, the foregone earnings of those dying prematurely.

Researchers at the University of California at San Francisco, Drs. Wendy Max and Dorothy Rice, estimate that the 1993 mortality costs due to smoking were $47 billion.

Overall, smoking costs society over $100 billion annually. This is simply too high a price to pay.

It is estimated by the Joint Tax Committee that a 43 cent per pack increase in the cigarette tax, coupled with proportionate tax increases for other tobacco products, would yield about $6 billion in new revenues.

Another point that I want to make today is that the tobacco tax simply has not kept up with inflation. As a matter of fact, the relative component of the price of cigarettes devoted toward taxes has slipped over the last three decades and, even with the increase we propose today, will actually be lower proportionately once this bill is enacted than it was in 1964 when Surgeon General Luther Terry reported that smoking causes cancer.

In 1964, the average total price of a pack of cigarettes was about 30.5 cents per pack. Of this total, 8 cents went to pay the Federal tax and another 8.5 cents per pack were levied in State cigarette and sales tax. In sum, in 1964, about 50.5 percent of the cost of a pack of cigarettes went to taxes.

Currently, the average price per pack of cigarettes is about $1.94. Of this total, 24 cents represents the Federal tax and an additional 31.7 cents per pack is levied by the States together with an additional 9.3 cents per pack in sales taxes. All in all, the share of the per pack price of cigarettes devoted to taxes has dropped to about 33.5 percent today from the 1964 level of 50.5 percent.

If the CHILD Act were signed into law and the new 43 cents per pack tax were added, and if this new tax were passed on directly to the consumer to increase the per pack price to $2.37 per pack, the share of the total price devoted to taxes—45.6 percent—would still be lower than it was in 1964.

Even when this new tax is factored in, the United States would still have a relatively modest tax component built into the price of cigarettes compared with other industrialized countries. For example, in Canada 64 percent of the price of cigarettes is devoted to taxes. In Great Britain, the comparable figure is 82 percent.

As a conservative, I am generally opposed to tax increases. I firmly believe that the Federal Government should spend less, and the American people should keep more of the money that is earned in our economy.

As a conservative, I believe in a balanced budget. That is why I spent the better part of February managing the floor debate for the balanced-budget amendment. That is why I worked hard to convince Senator KENNEDY to earmark one-third of the revenues raised by the proposed increase in the cigarette tax for deficit reduction.

Yet, the statistics about tobacco use and cost that I cited above, I believe, make the case that tobacco products are imposing external costs onto society that are not adequately reflected in the price of these inherently dangerous products. Simply stated, the producers and consumers of tobacco products are not paying the full costs of this product.

When I balance the opportunity that we have in terms of helping to provide health insurance and services to children, coupled with a significant deficit reduction component, against my natural aversion to raising taxes, I come down in favor of this financing mechanism with this tobacco tax—or, as I call it, a user fee. I believe that both the public health and economics reasons are unique and compelling.

I believe that when my colleagues in Congress have the opportunity to fully consider these issues that they will agree with the cosponsors of this legislation and support the CHILD Act.

In closing, Mr. President, let me state my intention to work with all interested parties to improve this bill as it moves through the legislative process.

Indeed, as I have stated, there are some provisions contained within this bill that I believe could be improved through a thorough public discussion.

In particular, I would like to hear from the Governors about how this bill meets their needs with respect to the uninsured population.

I am aware that they may have a few concerns about the bill, such as using the Medicaid benefits package as the model for the private insurance contracts.

Senator KENNEDY and I inserted that provision in the bill for two reasons. We knew that the Governors would be familiar with it and, most importantly, it would obviate the need at either the Federal or State levels to undertake the onerous task of creating a benefits package.

Our Utah Governor, Mike Leavitt, has stated on more than one occasion that he believes the Medicaid benefit package is too ''rich;'' in other words, a more efficient package would be less costly and still provide needed care. I look forward to working with him and the leaders of other States to address this issue.

Another issue of critical concern is the interrelationship of this program with the employer community. We were very careful to design a program that would complement existing employer efforts to insure their employees without a costly Federal mandate. On the other hand, though, we wanted to make sure that there was no incentive for employers to ''dump'' employees into the new program in order to relieve themselves of a benefit cost.

That is why we inserted a provision that states that any employer who makes health insurance contributions for an employee cannot vary such contributions based on an individual's eligibility under the CHILD Act. The only way an employer could put a currently insured employee into the CHILD program would be to eliminate coverage for all employees in the company plan. We think this is highly unlikely to happen.

Again, let me state that we were very sensitive to the concerns about a mandate on employers, and we look forward to a very careful examination of this issue as the legislation progresses.

Let me also discuss for a moment the issue that Senator LOTT has already mentioned, that of making certain that the 3 million children who are currently eligible for Medicaid, but not participating, become enrolled. While our bill does not address that issue, it is something we need to do. I hope to work with Senator JEFFORDS and Senator DEWINE who have indicated in interest to me in working to make certain that those who are eligible for Medicaid can participate.

But let me hasten to add that only 3 million out of the 10 million uninsured children are eligible for Medicaid. So, Senator LOTT's idea—which is a good one—would still leave 70 percent of the problem untouched.

Mr. President, in closing I want to reiterate my commitment to working

with Senator KENNEDY and all 98 of my other colleagues to enact a bill this year which will improve child health insurance coverage in the United States.

It is time, and I hope the majority of this body will agree.

The PRESIDING OFFICER. Under the previous unanimous-consent request, the 15 minutes allocated to the Senator from Utah has expired.

Mr. HATCH. Will my friend yield me 30 seconds?

Mr. KENNEDY. Sure.

Mr. HATCH. I want to compliment my friend for the remaining 30 seconds. I wish I could spend more time.

Development of these bills has not been an easy thing for him to do, or for me. But I am convinced we have drafted a program that will work.

I have to suggest that if Senator KENNEDY and Senator HATCH—who have such widespread differences of philosophy—can unite to propose a program like this, then anybody can get together. Despite our philosophical differences, which are wide, we both have a great deal of friendship and caring for each other. We are working as hard as we can to do what is right here.

I want to thank my colleague for his great work in this effort.

I yield the floor.

Mr. KENNEDY. Mr. President, I want to thank Senator HATCH for his leadership on this important issue affecting our Nation's children.

Those of us in the Senate have noted that Senator HATCH was instrumental a number of years ago, working with Senator DODD and myself, on the child care block grant program, which still is in existence. It has been evaluated as an extremely effective program for providing child care for the working poor.

A number of years ago we also worked closely together in the summer jobs initiative that included continuing education programs.

In the area of children, I think Senator HATCH and I as well as many others understand that this is neither a Democratic issue nor a Republican issue. Nor is it a North or South issue. It is an American family issue.

For every American family children come first, as well they should. They are our greatest asset and they represent our Nation's future. When we invest in our children, we are investing in America's future. That is why this effort is of such importance and why Senator HATCH and I are now working closely together to make sure that this legislation becomes law.

Mr. President, it is reasonable to ask, why now? Why children?

The fact of the matter is 3,000 children every single day lose their health insurance. Nine out of ten of those who are losing their health insurance in this country are children.

The number of uninsured children is growing. It will rise to 5 million by the year 2000, making it increasingly urgent that we address the fact that more and more children are becoming uninsured.

We are talking about the sons and daughters of working families—families that are working 52 weeks of the year, 40 hours a week, trying to make ends meet and play by the rules. One of the things they are unable to do is provide health care coverage for their children.

Their children require this coverage, which is why Senator HATCH and I and many others want to make health insurance accessible and affordable for all of America's children. We know the number of children who have ear infections and never see a primary care doctor. We know the number of children who are in school at this very hour and have difficulty seeing the blackboard or reading a book and are humiliated in their classroom because they have not had their eyes tested.

This crisis is occuring all over the country. It is happening in urban areas and in rural communities. But we can do something about it, and that is why the legislation is of such importance.

Ten million children are uninsured. Their parents are working hard trying to make ends meet, and the one thing they cannot afford are the premiums to provide health care coverage for their children.

As Senator HATCH has pointed out, our legislation will build on existing programs in the States, and the States by and large are overwhelmingly using the voucher system. I know there are those who favor a tax credit program, but it has been tried and did not work in the past.

We are also building on the private sector because the insurance that will be provided and distributed is going to be as a result of competition in the States.

Finally, we are paying for the program with a 43-cents-per-pack increase in the Federal tobacco tax.

Some say, isn't this unfair and unjustified? We say that tobacco costs the Nation $50 billion a year in direct medical costs—$50 billion a year. By adding 43 cents on a pack of cigarettes, we will have even less than the proportion of tax—Federal, State, and sales tax—for a pack of cigarettes than we had in the early 1960's.

When we look at where we are in comparison to where other countries around the world—our cigarette taxes are well below every other industrial country in the world. With our 43-cents-per-pack increase in the Federal cigarette tax, it will still be among the lowest of all industrial nations.

Mr. President, we strongly support this increase in the cigarette tax because it can do more to stop children from smoking than any other action we could possibly undertake. This will have a dramatic impact on reducing addiction among teenagers, who have less income than adults to spend on cigarettes. That is when the smoking really starts and where the child becomes addicted.

We say that not only because that has been the history of pricing over the period of the last 30 years, but it is there in the documents and statements of the tobacco companies as we have seen in the Liggett story recently.

Mr. President, this is legislation which the American people support. It makes sense from a health point of view. It makes sense from their family point of view. It makes sense for the future in terms of having children who are going to have good quality health care. It makes sense because it will save the lives of over 800,000 children who would otherwise have died from a smoking-caused illness. And it will also provide a modest reduction in terms of the deficit.

This is a win-win-win for the American people. It should be a bipartisan effort. I want to commend Senator HATCH for his leadership and I thank all of our Democratic colleagues for joining in our efforts.

I am honored to join Senator HATCH in introducing the Child Health Insurance and Lower Deficit Act of 1997, which will be a major step toward making health insurance accessible and affordable for all of America's children. I am hopeful that the legislation we are introducing today will be approved by this Congress, and signed by President Clinton. It shows that Democrats and Republicans can work together to solve this national problem.

One of the most urgent needs of children is health insurance coverage. Insurance is the best possible ticket to adequate health care—and every child deserves such care.

Today, however, more than 10 million children have no health insurance—1 child in every 7—and the number has been increasing in recent years. Every day, 3,000 more children lose their private health insurance. If the total continues to rise at the current rate, 13 million children will have no insurance coverage by the year 2000.

Almost 90 percent of these uninsured children are members of working families. Two-thirds are in two-parent families. Most of these families have incomes above the Medicaid eligibility line, but well below the income level it takes to afford private health insurance today.

The children's health care crisis begins at the beginning—with inadequate prenatal care. Some 17 industrial countries have lower infant mortality rates than the United States. Every day, 636 infants are born to mothers in this country who did not have proper prenatal care; 56 die before they are 1 month old. And 110 die before the age of 1. Many more grow up with permanent disabilities that could have been avoided with prenatal care. Uninsured pregnant mothers have sicker babies, and these babies are at greater risk—low birth weight, miscarriage, and infant mortality.

Too many young children are not receiving the preventive medical care they need. Uninsured children are twice as likely to go without medical care for conditions such as asthma,

sore throats, ear infections, and injuries. One child in four is not receiving basic childhood vaccines on a timely basis. Periodic physical examinations are out of reach for millions of children, even though such exams can identify and correct conditions before they cause a lifetime of pain and disability.

Preventive care is the key to a healthy childhood, and it also is a cost-effective investment for society. Every dollar invested in childhood immunizations saves $10 in later hospital and other treatment costs.

Some say there is no health care crisis for children. But I reply, tell that to the hard-working parents who cannot afford coverage for their families or whose employers won't provide it.

Tell it to the hospital emergency room physicians who are often the only family doctor these children know, and who have to treat them for heart-breaking conditions that could have been prevented or easily cured with timely care.

Tell it to school teachers struggling to teach children too sick to learn. Tell it to children's advocates across the country, who see children every day with health care needs neglected for too long. Between 30 and 40 percent of children in the child protective system suffer from significant health problems.

For all these reasons and many more—10 million more—the children's health care crisis is real, and the time to address it is now. Every child deserves a healthy start in life. No family should have to fear that the loss of a job, or an employer's decision to drop coverage or hike the insurance premium will leave their children without health care.

The current neglect is all the more unconscionable, because children and adolescents are so inexpensive to cover. That is why we can and must cover them this year—in this Congress. The cost is affordable—and the benefits for children are undeniable.

The legislation that Senator HATCH and I are introducing will make health insurance coverage more affordable for every working family with uninsured children. It does so without imposing new Government mandates. It encourages family responsibility, by offering parents the help they need to purchase affordable health insurance for their children.

Under our plan, $20 billion over the next 5 years will be available to expand health insurance coverage for children, and $10 billion will be available for deficit reduction. I share Senator HATCH's commitment to balancing the Federal budget by the year 2002. As our plan today suggests, we believe we can do it, and do it fairly.

When fully phased in, our legislation will provide direct financial assistance to approximately 5 million children annually. Every family with an uninsured child will have access to more affordable coverage. Combined with efforts to enroll more eligible children in Medicaid, this plan is a giant step toward the day when every American child has health insurance coverage. This bill is the most important single step the Congress can take this year to provide a better life for every American child.

States choosing to participate in the program will contract with private insurers to provide child-only private coverage. These subsidies will be available to help eligible families purchase coverage for their children, or participate in employment-based health plans. Coverage will be available for every child, including children in families not eligible for financial assistance. The program also allows States to allocate up to 5 percent of total program costs to provide preventive care and primary care to pregnant women. Participating States must contribute to the cost of the program, and must maintain their current levels of Medicaid coverage for children.

The basic principles of this proposal are neither novel nor untested. Fourteen States already have similar programs for children. In Massachusetts, an existing program was expanded last year, so that families up to 400 percent of the poverty level are now eligible for financial assistance to buy insurance. In 17 additional States, Blue Cross/Blue Shield offers children's-only coverage, with subsidies for low-income families. These State initiatives provide a solid base on which to build an effective Federal-State-private partnership to get the job done for all children.

Senator HATCH and I propose to pay for this program of children's health insurance and deficit reduction with an increase of 43 cents a pack in the Federal cigarette tax, from its current level of 24 cents. It makes sense to finance the coverage this way, because of the higher costs for health care and premature deaths caused by smoking.

Smoking is the leading preventable cause of death in the United States. It kills more than 400,000 Americans a year. It costs the Nation $50 billion a year in direct health costs, and another $50 billion in lost productivity. A cigarette pack sold for $1.80 costs the Nation $3.90 cents in smoking-related expenses.

Even with our proposed increase, cigarette taxes as a percent of the product price will still be lower than they were in 1965 and will be far below the levels in almost every other industrialized country.

A higher cigarette tax will have the added benefit of reducing smoking among teenagers. If we do nothing to reduce such smoking, 5 million deaths from smoking-related diseases will occur over the lifetime of the current generation of children.

Raising tobacco taxes to finance health insurance for children has the support of an overwhelming 73 percent of the public. If the tobacco tax is raised, an even higher 87 percent support using the revenue to expand health services for children.

I look forward to early action by Congress on this issue. Every day we delay means more children fail to get the healthy start in life they need. When we fail our children, we also fail our country and its future.

I yield the remaining time to the Senator from Connecticut, Senator DODD.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me thank my colleague from Massachusetts for yielding.

Let me begin these brief remarks by commending him and, of course, our good friend and colleague from Utah, Senator HATCH, who is the lead sponsor of this legislation, for his efforts here, along with our colleague from Massachusetts who historically, of course, has taken the leadership role over the last number of decades on health-care-related issues.

Our colleague from Utah and I have had the pleasure and privilege of working together on major legislation. When he says, if you have a bill with ORRIN HATCH's name on it, there is a good chance it is going to become law, I can testify to that, having worked with him on the act for better child care. Today millions of people have accidental health care and decent child care because of his efforts. So I commend, Mr. President, both of our colleagues.

I offered the first child health care package almost 4 years ago to deal with children's health. As both of our colleagues have pointed out, Mr. President, we have about 10 to 10.5 million children in the country who do not have any health care at all. In my State of Connecticut, about 110,000 children are without any health care coverage at all.

What makes this so ironic in many ways, Mr. President—as we have gone through a debate on welfare reform fairly recently—is that 88 percent of the parents of these children without health care are working. The assumption I think a lot of people must have is that children without health care are the children of parents who are living on public assistance. Nothing could be further from the truth. If you are on public assistance, you get health care, you get Medicaid. If you are out of work on welfare, you get Medicaid. If you are in jail, you get health care in this country. But God help you if you are a working family out there working at the lower income levels trying to provide for your family when we have a seen a dramatic increase in the reduction of private health care coverage.

Mr. President, I asked for a General Accounting Office study a number of months ago, the results of which came back about a few weeks ago on what has happened to private health insurance for working families. We have seen about a 4.5 to 5 percent increase nationwide in the number of families who have dropped or been dropped from private health insurance. In 1993, 29

million families lost their health care coverage in this country. And the premium costs went up. Small employers decided to drop it altogether.

So we have watched a tremendous increase in the number of families, working families, with children without any kind of health care coverage at all.

Many of our State laws, Mr. President, require, under law, that you insure your automobile. Many of our State laws, if not all of them, require that if you have a home mortgage, there be insurance on your house. All that we are suggesting here today is that if you have a child, there ought to be health care coverage or insurance for that child.

If it is mandatory that your home be insured, if it is mandatory your car be insured, if you are out of work and on public assistance you get health care, if you are in prison you get health care, what our colleagues from Massachusetts and Utah, and those of us who are supporting them, are suggesting, is that if you are a working family in this country, your children—your children—also ought to have a safety net for health care. So this proposal does just that.

Mr. President, I will just conclude with a story. We had a press conference announcing this GAO study a few days ago. I brought with me a woman from Connecticut. Both she and her husband work. Her husband is in construction. She works for a nonprofit organization in the State of Connecticut. They have two children. Their oldest boy has a serious mental health problem. It is a serious mental health illness with a cost of over $1,000 a month, on average, for medication. They have run out of support from the State program. There is not going to be any more. They were left with this choice—until someone stepped in and made an exception in their case—but left with this choice: Either they could quit their jobs and go on public assistance and get health care for that child, that is one option, or the other was to take their child and turn him over to the State, give up custody and let him become a ward of the State, so that then the child could get health care coverage.

We hear people talking of family values and families staying together all the time. But somehow, in this situation, this family wants desperately to keep custody of their child, and they keep working and they get no help whatever. There is something fundamentally erroneous about the situation that presently exists that if you work and want to keep your children, you run the risk of losing the health care, whereas if you go on public assistance or give up the custody of your child, you can get health care coverage.

Mr. President, the suggestion of both of our colleagues is to fill in this gap that exists for these 10½ million children today that are without any health care coverage. The numbers are growing, by the way. This is not a number that is declining, but is a number that is growing.

They have come up with a funding scheme that I think most people will support in this country. It is controversial. Obviously, some will object to how this is paid for. I think it is a very sound idea to come up with this funding scheme and also to allocate some of the resources for deficit reduction.

Again, Mr. President, if we can insure our cars by law, our homes by law, if you are on welfare or in prison and you get health care coverage, at the very least, we ought to do the same for America's children. This legislation allows us to do that. I commend both of our colleagues and look forward to adoption of the law.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KERRY. Mr. President, I am delighted to join with my colleague, Senator KENNEDY, with Senator HATCH, and others, in introducing today legislation to provide health care to the 10 million children in the United States who today do not have that care.

Last year, Senator KENNEDY and I joined together with other Senators to introduce legislation to similarly provide health care to these children. Since the time that we introduced legislation a year ago, over 750,000 children under the age of 18 have lost health insurance. One child loses health insurance every 35 seconds in the United States. We are the only industrial country on the face of this planet that does not insure our children, or that does not insure, even, many of our adults.

What is extraordinary about this situation is that we are not talking about the poorest of our poor in America. The poorest of the poor get help. They have health insurance. They get Medicaid. The fact is that we are talking about 10 million children who are the children of working Americans, fully three-fifths of whom work full-time jobs, and 90 percent of whom are working at some job or another.

I visited recently at the Children's Hospital in Boston and I listened to the story of two parents who are working, both of whom are just not earning enough money in their full-time jobs to be able to pay the premiums for the expensive insurance that their sick child needs.

The fact is that over one-half of all the children in the United States who have asthma never see a doctor. One-third of all the children in the United States who have an ear problem never see a doctor. Similarly, for eye problems: As we have learned from medical experts, those problems, often undiagnosed, become chronic ailments and many times become lifetime impairments. We then pick up the cost of those impairments with special education needs, and at the back end of often substance abuse or other kinds of highly intensive, labor-intensive interventions which we could have avoided early on.

Just take the case of neonatal/prenatal care. It costs $1,000 for a year of covering a pregnant woman with early nutrition, early intervention, for pregnancy. But if a child is born underweight as a consequence of the lack of that kind of intervention, it costs $1,100 a day.

I have talked to teachers in schools who have told me the stories of young students who come into the school; they are in the classroom and they are disruptive, not because they want to be disruptive, but because they have a problem. In one particular case, a teacher told me of a child who chronically disrupted the entire class. They could not figure it out. They finally got the child to a clinic because the child had not been examined by a doctor, and they found the child had a chronic earache problem as a consequence of an infection. Antibiotics were given, the infection was cleared up, and the child became a full participant in the classroom.

Mr. President, there are countless stories like these. I want to congratulate Senator KENNEDY and Senator HATCH for working together in helping to come up with a scheme to fund this, that clearly addresses other health needs of the country. When we consider the costs of our various wings of hospitals that are dedicated to pulmonary disease, to emphysema, to cancer as a consequence of smoking, we are spending billions upon billions of dollars, far in excess of the cost of this kind of program, to provide preventive care at the early outset.

So this is really an investment, not an expenditure. This will repay itself many times over. We know that the health care expenditure in early prevention will save anywhere from $3.40 to $16 by virtue of $1 invested.

Mr. President, it is time in America for us for catch up to the rest of the industrialized world and provide insurance to the young children of this Nation who desperately need it.

---

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. HARKIN, Mr. WELLSTONE and Mr. KENNEDY):

S. 527. A bill to prescribe labels for packages and advertising for tobacco products, to provide for the disclosure of certain information relating to tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TOBACCO DISCLOSURE AND WARNING ACT OF 1997

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill we are calling the Tobacco Disclosure and Warning Act of 1997. Frankly, I hope we are going to be able to look back at this day and say this was a great day for America's children, that this was a great day for the future well-being of coming generations.

I am joined by my Senate colleague from Illinois, Senator DICK DURBIN,

who worked with me in the past on establishing a ban on smoking in airplanes, he was a Member of the House before, and Senator HARKIN from Iowa, and Senator WELLSTONE from Minnesota. They joined me this morning in declaring that we are interested this day in the health of our children. We want to warn them that a habit that they could be induced—if I may use the term more crudely, seduced—into, if they join in the tobacco addiction group, that they may be jeopardizing their health very seriously.

Our bill will force tobacco companies to tell the truth, finally, to the American people. As witnessed by the Liggett & Myers' settlement, which wiped away the secrecy and deception perpetrated by the industry, truth is one of the few items in short supply in the tobacco industry. This bill will require tobacco manufacturers to disclose the ingredients of their product to the public.

Actually, it is a modest step. Of the hundreds of products on sale in America that go into the human body, tobacco products are the only ones—the only ones—for which manufacturers do not have to disclose the ingredients. Take a company like Coca-Cola, one of the world's great companies. They have a proud tradition of keeping their formula secret. They have to list Coke's ingredients on every can.

There is a major difference, of course, between Coca-Cola and cigarettes. Coca-Cola does not kill anybody and cigarettes kill 400,000 people a year—more than 400,000. That is one out of every three new users that the industry is trying to recruit. That is according to the Centers for Disease Control.

Manufacturers of every food product and every over-the-counter drug disclose their contents. Cigarette manufacturers do not. Can we wonder why? Yet, of any consumable product for sale in the United States, it is by far among the most deadly.

When you think about the materials that are in cigarettes, carcinogens—43. Should not America know that when you inhale you are going to get some arsenic, going to get some benzine, materials that are very dangerous to health?

Lead, we fight all over the place to take lead out of gasoline, take lead out of paint. But we sell it to the kids. That is what the tobacco industry wants to do. Cadmium, nickel—you would not let your child go near these things, yet everyday this industry, these companies, get tax deductions to advertise their addictive, health-damaging product—maybe lethal.

Our bill also is going to replace the warnings. We ask, A, they list the ingredients. B, we ask also that health warnings on the side of a cigarette package be significant, with larger warnings on the front and back that are simple and direct, saying: ''Cigarettes kill. Smoking can kill you. Cigarettes are addictive. Cigarettes cause heart attacks and stroke.''

It is pretty simple. But maybe, just maybe, then we will be able to stop the industry from targeting its recruits for the day. Mr. President, 3,000 children, young people, a day, are attracted and start smoking. And then they cannot quit.

These kinds of warnings exist all around the world. Cigarettes kill one out of every three, again, I repeat, of its users. Over 400,000 Americans every year die from smoking and lots more get sick: Emphysema, heart attacks, cannot conduct their normal activity, cannot associate with their families, cannot show the kids how to hit a ball, run a base or go skating or skiing. We should disclose information on the ingredients of cigarettes to the public and provide it with realistic warnings about the health risks that cigarettes cause. It may seem that most smokers know a single cigarette may have hundreds of dangerous ingredients, but I doubt it. When a smoker lights a cigarette, some of these ingredients burn to create other chemicals, and some of these are carcinogenic.

A Surgeon General's report in 1989 reported that cigarettes contain 43 carcinogens. The list is here, over 43. I did not know it until recently. But the public certainly has a right to know. Do most smokers realize that one of these chemicals is arsenic? I do not think so. Our bill would disclose that, as well as the other chemical carcinogens in cigarettes.

With all these known dangers about smoking, we should not hide health warning labels in small type on the side of a cigarette pack. Other countries, countries like Canada, Australia, Thailand, put large labels on the front of each pack and they put it, of course, in their native language. The United States should provide equal protection to consumers. The warnings should be stark, brutal if necessary, and easily seen. When cigarettes get in the hands of kids, and 3,000 of them take up smoking every day, they ought to be looking at something that says: Smoking can kill you. Smoking is addictive. Smoking harms athletic performance.

That is a lot more graphic and descriptive than the small print that appears today. We should have no beating around the bush because this bush kills you. With large and honest warnings, more children will get the message and perhaps some will put down that pack rather than lighting it up.

Mr. President, the 105th Congress should enact this legislation. It should not be a partisan issue. In the coming weeks I expect this bill will attract cosponsors from both sides of the aisle. The public has a right to know. They have a right to know the truth. Unless Congress forces the industry's hand, it will never fully disclose to customers what it puts in its product, what it puts in their products.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 527

*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 ''Tobacco Disclosure and Warning Act of 1997''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Tobacco products are the largest preventable cause of illness and premature death, responsible for one of every 5 deaths in the United States.

(2) Tobacco is a uniquely harmful product in that it is the only product which kills when used as intended.

(3) Cigarettes and spit tobacco products are powerfully addictive because they contain nicotine which is a poisonous, addictive drug.

(4) Tobacco-related addiction is a pediatric disease. The vast majority of new smokers are teenagers or younger and children are beginning to smoke today at a younger age than ever before.

(5) The United States health care system spends an estimated $50 billion a year to treat diseases caused by tobacco use. In addition, the United States economy loses $50 billion a year from lost productivity due to tobacco-related illnesses and premature death.

(6) The nicotine in tobacco products is responsible for the addiction of up to one half of all children who experiment with tobacco.

(7) More than 3,000 children begin smoking each day. An estimated 1,000 of them will die from a tobacco-related illness.

(8) Tobacco manufacturers manipulate the levels and presence of the drug nicotine in their products with the intent to cause and sustain addiction in consumers.

(9) In 1997 the tobacco industry will spend over $5 billion on advertising and promotion to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(10) The Federal Government has a substantial interest in ensuring that those who do not use tobacco products are not encouraged to use them and those who use tobacco products are discouraged from continuing their use.

(11) A failure to provide adequate and complete health warnings and labeling information to fully inform consumers about the risks and dangers of tobacco use is misleading.

(12) Health warnings on cigarette packages have not been updated since 1984 and do not fully reflect current scientific knowledge on the adverse health effects of tobacco use.

(13) The display format of tobacco health warnings can be more effective as a vehicle for promoting public knowledge of the health risks.

(14) Health warnings are most effective when directed at those people who are tempted to try smoking, who are experimenting with smoking, or who are considering a decision to quit smoking.

(15) Health warnings will be most effective when they are present each time the opportunity to use a tobacco product occurs and each time tobacco products are promoted and advertised.

(16) Changes in warning format and revisions in the text of health warnings further the Federal government's commitment to reduce tobacco-related disease and are a low cost means of enhancing the effectiveness of other tobacco reduction programs.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) The term ''advertisement'' means—

(A) all newspapers and magazine advertisements and advertising inserts, billboards, posters, signs, decals, banners, matchbook advertising, point-of-purchase display material and all other written or other material used for promoting the sale or consumption of tobacco products to consumers,

(B) advertising at an internet site,

(C) advertising promotion allowances,

(D) the appearance on any item (other than cigarettes or other tobacco products) of the brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of cigarettes or other tobacco products,

(E) any other means used to promote the identification or purchase of tobacco products.

(2) The term ''brand'' means a variety of tobacco products distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the tobacco product, filtration, or packaging.

(3) The term ''cigarette'' means—

(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco which is to be burned,

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling is likely to be offered to, or purchased by consumers as a cigarette described in subparagraph (A),

(C) little cigars which are any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subparagraph (A)) and as to which one thousand units weigh not more than 3 pounds, and

(D) loose rolling tobacco and papers or tubes used to contain such tobacco.

(4) The term ''constituent'' means any element of tobacco or cigarette mainstream or sidestream smoke, including tar, the components of the tar, nicotine, and carbon monoxide or any other component designated by the Secretary.

(5) The term ''distributor'' does not include a retailer and the term ''distribute'' does not include retail distribution.

(6) The term ''ingredient'' means any substance the use of which results, or may reasonably be expected to result, directly or indirectly, in its becoming a component of any tobacco product, including any component of the paper or filter of such product.

(7) The term ''package'' means a pack, box, carton, or other container of any kind in which cigarettes or other tobacco products are offered for sale, sold, or otherwise distributed to customers.

(8) The term ''Secretary'' means the Secretary of Health and Human Services.

(9) The term ''spit tobacco'' means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(10) The term ''tar'' means the particulate matter from tobacco smoke minus water and nicotine.

(11) The term ''tobacco product'' means—

(A) cigarettes,

(B) little cigars,

(C) cigars as defined in section 5702 of the Internal Revenue Code of 1954,

(D) pipe tobacco,

(E) loose rolling tobacco and papers used to contain such tobacco,

(F) products referred to as spit tobacco, and

(G) any other form of tobacco intended for human consumption.

(12) The term ''trademark'' means any word, name, symbol, logo, or device or any combination thereof used by a person to identify or distinguish such person's goods from those manufactured or sold by another person and to indicate the source of the goods.

(13) The term ''United States'' includes the States and installations of the Armed Forces of the United States located outside a State.

(14) The term ''State'' includes, in addition to the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

**SEC. 4. PRODUCT PACKAGE LABELING.**

(a) IN GENERAL.—

(1) CIGARETTES.—

(A) WARNINGS.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any cigarettes unless the cigarette package bears, in accordance with the requirements of this section, one of the following warning labels:

WARNING: Cigarettes Kill
WARNING: Cigarettes Cause Lung Cancer and Emphysema
WARNING: Cigarettes Cause Infant Death
WARNING: Cigarettes Cause Heart Attacks and Stroke
WARNING: Cigarettes Are Addictive
WARNING: Nicotine Is An Addictive Drug
WARNING: Cigarette Smoking Harms Athletic Performance
WARNING: Smoking During Pregnancy Can Harm Your Baby
WARNING: Cigarette Smoke Is Harmful to Children
WARNING: Smoke From * Cigarettes Can Cause Cancer in Nonsmokers.

For purposes of the last warning in the preceding sentence, * denotes the name of the brand of cigarettes required to bear such label.

(B) INGREDIENTS AND CONSTITUENTS.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any cigarettes unless the cigarette package contains a package insert, in accordance with the requirements of this section, the ingredients and constituents of the cigarettes which were reported to the Secretary under section 7 and which the Secretary determines should be made public.

(C) PACKAGE INSERT.—

(i) IN GENERAL.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any cigarettes unless the cigarette package includes a package insert, prepared in accordance with guidelines established by the Secretary by regulation, on the carcinogens and other substances posing a risk to human health contained in the ingredients and constituents of the cigarettes in such package.

(ii) REGULATIONS.—The Secretary shall issue regulations requiring the package insert required by clause (i) to provide the information required by such clause (including carcinogens and other dangerous substances) in a prominent, clear fashion and a detailed list of the ingredients and constituents.

(2) SPIT TOBACCO PRODUCT.—

(A) WARNINGS.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any spit tobacco product unless the product package bears, in accordance with the requirements of this section, one of the following warning labels:

WARNING: Spit Tobacco Causes Mouth Cancer
WARNING: Spit Tobacco Is Not a Safe Alternative to Cigarettes
WARNING: Spit Tobacco Is Addictive
WARNING: Nicotine Is An Addictive Drug
WARNING: Use of * Spit Tobacco Can Cause Gum Disease
WARNING: Use of * Spit Tobacco Can Cause Tooth Loss

For purposes of the last warning in the preceding sentence, * denotes the name of the brand of spit tobacco required to bear such label.

(B) INGREDIENTS AND CONSTITUENTS.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any spit tobacco unless the spit tobacco package bears, in accordance with the requirements of this section, the ingredients and constituents of the spit tobacco which were reported to the Secretary under section 7 and which the Secretary determines should be made public.

(3) OTHER TOBACCO PRODUCTS.—

(A) WARNINGS.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any tobacco product, other than cigarettes or spit tobacco, unless the product package bears, in accordance with the requirements of this section, one of the following warning labels:

WARNING: Tobacco Kills
WARNING: Tobacco Causes Lung Cancer and Emphysema
WARNING: Tobacco Causes Infant Death
WARNING: Tobacco Causes Heart Attacks and Stroke
WARNING: Tobacco Is Addictive
WARNING: Nicotine Is An Addictive Drug
WARNING: Tobacco Harms Athletic Performance
WARNING: Tobacco Use During Pregnancy Can Harm Your Baby
WARNING: Tobacco Smoke Is Harmful to Children
WARNING: Tobacco Smoke Can Cause Cancer in Nonsmokers

(B) INGREDIENTS AND CONSTITUENTS.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any tobacco product subject to subparagraph (A) unless the tobacco product package bears, in accordance with the requirements of this section, the ingredients and constituents of the tobacco product which were reported to the Secretary under section 7 and which the Secretary determines should be made public.

(b) LABEL FORMAT.—

(1) IN GENERAL.—The warning labels required by paragraphs (1)(A), (2), and (3) of subsection (a) shall—

(A) appear on the top of the 2 most prominent sides of the product package on which the label is required and 1 label shall be in Spanish,

(B) be in a size which is not less than 33 percent of the side on which the label is placed,

(C) appear in white letters on black backing or in black letters on white backing, whichever is more conspicuous and prominent in contrast to the color of the package, except that the words ''WARNING'' shall appear in bright red letters and if the package does not have any color, the words ''WARNING'' shall be in black or white as prescribed by this subparagraph and shall be boldly underlined with a black or white underlining,

(D) be in a rectangular shape enclosed in a border of color contrasting to the color of the backing prescribed by subparagraph (C) and to the predominant color of the package, and

(E) include letters in a height, thickness, and type face which assures that the letters in the space provided for the statement will

be no less legible, prominent, and conspicuous than the most legible, prominent, and conspicuous typeface, typography, and size of other matter printed on the side of the package on which the label statement appears.

(2) FORMAT FOR OTHER CIGARETTE LABELS.—The label required by paragraph (1)(B) of subsection (a) shall appear on the package in such style and format as the Secretary may by regulation prescribe.

(c) ROTATION.—The warning labels required by paragraphs (1)(A) and (2) of subsection (a) shall be rotated by each manufacturer of cigarettes and spit tobacco products on each brand of cigarettes and spit tobacco products in accordance with a plan approved for the manufacturer by the Secretary. Each such plan shall provide for an approximately even distribution of the labels among the packages of a brand of the cigarettes and spit tobacco products of each manufacturer each year.

**SEC. 5. LABELING IN ADVERTISING.**

(a) IN GENERAL.—

(1) CIGARETTE ADVERTISING.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any brand of cigarettes unless the advertising for such brand bears the warning label required for cigarettes by section 4(a)(1)(A).

(2) SPIT TOBACCO.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any spit tobacco product unless the advertising for such product bears the warning label required for spit tobacco products by section 4(a)(2)).

(3) OTHER TOBACCO PRODUCTS.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any tobacco product, other than cigarettes or spit tobacco, unless the advertising for such product bears the warning label required for such product by section 4(a)(3)).

(b) FORMAT.—

(1) WARNING LABELS.—The warning label required by subsection (a) for advertising shall—

(A) appear in white letters on black backing or in black letters on white backing, whichever is most prominent relative to the color of the advertisement, except that the word ''WARNING'' shall appear in bright red letters and in a advertisement without color ''WARNING'' shall be in black or white as prescribed by this subparagraph and shall be boldly underlined with a black or white underlining,

(B) be in a rectangular shape which occupies 33 percent of the space of each advertisement and which is located at the top of the advertisement and enclosed in a border of color contrasting to the color of the backing prescribed by subparagraph (A) and to the predominant color of the advertisement of the tobacco product being advertised,

(C) include letters in a type face and size which, within the space limitation prescribed by subparagraph (B), assure that the letters in the statement will be no less legible, prominent, or conspicuous than the most legible, prominent, and conspicuous typeface, typography, and size of other matter printed on the advertisement, and

(D) be in the same language as the text of the advertising in which it appears.

(2) BILLBOARDS WITH LIGHTING.—The warning label on billboards which use artificial lighting shall be no less visible than other printed matter on the billboard when the lighting is in use.

(c) ROTATION.—

(1) NON-BILLBOARD ADVERTISING.—Warning labels on advertising (other than billboard advertising) shall be rotated quarterly in alternating sequence for each brand of cigarettes or spit tobacco product manufactured by the manufacturer or imported by the importer in accordance with a plan submitted by the manufacturer or importer and approved by the Secretary.

(2) BILLBOARDS.—Warning labels on advertising displayed on billboards shall be rotated annually or whenever the advertisement is changed, whichever occurs first.

**SEC. 6. AUTHORITY TO REVISE HEALTH WARNINGS.**

The Secretary may by regulation revise any health warning required by section 4(a)(1)(A), 4(a)(2), or 4(a)(3) and the format for the display of such warning if the Secretary finds that such revision would promote greater understanding of the risks of tobacco.

**SEC. 7. TOBACCO PRODUCT INGREDIENTS AND CONSTITUENTS.**

(a) GENERAL RULE.—Each person which manufactures, packages, or imports into the United States any tobacco product shall annually report, in a form and at a time specified by the Secretary by regulation—

(1) the identity of any added constituent of the tobacco product other than tobacco, water, or reconstituted tobacco sheet made wholly from tobacco, and

(2) the nicotine, tar, and carbon monoxide yield ratings which shall accurately predict the nicotine, tar, and carbon monoxide intake from such tobacco product for average consumers based on standards established by the Secretary by regulation,

if such information is not information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code. The constituents identified under paragraph (1) shall be listed in descending order according to weight, measure, or numerical count. If any of such constituents is carcinogenic or otherwise poses a risk to human health, as determined by the Secretary, such information shall be included in the report.

(b) PUBLIC DISSEMINATION.—The Secretary shall review the information contained in each report submitted under subsection (a) and if the Secretary determines that such information directly affects the public health, the Secretary shall require that such information be included in a label under sections 4(a)(1)(B), 4(a)(2)(B), and 4(a)(3)(B).

(c) OTHER SOURCES OF INFORMATION.—The Secretary shall establish a toll-free telephone number and a site on the Internet which shall make available additional information on the ingredients of tobacco products, except information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code.

**SEC. 8. ENFORCEMENT.**

(a) IN GENERAL.—

(1) The Secretary shall carry out the Secretary's duties under this Act through the Commissioner of Food and Drugs.

(2) The Secretary shall issue such regulations as may be appropriate for the implementation of this Act. The Secretary shall issue proposed regulations for such implementation within 180 days of the date of the enactment of this Act. Not later than 180 days after the date of the publication of such proposed regulations, the Secretary shall issue final regulations for such implementation. If the Secretary does not issue such final regulations before the expiration of such 180 days, the proposed regulations shall become final and the Secretary shall publish a notice in the Federal Register about the new status of the proposed regulations.

(3) In carrying out the Secretary's duties under this Act, the Secretary shall, as appropriate, consult with such experts as may have appropriate training and experience in the matters subject to such duties.

(4) The Secretary shall monitor compliance with the requirements of this Act.

(5) The Secretary shall recommend to the Attorney General such enforcement actions as may be appropriate.

(b) INJUNCTION.—

(1) The district courts of the United States shall have jurisdiction over civil actions brought to restrain violations of sections 4 and 5. Such a civil action may be brought in the United States district court for the judicial district in which any substantial portion of the violation occurred or in which the defendant is found or transacts business. In such a civil action, process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas requiring attendance of witnesses in any such action may be served in any judicial district.

(2) Any interested organization may bring a civil action described in paragraph (1). If such an organization substantially prevails in such an action, the court may award it reasonable attorney's fees and expenses. For purposes of this paragraph, the term ''interested organization'' means any nonprofit organization one of whose purposes, and a substantial part of its activities, include the promotion of public health through reduction in the use of tobacco products.

(c) CIVIL PENALTY.—Any person who manufactures, packages, distributes, or advertises a tobacco product in violation of section 4 or 5 shall be subject to a civil penalty of not more than $100,000 for each violation per day.

**SEC. 9. LIABILITY.**

Compliance with any requirement of this Act, the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.), or the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.) shall not relieve any person from liability to any other person at common law or under State statutory law.

**SEC. 10. EFFECTIVE DATES AND CONFORMING AMENDMENTS.**

(a) EFFECTIVE DATES.—This Act shall take effect on the date of the enactment of this Act, except that

(1) sections 4, 5, and 7 shall take effect one year after the date of the enactment of this Act,

(2) section 6 shall take effect 3 years after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—Effective one year from the date of the enactment of this Act, the Federal Cigarette Labeling and Advertising Act (other than sections 6, 9, 10, and 11) (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (other than sections 1, 2, 3(f), and 8) (15 U.S.C. 4401 et seq.) are repealed.

## ADDITIONAL COSPONSORS

S. 18

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 18, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 28

At the request of Mr. THURMOND, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from

Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 91

At the request of Ms. SNOWE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 91, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 102

At the request of Mr. BREAUX, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of S. 102, a bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 207

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 207, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 224

At the request of Mr. WARNER, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 228

At the request of Mr. MCCAIN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 228, a bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations.

S. 304

At the request of Mr. DORGAN, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 304, a bill to clarify Federal law with respect to assisted suicide, and for other purposes.

S. 351

At the request of Mrs. MURRAY, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 351, a bill to provide for teacher technology training.

S. 365

At the request of Mr. COVERDELL, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 365, a bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 419

At the request of Mr. BOND, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 492

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 511

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 511, a bill to require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. GREGG, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Kentucky [Mr. FORD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Montana [Mr. BAUCUS], the Senator from Virginia [Mr. WARNER], the Senator from Wisconsin [Mr. KOHL], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as ''National Character Counts Week.''

## NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, April 10, 1997, at 10:30 a.m. to receive testimony from outside counsel concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff at 224–3448.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 1997, at 10 a.m. and at 3:30 p.m. to hold hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, April 8, 1997, at 9:30 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on juvenile justice issues in Indian country.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Tuesday, April 8, 1997, at 10 a.m. in open session, to receive testimony on active and reserve military and civilian personnel programs and the Defense Health Program in review of S. 450, the National Defense Authorization Act for fiscal years 1998 and 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, April 8, 1997, in open session, to receive testimony regarding submarine development and procurement programs and global submarine threat in review of S. 450, the national defense authorization bill for fiscal years 1998 and 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### UNIVERSITY OF KENTUCKY'S BASKETBALL PROGRAM

● Mr. MCCONNELL. Mr. President, the University of Kentucky's basketball program has a rich and storied legacy; more wins than any team in college basketball history, six NCAA titles, more appearances in the NCAA tournament than any other program, and 38 Southeastern Conference titles. But, those statistics only begin to tell the tale. Even with all these successes, the 1996–97 edition of the Wildcats will carry a special place in the hearts of Kentucky fans. For the real story behind the UK basketball team is the love affair the fans have with the Big Blue's program.

It was not so long ago, Mr. President, that even one loss was enough to launch some in the Commonwealth into a fit of pique. So accustomed to winning, some Wildcat fanatics had grown unable to accept an occasional setback. Even worse, many had forgotten how to enjoy the hard-earned victories that talented Kentucky teams continually produced.

Today there is a new attitude in the bluegrass, Mr. President. An attitude which exults in victories and championships without believing the end of the world is near if their beloved Cats happen to come up short. An attitude derived from the players and coaches themselves. An attitude borne of hard work and the satisfaction brought by the unparalleled success that hard work has produced.

Never has this been more true than with this year's Kentucky squad. With the odds stacked against the team all year long, the fans were able to revel in a 35–5 season, a Southeastern Conference tournament title and a national runnerup trophy. Not bad for a squad that lost four players to the NBA draft, two starters to injury and returned only one starter from the previous year's national championship team. At times this year, many would agree that the MVP of the team was trainer ''Fast'' Eddie Jamiel.

These young men, Coach Rick Pitino, and Athletic Director C.M. Newton deserve special recognition for reminding us all that how you play the game is as important as the final result. Not once during a roller-coaster season did any player or coach complain about the difficulty of the challenges at hand. Excuses are for losers, and there are no losers associated with this Wildcat team of overachievers.

The Fabulous Five, the Fiddlin' Five, Rupp's Runts, the Unforgettables, the Untouchables, and now the Unbelievables. Other Kentucky teams had more talent but never has a Wildcat group worked as hard. This team had tremendous pride due to the fact that ''KENTUCKY'' was stitched in bold blue letters across their chests. They took that pride and used it to achieve more than any fan or so-called expert could have hoped for. I join Wildcat faithful across the Nation in saluting this year s gallant effort. ●

### THE CHEMICAL WEAPONS CONVENTION

● Mr. DURBIN. Mr President, one of this Nation's most pressing national security concerns is the ratification of the Chemical Weapons Convention. The case for this treaty is compelling. The CWC treaty was negotiated by Presidents Reagan and Bush, two Republican administrations. It is now being moved to ratification by a Democratic administration. CWC is supported whole heartedly and overwhelmingly by the American people. According to a poll, 84 percent of all Americans support this convention. It also has the unconditional support of the U.S. chemical industry and the U.S. military as represented by Gen. Norman Schwarzkopf, General Shalikashvili, and Admiral Zumwalt among others. It is endorsed by veterans groups; religious organizations; the intelligence community; peace groups; societies for physicians, scientists, and engineers; and military organizations. It has already been ratified by 68 countries around the world including China, India, Japan, many of the former Soviet Republics and Warsaw Pact countries as well as our major West European allies. The fact of the matter is, the treaty is both effective and reasonable. It makes sense militarily and economically.

Despite this unprecedented support from such diverse groups, the Convention has been languishing, awaiting a Senate vote since 1993. Very simply put, and to quote from an editorial in the Chicago Tribune: ''This Treaty Ought To Be Ratified.'' This Tribune editorial goes on to state, ''In the annals of 20th century warfare, hardly a weapon short of nuclear explosives has produced such loathing and terror as those classified as chemical weapons.'' When you are considering outlawing the development, production, transfer, acquisition, and use of chemical weapons, partisanship and obstructionism should not be an issue.

There are many misstatements and much propaganda against the CWC. The truth is that there is a heavy price to pay if we are not an original signatory: The United States will have no place on the executive council; Americans won't be able to serve as inspectors; American chemical companies will lose significant business to overseas competitors because of mandatory trade sanctions; and U.S. credibility and influence will be undermined. We'll be in the same category as other nonsignatories such as Libya, Iran, and Syria.

On the other hand, the ratification of CWC will make it less likely that our troops will ever again encounter chemical weapons in the battlefield; less likely that chemical weapons will fall into the hands of terrorists; and less likely that rogue states will have access to chemical weapons. Unfortunately, CWC is not the panacea to remove all threat of chemical weapons, but it is a first important step.

I urge my Senate colleagues to take up the debate on the Chemical Weapons Convention on the Senate floor so that this treaty can be ratified. I also ask that three editorials from Illinois newspapers supporting CWC be printed in the RECORD.

The editorials follow:

[From the Chicago Tribune, Sept. 27, 1995]

THE HELMS CHOKE-HOLD ON DIPLOMACY

That the president of these United States must seek the advice and win the consent of the Senate in making treaties and appointing ambassadors is so integral to the American system of checks and balances that it is written into the Constitution.

The framers of that document certainly were no strangers to the baser side of domestic politics, so a certain amount of horse-trading in the conduct of foreign policy—which is the province of the president—was to be tolerated and even encouraged. Today, however, the pugnacious senator from North Carolina, Jesse Helms, has turned advice and consent into stonewalling and deadlock.

As Senate Foreign Relations chairman, a post he assumed with the Republican sweep of Congress, Helms has laid down his gavel and refuses to convene business meetings of that powerful committee.

Frozen by his fit of pique are ratification of a dozen treaties and international agreements, including two landmark pacts; Start 2, the treaty slashing U.S. and Russian nuclear arsenals that was signed by former President George Bush, a Republican; and the Chemical Weapons Convention, which outlaws the manufacture and use of chemical weapons.

Among the 400 State Department appointments locked up by Helms are 30 ambassadorial positions. Thus, the United States is left without chief envoys to 15 percent of its embassies, including those in several nations critically important to American national security and a peaceful world order—China, Lebanon, Pakistan, Panama, South Africa and Zaire.

What is Helms after? He wants to reorganize the State Department by eliminating the independent agencies that handle foreign aid, arms control and public information. Helms says $3 billion can be saved over four years by letting the State Department swallow up the Agency for International Development (AID), the Arms Control and Disarmament Agency (ACDA) and the U.S. Information Agency (USIA).

The majority of Helms' Senate colleagues, however, disagree. As recently as last week, the Senate refused to approve Helm's controversial reorganization plan, which was attached to the foreign aid bill.

President Clinton concedes there's fat to be trimmed from the State Department budget but points out, for example, that the AID budget has been trimmed by 20 percent since he took office, part of a downward trend that has seen the overall funding of foreign affairs drop by 47 percent since 1985.

This stonewalling by Helms is ill-considered, and extends far beyond Congress' power of the purse. Helms should let the treaties and appointments be voted in committee. Then, the Senate as a whole and not just one senator—should be allowed to consider what advice to give Clinton and whether to give its consent on these important foreign policy matters.

---

[From the State Journal-Register, Feb. 11, 1997]

OBSTRUCTIONISM BLOCKING CHEMICAL WEAPONS ACCORD

The Senate's delay in bringing the chemical weapons treaty to a ratifying vote is inimical to national interests. This treaty is strongly supported by every major national constituency.

The treaty is an American brainchild, negotiated under Presidents Reagan and Bush. President Clinton sent it to the Senate for ratification in 1993. It has bipartisan Senate support and is enthusiastically backed by the U.S. military, which is destroying its chemical weapons stockpiles and wants to see other nations do the same.

The problem is summed up in two words: Jesse Helms. This relic from North Carolina who, through seniority, not ability, has become chairman of the Foreign Relations Committee, has persuaded Majority Leader Trent Lott to withhold the treaty from a vote on the floor, where it would easily pass.

In playing this power game, Helms serves neither nation, Senate nor party.

He serves his own ego.

The practical effect of Helms' obstructionism is to damage the U.S. chemical industry, a strong treaty supporter.

After the treaty takes effect April 29, participating nations (160 have endorsed it so far) and prohibited from dealing with nonparticipants in any of the chemicals banned by the treaty, many of which have commercial as well as military uses.

The U.S. chemical industry puts the cost to it of this provision at $600 million in exports annually.

But Helms does more serious damage to America's reputation. This is our treaty. Since the United States renounced chemical weapons 15 years ago and began destroying stockpiles, it has been persuading other nations to do the same.

The Chemical Weapons Convention is the first treaty calling not just for the reduction of a type of weaponry, but its entire elimination.

The United States has had success convincing others to follow our lead, but now it is the Senate's turn to act. Instead, Helms has blocked a ratifying resolution introduced by Sen. Richard Lugar, R–Ind., the man Helms ousted as committee chairman four years ago in a particularly egregious use of the seniority principle.

If Helms wants to thwart the Clinton administration and does not care about the chemical industry, perhaps he should listen to what the military is saying.

Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, is supported by former military leaders Colin Powell, Brent Scowcroft, Elmo Zumwalt and others in urging quick ratification.

Disputing Helms' claim that the treaty somehow weakens the United States, Zumwalt, former chief of naval operations, says it ''is entirely about eliminating other people's weapons, weapons that may someday be used against Americans.

That kind of sober warning should be enough to persuade Helms to end his ego trip and let the treaty go forward.

---

[From the Chicago Tribune, Feb. 19, 1997]

THIS TREATY OUGHT TO BE RATIFIED

In the annals of 20th Century warfare, hardly a weapon short of nuclear explosives has produced such loathing and terror as those classified as chemical weapons, more commonly known as poison gas.

Considered the poor-man's A-bomb because of their ease of manufacture and battlefield delivery, the use of chemicals was considered so inhumane that even the Nazis declined their deployment on the battlefield—if not in the extermination camps.

So horrible was the thought of Iraq using chemical artillery against U.S. forces in the Gulf War that Baghdad had the clear impression that to do so might bring quick nuclear retaliation.

Who besides the leaders of renegade nations would oppose a treaty that would ban and destroy such heinous weapons of war? How about a handful of senators who oppose the U.S. ratification of the 1993 Chemical Weapons Convention.

Jesse Helms, the powerful head of the Senate Committee on Foreign Relations, and a few others oppose the treaty, claiming that it cannot be effectively enforced nor can violations of its provisions be verified. Proponents dispute such claims. Helms has asked that instead of chemical arms, Senate priorities first be focused upon other aims, like legislation ensuring a comprehensive reform of the ''antiquated'' Department of State and the United Nations.

In this there is a problem: if the Senate does not ratify the pact by April 29, the day the convention becomes international law, the sole remaining superpower will lose out on the right to join teams to monitor suspect chemical plants and guarantee the destruction of chemical arms stockpiles. Another detriment would be denial to the U.S. of access to information gathered by those chemical teams.

So far 161 countries have signed the Chemical Weapons Convention, and the legislatures of 68 countries—including those of our major allies—have ratified the pact. Russia, which has yet to ratify, is nevertheless committed to destroy its chemical stockpile by the year 2005 and the United States its own by 2004.

The list of those backing the treaty contains names hardly associated with a soft line on national defense. On that list are military giants like Colin Powell, Norman Schwarzkopf, Brent Scowcroft and Adm. Elmo Zumwalt Jr., and civilians like George Bush, Lawrence Eagleburger and James A. Baker III.

Our confidence on this issue is in them, not Jesse Helms. The Senate should move quickly to ratify the treaty and join the 21st Century.●

---

## TRIBUTE TO THE MIDDLEBURY COLLEGE HOCKEY TEAM

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the 1996–97 Middlebury College Hockey Team. The Panthers recently clinched their third consecutive NCAA Division III title. Not only did the team win a championship, but was also able to remain undefeated throughout the season. Their impressive performance is testimony to months of hard work and dedication.

Vermonters take their hockey seriously and the success of Middlebury College's hockey team is not only a victory for the school, but the entire community as well. The players and coaches have represented themselves as well as Vermont admirably. I know that everyone associated with the team is proud of their achievements and we all look forward to another successful season next year under the continued tutelage of Coach Beaney.

Once again, I would like to extend my best wishes and congratulations to the Middlebury College Hockey Team: Coach Bill Beaney, Assistant Coach Wes McKee, Francois Bourbeau, Jeff Anastasio, Erik Zink, Mathieu Bilodeau, Ryan Goldman, Sebastien Bilodeau, Emil Jattne, Mike Anastasio, Ben Barnett, Cam Petke, Nickolai Bobrov, Mark Spence, Francois Gravel, David Bracken, Peter Schneider, Curt Goldman, Brady Priest, Ross Sealfon, Mike Bay, Ray Turner, Jason Cawley, Chris Farion, Tim Fox, Jim Walsh, and John Giannacopoulos.●

---

## TRIBUTE TO LT. COL. ARCHIBALD GALLOWAY II

● Mr. LUGAR. Mr. President, it is with great pleasure that I rise today to pay tribute to Lt. Col. Archie Galloway for his dedicated military service to our country.

Colonel Galloway is retiring on May 31, 1997 from active service in the U.S. Army after serving for nearly 29 years as an infantry officer and soldier. I came to know Colonel Galloway personally during his last 3½ years of military service as a staff officer in the Army's Senate liaison office, as he arranged for and accompanied me on a number of key trips around the globe on critical national issues of defense and foreign affairs.

Colonel Galloway was born in Baltimore, MD, on April 12, 1947. He enlisted in the Army in 1967 as a private and was later commissioned as a second lieutenant in 1969 from Infantry Officer Candidate School at Fort Benning, GA. Throughout his military career, he consistently distinguished himself during times of peace and war, in both command and staff positions. He volunteered for duty in Vietnam as a Vietnamese ranger adviser and was decorated with the Vietnamese Cross of Gallantry with Silver Star and the Bronze Star Medal. During Operation Just Cause, he served as the chief of current operations in the joint task force and earned at the end of his tour in the 7th Infantry Division the Legion of Merit. His other notable military awards include the Combat Infantryman's Badge, Meritorious Service Medal with four Oak Leaf Clusters, Army Commendation Medal, Army General Staff Identification Badge, Ranger, Airborne, and Air Assault Badges.

Colonel Galloway's professionalism and leadership as a military officer have earned him the respect and admiration of his soldiers, fellow officers,

and Members of the U.S. Congress. He is known for his integrity, compassion, and ability to inspire men and women from all walks of life. It is these qualities that will assure his success as a new legislative assistant for Senator JEFF SESSIONS.

I salute Arch Galloway for his distinguished military record and wish him and his wonderful wife and great baker, the former Nancy Carol Brendel, many years of happiness and good health in his retirement. ●

## SALUTE TO HAROLD HAZELIP

● Mr. FRIST. Mr. President, I rise today to commend Harold Hazelip for an outstanding career. Hazelip has served as president of Lipscomb University since 1986 with dedication and a proactive sense of leadership. This spring he will retire, and the students, faculty and staff at Lipscomb University will miss him greatly. But as they look back on his years of service, they will find that the legacy he leaves behind is a strong foundation for education and the community.

Since 1986, Lipscomb University has seen many changes. Enrollment has reached record highs at the university and at David Lipscomb Campus School for kindergarten through high school. Fundraising efforts are more productive than at any time in the university's 104-year history and alumni are giving more back to their school.

When Harold Hazelip took the helm, Lipscomb University was called David Lipscomb College. Through hard work and a clear vision Hazelip helped the school implement a masters degree program to become accredited as a university by the Southern Association of Colleges. In addition to a variety of new programs, Hazelip has also been able to recruit some of the best professors from across the country. Today, 83 percent of Lipscomb's faculty hold terminal degrees in their field, an increase from 63 percent when Hazelip started.

During Hazelip's tenure, admissions standards were strengthened and the diversity of the student body increased. The campus grew, too, with the addition of a new library, a recreational gymnasium, and a campuswide fiber-optic network. Hazelip has eagerly combined technological innovation, student diversity, advanced education programs, and new instructional facilities to steer Lipscomb University toward a bright future.

The most exciting legacy that Hazelip leaves behind is the growth and continued interest in mission work and youth ministry at Lipscomb University. This aspect of campus life is a true reflection of the dedication that Hazelip has for the university as well as his community. Harold Hazelip truly encompasses the ideals of community involvement and leadership. In today's tumultuous world, it is reassuring to see these ideals passed along.

Mr. President, Harold Hazelip is not simply a university president, he is also a writer, a minister, a Chamber of Commerce member, and a leader in education. His commitment to each of these titles is reflected in the successes he has helped the people around him achieve. Hazelip's retirement from Lipscomb University challenges the university community to uphold the standards that he set and to move beyond those criterion to reach higher goals for the institution. Like any good teacher, Hazelip has given Lipscomb University the foundation to achieve success. It is now up to the university to build upon that foundation. Harold Hazelip has set Lipscomb University on the fast track to success, and I am confident that Lipscomb's future is very bright as a result. I thank Harold Hazelip for his dedication to education and his community, and I wish him well as he enters retirement.●

## MR. SPRINGFIELD, JOHN Q. HAMMONS

● Mr. BOND. Mr. President, on Sunday, April 13, 1997, the city of Springfield, MO will dedicate a statue of John Q. Hammons in recognition of his lifelong devotion to his city, his State, and his country.

When Thoreau observed that, ''Philanthropy is almost the only virtue which is sufficiently appreciated by mankind,'' he could not have imagined how impossible it has become for Springfield to show sufficiently its appreciation for the generosity of John. He has donated, built, benefactored, patroned, and supported all facets and levels of life in Springfield. When visiting the city, you are aware immediately of John Q. Hammons landmarks which grace and enrich the community.

In raising this statue and in knowing they can never adequately express their admiration, respect, and affection, fellow Springfieldians enthusiastically embrace the opportunity to say thank you. Sunday will be a great occasion for the people of Springfield and I join them in paying tribute to John Q. Hammons.●

## TRIBUTE TO THE UND WOMEN'S BASKETBALL TEAM

● Mr. DORGAN. Mr. President, my home State of North Dakota has been making the national news lately because of the recordbreaking snowfalls and flooding we have been suffering. This will surely be a winter that North Dakotans will remember for a long time to come. However, we North Dakotans will also be able to look back on this winter with fond memories because of the two national championships captured by the University of North Dakota in women's basketball and men's hockey.

First of all, I want to pay special tribute to the 1997 National Collegiate Athletic Association's Division II women's national basketball champions, the University of North Dakota Fighting Sioux. This championship is made more special because it is the first ever for women's basketball at UND, and it keeps the national championship trophy in North Dakota for the fifth straight year.

I am sure that this championship is made even sweeter for Head Coach Gene Roebuck and his team because it comes after playing in the shadow of North Dakota State University's women's basketball team for the last several years. The fact is that two of the best division II basketball teams in the country year in and year out play right in the Red River Valley of North Dakota, and it was just a matter of time before the UND women would get their share of the limelight.

To win the national championship, the UND women handily defeated the Southern Indiana Lady Screaming Eagles 94–78 after closing out the game on a 20–4 run. Winning the national championship was truly a team effort with six players scoring in double figures. The Fighting Sioux finished the season 28–4, which ties the school record for most wins in a season.

The outstanding team accomplishments were aided by some notable individual accomplishments. Freshman point guard Jaime Pudenz was named the most outstanding player of the tournament. Jaime was joined on the Elite Eight All-Tournament team by senior Kelli Britz and sophomore Jenny Crouse. Kelli also has the additional distinction of finishing her career at UND as the school's leader in the 3-point fieldgoals made and attempted and second all time in total points scored. Tiffany Pudenz led the Fighting Sioux in scoring in the championship game with 23 points.

But a basketball team needs hard work and contributions from all of its players if it is to reach the pinnacle of a national championship. The Fighting Sioux certainly got that from senior Allison Derck, junior Elisha Kabanuk, sophomores Casey Carroll and Kami Winger, and freshmen Anna Feit, Pernilla Jonsson, Elisabeth Melin, and Katie Richards.

Finally, I want to honor the coaches who have turned the Fighting Sioux into one of the dominant forces in the North Central Conference and all of division II women's basketball. Coach Roebuck is one of the most successful active coaches in basketball with a record of 246–50 over the last 10 seasons. He is assisted on the bench by Darcy Deutsch, Chris Gardner, and Doug Reiten.

I've always known that North Dakota has some of the best people you can find, and I'm told that the visitors to Grand Forks for the national championship came away with the same impression. Now all of America can understand that some of the finest people and finest women's basketball both come from the Red River Valley.●

## TRIBUTE TO THE UND ICE HOCKEY TEAM

● Mr. DORGAN. Mr. President, my home State of North Dakota has been making the national news lately because of the record-breaking snowfalls and flooding we have been suffering. This will surely be a winter that North Dakotans will remember for a long time to come. However, we North Dakotans will also be able to look back on this winter with fond memories because of the two national championships captured by the University of North Dakota in women's basketball and men's hockey.

I want to pay special tribute to the 1997 National Collegiate Athletic Association's Division I national hockey champions, the University of North Dakota Fighting Sioux. This is the sixth national championship in the long and storied 50-year history of the UND hockey team. In fact, only one other college, Michigan, has more national hockey titles to its credit than UND.

But perhaps this championship is among the most meaningful because of its improbability. Consistently throughout this season, the hockey program has defied the odds-makers with win after win. This team was predicted to finish no better than fifth in the Western Collegiate Hockey Association at the beginning of the season, but I guess someone forgot to tell that to the team and its coaches for not only did they win the WCHA but also the national championship. They closed out the season with a 31–10–2 record, becoming just the sixth team in UND history to win at least 30 games.

To win the national championship, the Fighting Sioux fought back from a 2 to 0 deficit after the first period to score five goals in the second period against Boston University. In the third period, the Sioux's smothering defense took over and the Sioux won by a final score of 6 to 4.

The team's outstanding team accomplishments throughout the year were aided by some notable individual accomplishments. Junior wing player Matt Henderson was named the tournament's most outstanding player. He was joined on the all-tournament team by freshman goalie Aaron Schweitzer, junior defenseman Curtis Murphy, and the team's leading scorer, sophomore wing David Hoogsteen. Sophomore Jason Blake was 1 of 10 finalists for college hockey's top individual player award, the Hobey Baker Award.

But a team needs hard work and contributions from all of its players if it is to reach the pinnacle of a national championship. The Fighting Sioux certainly got that from seniors Kevin Hoogsteen, Toby Kvalevog, Dane Litke, and Mark Pivetz, junior Mitch Vig, sophomores Jesse Bull, Adam Calder, Ian Kallay, Jay Panzer, Tom Philion, Tyler Rice, Jeff Ulmer, Aaron Vickar, and Brad Williamson, and freshmen Peter Armbrust, Joe Blake, Brad DeFauw, Tim O'Connell, and Jason Ulmer.

Finally, I want to honor the coaches who have led the Fighting Sioux to these levels. Head Coach Dean Blais was named ''WCHA Coach of the Year.'' He is assisted by Scott Sandelin and Mark Osiecki.

Since 13 of the team's 20 members are freshmen or sophomores this year, I am sure we can all look forward to another excellent season. But for now it is more than enough for North Dakotans to bask in the glow of winning yet another national championship in a 10-day period. And hopefully some of the warm feelings will help to melt the snow and dry up the floods.●

## ONE HUNDRED TWENTY FIVE YEARS OF COLORADO SPRINGS GAZETTE

● Mr. ALLARD. Mr. President, one of Colorado's most prominent newspapers, the Colorado Springs Gazette, celebrated 125 years of service to the Pikes Peak region on March 23, 1997.

Although known as the Colorado Springs Gazette-Telegraph since 1947, the newspaper used its 125th birthday as an opportunity to return to its earlier roots as the Colorado Springs Gazette.

Colorado Springs is one of Colorado's most vibrant communities having experienced tremendous growth in recent decades. It is home to some of our Nation's most important military facilities such as Fort Carson Army Base, Falcon Air Force Base, the U.S. Air Force Academy and NORAD, U.S. Space Command, and the Air Force Space Command at Peterson Air Force Base. Most recently, several prominent family values advocacy organizations have located in Colorado Springs.

The founder of the newspaper, Gen. William Jackson Palmer, also is regarded as the founder of Colorado Springs. In fact, as the 125th anniversary edition of the Gazette pointed out, the city and the newspaper literally grew up together.

The colorful history of Colorado Springs has been chronicled for 125 years in the pages of the Colorado Springs Gazette and I join the State of Colorado in wishing its publisher, N. Christian Anderson III and the entire Gazette staff, congratulations.●

## TRIBUTE TO THE BARRE-MONTPELIER TIMES ARGUS

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Barre-Montpelier Times Argus on it's 100 years of service to its community. From its in-depth statewide political reporting, to its commitment to local news, to its independent editorial page, the ''T. A.'' has played a significant role in central Vermont's history.

I salute the Times Argus for not only reaching this important milestone, but for inviting the entire central Vermont community to participate in its 100th anniversary celebration. The paper has scheduled an open house and guided tour of its facility and is sponsoring numerous theatrical and sports events this summer. In addition, later this year the Times Argus will be printing a centennial edition and is soliciting contributions from its readers about the history and personal impact of the newspaper and the community it covers. I know that I plan to take part in that endeavor.

While much in the newspaper industry has changed since the Times Argus was formed on March 16, 1897, the one constant has been the newspaper's commitment to its readers and community. Again I congratulate the Times Argus on 100 wonderful years of service and wish another 100 years of continued success.●

## THE DEATH OF CORRECTIONAL OFFICER SCOTT WILLIAMS

● Mrs. BOXER. Mr. President, I rise today in real sadness to report to my colleagues about the senseless murder last Thursday of Scott Williams, a decorated correctional officer at the Lompoc Federal Penitentiary.

Scott was just 29 years old when he was attacked savagely by an inmate with a makeshift knife. The stabbing occurred during a time of day when inmates walk freely through Lompoc's corridors. He is the only officer killed in the line of duty in the prison's history. My heart goes out to the family Scott Williams leaves behind—to his wife, Kristy, and their two young daughters, Kaitlin and Kallie.

Scott was a model officer, much admired by his colleagues at Lompoc, where he had been employed for only 4 years. But in those 4 years this young man had been promoted once and had received six awards for outstanding service. Scott Williams was as admired for his professionalism and commitment to duty as he was for his kind manner.

Sadly, Scott's training and commitment were not enough to sustain him in the terrifying and deadly moments of the attack, for he was unarmed. Four other officers—Mark Stephenson, Marcos Marquez, Scott Ledham, and Scot Elliott—were injured as they rushed to his side and finally subdued the attacker.

This tragic episode highlights the very real dangers that confront correctional officers across the country. And such incidents are on the rise throughout the Federal prison system. Nowhere is the record for attacks on guards worse than at Lompoc.

Few of us can appreciate the perils faced daily by our correctional officers. The job is fraught with danger, and it takes a special person to come through each day with one's spirit and confidence intact. But Scott Williams was such a man, and now his family and friends must go on without him.

I grieve for the family that is no more: for the husband and wife who can no longer dream of growing old together, for the young daughters denied

a lifetime of their father's love and affection. I grieve for the people of Lompoc, and Los Alamos—Scott's hometown, still stunned and shocked by this murder in their midst.

I intend to initiate some inquiries concerning the appropriate way to prevent such acts of senseless savagery from happening in the future. As a proper testament to the life of Officer Scott Williams, it is incumbent upon us to do no less.●

## TELEMARKETING FRAUD PREVENTION ACT

● Mr. KYL. Mr. President, I rise to comment on the Telemarketing Fraud Prevention Act of 1997. I am pleased to sponsor this bill, which directs the U.S. Sentencing Commission to increase penalties for those who purposefully defraud vulnerable members of our society and those who cross international borders to evade prosecution. I thank Senator REID for his sponsorship of this bill, and his leadership in combating telemarketing fraud.

Current penalties for this crime are not tough enough to deter the problem and they leave the victims without restitution. Penalties for bank, wire, radio, and television fraud are at least two-thirds higher than the penalty for telemarketing fraud. Too often, telemarketing fraud felons receive a sentence of fewer than 5 years in prison. The toughest penalty to date is 10 years. These are small penalties considering that many telemarketing fraud criminals have stolen the life savings of retired senior citizens.

Mr. President, thousands of Americans lose billions of dollars a year from telemarketing fraud. According to Maryland Attorney General J. Joseph Curran, Jr., telemarketing fraud is probably the fastest growing illegal activity in this country. An Associated Press story reported that top prosecutors in Arizona and 9 other States filed lawsuits or took other legal action against more than 70 telemarketers nationwide 2 years ago in an attempt to crack down on fraud that costs consumers more than $40 billion a year.

Senior citizens appear to be the most vulnerable to chicanery of this kind. Fred Schulte, an investigating editor for the Fort Lauderdale Sun-Sentinel and an expert on telemarketing fraud, has pointed out that senior citizens are often too polite or too lonely not to listen to the voice on the other end of the line. The risk of being taken advantage of, I believe, increases with age. According to Attorney General Reno, it is not uncommon for senior citizens to receive as many as five or more high-pressure phone calls a day.

As one telemarketing con man who has worked all over the country put it: ''people are so lonely, so tired of life, they can't wait for the phone to ring. It's worth the $300 to $400 to them to think that they got a friend. That's what you play on.'' Mr. President, malicious criminal activity like this must be punished appropriately.

These criminals prey on the vulnerable of our society. In one case, Nevada authorities arrested a Las Vegas telemarketer on a charge of attempted theft. The telemarketer was accused of trying to persuade a 92-year-old Kansas man who had been fraudulently declared the winner of $100,000 to send $1,900 by Western Union in advance to collect his prize. Another example: a Maine company showed real telemarketing creativity. For $250, the so-called Consumer Advocate Group offered to help consumers recover money lost to fraudulent telemarketers—but it provided no services, according to Wisconsin Attorney General James Doyle, who sued the Maine firm plus four other telemarketers.

Mr. President, the Association of Attorneys General has supported similar consumer protection efforts in the past. As Minnesota Attorney General Hubert H. Humphrey III put it last year: ''In the hands of a con artist, a phone is an assault weapon.''

I would, at this time, like to highlight one specific provision of the bill. Section 2 requires that an offender forfeit any real or personal property derived from proceeds obtained as a result of the offense. The proceeds shall be used, as determined by the Attorney General, for the national information hotline established under the Violent Crime Control and Law Enforcement Act of 1994. The proceeds of the fraud will be returned to help the victims. I believe that it is important to pay attention to victims' rights in this area.

Last year, more than 400 individuals were arrested by law-enforcement officials working on Operation Senior Sentinel. Retired law-enforcement officers and volunteers, recruited by AARP, went undercover to record sales pitches from dishonest telemarketers. Volunteers from the 2-year-long Operation Senior Sentinel discovered various telemarketing schemes. Some people were victimized by phony charities or investment schemes. Others were taken in by so-called premium promotions in which people were guaranteed one of four or five valuable prizes but were induced to buy an overpriced product in exchange for a cheap prize. One of the most vicious scams preyed on those who had already lost money. Some telemarketers charged a substantial fee to recover money for those who had been victimized previously—and proceeded to renege on the promised assistance. By the time the dust settled, it took the Justice Department, the FBI, the FTC, a dozen U.S. attorneys and State attorneys general, the Postal Service, the IRS, and the Secret Service to arrest over 400 telemarketers in five States, including my home State of Arizona.

Clearly telemarketing fraud is on the rise. It is estimated that 8 out of 10 households are targets for telemarketing scams that bilk us of up to $40 billion annually. The telemarketing industry rakes in more than $600 billion in annual sales. There are many seniors in my State and across the country who must be protected against this type of fraudulent activity. That is why I have sponsored this bill. The House of Representatives passed a bill similar to mine in the 104th Congress, which has been reintroduced during this Congress by Representative GOODLATTE. It already has 47 cosponsors and the support of the 60 Plus Association and the National Consumers League. I urge my colleagues to join us and cosponsor the Telemarketing Fraud Prevention Act.●

## MEASURE READ FOR THE FIRST TIME—S. 522

Mr. MURKOWSKI. Mr. President, under rule XIV, I understand Senate bill 522, which was introduced today by Senator COVERDELL, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes.

Mr. MURKOWSKI. Mr. President, I ask for its second reading and object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

## OROVILLE-TONASKET CLAIMS SETTLEMENT AND CONVEYANCE ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 412, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, today, the Senate will take up and pass H.R. 412, legislation authorizes a settlement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District in Washington State. Senator MURRAY and I introduced identical legislation on this subject earlier this month.

The reason for the speedy passage of this legislation is directly related to the settlement entered into between the Bureau of Reclamation and the irrigation district. This legislation will authorize a carefully negotiated settlement between the BOR and the

Oroville-Tonasket Irrigation District. When enacted, this legislation will save the BOR, and therefore the Nation's taxpayers, money that would otherwise be spent fighting with the irrigation district in court. The administration supports the legislation.

The reason for quick action on this legislation is the fact that the settlement between the irrigation district and the BOR requires enactment of the legislation by April 15, 1997. If the legislation is not enacted by that date, the irrigation district would have to refile its claim against the Government, and we'd be right back where we started—in court. As a result, Chairman MURKOWSKI, and Senators BUMPERS and KYL have carefully considered my request for quick action and have noted the unique circumstances surrounding this legislation. I would like to thank Senators MURKOWSKI, BUMPER, and KYL for working with me to get this legislation passed quickly. This is truly a unique situation, which calls for quick action.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection. It is so ordered.

The bill (H.R. 412) was passed.

## MEASURE JOINTLY REFERRED—S. 468

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that Senate bill 468, which was introduced on March 18, be jointly referred to the Committee on Finance and the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECORD TO REMAIN OPEN UNTIL 7 P.M.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the RECORD remain open until 7 p.m. for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR WEDNESDAY, APRIL 9, 1997

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m., Wednesday, April 9. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and that there be a period of morning business until the hour of 1 p.m. with Senators to speak therein for up to 5 minutes each, with the following exceptions: Senator THOMAS, 30 minutes; Senator GRASSLEY, 30 minutes; Senator WYDEN, 20 minutes; Senator DASCHLE or his designee, 10 minutes; Senator CAMPBELL, 10 minutes; Senator LAUTENBERG, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, tomorrow, following morning business, at 1 p.m. the Senate will begin consideration of S. 104, the Nuclear Waste Policy Act. It is our hope that the Senate will be able to make substantial progress on S. 104 during Wednesday's session of the Senate. All Members can, therefore, anticipate rollcall votes throughout tomorrow's session and into the evening, if necessary.

## ORDER FOR ADJOURNMENT

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask that following the statement of the Senator from Illinois, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

## SCHOOL FUNDING

Ms. MOSELEY-BRAUN. Mr. President, a recent gathering of millionaires and billionaires at an economic conference in Switzerland underscored the importance of education in the global economy of the new millennium. In this information age, they concluded, the distinction between the haves and have nots will be the distinction between the knows and know nots. As it is with individuals, so it is with nations.

We have documented the difference that education credentials make in the average earnings of American workers. High school graduates make 46 percent more every year than those who do not graduate. College graduates earn 155 percent more every year than those who do not complete high school. Over the course of a lifetime, the most educated Americans will earn five times as much as the least educated.

Access to quality public education has been the cornerstone of the American meritocracy, providing people with more talent than means with the opportunity for economic success in most fields of endeavor. The rungs on the ladder of opportunity are crafted in the classroom.

To focus solely on the individual advantage of educational opportunity, however, is to miss the point of its importance to society as a whole. Education is a public good, not just a private benefit, and its relevance to the community transcends its importance to the person. It directly correlates to almost every indicia of societal well-being. Health status, support for the arts and cultural activities, and participation in our democratic institutions increase with educational attainment; while social instability, pathologies, and demand for transfer payments increase in its absence. We all have a direct and personal stake in the availability of educational opportunity for every child.

The conference in Switzerland, however, touched on yet another aspect of the public value of education—its role in the development of a work force prepared for the external changes technology has created. It has been argued the United States was able to beat the global competition in the industrial age because of the high quality of our work force. It is an open question whether we will continue to enjoy such advantage in the information age. In this international competition, older industrial societies will find themselves in direct competition with the second-, third-, and even fourth-world societies that may have skipped industrialization altogether. We can choose either to compete with cheap labor worldwide and guarantee a decline in living standards here, or we can ensure that our work force has the high-skill, sophisticated productivity that will command a living wage in this global economy. It was very interesting to me that during the recent debate about immigration, some of the most influential voices against restricting legal immigration came from Silicon Valley and the high-technology business community: They argued there was a shortage of American workers trained for their work, and they would be unable to maintain their competitive position if limited in the option of importing talent, so the need to educate our work force, as a society and a country, has never been more important.

And so we are faced with a challenge of more monumental proportions than ever before. President Clinton recently referred to education as central to our national security. Yet, we still approach education generally, and education funding in particular, with the perspective of an age long past. Schools are still paid for primarily through the local property tax. Elementary and secondary education has long been almost the exclusive preserve of State and local government, and there has traditionally been a resistance to the National Government having anything to do with the circumstances in which Johnny learns to read.

Such a view misses the changes that have transformed the world and brought us closer together. We have, now more than ever, a community interest that calls for cooperation among and between all of the instruments of our collective will. National, State,

and local governments all have a role to play in funding education. All must do so if we are to respond to the imperative of educational opportunity and excellence in our own enlightened self interest.

Jonathan Kozol, in his important work ''Savage Inequalities,'' spoke to the effects of tying educational opportunity to property wealth. Disparities are created that fly in the face of America's promise of equality of opportunity. Moreover, the local property tax is a poor basis for educational funding: It is inelastic; it is not progressive; it has no relation to the function being supported; and it ties the fate of Johnny's schools to Grandma's fixed income. State governments have not corrected this funding anomaly. A recent report by the U.S. General Accounting Office [GAO] quantifies the inequities of the current mix of State and local tax support of schools and found not only the disparity based on wealth that Kozol exposed, but an even further perversity: Those communities which had the least in terms of property wealth tried the hardest to support their schools by devoting a greater portion of their income to education.

When one considers, in addition, that there is—again, according to the GAO—at least $112 billion in deferred maintenance on the school buildings alone, the magnitude of our education funding challenge becomes clear. That $112 billion for infrastructure will simply address our crumbling school problem; it does not put the new technologies into the classroom or train teachers to use them or pay for the increased phone bills for computer use.

What should be clear is that the answer is not either/or, but all. There are appropriate roles for all of our governments, at the national, State, and local levels. We should emphasize cooperation and collaboration between them, with each taking the responsibility most appropriate to resources and capacity. I have suggested the National Government take up the rebuilding of our crumbling schools, not only because the price tag is so huge, and the problem widespread and pervasive in city, suburban, and rural communities across the Nation, but because it is something the National Government can do without interfering with local decision making, such as which part of the school to fix first.

In the meantime, we should all welcome the debate occurring at the State houses and city councils and boards of education all over America. We should be proud that our President made education the cornerstone of his State of the Union Address. We should be optimistic that our generation has the capacity to address and resolve the challenges of our time, and that we can translate all of the tension and concern about this issue into reality-based solutions.

We must start, however, as the Earth Day slogan advises, by ''Thinking Globally and Acting Locally.'' The answers will be plain and the balance apparent when we consider the implications of this challenge for our Nation's future. The chairman of the OECD, Jean-Claude Paye, once said: ''Leaders worried about their economies need to focus on society's fraying fabric.''

Our attention to education funding reform is a first step in grasping the challenge of our time, and as we restore our Nation's schools, the permanence of the American dream will become more secure.

I thank the Chair. I yield the floor.

## ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment.

Thereupon, the Senate, at 6:16 p.m., adjourned until 10:30 a.m. on Wednesday, April 9, 1997.

## NOMINATIONS

Executive nominations received by the Senate April 8, 1997:

### DEPARTMENT OF JUSTICE

JAMES WILLIAM BLAGG, OF TEXAS, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE RONALD F. EDERER, RESIGNED.

CALVIN D. BUCHANAN, OF MISSISSIPPI, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS VICE ROBERT Q. WHITWELL, RESIGNED.

JAMES ALLAN HURD, JR., OF THE VIRGIN ISLANDS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF 4 YEARS VICE JAMES W. DIEHM, RESIGNED.

JOHN D. TRASVINA, OF CALIFORNIA, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF 4 YEARS, VICE WILLIAM HO-GONZALEZ, TERM EXPIRED.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001. (REAPPOINTMENT)

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

KENNETH P. MOOREFIELD, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JONATHAN M. BENSKY, OF WASHINGTON
JOHN PETERS, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

THOMAS LEE BOAM, OF UTAH
STEPHEN K. CRAVEN, OF FLORIDA
LAWRENCE I. EISENBERG, OF FLORIDA
EDGAR D. FULTON, OF VIRGINIA
SAMUEL H. KIDDER, OF WASHINGTON
BOBETTE K. ORR, OF ARIZONA
JAMES WILSON, OF PENNSYLVANIA

# EXTENSIONS OF REMARKS

## TRIBUTE TO DAVID D. CLEMENT

### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. SENSENBRENNER. Mr. Speaker, I rise today to bring to your attention the retirement of Mr. David D. Clement, a key staff member on the Committee on Science. On March 21, 1997, Mr. Clement retired after 35 years of Government service.

Mr. Clement, a native of Vallejo, CA, began his career in the House of Representatives in June 1965 while still attending George Washington University. His early service on Capitol Hill included duty with the U.S. Capitol Police and the Clerk of the House. While serving as administrative assistant to the late Lawrence G. Williams, he was a congressional alternate member of the American Revolution Bicentennial Commission. He also served on the Republican staff of the Committee on Appropriations before joining the Science Committee in the spring of 1977. He was appointed as chief of staff and chief counsel by Congressman Robert S. Walker in January 1989.

Before coming to Washington, Clement served in the U.S. Marine Corps with the 1st Marine Division. He retired from the Naval Reserve in 1995.

He is a graduate of the George Washington University with a B.B.A. in 1969 and a M.S. in 1972. He also graduated from the George Mason University School of Law in 1980 and is a member of the bars of the U.S. Supreme Court, the U.S. Court of Military Appeals, the Commonwealth of Virginia, and the District of Columbia.

Mr. Speaker, I ask that you join me, our colleagues, and Mr. Clement's many friends, in thanking Mr. Clement for his many years of service to the United States of America.

## A TRIBUTE TO JOAN AND DAN SILNA

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Joan and Dan Silna, of Saddle River, NJ. Joan and Dan are being honored by Temple Emanuel of Woodcliff Lake, NJ in celebration of the temple's expansion, Temple 2000.

As members of Temple Emanuel for more than 20 years, Joan and Dan have always looked to the future of their congregation. They were instrumental in the temple's relocation from Westwood to its present location in Woodcliff Lake and have been leaders within the congregation ever since. Dan serves as a trustee on the temple board and Joan has served on numerous committees including, most recently, the catering committee. Dan also served the temple as the Capital Campaign Chairman, spearheading successful fund-raising efforts for the Temple 2000 expansion, a tremendous time-consuming undertaking which Dan performed with great skill and dignity.

Faithful to the Jewish community, Dan combines business know-how with a concern for the continuity and perpetuation of Jewish culture. He works diligently not only for Temple Emanuel's members, but for the larger Jewish community as well through his commitment as a board member of the UJC of Bergen County and the YM–YMHA of Bergen County.

Joan's contributions have been likewise numerous and significant. Through the use of her artistic talents, she helped bring the very successful handworks fair to Temple Emanuel and continues to dedicate herself to the improvement of the synagogue.

Mr. Speaker, I ask that you join me, our colleagues, Joan and Dan's children, Tracy and Amy, their family and friends, Temple Emanuel, and the Jewish community of northern New Jersey, in recognizing Joan and Dan Silna's admirable warmth and generosity to the community and for their embodiment of the highest ideals of Jewish giving.

## TRIBUTE TO GEORGE J. COLLINS

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. MORAN. Mr. Speaker, I would like to call my colleagues' attention to the passing of a dedicated public servant, Mr. George J. Collins. Mr. Collins served in the Marine Corps and in the private sector before beginning his career with the Government Printing Office in 1962. Mr. Collins served his Government and country with distinction. His commitment to public service serves as a model for all who knew him.

Mr. Collins was a devoted husband, father of 5 daughters, and grandfather of 14 grandchildren. He was a beloved constituent and an outstanding public servant. Please join with me in honoring his memory.

GEORGE J. COLLINS

MANAGER, QUALITY CONTROL AND TECHNICAL DEPARTMENT, GOVERNMENT PRINTING OFFICE

George J. Collins, Manager of the Quality Control and Technical Department of the Government Printing Office (GPO), died March 23, 1997. Mr. Collins had a distinguished career of public service at the GPO, and at the time of his death he had general responsibility for the development of product standards and quality attributes, testing, and inspection, as well as the supply of inks, adhesives, and other materials used in Government printing.

A native of Springfield, OH, Mr. Collins served in the United States Marine Corps. He received his bachelor of arts degree from Wittenberg College and pursued additional studies at the University of Cincinnati, Pennsylvania State University, North Dakota State College, the National Cash Register (NRC) Company, and with international correspondence schools. He earned certification in a variety of technical specialties, including high polymers, paint technology, water and waste treatment, industrial chemistry, and statistical methods.

Before entering Government service, Mr. Collins worked at NCR as senior research chemist in charge of their polymer group. Earlier experiences included service as a research chemist with the Commonwealth Engineering Company of Ohio, the Chadaloid Corporation, and New Wrinkle, Incorporated. He also worked for the City of Springfield, Ohio, and the Oliver Corporation as a laboratory technician.

Mr. Collins began his career at the GPO in 1962 as supervisory chemist in the Ink and Reprography Division of the Quality Control and Technical Department. He was promoted to Deputy Manager of the Department in December 1974 and to Manager in 1982. During his service with the GPO, Mr. Collins contributed to the development of plastic printing rollers, automated bank checks, and U.S. mail processing based on tagged inks. He chaired the interagency task group that developed the Federal Information Processing (FIPS) Standard for optical character recognition (OCR) form design, which proved to be the most popular FIPS standard ever published.

Mr. Collins initiated the GPO's environmental testing and control program. He established the organization that promulgated the GPO's Quality Assurance Through Attributes (QATAP) Program. The QATAP program was a singular achievement that resulted in the use of quantifiable attributes for measuring qualify in Government printing, and it is central to the GPO's program of procuring more than 75 percent of all printing annually from the private sector.

Mr. Collins served on the Joint Committee on Printing's Advisory Council on Paper Specifications, which establishes standards for the acquisition of printing and writing papers for government use, including recycled paper. In 1994 he assisted the enactment of legislation requiring that all Federal lithographic printing be performed utilizing vegetable oil-based inks. Today, the *Congressional Record* and other congressional information products are produced on recycled paper with vegetable-based inks, products that Mr. Collins was instrumental in helping to introduce for Government use. He also worked on increasing the use of permanent papers for the production of records with enduring educational and research value.

Mr. Collins was a member of numerous professional and industry groups, and he represented the GPO on several advisory boards and committees. He was affiliated with the Franklin Technical Society of Washington, DC, the National Association of Litho Clubs (NALC), the Technical Association of the Graphic Arts (TAGA), the Technical Association of the Pulp and Paper Industry (TAPPI), the American Chemical Society (ACS), Toastmasters International, and the Committee for Graphic Arts Technologies and Standards (CGATS). He was the recipient of various awards for his professional activities, including the Award of Excellence from the Printing Institute of America's Executive Development Institute, and several GPO awards.

Mr. Collins was a devoted husband to his wife Eleanor, father to five daughters, and grandfather to fourteen grandchildren.

Throughout his career, Mr. Collins exemplified skill in his profession and dedication to public service, and his contributions have made Government printing more cost-effective, efficient, and environmentally sound.

## CONGRATULATIONS TO THE NAVY RECRUITING PROCESSING STATION, GUAM—THE 1996 TOP RECRUITING STATION IN THE NATION

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. UNDERWOOD. Mr. Speaker, it is my honor and pleasure to commend the Navy Recruiting Processing Station [NRPS], Guam, for being named the Nation's top recruiting station for 1996. The Guam station, better known as ''Team Guam,'' is led by NCC(NAC) Dwight K. Keola, the Recruiter-in-Charge. The other members of the team include PN1 Eusebio D. DeLuna, Jr., who is the chief administrator and classification and processing supervisor, as well as production recruiters EMC(SW) Wilfredo C. Pizarro, NC1 Todd E. Hubbard, and AT1(AW) David C. Jubilado.

Under the guidance and leadership of NCC(NAC) Keola, the Guam team beat out other Navy recruiting teams throughout the country and the world to earn this distinction. This was the first time that an overseas station was awarded. In addition to the Team Award, EMC(SW) Wilfredo C. Pizarro was named the 1996 Enlisted Recruiter of the Year, the first time that an overseas officer was selected as the Nation's top recruiter.

For fiscal year 1996, NRPS Guam enlisted 126 applicants, 217 percent of the requirement. NRPS Guam covers the Commonwealth of the Northern Marianas Islands, the citizens of the Federated States of Micronesia, the Republic of Palau, the Republic of the Marshall Islands, and United States citizens and resident aliens residing in Japan, Korea, Singapore, and the Philippines.

The majority of the applicants were guaranteed medical and aviation technical schools and training. Some were guaranteed training in naval engineering, construction, electrical and electronics, computers, nuclear engineering, administrative and logistics, and different mechanical operations. Several applicants were also guaranteed $30,000 in Navy college funds.

NRPS Guam is the only recruiting station in the Nation which is not physically supported by a Military Processing Station [MEPS]. The MEPS was disestablished on Guam in 1990 and its functions were distributed between the recruiters, the recruiting support personnel, and some Navy commands. Despite this disadvantage, the NRPS Guam was able to accomplish their mission and exceed their goals. My congratulations to the team and to their families.

## HONORING JULIA AND BUDDY FARRELL ON THEIR 50TH WEDDING ANNIVERSARY

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor a wonderful couple as they mark a milestone in their lives, 50 years of marriage. Born and raised in Brooklyn, NY, Julia and Buddy Farrell were married at the church they had both grown up attending, Nativity Church, on June 7, 1947. On this Saturday, April 12, over 125 of their friends and family will honor them at a surprise party to celebrate their anniversary.

Before marrying Julia, Buddy proudly served his country in the U.S. Marines. Shortly after their marriage, they moved to Queens, NY, where they raised their five children, Terri, Joan, Kathy, John, and Timmy. In 1964, their niece, Noreen, from County Kerry, Ireland, joined their family here in America.

Julia and Buddy were very active in St. Nicholas of Tolentine parish. Julia headed the ''milk mothers,'' organized the majorettes, helped with the sports association, and volunteered in the gym. Buddy, who worked as a police officer with the New York City Police Department, also was involved in the Holy Name Society and the homeless shelter. Julia and Buddy are known to everyone for their giving natures and always reaching out to help their friends and family.

After working very hard and raising a wonderful family, they are living the good life in retirement in the condo in Leisure Village in Ridge, NY. Julia and Buddy are very proud of their children and adore their 12 grandchildren, Tricia, Maryellen, Danny, Kevin, John, Bridget, Casey, Erin, Matthew, Colin, Elizabeth, and Christopher, who range in age from 4 months to 25 years old. Julia and Buddy enjoy the company of many friends, playing golf, and swimming. In the winter, they go south to Florida, and in the summer, they spend time in Brant Lake, NY.

Mr. Speaker, I ask my colleagues to rise with me today in honoring Julia and Buddy Farrell on 50 years of marriage, and in wishing them many more years of happiness together.

## NATIONAL UNITY COALITION FOR ISRAEL RESOLUTION OF SUPPORT

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. GILMAN. Mr. Speaker, yesterday I had the opportunity to address a coalition of Jewish and Christian groups who convened a national unity conference in support of Israel. Prime Minister Netanyahu was the keynote speaker at this important event. The National Unity Coalition consists of more than 200 American Christian and Jewish organizations which collectively represent more than 40 million citizens. Attendance at this event was filled to beyond capacity. Two ballrooms at an area hotel were needed to accommodate all the attendees.

At the conference a resolution of solidarity with Israel was unanimously adopted. Mr. Speaker, I wish to take this opportunity to share with my colleagues the text of this excellent resolution, and to thank those in attendance of their ongoing and dedicated commitment to the people of Israel. We wish the National Unity Conference for Israel much success in their future endeavors on behalf of a strong United States-Israel relationship, and look forward to working with them in the months and years to come.

RESOLUTION OF SOLIDARITY—NATIONAL UNITY CONFERENCE FOR ISRAEL

We, the members and friends of the National Unity Coalition for Israel, give unanimous congratulations and commendation to the people of the State of Israel in their tenacious struggle to survive and flourish in their God-given homeland, Eretz Israel.

We are firmly committed to Jerusalem as the legitimate, undivided capital of the Jewish state. The 3000 year union between the Jewish people and their holy city is a relationship unique in human history. We commend the U.S. Congress for passage of the Jerusalem Embassy Act of 1995 and urge immediate implementation of the move of the U.S. Embassy from Tel Aviv to Jerusalem.

While respecting the legitimate rights of all people in the region to live in peace, we call on responsible parties, particularly Israel and the United States, to halt further negotiations with the Palestinian Authority until Chairman Arafat and the Palestinian Authority take concrete steps to implement basic promises made but thus far blatantly disregarded.

Namely:

1. Amend the PLO charter, which calls for the annihilation of Israel.
2. Close illegal offices in Jerusalem operated in violation of previous agreements.
3. Effectively stop terrorist violence and cease giving the ''green light'' to violence when contentious issues arise between Israel and the Palestinian Authority.
4. Reduce the Palestinian ''Police Force'' to the size agreed to in the interim agreement.
5. Comply with legal obligations, including transfer of terrorist suspects.
6. Confiscate illegal arms.
7. Demonstrate a commitment to peace as opposed to continual threats to foment a state of war against Israel among Arab states.

We strongly urge that any funding for the Palestinian Authority, planned or in process, be withheld until compliance is guaranteed.

With due respect and regard for the rights of the Palestinian people and legitimate Arab states in the region, we insist that the basic issue affecting affairs in the Middle East is the survival of the modern State of Israel. Since its rebirth as a nation in 1948, Israel has never posed a threat to any neighbor nation. Israel has only responded to aggressors. It has contributed enormously to the social and economic welfare of the residents of the region. Israel stands as the single bastion of democracy in the Middle East and therefore remains an invaluable ally to the United States and democracies the world over. Israel holds the key to the future prosperity and social development of the region.

Beyond these obvious indispensible benefits, no people in the history of humanity has a more legitimate right to a place in the ancient land of their fathers. We hold that Israel's biblical, historical, and moral right to the land is inviolable, and, as a body representing more than 200 organizations of Zionist Christians and Jews, we stand unanimously with the people of Israel and their right, in the words of ''Hatikvah,'' to live freedom in the land of Zion and Jerusalem.

TRIBUTE TO MING PAO DAILY NEWS

## HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Ming Pao Daily News, an esteemed newspaper serving the Chinese communities in Hong Kong and Canada. Today they celebrate the debut of their New York edition, the first Ming Pao publication in the United States.

The Ming Pao Daily News began publication in Hong Kong in 1959 and is now the third largest newspaper in Hong Kong in terms of advertising revenue and circulation. Highly regarded for its editorial integrity, Ming Pao has received many awards. In 1995, for the fourth consecutive year, the paper won 7 out of 10 annual awards presented by the Newspaper Society of Hong Kong. In 1996, according to a Hong Kong Chinese university survey, Ming Pao was ranked No. 1 in reader confidence and authoritativeness.

The Ming Pao Daily News currently publishes two Canadian papers which play an integral role in helping the Canadian Chinese communities acculturate to their new societies.

In these editions, Ming Pao has placed great emphasis on reporting Canadian news, local lifestyle, political and social events, and sports and entertainment. In New York, Ming Pao is determined to provide the Chinese speaking population with informative local, national and international news.

Ming Pao intends to continue its service to the Chinese speaking populations in the United States when it expands its publication to include San Francisco and Los Angeles in the near future.

Mr. Speaker, I am proud to honor the Ming Pao Daily News, a paper which takes great pride in its service to the North American Chinese population. I ask my colleagues to join me today in this well-deserved tribute to the Ming Pao Daily News as they launch their first edition in the United States. I wish them the greatest success.

HISPANICS HONORED FOR THEIR NOTABLE CONTRIBUTIONS TO NORTHWEST INDIANA

## HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. VISCLOSKY. Mr. Speaker, on Saturday, April 12, 1997, numerous outstanding Hispanics from Indiana's First Congressional District will be honored for their notable contributions to northwest Indiana. Student recognition certificates, a President's Award, a Cesar Chavez Community Service Award, and an Outstanding Family Award will be presented by the Northwest Indiana Hispanic Coordinating Council during a banquet held at the American Legion Post No. 369 in East Chicago, IN.

Hispanic students representing northwest Indiana and northeast Illinois high schools will be recognized for academic and athletic achievement. The students who will receive awards for outstanding academic achievement include: Christina Sanchez and Neil Sharp, Andrean High School; Christine Mendoza, Calumet High School; Christine Siordia, Chesterton High School; Heather Vela, Donald E. Gavit High School; Sandra Martinez, East Chicago Central High School; Michael Soto, George Rogers Clark High School; Deanna Westerfield, Griffith High School; Diana Nevarez, Hammond High School; Christopher Calderon, Highland High School; Eric Chavez, Lake Central High School; Michelle Perez, Merrillville High School; Bethany Diaz, Morton High School; Jeanette Hernandez, Portage High School; Jesse Cisneros, River Forest High School; Elisa Maria Paramo, TF South High School; Kristina Vega, Thomas A. Edison Junior/Senior High School; Mike Cortez, Thornton Fractional North High School; Meghan Dougherty, Valparaiso High School; Antoinette Cardenas, West Side High School; Heather Trojnar, Whiting High School; and Jesse Flores, William A. Wirt High School.

Students who will recieve awards for outstanding athletic achievement include: Nick Botts, Calumet High School; Brian Osan, Chesterton High School; Marco Lecea, Donald E. Gavit High School; Joel Rodriguez, East Chicago Central High School; Francisco Rodriguez, George Rogers Clark High School; Daniel Guerrero, Griffith High School; Christopher Moore, Hammond High School; Tony Elder, Highland High School; Vincent Sess, Lake Central High School; Jessica Vargas, Merrillville High School; Jason Mendoza, Morton High School; Leroy Vega, Portage High School; Michael Cortez, River Forest High School; Joe Yanez, Thomas A. Edison Junior/Senior High School; Antonio Diaz, Thornton Fractional North High School; and Jorge Del Real, Whiting High School.

The council will also present the Outstanding Family Award to the Rosillo family. This distinguished family was carefully selected from many qualified families on the basis of their unity and dedication to one another's successes. In addition, Benjamin T. Luna will be presented with the President's Award. This honor is given to an individual exhibiting extraordinary leadership skills by means of guiding and mentoring the Hispanic community at large. Also, Medi-MEX, Inc., a nonprofit organization which provides medical services to the poor in Mexico, will receive the Cesar Chavez Community Service Award. The Cesar Chavez award is presented to an agency or group of individuals which have made noticeable contributions to the Hispanic community.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in applauding all of the award recipients chosen by the Northwest Indiana Hispanic Coordinating Council. All of these individuals are most deserving of the honors bestowed upon them. Moreover, I would like to commend the Northwest Indiana Hispanic Coordinating Council, its president, Socorro M. Roman, and all of the council members for committing themselves to the preservation of their culture. It is my privilege to recognize them for their outstanding achievements.

THE 50TH WEDDING ANNIVERSARY OF STEPHEN AND JANE SCILLIERI

## HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 50th wedding anniversary of Stephen and Jane Scillieri of Paterson, NJ. Stephen and Jane celebrated their anniversary on February 16, 1997.

Born and raised in Paterson, Stephen and Jane are active members of the community, especially through their involvement with Blessed Sacrament Church, where they are parishioners.

Stephen is the proud owner and president of Scillieri Funeral Home of Paterson and Hawthorne. He has served as former president of both the State Board of Mortuary Science and the Passaic County Funeral Directors Association.

Jane is retired from the Prudential Insurance Co.

The loving couple are proud parents of two children, Stephen Anthony and JoEllen Cox. In addition to being proud parents, the two are also proud grandparents of four grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Stephen and Jane's family and friends, Blessed Sacrament Church, and the city of Paterson in recognizing the momentous occasion of Stephen and Jane Scillieri's 50th wedding anniversary.

TRIBUTE TO DONALD E. MUIR

## HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. MILLER of California. Mr. Speaker, I rise to inform the House of the passing of one of the most effective and respected political leaders in modern California political history, and a very dear friend throughout my adult life, Donald E. Muir of San Francisco. A heavily-attended memorial service this past weekend in San Francisco brought together an enormous assortment of public officials, former officeholders, colleagues, friends—all testimony to the active role Don played in the life of California politics and the Democratic Party over the past 30 years.

Don had been a colleague on the staff of State Senator George Moscone in the 1970's in Sacramento, and since that time was a trusted adviser to many of the leading Democratic officeholders in California at the State and Federal levels.

Don Muir was a political realist, and for him, politics was in part a business. No one performed the business side of politics more expertly or tirelessly. Don was a pro who could read politicians better than anyone, sometimes better than themselves.

But politics was more than business for Don Muir, too. It was very personal.

He was cynical without being a cynic; his easy going style—open-necked shirts and cowboy boots—belied an intensity and a competitiveness that were renowned.

For all his partisanship and fascination with insider intrigue, Don's real love was for our

democratic institutions. He understood as well as anyone the practical pressures confronted by elected officials confronting difficult choices, but he always figured Franklin D. Roosevelt—one of his heroes—had it about right: political leaders should challenge their constituents and their Nation, and shouldn't sacrifice principle and the public good to fleeting whims or political expediency.

At a time when many ran and hid from the stigmatized notion of being a ''liberal,'' Don remained an unabashed and unapologetic believer that government should help the poor and the disenfranchised. He wasn't in the least starry-eyed, utopian, or naive. But he was unwilling to abandon his deep faith in people and our constitutional system because of what was popular or saleable at any particular time.

Don was an adviser, a fundraiser, a strategist, and kibbitzer. He loved the campaign fights and he loved the corridors of the legislatures—state and national—but he also loved sitting for hours in some San Francisco restaurant, a glass of good California wine in his hand, speculating about political developments and digesting political gossip.

Don was born in Roseville, CA, the son of railroad workers, and held degrees from Sierra College, California State University at Sacramento, and San Francisco State. He taught government and English in Roseville until he was sucked into the world of elections and politics during the 1960 Presidential campaign of Senator John F. Kennedy. He subsequently worked in the 1962 reelection campaign in which Pat Brown defeated Richard Nixon, and then in the 1964 Presidential campaign for President Lyndon B. Johnson.

After working in Brown's 1966 campaign, he became the Governor's travel secretary, and began a career in fundraising that continued through every succeeding Presidential campaign, and countless campaigns for State and Federal candidates.

But for all the fun he had and the substantive contributions he made to our political process, I often think that Don's first choice would have been to return to academia, finish up that elusive doctorate, and teach what he had learned about our political system to another generation of Americans.

He did return to teach at San Francisco State, and he would have made a great career professor, just as I am sure he was an inspiring teacher earlier in his career and in his last several years as well. He was knowledgeable, he was passionate, and he was deeply committed. In the end, leukemia would overtake his powerful spirit.

Don leaves a wonderful family, his wife Linda, with whom he built a successful business and raised three accomplished children, Stacey, Maggie and Mike. To them and to the rest of his family, all of us who profited by this man's faith and friendship offer our deep condolences and prayers.

Don's legacy lives on not only in his children and grandchild, but in the scores of people influenced and inspired by him to dedicate themselves to lives of public service for the improvement of our society.

## TRIBUTE TO STEVEN BENTLEY

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. WEYGAND. Mr. Speaker, it gives me great pleasure to pay tribute to an exceptional young man, Mr. Steven Bentley, who has devoted much hard-earned effort to achieving the Boy Scout's highest rank of Eagle Scout. This award reflects great initiative, determination, and hard work.

Steven received his Eagle Scout badge by completing sorely needed renovations to Old St. Mary's Church hall, one of the oldest Roman Catholic churches in Rhode Island.

Steven is an example of the best of America's youth, those dedicated to improving life in their community and who strive to reach their highest potential.

The 16-year-old son of Bruce and Patricia Bentley, Steven resides in West Warwick, RI, where he is a student at West Warwick High School. I am sure his parents are extremely proud of their son's achievement. I have confidence that the Boy Scouts have prepared him to face life's challenges with great determination and character. On behalf of the people of Rhode Island, I would like to thank Steven for his service to the community and wish him great success in the future.

## RADIO VISION'S 17TH ANNUAL VOLUNTEER RECOGNITION DAY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. GILMAN. Mr. Speaker, on April 12, 1997, Radio Vision, a service organization in the 20th District of New York will be celebrating it's 17th annual Volunteer Recognition Day.

Radio Vision is a closed-circuit radio broadcasting service that provides news and information for the blind and sight impaired throughout five counties in the Hudson Valley region of New York. Radio Vision, which is staffed completely by volunteers, gives the opportunity for hundreds of sight-impaired persons to learn more of what is occurring around them.

A sight impaired person's access to the media is limited to listening to radio and television broadcasts that only briefly outline national and international news. For a person that has difficulty holding or reading a newspaper, local news and happenings—such as which stores have sales, where new facilities have opened in the vicinity, and what our neighbors are accomplishing—is difficult to obtain.

Radio Vision provides a free-closed-circuit radio to people who require help in getting news. The 105 dedicated volunteers read local news, topical literature, shopping hints and other vital information to more than 400 blind, sight impaired or otherwise disabled Hudson Valley residents who subscribe to the Radio Vision service.

Their voluntary hard work has enriched the lives of many of our constituents, and I am proud to note their good works to my colleagues.

## REMEMBERING LARRY BIENSTOCK

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I would like to take a moment to honor a courageous man and to try to shed some light on the tragic disease which he courageously fought. Larry Bienstock was my constituent and lived on the Upper East Side of Manhattan. He attended Columbia University and received his law degree from New York University. Everyone who knew him, even in passing, was amazed at his searing intelligence, his fierce independence, and, above all, his unwavering commitment to the cause of dystonia. Unfortunately, Larry knew dystonia well.

Generalized dystonia symptoms began when he was a boy and progressed in adulthood to the point of confining him to a wheelchair. Yet despite the cruel nature of this debilitating disease, Larry's spirit never dampened. During the many years that I knew and worked with Larry, I learned directly from him about his battle with dystonia.

Dystonia is a neurological disorder characterized by severe involuntary muscle contractions and sustained postures. There are several different types of dystonia, such as: generalized dystonia which afflicts many parts of the body and usually begins in childhood; focal dystonias affecting one specific part of the body such as the eyelids, vocal cords, neck, arms, hands or feet; and secondary dystonia which is secondary to injury or other brain illness.

There is no definitive test for dystonia and many primary care doctors have never seen a case of it. These facts coupled with its varied presentations make it difficult to correctly diagnose. It is estimated that 85% of those suffering from dystonia are not diagnosed or have been misdiagnosed. Because of the complications with diagnosing the disease, it is difficult to determine the number of people who are affected by it. The Dystonia Medical Research Foundation estimates that approximately 300,000 individuals in North America alone suffer from some form of dystonia.

Unembarrassed by his condition, Larry and his wheelchair went traveling often—to lobby for funding in the halls of the Capitol, to the boulevards of Paris, to symposia and social events related to dystonia. Throughout his life, Larry was always a fighter for research into the cause and treatment of dystonia.

Larry was active in politics, volunteering on political campaigns and with the local Democratic party. He felt that government belonged to the people and he always took advantage of opportunities to speak out on issues he felt strongly about. He spread his word via the Internet and created a web page for the Dystonia Medical Research Foundation, which can be found at: http://www.ziplink.net/users/dystonia/.

Larry saw e-mail and his web page as powerful tools for bringing together people concerned about dystonia and for establishing a strong collective voice for advocacy. Larry Bienstock provided a model of courage, perseverance, and independence.

When he passed away recently, Larry Bienstock left a legacy of activism and advocacy. He taught me about dystonia, and more importantly, about the undying human spirit.

## TRIBUTE TO THEODORE HOWARTH, JR.

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. ANDREWS. Mr. Speaker, I rise today to honor an individual who has given of himself to make his borough a better place to live. I am speaking of Chief Theodore J. Howarth, Jr., the newly elected State Commander of the American Legion Department of New Jersey. Out State is fortunate to have a leader like Chief Howarth in this important position.

Chief Theodore Howarth's dedication to New Jersey and his fellow citizens is exemplary. Chief Howarth is a lifelong resident of Gloucester City. He served in the Navy for two tours in Vietnam, earning the Navy Commendation Ribbon, the Republic of Vietnam Campaign Medal, the National Defense Medal, and the Vietnam Service Medal. In January 1972, Chief Howarth joined the Gloucester City Police Department, where he steadily rose through the ranks. On December 7, 1988, Theodore Howarth became the chief of police of Gloucester City, a position at which he continues to excel. During his memorable 24-year career in Gloucester City, Chief Howarth has accomplished much. He has established a pathbreaking Juvenile Adjudication Program, established numerous community programs in concert with the school system, and community service organizations, promoted a policy of Community Oriented Policing, and has pursued consistent professionalism in a police organization.

In addition to his impressive police career, Chief Howarth has shown an deep commitment to bettering himself and his community. While serving in the Gloucester City Police Department, Chief Howarth completed his bachelor of science degree in law and justice. He has served the Policemen's Benevolent Association in all elected and appointed positions. Chief Howarth currently serves as vice president of the Camden County Police Chief's Association, and is active on the State and national levels as well. Chief Howarth has also served the people of Gloucester City through such community organizations as the Jaycees, the Carmen Palmiero (Youth) Basketball League, the Police Athletic League, the Gloucester City Municipal Youth Services Commission, the Gloucester City Celebrations Committee, and the Gloucester City Chamber of Commerce, rising to president of each of these organizations. In addition, Chief Howarth is active in Little League baseball, and serves as vice president of the Gloucester City Lions Club. Through his vigorous community involvement, Chief Howarth has been honored many times, received such awards as Outstanding Citizenship Awards from the Jaycees, Sportsman's A.C., and V.F.W. Post #3620, as well as the New Jersey Law Enforcement Officer of the Year Award from both the American Legion Department of New Jersey and the Veterans of Foreign Wars Department of New Jersey.

In addition to his active career and dedication to community service, Chief Theodore Howarth has remained an active participant in the American Legion. He has risen through the ranks, and was elected State Commander of the American Legion Department of New Jersey in 1997.

All who know Chief Theodore Howarth are honored by his service to the people of Gloucester City and of New Jersey. I know that Chief Howarth's wife, Candy, and son, Sean, are as proud of his accomplishments as we all are. Chief Howarth's service has been remarkable, and I congratulate and thank him on behalf of all the citizens of New Jersey.

## HELP MAKE THE AMERICAN DREAM POSSIBLE FOR THOSE WHO SERVED

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. KLECZKA. Mr. Speaker, thousands of former servicemen and servicewomen in a number of States are currently prohibited from receiving State-financed home mortgages. That is why Representative HERGER and I are reintroducing the Veterans American Dream Homeownership Assistance Act.

Under a little-known provision of the 1984 tax bill, veterans in certain States who served in the Armed Forces beginning any time after 1976 are all but prohibited from receiving a State-financed veterans home mortgage. In my State of Wisconsin, this means that most of our fighting men and women in uniform who served in Panama, Grenada, and the gulf war cannot get veterans home mortgages from their own State government, even if the State government would like to grant them. Are those who began serving their country after 1976 any less deserving than those who went before?

Why does this cutoff exist? This cutoff was created to raise additional revenue for the 1984 tax bill by limiting the use of tax-exempt bonds to finance State veterans mortgage programs. When this provision was passed, post-1976 vets were a small percentage of all veterans, without much voice to protest this discriminatory change. But 13 years later, there are thousands who have served our country honorably in that period. The five affected State veterans affairs departments believe that if this bill becomes law, they can help a great number of these post-1976 vets purchase their own home. The States that are currently permitted to use this Federal tax-exempt State bond financing are Wisconsin, California, Texas, Oregon, and Alaska.

This legislation would simply eliminate the cutoff that exists under current law. Under our proposal, former servicemen and servicewomen in the five States who served our country beginning in 1977 or any years after that could be eligible to qualify for a home mortgage loan provided by their States. Our proposal does not increase Federal discretionary spending 1 cent but simply allows the permitted States who so choose to help all their veterans regardless of when they served.

Why should we continue to exclude from State assistance certain vets who have served our country, just because they served recently? We believe that at the Federal level we should at least allow our own States to help those who served our Nation honorably. Please help those veterans of Grenada, Panama, and the gulf war in the affected States who want to own their own home. Please join Representative HERGER and I and the 60 bipartisan cosponsors from the 104th Congress I cosponsoring the Veterans American Dream Homeownership Assistance Act.

## IN HONOR OF LEO WENE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory and works of a great public citizen, Leo Wene.

Mr. Wene, a retired college physics professor, was actively engaged in his community's most pressing social and economic issues. He headed efforts to establish a municipal electric power distribution system for Chardon, OH, after seeing the value municipal power has provided Cleveland. He criticized foolhardy attempts at unsafely storing nuclear waste and upbraided proponents of the plan.

Mr. Wene was an active participant in the political process and, through his example, showed to many the value of activism. He served as chairman of the Committee for Fair Utility Rates and of the Tri-County Environment and Consumer Advocate Council. He encouraged fellow citizens to become involved in the process and to let their representatives know where they stood.

Mr. Wene was educated at Ohio State University and the University of Idaho, where he received his master's degree.

During World War II, he served with the Army's 83d Infantry Division in Europe. He participated in four major campaigns and was wounded at the Battle of the Bulge. Mr. Wene was awarded the Silver Star for gallantry.

Mr. Wene is survived by his wife of 57 years, Cleo; daughter Jennifer of Westerville, OH; sons, Kenneth of Bethel, CT; Daryl of North Royalton, OH, and Peter of Waldorf, MD; as well as five grandchildren and four great-grandchildren.

Ohio will miss him terribly.

## CONGRATULATIONS TO THE LITHUANIAN AMERICAN COUNCIL OF LAKE COUNTY, IN

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Lithuanian American Council of Lake County, IN, and the Lithuanian community on the 79th anniversary of Lithuanian independence.

The Lithuanian American Council celebrated Lithuanian independence from the Soviet Union, which occurred in 1918, on Sunday, February 16, 1997, at St. Casimir's Church in Gary, IN. Following tradition, the anniversary ceremony began with a church service starting at 11:30 a.m. After the church service, the Lithuanian American Council held a flag raising ceremony outside of the church to honor those Lithuanians who pledged their allegiance to independence for their people. The event concluded with a dinner in the church hall.

I would like to take this opportunity to commend the Lithuanian American Council of

Lake County and its officers, including: Vincent J. Gumulauskis, who has been president for 5 years; Pete D. Auksel and Casimir Balt, both of whom are vice-presidents; Birute Vilutis, secretary; and Walter Ruzga, treasurer. Allow me to also commend the board of directors, whose members include the Reverend Ignatius Urbonas, Aleksas Degutis, Alex Navardauskas, Dan Pauls, Frank Petrites, Brone Tampauskas, and Izidorius Tavaras. Finally, I would like to commend every member of the Lithuanian American Council for the loyalty and enthusiasm they have displayed.

The Lithuanian American Council of Lake County, IN, is a branch of the Lithuanian American Council, Inc. It was founded in 1940 and originated in large cities such as Boston, Chicago, and New York. The organization in Lake County was initially headquartered at St. Francis Church in East Chicago, IN, until recently when the building was demolished. The organization was then moved to St. Casimir where its home is today.

It is my sincere hope that 1997 will bring renewed prosperity for all members of the Lithuanian community and their families. May this 79th anniversary year prove to be a most joyous one.

## TRIBUTE TO DELMA CUCCINELLO

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Delma Cuccinello of Haledon.

Delma is retiring from her position of administrative clerk in the office of the Superintendent of Elections, Passaic County, NJ, after 31 years of public service.

During her 31 years, Delma has worked under five superintendents of election, and has touched the lives of many.

A native of Paterson, Delma now resides in Haledon with her husband, Lou, and the couple celebrated their 50th wedding anniversary last year. Delma and Lou are the proud parents of two daughters, and the proud grandparents of two grandsons.

Although a resident of Haledon, Delma remains very active in the Riverside Veterans Organization of Paterson, and is an integral part of the community.

Mr. Speaker, I ask that you join me, our colleagues, Delma's family and friends, and the county of Passaic in recognizing the outstanding and invaluable service to the community of Delma Cuccinello.

## ''LAND FOR A LIAR'S PROMISES''

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. GILMAN. Mr. Speaker, one of the issues that Israel's Prime Minister Netanyahu highlighted during his visit to Washington this week focused on the lopsided and inaccurate reporting about Israel's role in the Middle East peace process. At two events I attended where the Prime Minister spoke, he made forceful and convincing arguments that it is Israel which is in compliance with its commitments. However, most of the media have fallen prey to the international propaganda espoused by PLO Chairman Yasser Arafat and others which blames Israel for every problem that is encountered along the negotiating path, he concluded.

Thankfully, though, there are some individuals, like columnist George Will, whose ability to cut through the obfuscation remains intact. His recent article, which appeared in numerous newspapers around the country, sheds light on the true reality of the current situation. Accordingly, Mr. Speaker, I wish to share the text of this piece with my colleagues, many of whom have reiterated their concerns to me about Yasser Arafat's true intentions.

[From the Washington Post, Mar. 27, 1997]

LAND FOR A LIAR'S PROMISES

(By George F. Will)

Israel's critics, who are legion and live in safe neighborhoods, says Israel is being provocative. Actually, Israel's being is provocative.

On one day, Palestinian violence is said to have been provoked by the opening of a tunnel. One another day, the provocation is said to be the beginning of construction of apartments. But the real reasons for the violence are: Violence has always been part of the warp and woof of Yasser Arafat's politics (remember, he once wore a pistol to the U.N. podium), and there is no penalty for it. Indeed, in the eyes of the ''international community,'' Palestinian violence is self-legitimating: It is proof of Israeli provocation.

No Israeli government could allow Arafat to veto the construction of apartments on unoccupied land in East Jerusalem owned by the Israeli state. To allow that would be to make a de facto territorial concession, conceding that Jerusalem is redivided, with Arafat sovereign in part of it.

Arafat released terrorists. Israeli intelligence says that he authorized attacks and that the head of Palestinian Preventative Security organized the Hebron riots. Last Friday, at a rally of 10,000 in Nablus, a speaker announced the ''good news'' of the terrorist's suicide attack in Tel Aviv, and the crowd cried, ''God is great.'' An Arafat aide said, ''The terror of bulldozers led to the terror of explosives.'' What kind of peace can be made with people who talk like that?

Arafat's recurring resort to violence refutes the premise of the Oslo accords, which was that land was being traded for peace. Something tangible—territory—has indeed been traded for something intangible—promises, a liar's promises. Everything about Arafat's repertoire—the violence, the rhetoric to Arabic-speaking audiences about ''combat'' and ''jihad'' and capturing all of Jerusalem, the refusal to fulfill the obligation to remove from the Palestine Charter references to the illegitimacy and destruction of Israel—is consistent with the strategy adopted in 1974. That is the ''phased'' strategy of founding a Palestinian state from which will be launched the final attack on a diminished Israel.

American diplomats who soothingly refer to Arafat as Israel's ''partner in the peace process'' visit Arafat's Ramallah office with its wall map of Palestine with Israel's borders erased. Such maps are frequent ornaments of political and cultural programming on Palestinian Authority television. Such maps are used in Palestinian commercial advertising and as jewelry. On the main Bethehem-Hebron road stands a monument to the Palestinian ''martyrs of the Intifada'' in the shape of a map of Palestine, including all the land of Israel. The diplomats probably wonder about the ''real'' meaning of such maps, just as diplomats wondered what Nazis ''really'' meant when they spoke of the ''destruction'' of European Jewry.

Israel lives in a bad neighborhood. One reason it is bad is that the Palestine people have had a long run of execrable leaders: leaders who supported Hitler in World War II, the Soviet Union during the Cold War and Saddam Hussein in the Gulf War. Perhaps things will get better. Perhaps when a full-fledged Palestinian state exists on the West Bank, that 22nd Arab state will be the first Arab democracy. But would those who are asking Israel to bet its life on that be willing to bet theirs?

Former prime minister Shimon Peres, when asked if Israel could safety consent to be again, as before 1967, 10 miles wide at the waist, blandly said that Israel would still be, in effect, 40 miles deep strategically because ''all the land we give back must be demilitarized.'' But although this Palestinian state does not yet fully exist, it already is militarized with at least 30,000 well-armed soldier-policemen. Will the fully emerged state accept restrictions on its sovereignty that no other nation accepts?

And who would enforce such restrictions? The ''international community'' that dithered during genocide in Bosnia and is inexhaustibly ''understanding'' about Palestinian violence? Should Israel rely on a U.S. commitment? As Golda Meir said to President Nixon when he suggested something similar, ''By the time you get here, we won't be here.''

It is said that people hope vaguely but dread precisely. Modern history has provided Israelis a dread that is the premise of their statecraft: No calamity is impossible. So while the ''international community'' will continue to criticize Israel for the provocations inherent in its existence, Israel's riposte will be Golda Meir's words: Jews are used to collective eulogies, but Israel will not die so that the world will speak well of it.

## TRIBUTE TO THE HONORABLE REX SATER

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor a dedicated and caring public servant, the Honorable Judge Rex Sater. Judge Sater is to be commended for 21 years of outstanding service as a judge on the Sonoma County supreme court in Santa Rosa, CA.

Judge Sater earned great respect and admiration for his handling of family law cases. His rule that disputing parties must talk matters over before involving the judge is now a common practice used throughout California known as meet and confer. His respect for juries and the justice system was clear. In fact, Judge Sater was one of the first to start the practice of having participants and spectators rise each time the jury came in and out of the courtroom.

In addition to his exemplary service as a judge, he was involved in the community as an advocate for native American causes and was a founder of the Sonoma County chapter of the ACLU.

Mr. Speaker, it is my great pleasure to pay tribute to the Honorable Judge Rex Sater.

Sonoma County was very fortunate to have had such a dedicated judge. We thank him for the fair and compassionate manner he always conducted his court. I extend my congratulations and best wishes on his semiretirement to he, his wife, Kate, and their family. He will be missed by all.

## TRIBUTE TO JAMES D. DOUGHERTY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to James D. Dougherty, who is stepping down as president of the Gramercy Neighborhood Associates [GNA]. Mr. Dougherty has served as GNA's president since 1990.

Over the past 7 years, as a result of Mr. Dougherty's leadership and vision, GNA has helped improve the Gramercy Park neighborhood in many ways. Among the GNA initiatives undertaken during his tenure, there are two I would like to note. GNA worked to replace 24 cobra lampposts with the more attractive and historically appropriate Bishop's Crook lampposts. Additionally, GNA published the award-winning book, ''Gramercy: Its Architectural Surroundings,'' which is playing a pivotal role in the drive to expand the Gramercy Park Historic District.

Mr. Dougherty first moved to the Gramercy area in 1960 when he was attending Columbia Law School. After 8 years of practicing law on Wall Street, Mr. Dougherty joined Pathmark Supermarkets, Inc., as a lawyer. In 1987, he was appointed president of Pathmark.

Mr. Dougherty's volunteer work does not stop with GNA. Since his retirement from Pathmark in 1990, Mr. Dougherty has also taken an active role in the environment. He served as the chairman of the Nature Conservancy chapter on the east end of Long Island and as a director of the New York League of Conservation Voters.

Mr. Dougherty has also applied his retail experience to several State Department volunteer assignments. He spent a month in Latvia in 1992, during the first winter of its independence from the Soviet Union, helping to establish new distribution channels for scarce food and medical supplies. In 1996, he spent 2 months in Siberia advising a Russian retail chain in the design and opening of its first supermarket.

Mr. Speaker, I am proud to honor James Dougherty, a man who has used his expertise and leadership to serve his own community and the communities of others around the world. I ask my colleagues to join me today in this well deserved tribute to Mr. James Dougherty.

## HONORING JOHN Q. HAMMONS

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. BLUNT. Mr. Speaker, I rise to commend John Q. Hammons, who is well known in the Ozarks and beyond for accomplishments that have affected the lives of many in countless ways. Mr. Hammons has deep roots in southwest Missouri. He was born in Newton County and after finishing high school Mr. Hammons attended Monett Junior College and Southwest Missouri State University where he completed his bachelor's degree. HIs adult road to success began at Cassville High as a teacher and coach, and then as a cost engineer for the Alaska Highway. He served his country in World War II as a lieutenant (jg) on Navy troop transports in both the Atlantic and the Pacific.

Living in southwest Missouri it is difficult to not be aware of the many real estate developments his vision has produced. Some outstanding projects include the Glen Isle Center, Southern Hills, Village Garden Apartments, Kimberling City, University Plaza Hotel, the Springfield Trade and Convention Center, Highland Springs Country Club, and the Hammons Towers. His most recent and highly recognized development is the Chateau on the Lake Hotel and Convention Center near Table Rock Dam, a resort likely to receive national renown. His business ventures have provided a multitude of jobs and opportunities. John Q. demonstrated his commitment to community improvements by donating the land and the supporting architectural services for the recently built headquarters for the Springfield Area Chamber of Commerce.

John Q. is well known to many outside the business community through his contributions to education, the arts, athletics, and medicine. In the field of education Mr. Hammons has generously given back to Southwest Missouri State University including the Hammons House dormitory and the Hammons Student Center, where 9,000 watch Bears basketball. At Drury College he helped to initiate the support and the ensuing construction of the Hammons School of Architecture. He was one of the founders of the Springfield Public Schools Foundation Challenge Grants to increase their computer technology and provide for the distribution of the Springfield News Leader and USA Today in the classroom.

John and his wife, Juanita, recognized the need to continue the development of the arts and gave major contributions to help build the Juanita K. Hammons Hall for the Performing Arts at Southwest Missouri State University. For those individuals who enjoy public television the Hammons provided the founder's gift to establish the Ozarks Public Television station and they have continued their support with Challenge Grants.

For the sports enthusiast, he donated the land and five million dollars to build the Missouri Sports Hall of Fame to help recognize those in Missouri who have excelled athletically. Those individuals in need of medical assistance have been especially thankful to Mr. Hammons for his donations to the St. Johns Regional Health Center which have included the Hammons Life Line emergency helicopter, a heart wing and the Hammons Heart Institute.

It would be easy to mention many other notable accomplishments but perhaps it is enough to remember that he has reached each of these goals one day at a time with persistence and hard work. We thank John Q. Hammons for his contributions and his examples.

## A BUDGET THAT INVESTS IN AMERICA'S FUTURE

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. BROWN of California. Mr. Speaker, for the last 2 months, we have seen a great deal of rhetoric on the budget, but there has been no action. Next week marks the deadline for passage of a budget resolution, but there is no chance that we will meet that goal. We are in a stalemate and seem incapable of moving ahead on the budget or any of the rest of the issues that confront the Congress.

I will be the first to admit that crafting a sensible budget resolution is no easy task. It requires taking public positions that may be uncomfortable, setting spending goals and priorities that may bring questions and criticism, and being willing to take risks in order to gain some progress. I know all of this because I have struggled to develop a comprehensive budget over the last few months.

Today, I am introducing a concurrent resolution on the budget aimed at achieving three major goals. First it will establish moderate budgetary growth and sustained investments in capital expenditures that are associated with future productivity. Second, it will incorporate a new structure to the budget process that more clearly identifies these investments and enforces the budgetary goals we set for these in the future. This approach has come to be called the investment budget and it is my hope that Congress will consider it a first step in reversing the dramatic decline in investments that we have witnessed over the past decade. Third, this investment budget reaches balance by the year 2002.

The 104th Congress was a crucial turning point in addressing the Federal deficit. The White House, the Republican majority, and the Democratic minority have all committed to achieving a fully balanced budget by the year 2002. While this will remain a political imperative, there is not yet a coherent or unifying policy to guide this process. Past proposals Congress has considered range from artful accounting exercises to ideological social blueprints. None have fully addressed the underlying imperative to create an economy that can sustain growth after the year 2002.

The 105th Congress is now struggling to reach a consensus over a wide variety of budgetary issues including tax cuts, adjustments to the Consumer Price Index, defense spending, and entitlement reform. There is a rare opportunity at this time to offer a unifying goal to this discussion. The fundamental challenge Congress faces is the need to shift public spending away from consumption toward investment. My concern over our seeming inability to distinguish investment from consumption has led me to propose this bill today.

In accomplishing these objectives, the investment budget will also eliminate the deficit by the year 2002 by proposing certain changes in entitlement programs, and curbing the growth of other noninvestment discretionary programs. Finally, the investment budget will postpone any proposed tax cuts until the budget is balanced.

As I said before, I am not an expert on the budget and this concurrent resolution borrows heavily from those more familiar with this process than I am. I have drawn inspiration from

my friends in the Conservative Coalition, the so-called Blue Dogs, by adopting some of their entitlement reforms. I have drawn inspiration from the President by adopting his education and worker training programs. I have drawn inspiration from my friends on the Transportation and Infrastructure Committee who have been articulately advocating enhanced physical infrastructure expenditures. And, of course, I have listened to colleagues on both sides of the aisle who demand that we lay out a course for Federal policy that will lead to a balanced budget by the year 2002.

The case for investments rests on the long recognized strong relationship between public investments and economic growth. Growth in the gross domestic product is generally due to the growth in the labor force, which is entirely dependent on demographics, and growth in the productivity index, the output produced per unit of input. This later is strongly influenced by investments in technology, capital infrastructure, and human resources. That is, productivity depends directly on the availability of private capital stock, work force skill and training, and the rate at which technology is improved and applied in the workplace.

The corollary to this is that economic growth and economic opportunity are complementary. Economic growth will make resources broadly available to widen opportunity and increase employment. The slowdown in productivity beginning in the 1970's was accompanied both by slower growing family real incomes and by a widening of the income gap.

In order to renew and sustain productivity increases over the next decade, the emerging consensus among economists is that policies should be pursued that increase higher national savings, encourage more open and efficient markets, and shift public spending away from consumption and towards productive investment. It is this later policy goal that is the focus of the investment budget. It should be emphasized, however, that a budget resolution alone cannot address the full scope of the productivity problem. Additional public policies will be called for over the coming decade that complement this in other areas such as overall fiscal control, international trade, and incentives for private capital formation.

The proposed investment budget sets specific targets for growth in investments, such as research and development, physical infrastructure, and education and training. The overall goal for research and development spending is aimed at keeping pace with the growth in the gross domestic product and reversing the declining trend evident in other budget proposals.

The goal for physical infrastructure funding is to achieve productivity gains over the near term by improving surface, water, and air transportation systems and enhancing their efficiency. This is accomplished by increasing discretionary spending to a level that can be efficiently sustained by the existing trust fund revenues.

The third critical element relates to human resources. Aggressive education and training programs will ensure that all Americans can participate in and benefit from these productivity gains. The goal is to narrow the income gap and to enable a workforce that can be integrated into the overall growth in the economy that technology and transportation investments will bring.

In the aggregate, the investment budget identifies $910 billion in public investments over the 5-year period ending in 2002. This exceeds the President's request for these investments by over $70 billion. In the President's fiscal year 1998 budget request, the funding level for Federal investment represents 2.7 percent of the GDP. This is the lowest level of funding for Federal investment since definitional records have been kept. Although the investment budget falls far short of reestablishing the level of investment the Nation made in the past, it does begin to reverse the precipitous decline.

In order to fully address this problem, however, it is not enough to simply propose higher spending levels in the future. It is also necessary to fix the budget process in a manner that more clearly distinguishes capital investments and consumption and enforces any target we set during the appropriations process. This would provide a remedy to a long-recognized irrationality in the budget process that treats investment and consumption as equivalent expenditures whose only uniqueness lies in their outlay rates rather than their functional effect on the economy. There are several factors that account for this state of affairs. First, the President's budget does not specifically identify investments in a manner that can be addressed in the congressional budget process.

Second, the present structure of the congressional budget process for allocating discretionary resources is strongly influenced by the cold war concern for maintaining a strong defense. Thus, Congress has acted to construct a budgetary firewall between defense and nondefense discretionary expenditures. The decisionmaking process then takes place in two separate vacuums. Funding to continue combat-ready reserve units is pitted against weapons modernization, funding to advance new cutting-edge technologies is pitted against new prisons, the space program is pitted against veterans, and so on.

The investment budget, on the other hand, is aimed at restructuring the budget process to directly distinguish between investments and consumption in the decisionmaking process. This will provide a more meaningful contemporary context to the decisionmaking process that will be needed in the coming decades. The firewall that previously existed between defense and nondefense will be transformed into a division between investments and noninvestments. Under this process, specific multiyear targets for investments will be set that can sustain and enhance productivity. The allocation process made under section 602 of the Budget Act will be oriented around investments and noninvestments rather than defense and nondefense.

We are undergoing a number of political, economic, and social changes in this Nation, yet we will be unable to fully debate these issues until we fix the budget problem and move beyond the current congressional stalemate. This investment budget seeks to break the stalemate by suggesting a new approach that allows sensible growth through investment while balancing the budget. This budget also begins to show a way of taking advantage of the changes occurring around us, by investing in a base of knowledge and physical infrastructure that provides us with a wider range of options.

Mr. Speaker, I am enclosing a brief summary of the resolution and a list of assumptions we have made in developing it. I hope that my colleagues join me in supporting this approach when we consider the budget later this month.

SUMMARY OF CONCURRENT RESOLUTION INTRODUCED BY MR. BROWN

The Investment Budget is aimed at maintaining strong Federal investment in areas such as research and development, capital infrastructure, and education and training within an overall balanced budget. The Investment Budget recognizes that in the post-Cold War era, the critical balance should be struck between investments and consumption rather than defense and non-defense. The legislation establishes a process which protects investments from excessive growth in consumption programs.

The following assumptions were used in developing the Investment Budget:

The bill assumes enactment of Title VII of H.R. 2530 introduced in the 104th Congress, adjusted as necessary for current enactment dates. This provides for certain reforms for the Medicaid program and was developed by the House Conservative Coalition.

The bill assumes enactment of Title VIII of H.R. 2530 introduced in the 104th Congress, adjusted as necessary for current enactment dates. This provides for certain reforms for the Medicare program and was developed by the House Conservative Coalition.

The bill assumes a uniform adjustment to the CPI of .5%.

The bill assumes enactment of the Presidents proposals contained in Table S–7 of the Budget entitled ''Eliminate unwarranted benefits and adopt other revenue measures'' and ''Other provisions that affect receipts''.

Key aspects of the Investment Budget are as follows:

Balanced Budget.—The Investment Budget complies with the F.Y. 1998 discretionary spending cap and eliminates the deficit by the year 2002 using CBO assumptions.

Investments.—The legislation identifies $910 Billion ion public investments over the 5 year period. This exceeds the President's request for these programs by over $70 billion.

Offsets.—In addition to eliminating the Federal deficit, this proposal fully offsets all increases for investments in the bill. A summary of offsets and savings relative to the CBO 5 year baseline is as follows:

Limit Defense spending—$116 B.
Medicaid Reform—$25 B.
Medical Reform—$121 B.
.5% CPI Adjustment—$64 B.
Eliminate Unwarranted Benefits—$76 B.

Permanent Savings.—The Investment Budget is fiscally responsible and includes no one-time budget balancing gimmickry. It does not utilize asset sales such as spectrum auctioning as a revenue enhancement to balance the budget. Instead, the Investment Budget proposes to deposit all proceeds from spectrum auctioning in a trust fund in order to meet future public investment needs.

No Tax Cuts.—The legislation assumes no tax cuts before the budget is balanced.

Public investments targeted by the legislation include the following:

All civil R&D programs including NIH, NSF, NIST, DOE, NASA, and Department of Agriculture have been provided an annual growth rate of 5% per year fully offset within a budget that balances by the year 2002. In sum, this bill contains $409 billion over 5 years for all civil R&D, an increase of $31 Billion over the President's request. These budgetary targets will allow R&D to keep pace with the overall growth in the economy.

Defense R&D has been increased by $4.5 billion above the President's request over the 5 year period, primarily in the post 1999 time frame in order to support modernization needs.

Stable funding for all EPA environmental regulatory, research and enforcement programs including the Superfund program. In sum this bill contains over $24 billion, an increase of $2 billion over the President's request.

Stable funding for all rural development and economic development assistance programs. This bill contains $6.4 billion over 5 years, an increase of $500 million above the Administration's request.

A total of $218 billion for ground, air and water transportation programs, an increase of $37 billion over the President's request. This increase will optimize discretionary spending relative to the trust funds for these programs.

A total of $196 billion for elementary, secondary, vocational education, and higher education programs. This reflects the President's F.Y. 1998 request.

$34 billion for Social Service programs including the National Service Initiative, and Children and Family Services programs. This reflects the President's F.Y. 1998 request.

$21 billion for the Special Supplemental Food Program for Women, Infants and Children (WIC)—President's request.

## A TRIBUTE TO EDWARD R. FARMER

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention a truly dedicated public servant in Edward R. Farmer, of Paterson, NJ, as he completes his tenure of public service to the residents of Passaic and Essex Counties.

A highly respected and distinguished individual, Ed has faithfully served as an integral member of my congressional and general assembly staffs, and as the foundation of former Congressman Herb Klein's congressional staff. Through his efforts, Ed has loyally served the people of New Jersey for many years with true distinction.

His extensive record of community and civic involvement includes outstanding service as president of the Passaic County Young Democrats, an organization which, under his dedicated leadership and guidance, has infused the Democratic Party of Passaic County with a plethora of spirited and talented young people.

Within all spheres of life, Ed has set an example in community leadership and responsible citizenship toward which others might strive, and his professional and volunteer public service has been equaled only by his dedication to his family and friends.

The strength and success of the State of New Jersey as well as the United States of America, and the continuation of our American society, depend in large part on the dedication of highly talented and educated individuals like Ed Farmer who have dedicated themselves to the service of others.

Mr. Speaker, I ask that you join me, our colleagues, Ed's wife, Patti, his family and friends, and the State of New Jersey in honoring Ed Farmer for his outstanding and invaluable service to the communities of New Jersey as he seeks a new beginning with his wife, Patti, and their two cats, Dog and Gunther, in Lexington, KY. For his many years of dedicated service, it is only appropriate that the House recognizes Edward R. Farmer today.

## HONORING SAUL RUMAN

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. VISCLOSKY. Mr. Speaker, it is my honor to commend Saul Ruman, an outstanding citizen of Indiana's First Congressional District. On Thursday, April 3, 1997, Saul was presented with the 1997 Lifetime Achievement Award by the Indiana Trial Lawyers Association. He received this award during a luncheon at the Embassy Suites Hotel in Indianapolis, IN.

Saul, a resident of Munster, founded the firm Ruman, Clements, Tobin S. Holub shortly after his graduation from the Indiana University School of Law in 1952. From the time of its inception, the firm has concentrated in the areas of personal injury and wrongful death litigation and, over the years, has successfully attracted clients from across the United States. During his distinguished career, Saul has been counsel in over 100 Federal and State appellate cases. He represented Senator Robert Kennedy during his candidacy for President of the United States, several justices on the Indiana Supreme Court, and has litigated numerous cases of significant importance and public interest during his years of trial and appellate practice.

Not only has Saul excelled in his professional life, but he has been a great asset to the Indiana legal community as well. Saul has impacted the judicial process in the State of Indiana through hi appointments to the Indiana Supreme Court Character and Fitness Committee on the Board of Law Examiners, the Indiana Judicial Nominating Commission, and the Indiana Supreme Court Committee on Rules. In addition, Saul has secured membership in a variety of professional organizations, including the American Board of Trial Advocates, the International Academy of Trial Lawyers, the National Institute for Trial Advocacy, the Indiana Trial Lawyers Association, and the Trial Lawyers Section of the Indiana State Bar Association. Saul has also devoted much of his time as a member of the board of visitors to the Indiana University School of Law.

Along with being bestowed the ninth annual Lifetime Achievement Award, Saul has earned recognition in the publication ''Best Lawyers in America'' in 1993 and 1997. Those listed in this publication are selected by their peers on the basis of professional performance and ability.

Mr. Speaker, I ask you and my other esteemed colleague to join me in congratulating Saul on his receipt of the Indiana Trial Lawyers Associations' Lifetime Achievement Award. His wife, Beverlee, and their children, Loral, Melissa, and Elizabeth, can be proud of Saul's exceptional accomplishments. His endeavors within the legal profession are certainly admirable and his outstanding dedication and leadership are a model and inspiration to each and every one of us.

## ON BRIAN BLANKENBURG'S ATTAINMENT OF EAGLE SCOUT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. KUCINICH. Mr. Speaker, I rise to honor Brian Blankenburg of North Olmstead, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the scouting law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering scouting achieve this rank.

Brian's Eagle project was the repair, refurbishing, and repainting of ticket booths and parking lot lights at North Olmstead High School.

My fellow colleagues, let us join Boy Scouts of America Troop 53 in recognizing and praising Brian for his achievement.

## PARTIAL-BIRTH ABORTION BAN ACT OF 1997

SPEECH OF

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 20, 1997*

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of the partial-birth abortion ban legislation which would outlaw gruesome abortion procedures. I sponsored this legislation because it would protect the sanctity of life and prevent the cruel and inhumane killing of unborn children. A living fetus is viable and we should respect its humanity.

We know all too well the arguments on both sides of this important issue. Some present legal or constitutional issues. Some cite the lack of money or adequate resources to support the child. Some women may cite social or psychological problems which hinder their ability to go to full term on their pregnancy. But no matter what the arguments or reasons cited, the partial-birth abortion procedure is brutal and senseless and should never be allowed.

As a nation, we have the fortitude to find humane ways to deal with whatever difficulties or burdens which cause women to resort to partial-birth abortions. But we should not, as a nation, sanction this procedure in any way, shape, or form.

For me personally, and for the people of Guam whom I represent, the worth of children in our culture is a cornerstone in sustaining family values. For us, abortions is never an option; we oppose abortion because it devalues life and destroys our concept of family preservation. For us, the issues are that we continue to protect our children, stop the assault against the innocent unborn, and continue to believe that life is a precious gift from God.

When we stand up for the unborn, we help to fortify our culture, our heritage, and our society. I join my colleagues in supporting this very important legislation.

## HONORING THE NATIONAL INSTITUTE FOR ELECTROMEDICAL INFORMATION

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents of the Fifth Congressional District in extending most welcome congratulations to the members of the National Institute for Electromedical Information [NIEI] in celebrating its 13th anniversary. Founded in 1984, by Stanley H. Kornhauser, Ph.D., the NIEI has diligently serviced the borough of Queens as an advocate and educator of electromedicine and has been most effective as a medium for the exchange of information on advances in new electrodiagnostic and electrotherapeutic devices in all areas of medicine.

Since its founding, the NIEI has been an active source of informational distribution to the field of medicine and has emerged as a major facilitator in establishing training and seminar programs in electromedical education. Its impact has been guided and nurtured by the organization's advisory board. The board's strong interdisciplinary members have distinguished themselves in diverse fields of medical and scientific research significantly impacting on the field of health care.

Therefore, Mr. Speaker, I ask my colleagues to rise in recognizing the National Institute of Electromedical Information, its founder and president, Stanley H. Knornhauser, Ph.D., its advisory board and membership as leaders in enhancing the level of understanding and knowledge regarding electromedical education, electromedical technology development, and the effective use of electromedical technology throughout our Nation.

## UNIVERSITY OF MIAMI'S OTTO G. RICHTER LIBRARY'S CUBAN COLLECTION HELPS KEEP ALIVE CUBAN HISTORY

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Ms. ROS-LEHTINEN. Mr. Speaker, two of the many freedoms suppressed by the Castro dictatorship over its 37 years of totalitarian rule have been academic and intellectual freedom that once were a source of great pride in a democratic Cuba. All books that the Castro regime considered against its interests were systematically banned, all individuals who supported ideas other than the ones the dictatorship favored were exiled, harassed, incarcerated, or murdered.

Fortunately, many of the great books of Cuban history and publications of Cuban writers and intellectuals are now being preserved in the United States at the Cuban Collection of the University of Miami's Otto G. Richter Library. The Cuban Collection at the University of Miami is the largest collection of its kind outside of Cuba, superseding even the collection at the Library of Congress.

The awesome collection contains materials from all periods of Cuba's history and attracts thousands of researchers every year from all parts of the world. Some of its unique holdings include an 1895 photograph of Cuban Mambises who fought for Cuba's independence from Spain, miniature letters from Cuban political prisoners, and copies dating from 1832 of Diario de la Marina, the oldest newspaper in Cuba and the Americas until its operation was forcefully shut down by the Castro dictatorship.

South Florida is proud to have among its many assets this outstanding collection that helps keep alive Cuba's history through this dark period of repression that has engulfed the island.

## TRIBUTE TO THE ST. STANISLAUS CATHOLIC WAR VETERANS POST 1222

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. TRAFICANT. Mr. Speaker, I rise today to honor one of the many distinguished organizations of my district: St. Stanislaus Catholic War Veterans Post 1222. This organization has given many years of dedicated service to the community.

The Reverend John Grabowski, pastor of St. Stanislaus Church, gathered some 45 individuals and proposed forming a veteran's organization in the community. These men had just returned home after years of service and sacrifice in our Armed Forces during World War II. Father Grabowski knew these men would be willing to extend themselves in service to their church and their community. On February 10, 1947, Post 1222 was granted a charter from the Catholic War Veterans of the United States.

The post's initial efforts were extended to the young people at St. Stanislaus Church and parochial elementary and secondary schools. Keeping the memory of the fallen comrades sacred was uppermost at the time, so on November 7, 1948, the post dedicated a memorial bronze plaque inscribed with the names of the 19 men of St. Stanislaus parish who gave their lives for our freedom.

For over 50 years the post maintained the respect and admiration of the community. The post participates annually in many fundraising events including the Red Cross, United Way, and the March of Dimes campaigns. The members also host events for Catholic High School drives and St. Elizabeth's Hospital. Each member and officer participates in order to maintain the post's high ideals.

Many of post's members were awarded honors from our upper echelons of the organization. Henry Jagielski and Dennis Wilde served as State commanders of the Department of Ohio C.W.V. Both John J. Bury and Thomas C. Rudnickei were recipients of the prestigious John J. Martin Award from the Department of Ohio C.W.V. Over the years, the membership roster at Post 1222 has included mayors, judges, councilmen, and other civic leaders over the years.

Post 1222's first meetings were held in St. Stanislaus Church's basement. The Quonset Hut at 1207 South Avenue served as the home of the post. In 1958, the post undertook construction of a permanent home at a cost of over $90,000. The mortgage was burned in 1970. This was a remarkable achievement led by the senior trustees: Ed Rudnicki, Jim Gaca, Henry Jagielski, and Henry Kost.

For the past 50 years, Post 1222 has marched in every Memorial Day and Veteran's Day Parade in Youngstown. Rain or shine the post's color guard has answered the call. There is also a special mass offered for all the veterans and deceased members of the post.

Post 1222 sponsors Catholic action programs. These events address issues of the local community such as, education, crime, and serving the poor. The programs also focus on service in the Catholic Church. Post members assist in parish duties including ushers, alter services, and parish council.

The post believes in Catholic education. Thus the organization grants scholarships to help young people attending parochial high school. Bernard Lakovich left part of his estate to the organization for education scholarships. Each year many parochial schools participate in essay and art contests, sponsored by the post and producing many State and national winners.

All veterans' organizations must have a ladies auxiliary. Post 1222 Ladies Auxiliary is tireless in their efforts of assisting the various events the post sponsors.

By sharing with one another, many members of Post 1222 have achieved personal satisfaction. The members are unselfish in their undertakings. They all have toiled so that their children, by active dedication to a cause, will be instilled in the freedoms and benefits that these United States can offer. Patriotism is noble and dignified. Post 1222 has expressed its patriotism by making great contributions to the church and community. Many thanks to the members of St. Stanislaus Post 1222, who over the past 50 years contributed their time and energy to St. Stanislaus Post 1222 Catholic War Veterans.

Current officers of Post 1222 include: Joseph M. Magielski, John Bury, Paul Stopnick, James Mislay, Thomas Rudnicki, Pauline Tybor, Ted Seidler, Sam Naples, Frank Gerchak, George Zakrzewski, Walter Glowacki, John Savaet, Marilyn L. Carroll, and Father Edward J. Neroda.

## TRIBUTE TO DOROTHY C. ROWE

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Dorothy C. Rowe of

Paterson, NJ, an educator who strives for and encourages excellence.

A native of Wilmington, DE, Dorothy moved to Paterson more than 20 years ago, and has since become a prominent resident of the community. Upon settling in Paterson, Dorothy soon became affiliated with the Calvary Baptist Church, where her husband-to-be, the Reverend Dr. Albert P. Rowe, is the pastor. As a member of the congregation, she became involved in numerous church programs and activities including developing the church's day care program, organizing the Golden Keys and Women Fellowship, and organizing the Dorcas Missionary Society.

In addition to her organizing church activities, Dorothy also serves the church as director of the board of Christian Education, director of the Vacation Bible School, director and writer for the Calvary Players, program chairman of the Calvary Building Council for Church Construction, and chairman of the Calvary Stewardship Program for Family Life Center.

Aside from her church activities, Dorothy is also involved with the community through her work as principal of Paterson's School No. 26 where she has served since 1985. Formerly, she has served as principal of the Dale Avenue School, vice-principal of School No. 10, and teacher of history at Kennedy High School, all of the city of Paterson.

Dorothy has always prioritized education. From her own in the public schools of Wilmington, to her undergraduate work in history at Howard University, where she received her bachelor of arts degree, and ultimately her work as a graduate student in social studies at Montclair State College, where she received her master of arts degree. She exemplifies the importance of education. Dorothy is also a member of numerous professional educational organizations, most notably the National Education Association, the Paterson Principals Association, and the National Council of Social Studies.

Her membership in organizations also extends to many civic groups, the most noteworthy of which are the YWCA, where she was a former board member, and the NAACP, where she serves as an elected member of the board of directors and chairperson of the program committee for the Paterson branch. Dorothy is also a volunteer at Barnert Hospital.

She has been recognized for her outstanding work and achievements by being bestowed upon with numerous awards and citations including the Calvary Baptist Christian Education Award, the Paterson Arts Council's Salute to Black Women Award, the NAACP Youth Citation, and the NAACP Outstanding Teacher Award.

Dorothy is happily married to the Reverend Dr. Albert P. Rowe, pastor of Calvary Baptist Church

Mr. Speaker, I ask that you join me, our colleagues, Dorothy's husband, Reverend Rowe, their family and friends, Calvary Baptist Church, and the city of Paterson, in recognizing the outstanding and invaluable service to the community of Dorothy C. Rowe.

## CONFLICT OR COOPERATION WITH ASIA

### HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. SHUSTER. Mr. Speaker. Napoleon said, ''when China awakens it will shake the earth'' and as we approach the 21st century, not only China, but the entire Pacific rim is emerging to become the world's next economic superpower region. Whether we engage this coming colossus to help build a better world, or confront it as a dangerous adversary will depend in large measure on the wisdom of our policies in facing the realities of a complex and sometimes contradictory challenge.

China with 1.2 billion people, nearly a quarter of the world's population—and increasing to 1.6 billion people in the next 20 years—is booming economically. By moving toward a market economy, promoting both domestic and international private sector competition, it has achieved a sustained 10 percent annual growth rate which is raising the standard of living for most Chinese and creating extraordinary opportunities for American businesses, which means jobs for Americans. A few examples:

A McDonnell Douglas aircraft plan in Shanghai created 1,000 Chinese jobs, but also created 4,000 Americans jobs providing the aircraft parts for assembly in China;

A new General Motors assembly plant will use $1.15 billion in American manufactured parts;

China's recent $800 million aircraft order to Boeing means hundreds of American jobs. A high-ranking Chinese official publicly coined the phrase ''If it ain't Boeing, I ain't going'';

Over 100 McDonalds restaurants are sprouting up in Beijing, using products from America and around the world;

Shanghai has 20,000 major construction projects underway, employing 6 million people, including several United States firms, with 17 percent of the world's construction cranes busily clogging up the skyline, while 600,000 cellular phones are in use by the city's 17 million people.

Five major airports are under construction in China and the $25 billion Three Gorges Dam project will become one of the wonders of our modern world. While requiring the relocation of 1.3 million people and eliminating 116 square miles of farmland, Three Gorges, now under construction, will harness the mighty flow of central China's Yangtze River, whose floods have already killed 500,000 Chinese in this century. Creating a 360-mile-long lake, it will be the largest hydroelectric power dam in the world, generating 15 percent of China's electricity—over 18,000 megawatts of power, the equivalent of 15 Hoover Dams. The locks and flow control will open up the Yangtze to ocean-going vessels, increasing water transportation by 40 million tons annually and reducing transportation costs on the Yangtze by 30 percent.

China's human rights violations—from the killing of hundreds of students in Tiananeman Square in 1989 to present day curbs on freedom of speech—are to be deplored. But turning our back on China will not make life in China better. By pressing for reforms, within the context of a continuing relationship, we stand a better chance of moving China toward political freedom to match their recently established economic freedoms. Moreover, strategically we need a friendly China to be part of the balance of power in Asia, and especially as a check on the unstable and irrational dictatorship in North Korea.

While China emerges as the economic colossus of the next century, a technologically advanced Japan continues to grow. Investing over $30 billion in a single international airport at Kansai, 200 miles southwest of Tokyo, while trying to lock out United States competition in the Asian market, Japan continues as a ferocious competitor seeking dominance in global markets.

When the British flag is lowered on June 30 in Hong Kong and China takes control, the world will watch to see if China keeps its promise to let the Hong Kong miracle survive. Unimpeded, Hong Kong will continue as a gateway to the Orient. With the largest privately owned container port in the world, efficiently moving 2½ times the container cargo of the ports of Long Beach and Los Angeles combined, Hong Kong next year will open the largest multimodal airport complex in the world. Costing $21 billion, it will handle 35 million passengers with 288 check-in counters and 3 million tons of air cargo annually, including the world's largest combined highway-rail suspension bridge.

These multibillion-dollar infrastructure investments being made throughout the Orient clearly show that Asia will be a formidable global competitor in the coming century.

While in America we reduce our investment in infrastructure, potholes on our highways proliferate, water pipes rust, bridges crumble, antiquated computers control the landings in our crowded airports, passenger rail service teeters near bankruptcy, and several of our ocean ports become clogged with silt, Asia is busy building for the future.

If we do not wake up and begin increasing our investment in infrastructure, the shaking Earth that Napoleon predicted will be caused by an oriental bulldozer, burying us beneath its global path.

## THOMAS LEWIS RETIRES

### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. HOLDEN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to a constituent of mine, Thomas L. Lewis. Mr. Lewis is retiring this week after nearly 41 years as an employee of American Home Foods and as a leader in the United Food and Commercial Workers, local 38 in Milton, PA.

Thomas Lewis began his career at American Home Foods on September 24, 1956, and was initiated into the local 38 leadership as a union steward. He became the secretary-treasurer of the union local in 1965. In 1970 Mr. Lewis began to serve as chief committee person, first shift, and continued in that position as well as secretary-treasurer until 1985 when he was elected to serve as president of the local 38 for the term beginning 1986. He was re-elected to serve as president for three consecutive terms.

Thomas Lewis has also served on the Pennsylvania AFL/CIO legislative and political

committees as well as its fan committee, safety committee, and its job committee. He also served as the Pennsylvania AFL/CIO vice president.

Mr. Lewis has also served as the vice president of the Central Labor Council and has been an active participant in contract negotiations for American Home Foods and has also been instrumental in IUD coordinated bargaining for health and welfare benefits for AFH union members.

When Thomas Lewis became a union member, the union was known as the Amalgamated Meat Cutters. They later merged with the Retail Clerks and changed the name of the union to what we now know as the United Food and Commercial Workers.

Mr. Speaker, Thomas Lewis is a fine example for all Americans because of his hard work and commitment. I would like to congratulate him on all his accomplishments and wish him great success in all his future endeavors.

## TAXPAYER BILL OF RIGHTS II

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Ms. DUNN. Mr. Speaker, throughout my tenure in Congress, I've heard from thousands of constituents who have described to me numerous problems they see with our system of taxation. A common theme has been the intrusive nature of the Internal Revenue Service [IRS]. Last year, the Congress enacted legislation I cosponsored, called the Taxpayer Bill of Rights II, to help taxpayers in their dealings with the IRS. While I believe those necessary reforms were a good start, I believe we need to do more.

That's why I am introducing the IRS Accountability Act in the U.S. House of Representatives. This bill, whose companion has been introduced by Senator PAUL COVERDELL—my counterpart on the Senate leadership team—in the U.S. Senate, is designed to provide citizens greater tax fairness and protections from IRS abuses.

The IRS Accountability Act is wide-ranging and deals with a number of faults within the IRS that have recurred through discussions with constituents, through testimony at hearings from everyday Americans, and through my tenure as a member of the tax-cutting Ways and Means Committee. Wherever I travel in the State or country, consistently concerns are raised about the IRS. This Agency operates too much on the belief that most taxpayers are intending to cheat the Government.

Granted, our Nation suffers under an unfair and incomprehensible Tax Code that takes too much of what we earn. Even worse, some rogue members of the organization responsible for enforcement of the Tax Code—the IRS—have a record of seeking to intimidate and frighten honest, hard-working taxpayers. They also sully the reputation of honest people working at the Agency. We must not tolerate a Tax Code that punishes families and we should not tolerate IRS agents eager to bully and harass taxpayers.

Let me outline my proposal. The IRS Accountability Act:

Criminalizes extortion tactics by an IRS agent. The Act criminalizes the actions of employees of the Internal Revenue Service [IRS] who abuse their authority by maliciously and willfully disregarding the statutory procedures established for collecting a tax.

Makes IRS agents accountable for their actions. Current law shields IRS employees from holding personal liability for their actions, even if their actions result in civil damages against the United States. Under this section:

In cases where the judgment is against the United States, a Federal judge will have the authority to assign a portion of the damages awarded and court costs incurred to the IRS employee whose actions prompted the suit; and

An IRS employee involved in such a court proceeding may be represented by the United States. However, these costs must be reimbursed fully if the employee is found personally liable.

Protects the privacy of taxpayers. Current law makes it a crime to release tax returns or return information without proper authority. Further, such actions may result in the personal liability of the Federal employee responsible. Under this section:

It will be a crime to willfully access without proper authority a taxpayer's return or return information. This has been called file snooping;

Willfully accessing, without proper authority, a taxpayer's return or return information can result in personal liability; and

The taxpayer will be notified upon discovery that his return or return information has been improperly accessed.

Limits on audits. Current law allows the IRS to audit an entity—taxpaying or tax exempt—for any reason, even if randomly selected. This section requires that all audits be justified. Under this section:

Random audits are prohibited. Proof of reasonable justification for the audit will be available to the taxpayer upon demand;

Reauditing a return or return issue is prohibited unless approved by court order in the course of investigating criminal activity; and

The IRS will be limited to 3 years from the time a return is filed in which to conduct an audit unless approved by court order in the course of investigating criminal activity.

Extension of time to pay tax without penalty. All too often, the IRS itself is the most significant hurdle honest taxpayers must meet when trying to resolve their tax bill. According to the Taxpayer Advocate for the IRS, one of the most common complaints against the IRS is its failure to acknowledge taxpayer correspondence.

Delays, misinformation, and snafus by the IRS all contribute to higher and higher penalties for taxpayers. Extending the period to 90 days before penalties may be applied will give honest taxpayers some welcome relief.

Preserving the integrity of judicial decisions against the IRS. Often, the IRS will choose to nonacquiesce to a court's decision in which it loses. As a result, it will pursue a subsequent case against a different taxpayer under identical or similar circumstances.

This section grants a Federal court the authority to dismiss a case of controversy involving the IRS if it can be shown that a similar or identical case already has been decided within the court's jurisdiction or circuit. The petitioner must previously have exhausted remedies available within the IRS before seeking such court relief.

Limitations on asset seizures and levies. this section requires court approval to proceed with any asset seizure and/or levy.

Limits accrual of interest. This section prevents interest from accruing on the penalty added to a tax owed.

Equal interest rates charged. Current law gives the IRS an advantage over taxpayers by allowing it to charge a more favorable interest rate. Under this section, the interest rate charged by the IRS will be the same as the interest rate charged against the IRS in all cases.

Fairness for mathematical and clerical errors. For mathematical and clerical errors, a.k.a. honest mistakes, the IRS is not required to follow the procedures of notification and collection provided for cases in which a tax is underpaid. Further, penalties and interest may be added to the tax underpaid in cases involving honest mistakes.

Under this section, the taxpayer would have 60 days to either pay the tax or file an abatement request without incurring a penalty or interest accruing. However, should the 60-day period elapse without the taxpayer taking either option, penalties and interest would be owed in full.

The honest American family works too hard and too long to have to deal with unfair and oftentimes overly intrusive IRS agents who trample their rights. The IRS deserves closer scrutiny when it goes beyond acceptable enforcement procedures and commits outright intimidation, or when it is unable to use ''common sense'' as a yardstick. This bill is part of a continuing effort to ensure that an overzealous Agency will no longer trample the rights of well-intentioned and law-abiding taxpayers.

## CHANG-LIN TIEN: PROMOTER OF CULTURE AND EDUCATION

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. STARK. Mr. Speaker, I rise today to recognize Chancellor Chang-Lin Tien of the University of California, Berkeley, who is being honored this month by the Oakland Chinese Community Council for his leadership and contributions to the Oakland Asian community.

Chancellor Tien was born in China. He came to this country in 1956 and became a naturalized citizen of the United States. Since coming to America, he has tirelessly worked to broaden the democratic reach of education to all groups of the community.

After becoming the first Asian-American to head a major research university, Tien earned a reputation for being openminded, sensitive, and accessible. Determined to stay in touch with the needs of the campus population, Tien frequently lectures to freshman classes and continues to supervise graduate student research. Chancellor Tien's reputation as an educator and a scientist is remarkable. He is internationally recognized for his research in heat transfer technology and has received many awards including the Max Jakob Memorial Award, the highest international honor in the field of heat transfer.

Tien has been a member of the National Academy of Engineering since 1976 and is a fellow of the American Academy of Arts and

Sciences. In the Oakland community, Chancellor Tien pushed for education reform programs for both primary and secondary schools. As an active member of the Pacific Council on International Policy and the U.S. Committee for Economic Development, he traveled the globe to promote the American values of democracy and freedom and to pursue greater communication between the East and the West.

After 7 years as chancellor, and over 38 years of service to the University of California, Chancellor Tien will relinquish his position by June 30, 1997. The service of this accomplished educator and dedicated community leader clearly sets an example for our entire community.

I joint the Oakland Chinese Community Council in commending him on his decades of outstanding service to Oakland.

## IN MEMORY OF ANN HARRIS

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commemorate a young and vital member of the northern Virginia community whose life was tragically cut short by gun violence. Ann Harris' life was filled with promise. She came from a wonderful, devoted family; she was a varsity tennis and soccer player at Mount Vernon High School; a member of the National Honor Society; and, she had just been accepted in the early admissions program at Purdue University. Ann's natural vibrance and exuberance for life made her a very popular and outgoing young woman. A former intern of mine, Jennifer Reiley, who was one of Ann's best friends and soccer teammates described Ann as someone who always looked on the bright side and helped others see the best in themselves. She said Ann was a natural leader, who knew when to listen and when to lead.

While on vacation in Washington State visiting a friend and former student at Mount Vernon High School, Ann, just 17 years old, was fatally shot in a drive-by shooting. The unprovoked attack has shocked northern Virginians and Tacoma, WA, residents, who can't believe such a senseless act of violence could happen in such a peaceful community. Ann's parents, Coleman and Jean Harris, have been actively involved in every aspect of Ann's life: Coleman Harris is currently president of the Parent-Teacher Association and Jean Harris is president of the Choral Boosters. Yet, for all of their involvement, they could not prevent the senseless act of violence that stripped them of their talented young daughter.

Mr. Speaker, the violence must stop. Congress must act to ensure that guns are taken off the streets and out of the hands of reckless criminals who have no respect for human life. Our efforts together can help prevent such needless tragedy in the future. As our community mourns Ann's all too brief life and tragic end, we must work to ensure that our children can feel safe and that no other parents will have to endure the kind of suffering that Coleman and Jean Harris now endure.

## LA PROGRESIVA PRESBYTERIAN SCHOOL 25TH YEAR ANNIVERSARY

### HON. ILEANA ROS–LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Ms. ROS–LEHTINEN. Mr. Speaker, I would like to recognize La Progresiva Presbyterian School for its 25th school year anniversary.

The Presbyterian school, La Progresiva, was founded in Cardenas, Cuba, by a North American missionary named Dr. Robert L. Wharton on the 11th of November, 1900. On that day, La Progresiva opened its doors with only 14 students and with the reading of the first book of Corinthians chapter.

The school developed into one of the finest educational establishments of Cuba, expanding its facilities to accommodate the increasing enrollment of students. Its growing reputation as a fine center of learning, however, was put to a stop in 1961 with the arrival of communism in the island.

Communism was able to put an end to the material aspect of La Progresiva in Cardenas, but it could never destroy the spirit and ideals which still remained alive. So in September 1971, with the help of the First Spanish Presbyterian Church of Miami and the alumni of the old La Progresiva, the new Progresiva opened its doors. It started with humble beginnings in much the same way it predecessor had.

Like the old school, this new one grew in popularity and as a result of the increasing demand for enrollment, La Progresiva added another wing to its main building in 1978. The school continued its expansion adding more classrooms to accommodate the demand for admittance into the school. Along with growing in educational capacity, La Progresiva also bettered itself in the athletic department, improving over the years in its sports and, presently, plans are being discussed for a gymnasium.

The Progresiva spirit has prevailed through the years to produce a center of learning which will stand long into the future and one which makes all Progresivistas proud.

On this, La Progresivas' 25th school year anniversary, the school's motto is stronger than ever: ''Una Vez de La Progresiva, Siempre de La Progresiva.''

## HONORING THE PRINCE WILLIAM COUNTY VALOR AWARD WINNERS

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1996 Prince William Regional Chamber of Commerce and the Prince William County Greater Manassas Chamber of Commerce Valor Award winners. The Valor Awards honor public service officers who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. Significantly, this year marks the 11th anniversary of the event honoring members of law enforcement and fire and rescue agencies historically servicing Prince William County, Dumfries, Haymarket, Manassas, Manassas Park, Occoquan, and Quantico. There are five categories: The Gold Medal of Valor, the Silver Medal of Valor, the Bronze Medal of Valor, the Certificate of Valor, and the Lifesaving Award.

The Silver Medal of Valor is the second highest award for bravery and heroism. Awarded in situations when a public safety official knowingly exposes himself/herself to great personal risk in the performance of an official act.

The Silver Medal of Valor Award winners for 1996 are: Technician Anthony J. Adamo, Officer Mark J. Harman, and Officer Craig S. Lawhead.

The Bronze Medal of Valor is awarded in situations where during the course of an emergency, a public safety official demonstrates judgment, ingenuity, or performance at a level that clearly exceeds that required and expected in the performance of his/her duties. May include the saving of a life that is threatened by medical or physical reasons.

The Bronze Medal of Valor Award winner for 1996 is firefighter Brian Morton.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity above what is normally expected in the performance of duties.

The Certificate of Valor Award winners for 1996 are: Officer Gene W. Baughan, Officer Robert S. Berkebile, Sgt. Ronald M. Campione, Officer Randall L. Eagal, Lance Cpl. Joe L. Norman, and Officer Brian Walker.

The Lifesaving Award is awarded in recognition of acts taken in a life-threatening situation where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award winners for 1996 are: technician Scott Boggs, Officer Janet E. Clayton, Lt. Raymond T. Colgan, Sgt. Robert E. Forker, Jr., Officer Steve Hargrave, technician Vincent Kern, technician Tracey LaBass, Lt. Mike Lawson, technician Bryan Ross, emergency communications specialist Catherine M. Tremul, and S. Sgt. Michael S. Wesolowski.

Mr. Speaker, in conclusion, I would like to send my sincere gratitude and heartfelt appreciation to these distinguished public servants, who put their lives on the line every day on behalf of their fellow Virginians.

## ''COMP TIME'' BILL

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. BERRY. Mr. Speaker, I am a strong supporter of working men and women, but not an advocate of intrusive Government regulations. When possible, I work toward finding a cooperative solution rather than a regulatory one. It was on this basis that I voted against the so-called comp time bill, H.R. 1.

Although I support the concept of comptime, as I learned more and more about the ways this bill would meddle in the daily operation of businesses and would add another layer of bureaucracy in the workplace, the less I liked it. At first, the President's proposal was an option I considered, because I wanted to be sure that workers could feel confident in their ability to receive overtime pay. But as I said, this employee protection came with a price—more

Government involvement in people's lives. More contentious labor relations is not conducive to productivity. Sometimes Government leaders need to have some faith in people to work out solutions for themselves. We cannot be expected to, nor should we, mandate every aspect of life.

When it came down to making a decision, it was suddenly clear. This bill was bound to be a mess down the road. The National Labor Relations Board does not need any more work, and this bill was going to give it to them. So I cast my vote against H.R. 1, and I hope that both employers and employees will see that I did it because I thought it was not in their best interests.

I am hopeful that as this bill moves through the legislative process, it will be changed to strike a more sensible balance between the needs of employees and employers—without creating an unnecessary regulatory burden.

## ADA CATANIA'S 90TH BIRTHDAY CELEBRATION

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 90th birthday of Ada Catania, of Fair Lawn, NJ.

Ada was born on April 28, 1907, in Zurich, Switzerland to Cesare and Bartolo Guidi. The second of four children, Ada's family included her brother, Domenic, and two sisters, Louise and Elvitia. In October 1913, her family emigrated from Switzerland to the United States, coming first to Paterson, NJ, before finally settling in Fair Lawn in 1918. Even today, Ada lives in the house her father built in 1918.

On June 28, 1925, Ada married Frank Catania in Blessed Sacrament Roman Catholic Church, Paterson. She worked in the Silk City textile industry of Paterson and was a proud union member of the ILGWU. Hardworking, Ada, along with Frank, still found the necessary time to happily raise a family of four children, Philomena, Jean, Eugene, and Frank. Today, she can proudly boast of an extended family including 9 grandchildren and 12 great-grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Ada's family and friends, the borough of Fair Lawn, and the city of Paterson, in recognizing the momentous occasion of Ada Catania's 90th birthday.

## NEVADA'S WINNING 1997 VFW ESSAY

### HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. GIBBONS. Mr. Speaker I would like to submit as an extension of my remarks, for inclusion in the CONGRESSIONAL RECORD, the following. This represents Nevada's winning audio-essay in the Veterans of Foreign Wars' 1997 Voice of Democracy Program Scholarship competition. As you can see below, this year's theme, ''Democracy—Above and Beyond'' is very well portrayed in Karianne Bodenstein's entry. Karianne is deserving of this honor and recognition for her efforts. It is with pride that on behalf of my constituents, we wish her continued success in her pursuit of a career in physical therapy and teaching.

''DEMOCRACY—ABOVE AND BEYOND''

The year is 1967. If they could just be someplace else, anyplace else. If they could just rest. If only the rain would stop and they could go home. They lie in the wet ground and they fight. No longer are they in the spring time of their lives with their baseball caps, paper routes, spending their summers playing tag and swimming in the pond. They are American soldiers. They move forward, inch by bloody inch and despite all their longing for safety, comfort and relief they advance and fight some more.

Why would our soldiers sacrifice their lives to die on foreign ground, away from family and friends? Could it be their devotion to a democracy that is truly above and beyond all other forms of government. A form of government that instills in its citizens a commitment so strong that no sacrifice is too great.

Every year American mothers and fathers struggle to care for their children. Everyday pressures press in and it seems that there is never enough time, never enough money, never enough resources to get ahead. Hard work and sacrifice are their companion.

This year America's farmers have endured catastrophic floods, drought and economic uncertainty to fill the country's breadbasket. Head bare, face burned, hands throbbing with fatigue they fought to defeat the rising waters, to nourish the earth and to keep the faith.

The nurse nurses the contagious, the handicapped, the incurable, while the teacher teaches tolerance, forbearance and imparts knowledge. The truck driver drives his rig through the cities and towns of America. These committed Americans are caring for, educating and providing for America. These Americans know that the democracy they safeguard is above and beyond all other forms of government.

I'm one of America's youth and sometimes our country's problems seem almost insurmountable. I know that I cannot harvest from the past at a greater pace than I help replenish for the future. I know that I must give and not just take and so I embrace the commitment of the soldier, the parent, the farmer, the teacher, all those who have invested in my future and make their diligence, determination and commitment my standard.

The year is 1996. There is a couple in the winter of their lives following the path to the silent, black granite wall. They stop at panel twenty-two and he lifts his hand. He runs his fingers over the name etched in the cold stone. Their son's name. She kneels and places a worn-out baseball cap on the ground. All around them are old soldiers dressed in dull fatigues, business suits, on crutches, canes and in wheel chairs. These are Americans who have sacrificed to protect our democratic form of government.

As I look to the future, I have no doubt that our democratic form of government will survive and prosper and go on. You show me another country standing so tall, being so proud and having such imagination. Show me another country whose people, whose beating, pounding heart is so caring and so willing to examine its own wounds. And when I hear those voices saying that America is in its eleventh hour. I say no. All I have to do is look to the sacrifices of my parents, to the sacrifice of the soldier, the farmer, the shopkeeper and be willing, as they have, to safeguard this democracy, the best form of government in the world.

## ALBERT C.M. WONG: IT'S BETTER TO GIVE THAN RECEIVE

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. STARK. Mr. Speaker, today I rise to pay tribute to Albert C.M. Wong, a giving and selfless servant of the Asian community of Oakland, CA. This year, the Oakland Chinese Community Council will honor Mr. Wong as a keynote speaker at its 29th Annual Fundraising dinner.

The OCCC is a multiservice agency which has provided services to the Oakland Asian community since 1968. Over the years, OCCC has done much to help new immigrants reach their goals, and is best known for its outstanding employment services, training programs, career referral programs, English instruction classes, and voter registration programs. Mr. Wong has had a history of outstanding dedication, generosity, and devotion to these programs and the Asian community in general.

Albert C.M. Wong was born in Hong Kong, and lived in China for 5 years. At the age of 14 he moved to the United States and became a citizen. After working his way through the public school system and Laney College at U.C. Berkeley, he successfully completed a chemistry degree from the University of California, San Francisco.

Mr. Wong's giving acts are testimony to his generosity. He has selflessly donated his time and services to the Oakland Asian Library and the Asian Health Services. Mr. Wong also volunteers as a pharmacy consultant for the Hong Fook Adult Day Health Care Program, sponsored by the OCCC, and was instrumental in coordinating the annual senior luncheon where he helped to serve a nutritional meal to more than 600 seniors. As vice president of the Lion's Club, he helped establish the Lion's Club Annual Health Fair in Chinatown. He is also looking forward to playing an active role in the Mayor's Toy Drive for underprivileged children during the holidays.

Albert Wong is a premier example of the American spirit. Not only is Mr. Wong a great citizen, but in giving back to the people of his community, he helps to fulfill dreams and make the realization of goals possible. We should honor and take note of Mr. Wong's special role in the accomplishments of the Oakland Asian community.

## STATEMENT TO HONOR DR. SHIH-I PAI

### HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding individual, Dr. Shih-I Pai, the father of a dear friend of mine from the seventh district of New Jersey, Mrs. Sue Pai Yang.

For 45 years, Dr. Pai was a dedicated professor at the University of Maryland. He was

a pioneer in the field of aeronautical engineering, and one of the most distinguished and acclaimed educators in the university's history. His numerous scholarly achievements have been recognized the world over. These include 14 technical books and over 130 papers, honorary degrees from preeminent universities throughout Europe and Asia, and a rating in the highest category of achievement by ''Who's Who.'' His prolific mind perpetually broke new ground in the field of fluid dynamics and gas dynamics even while he was in his eighties.

Dr. Pai made one of his most notable contributions to science and to society when he was in his late seventies. As a world expert in biphase fluid flows, Dr. Pai played a major role in developing technology used to extinguish the oil well fires that blazed in Kuwait during the Persian Gulf war. His contributions were critical in helping reduce the environmental damage from these fires.

Three years ago, Dr. Pai's children established the Shih-I Pai Lectureship at the University of Maryland. Today, April 8, 1997, marks the day of the third annual lecture. It is the first lecture since his passing, and will be the first delivered in his memory. I would therefore like to join Dr. Pai's colleagues, students, friends, and family in honoring his memory on this day. Let us acknowledge and celebrate the contributions of a man who was so unselfishly dedicated to helping humankind.

## HONORING THE BEST OF RESTON AWARD WINNERS FOR 1997

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the individuals and businesses who are this years winners of the Best of Reston Awards. The Best of Reston Community Service Award was created to recognize companies, organizations and individuals who have made outstanding contributions to community service, and/or who have improved the lives of people in need in Reston, VA.

Blooms Flowershop for continuous and generous support to the community including sponsoring the ''Random Act of Kindness'' day where thousands of roses were distributed throughout the community. Blooms also provides arrangements to the elderly and to nonprofit groups for events. Owners Karen Weinberg and Gail Dobberfuhl will receive the award on behalf of the business.

Lawrence Cohn owner of Lakeside Pharmacy, who for 25 years, has reached out to those in need. Typical of an old-fashioned pharmacy, Cohn provides a friendly ear, advice, and encouragement to his customers. Rising above the call of duty, Cohn has administered eye drops to those unable to do so for themselves, delivered medicine, supplied groceries at the pharmacy, provided jobs for teenagers, and given prescriptions to those at the Embry Rucker Shelter.

Grant Hill of the Detroit Pistons basketball team. Hill is a role model to young Restonians on and off the court. He is involved in several projects benefiting others. These projects include the Medical Care for Children Partnership, the Grant Hill Basketball Tournament and the Grant Hill chocolate bars. The basketball tournament benefits children's hospitals nationally while the chocolate bars benefit the Technology 2000 Program at South Lakes high School.

INOVA Health System is named for its diversity of programs involving the community including the mall walkers, ''Sneakers and Speakers'' program, community health screenings, partnership with Reston Interfaith, ''Life with Cancer'' program, and support of the Special Olympics. More than 200 INOVA employees have volunteered their time for programs including Christmas in April, Volunteerfest, Safe Kids coalition, food drives, Fairfax Fair, the International Children's Festival, the Reston Festival and the Northern Virginia Fine Arts Festival sponsored by GRACE. INOVA's president is Knox Singleton.

Carolyn Lavallee a chemistry teacher at South Lakes, was chosen for her commitment to education and public service. Her involvement covers a range of activities from leading Girl Scouts, advising youth and coordinating the wetlands project in conjunction with Reston Association.

The Samway Family for their commitment to cancer research. The family created the Kathryn Fox Samway Outback Steakhouse Memorial Golf Tournament which, in the past 4 years, has raised close to $1 million donated to Fairfax Hospital, National Cancer Institute, and the Dana-Farber Cancer Institute.

Thomas Wilkins for being a ''man of all seasons'' having served as the president of the Reston Association [RA], active in Meals-On-Wheels, offering services as a tutor in public schools, served on the Stonegate Advisory Board, assisted children attending college, and served as a founding board member for the Medical Care for Children Partnership.

Constance L. Pettinger is awarded the Distinguished Community Service Award for 15 years at Reston Interfaith.

Mr. Speaker, I know my colleagues join me in honoring the Best of Reston Award winners for all of their hard work in making their community a better place to live.

## ANASTASIA'S STORY: A SPECIAL TRIBUTE TO ANASTASIA D. KAPTUR

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. STOKES. Mr. Speaker, on March 20, 1997, our colleague from Ohio, Congresswoman MARCY KAPTUR, suffered the loss of her mother, Anastasia D. Kaptur. Many of us realize that the loss of a mother can be extremely heartbreaking. Our thoughts and prayers go out to MARCY and members of her family as they move through this difficult period of mourning.

On March 24, 1997, MARCY and her family gathered at St. Theresa of the Little Flower Parish for a celebration of life memorial mass in honor of her mother. Friends joined the Kaptur family in reflecting upon the life of Anastasia Kaptur, who was a courageous human being and a very remarkable woman. To celebrate their mother's life, MARCY and her brother, Steve, prepared a special tribute entitled, ''Anastasia's Story.'' This moving tribute is a testament to Anastasia D. Kaptur, who is called A Woman for all Seasons.

Mr. Speaker, I take pride in submitting ''Anastasia's Story'' for inclusion in the CONGRESSIONAL RECORD. I ask my colleagues to join me in expressing our deepest condolences to MARCY and members of her family.

ANASTASIA'S STORY

Celebration of Life Memorial Mass, Little Flower Parish, March 24, 1997

Anastasia ''Cherie'' Delores Mary Rogowska Kaptur

Welcome to St. Theresa of the Little Flower Parish where our family has attended for 52 years.

On behalf of my mother's son and my brother, Steve, and the Kaptur and Rogowski families, especially our loving father Stephen ''Kappy'' who was laid to rest 28 years ago, as well as mother's mother and father, Teofila and John, and her sister, Anna, her brothers Anthony and Stanley, all of whom preceded her in death; her sister-in-law Esther Kalinska Rogowski; her niece and goddaughter Rose Ann Rogowska Koperski and her nephew John Rogowski; her cousins Theresa and Joe Kaptur, and John and Rita Kaptur, and their children and grandchildren; and her treasured friends, Mrs. Blanche Zalipski, Mrs. Esther Dutkiewicz, Mrs. Sally Zawierucha, and Mrs. Connie (Corrie) Dutched—all of us wish to extend deepest gratitude to you, our friends, for your compassion and for making the effort to celebrate the life of our most beloved mother Anastasia ''Cherie'' Delores Mary Rogowska Kaptur. We wish also to express the sincerest thanks to the doctors, nurses, and support staff at every level at St. Vincent's Medical Center, especially Dr. Ward Taylor, Drs. A. Zacharias and Thomas Schwann, and Drs. Phillip Horowitz and Allen Markowicz. Our family is also indebted to Mr. H. Ross Perot and the gifted doctors at the Southwestern Medical Center in Dallas, Dr. Gene Frenkel who made the longest house call in the world, and Dr. A. Harold Urschell. Finally, we cannot express our appreciation adequately to the saintly nurses of Hospice of Northwest Ohio who treated our mother with the tenderest and most humane care.

For us, her children, mother's loss is profound, beyond measure. We know God has blessed our family by affording us the privilege and honor to know and love this heroic woman for half a century. We admire her totally. Our love and respect for her has grown more with each passing day. We shall never know a more loving, unselfish, nor courageous human being. Somehow it is mystical that this service is being held at a time when seasons are converging, as spring dawns in this season of new life. Within the last week, we have experienced freezing rain, bright sunlight with blue skies, winter snowfalls, blustery winds, and spring rains. The geese and birds are returning, and there is a new moon. We believe this is nature's way of welcoming our mother.

My brother and I also must beg our mother's forgiveness. Because, you see, she chose to be a very private person—a woman of deepest humility. She sought no fanfare nor acknowledgement. She would have been quite uncomfortable with the attention being directed her way today. But we couldn't fathom how to avoid this occasion of the celebration of her life.

We would wish for each of you to have in your life the gift of Anastasia—love constantly and freely bestowed, as she has given us for five decades. She has been our life-long partner in all adventures, large and small, and our most ardent supporter—whether it was working with my brother on his latest

patented invention or on his race car—literally, she sat behind the wheel revving the engine while he tinkered under the hood. She acted as my chief political confidante, inspiring me always, as well as touching citizens across this district and nation. Her love for her children could not be contained.

Make no mistake about her resolve. She was a rugged individualist. In an age of materialism, she countered the tide. She coveted no bauble. She preferred ''making'' to ''buying.'' In an age of television, she remained a literary woman of the written word, known for her independent thought and resistance to commercialized brain washing. In an age of mega mergers and faceless bureaucracies, she supported the small family businesses—Bayer's Hardware, Wolfert and Sofo's Markets, Brodbeck's Greenhouse. We can still see her each spring in that greenhouse, negotiating down all the aisles, appreciating the vast display of acres of flowers under glass, and leaving with carloads of petunias and other sundry selections, along with trunkloads of potting soil. In an age of shallow commitments, her word and her life remain as true as the North Star. For us, she remains ageless, a woman for all seasons.

*Our mother's life symbolizes triumph over adversity, the story of a woman from the working classes who never yielded. Let us tell you Anastasia's story . . .*

Mother was born in Toledo to Polish peasant immigrant parents who had journeyed to America in 1912 before World War I from a tiny village in Burtyn, Ukraine, at the nexus of the Polish and Ukrainian borders. Her father was a forester and her mother a peasant girl of 17 years. They suffered the abuse of making the month long journey to America in steerage class in the bottom of a ship that left from Rotterdam and disembarked at Ellis Island in New York. They sought to improve their lot by working to earn enough money to buy farmland in their native country where they had been forced off the land as land was collectivized and they could no longer graze their cows. But the Russian Revolution intervened, then World War I, and mother's parents were cut off from their relatives, never able to return home.

Our mother was the second-born of their four children—Anna, Anastasia, Anthony, and Stanley. She was nicknamed ''Cherie'' in a childhood game they invented in which they renamed one another—Al, Cherie, Fritz, and Skip.

Mother grew up during the Depression utterly poor from a financial standpoint. That searing memory of bitter poverty would remain with her throughout her life. This was a time in America before our social safety net laws were in place. In her early years, the family moved at least eight times—always renters, never owners—from Belmont Avenue, to Avondale, to Vance, to Pulaski, to Lucas, to Montrose, to Blum, to Pinewood. And with those moves, she was forced to change elementary schools and disrupt those tender learning years—from Indiana School, to Pickett, to St. Teresa where she made her Communion and Confirmation, to Hoag School. At age 13, mom was already working to support her family. She would rise at 4:30 a.m., take two buses across town in Toledo to babysit and also clean houses for her teachers, as well as wealthier people in Toledo. She herself later would write: ''Being a child of depression, making $5 a week, my father out of work for years, my sister dying, no money at all. No hope at all. My two children know the history.''

Though highly gifted academically and an all-A student in the 7th and 8th grades, she was forced to drop out of Libbey High School to work as a waitress to bring home a few dollars a week to help the struggling family that also took in boarders to make extra cash. Her father, always the last hired and the first fired, could not keep steady work so her mother cooked, washed clothes, did ironing—anything—to earn cash, and also labored at Miller's Greenhouse picking tomatoes, then in the kitchen at the Commodore Perry, then at Kuhlmann's Potato Chips, and at Industrial Belt company on Summit—but like her husband always at the bottom of the seniority list. Her treasured and only sister, Anna, one year older than mom, died tragically at age 17 of leakage of the heart, an event that remained deeply poignant to our mother throughout her years. Mom became the oldest surviving child. At age 16, she hired on at Dean's Confectionery across from St. Anthony's school for $5.00 per week. Many times that was all her family had to live on. At 18, she worked at Liberty Lunch for $8 a week, and then at Broadway Bar-B-Que for $11.75 a week. The minimum wage law was passed at that time, but her boss made her sign her check, then he cashed it, and she was still paid only $8 a week. One day a lady came in looking for people to work at Kresge's downtown, where mom became employed, earning $14.50 a week.

When she was in her early 20's, she landed a job at the Champion Spark Plug Company in Toledo where she had applied at the employment office every day for one year. She never missed a day of work between any of her jobs. Here, her weekly wage rose to $40 a week. She worked the production line at plug tamping where she was paid based on her output and she always did the maximum number each day. It was at Champion that she was elected to the Charter Committee of the Local 12 United Auto Workers Trade Union that was forming. She summarized for her children why she helped form the union—''primarily to assure seniority rights of employment so you couldn't be fired because the supervisor brought family member to replace you. A bidding system was established so any open job was put up on the board so the one with the most seniority got the job if qualified. Discrimination was outlawed so the foreman could no longer put his pets or relatives on the best job. The right to ask for a pay raise was assured through negotiation and the right to strike granted to employees. Leaves for illness were granted so people wouldn't be fired if a doctor's certification was provided. Bathroom privileges were allowed for personal contingencies. Three months leave was allowed for pregnancy. Layoffs would occur according to seniority. And a grievance procedure was established to curb harassment by mean foremen.''

Elected union Secretary, Mom gained respect by both company and union members for her knowledge of the bidding system, her ability to handle grievances, and her detailed grasp of the labor contract.

On November 26, 1938, at 9:00 A.M. at St. Teresa's Church, she married our happy go-lucky, wonderful father Stephen or ''Kappy''—a produce man and truck driver. He came from an even larger family where his mother had 16 children, though many did not survive the illnesses of that period. They lived with mom's family for awhile but then, together in 1945, they bought a small home in Reynolds Corners in Adams Township, totally retrofitted it, landscaped the property, waterproofed the outside walls, handstripped the woodwork. While they were at it, they gave birth to two children, their daughter Marcia Carolyn in 1946, and their son Stephen Jacob in 1952. Mom left her job at Champion when Steve was born.

In 1952, mom and dad opened their own family meat market and grocery called Supreme Market in Rossford, Ohio on Dixie Highway across from the Libbey Glass Plant. Cherie's homemade pies were sold there, along with dad's fresh and smoked Polish sausage, veal loaf, pickled herring, and lots more. But due to her husband's illness, the family was forced to sell the store at decade's end, and dad went to work at Kaiser Jeep to assure the family income and health benefits. He retired from there in 1968. Mom worked at a number of part-time jobs to supplement the family income, with their daughter in college and their son in high school—Daso Bakery, Mareks' Supermarket, cleaning physicians' offices, and even pet-sitting.

She continued working after she was widowed in 1969.

During the 1970's, with her children grown, and after receiving her first Social Security check, Anastasia pursued the life-long dream she had placed on hold while she helped everyone else—completing her high school education and advancing her own formal education. She received her high school certification of graduation from the State of Ohio in 1975, and passed with flying colors. She also enrolled in Russian courses at the University of Toledo, took painting courses at the Toledo Museum of Art, polished her knowledge of the Polish language from books and letter-writing, honing those skills for decades by writing relatives in Poland and the Ukraine. She became the best ''Friend of the Library,'' faithfully checking out 10–20 books each month. And the reading list was not light—Halberstam, Updike, McCollough, Grisham, Elements of Style, Raven's Wing, The Recycled Citizen, The Reckoning, Brand Fires on the Ridge. History. Travel. Adventure. Geography. Fiction. Mysteries. Mom often used the expression ''thirst for knowledge.'' And, she certainly possessed it. She was self-taught in so many facets, cultivated a stellar vocabulary on a daily basis, and was a life-long learner.

She began to travel extensively with her children—throughout the United States, and the world. Her deep interest in geography enlivened at every turn. Niagara Falls, British Columbia, New Orleans, Miami, Montreal, Vermont, Maine, Pennsylvania, Indiana, Chicago, New York, California, Oregon, the Upper and Lower Peninsulas in Michigan, Germany, France, Czechoslovakia, Hungary, Poland, the Ukraine, even when the Iron Curtain made travel difficult . . . Mexico, Toronto . . . Her most memorable trip involved discovering the village of her mother and father, hidden inside the western Ukraine, placing flowers on the graves of her grandmothers, and learning of their fates—one starved to death during Lenin's drive to squelch peasant rebellion in the countryside, and the other shot together with her grandchildren for refusing to divulge the whereabouts of a grandson being sought for conscription into the Russian army. While there, mom discovered a grove of full grown trees at the opening to the village, planted by her mother before she departed for America. While there, she also found her mother's brother, Casimer, the sole surviving son who had been placed in Siberian concentration camps for 20 years by Joseph Stalin. It was an unforgettable journey as the blanks of 63 years of family history were filled in.

Mother is most at home in the outdoors with nature, and in her gardens. She advised ''everything in life must have a center, just like the universe, or a flower, or a family.'' She could grow anything—certainly children. But also animals—dogs, ducks, rabbits, birds, squirrels, crescendos of plants and flowers, roses by the thousands, flowers of all varieties—the usual ones like marigolds and sweet peas. But more often the unusual and rare ones—moon flowers, balloon flowers, lupines, tulips, foxglove, columbine. Her own potatoes, planted lovingly each year, were harvested for a special meal. And her

evergreens and spruces, grown from shoots or small seeds, all came to have symbolic value in our yard like the large blue spruce on our front lawn, planted the first year she had both a son and a daughter. If by a loving act of nature, that tree over the years has sprouted two tops.

Always, she was beautiful, so delicate and tiny physically, with the clearest blue eyes my brother and I had ever seen, and flawless skin, rarely wearing makeup. Natural. She wore her hair like no other person we ever met. Distinctive. She wore hats and clothing she crafted herself. She loved to dance, especially polkas in both clockwise and counterclockwise directions. She had a flair, whether it was the way she held a napkin, or planted a garden, or signed her name.

She was always usefully occupied and her project list never ended. She built furniture, designed and sewed clothing, painted oil sketches, landscaped, wrote newsy personal letters, baked, did masonry. She enjoyed people, one at a time, and took a personal interest in each person's story. When she finished a conversation, it was likely the person had told her much more about him or herself than they ever knew about mom. The first day she was admitted to the hospital for tests, a nurse came up to her and said she was going to take extra good care of her because when the nurse's husband was a little boy, he was mom's paper boy and mom always invited him in and fed him cookies.

She would refer to people she truly admired as the ''salt of the earth.'' Indeed, that epitomizes her. And she would remind us the ''strongest steel goes through the hottest fire.'' And she has. She always prayed for others' physical, mental, moral, and spiritual strength. But, she possessed them all. She walked toward physical death with full knowledge, her shoulders straight, trying to bolster us, with her eyes fixed on the horizon. She never flinched once. She never complained. She accepted. And, her spirit triumphed. I only wish we could reveal to you the depths of her courage. She taught us how to live, and she showed us how to die.

We are grateful to God for granting us the time to say goodbye. Never have we known a person of such goodness. She would caution us ''Never give anything with the idea of getting something in return.'' She was completely selfless. In knowing her, we came to know the full meaning of the words—love, truth, beauty, unselfishness, humility, wisdom, generosity, grace, refinement, ingenuity, perseverance, serenity, and courage. For those of you who wonder why she didn't confide in you these last several months, please know she was protecting you, not wanting you to worry. She was always thinking of the other person.

If you ever looked into her sparkling eyes, or shook her hand, you knew you met someone of substantial character and abiding virtue. In the heavens, some stars emanate a pure light, so full, constant and strong, they quietly draw the gaze of earthly creatures, large and small, to their wondrous, serene lustre. They usher in the night and the day. In their light, sojourners never lose their way, never fall, never tire, and are never alone.

In her memory, our family will establish ''The Anastasia Fund'' (to be formally incorporated as the Anastasia Swiecicki Rogowska Kaptur Fund) for the adoption, education, and medical care of children from the newly democratizing nations of Eastern and Central Europe, beginning with Burtyn, Ukraine, the ancestral home of her parents. Mother would say, ''goodness never dies.'' May this fund honor her memory, that of her mother and father, and their mothers and fathers as we move to a 21st century that offers hope in the most forgotten places.

There is no way to say thank you sufficiently, mother. We love you beyond life and time itself. May eternal rest be granted unto you and may perpetual light shine upon you.

Your profoundly grateful son and daughter,

STEVE AND MARCY.

To be established in Memory of our Mother's Life: ''The Anastasia Fund'' (to be formally incorporated as the Anastasia Swiecicki Rogowska Kaptur Fund) dedicated for the adoption, education and medical care of children from the newly democratizing nations of Eastern and Central Europe beginning with Burtyn, Ukraine, the ancestral home of her parents.

Contributions may be forwarded to: ''The Anastasia Fund'', c/o Toledo Community Foundation, 608 Madison Avenue, Suite 1540, Toledo, Ohio 43604–1151.

## HAITI—AN UPDATE

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. GALLEGLY. Mr. Speaker, as chairman of the Western Hemisphere Subcommittee I directed my subcommittee staff director to travel to Haiti during the recent district work period to observe first hand the political, economic, and social situation in that country.

As the House knows, the United States, in partnership with the international community, is trying to help that nation recover from years of dictatorial rule, domestic intimidation, murders and political harassment, human rights abuses, and economic chaos.

For a little over a year now, the government of President Preval has been trying to make progress on many fronts from democratization to the restoration of law and order to economic development and open markets. His efforts are daunting. And while well intentioned and pointed in the right direction, his initiatives have not progressed very far and in many instances are being opposed by forces within that country who do not want him to succeed.

The United States has committed to help Haiti in this reconstruction effort. We all knew this would not be easy and would not happen over night. The staff's observations bear that fact out. I am submitting a summary of their observations for the RECORD. A more detailed report has been submitted to the International Relations Committee and is available from the Western Hemisphere Subcommittee for the Members.

MEMORANDUM—APRIL 7, 1997

To: Chairman, Western Hemisphere Subcommittee; and Ranking Member, Western Hemisphere Subcommittee

From: Vince Morelli, Subcommittee Staff Director; David Adams, Subcommittee Democratic Professional Staff; and Denis McDonough, Full Committee Democratic Professional Staff

Re: Report of STAFFDEL to Haiti

During the period March 24 through March 26 we visited the Republic of Haiti as part of the Committee's oversight responsibilities for the Hemisphere. The purpose of the STAFFDEL was to gain a first-hand account of the political and socio-economic situation in country and the progress to date on the reconstruction of the nation. The STAFFDEL was hosted by U.S. Embassy, Port Au Prince, which is headed by Ambassador William Swing.

During our visit, which included meetings with Haitian government, U.S. State, A.I.D., and Department of Justice representatives, Haitian business sector and the international donor community, STAFFDEL had the extraordinary opportunity to spend one hour with Haitian President Rene Preval to discuss the state of affairs in his country.

GENERAL OBSERVATIONS

Although our time-in-country was limited, it became obvious to STAFFDEL that the challenges facing the Government of Haiti (GOH) are enormous. Progress to date on some fronts has, at best, been steady if slow and almost negligible on others. The reconstruction of Haiti into a viable democracy with strong institutions and a commitment to the rule of law is progressing and can be achieved within the next few years, but a vibrant, self-sustaining economy may not be achievable in the short-term, even with the privatization goals under discussion at this time.

In any event, the ability of the GOH to achieve even a modest amount of success in the short-term will largely be dependent on continued political stability, a steady pace of reform by the government and a continued commitment of financial and technical assistance from the international community, including the United States.

STAFFDEL was encouraged by President Preval's continued commitment to rebuild Haiti in accordance with the economic plan he presented upon his inauguration despite the many challenges he has had to confront, including on-going political unrest, the occasional outburst of crime and lawlessness, differing levels of commitment among some of his own Ministers, the lack of adequately trained human resources and the March 26 attempt to force a vote of no-confidence against his Prime Minister, Mr. Rosny Smarth.

STAFFDEL would also make the following specific observations.

DEMOCRACY AND CIVIC PARTICIPATION

Although not fully understood or appreciated by many Haitians, the democratization of the country, while still fragile, seems to be taking hold. Over the past two years, Haitians have gone to the polls five times and will vote again on April 6. In general, Haitians equate democracy with the freedom to speak on any subject and to openly criticize the government, a new found experience which many have taken full advantage of. Events such as the March 26 debate in the Parliament over the state of affairs in Haiti, in reaction to a call for a vote of ''no confidence'' against the Prime Minister, was unprecedented.

However, many in the country blame the democratization process for the rise in crime and violence and the inability of the government to create jobs. And, the government does not appear to be doing an adequate job educating the general population as to how they can effectively participate in the process. Civic education is very low and the lack of political participation, overshadowed by other concerns, is reflected in things such as low voter turnout and politicians with little political base.

While STAFFDEL was in Haiti, final preparations were being made for the Senatorial (9 seats) and local assembly elections. These elections were scheduled for April 6. Representatives from the International Republican Institute (IRI) and the National Democratic Institute (NDI) who are monitoring the elections believed that these elections would be competitive only in a limited way since some parties were boycotting them and because many voters were simply disinterested in yet another election which they saw as meaning little for their current situation. However, observers were concerned

about the low level of interest in the elections and, particularly, that these would be the first elections where security would not be provided by the international community. As a result there were no security arrangements in place as of our visit. Interlocutors noted that while there had been no outright political violence they described ''gun play'' and ''burning tires'' as intimidating events and feared that the lack of security would simply cause people to stay home.

Addendum: the April 6 elections were held, apparently without serious incident, or voter participation. It would appear that on average only about 15% of the voting population went to the polls. This was disappointing but not totally unexpected.

GOVERNMENT

The government, as defined through the personality of President Preval still seems to enjoy the support of the majority of Haitians. The President seems sincerely committed to rebuilding Haiti through tough economic reform programs, including privatization, civil service reform, and law and order. Other parts of the government, however, seem to function at various levels of commitment and competence. While some Ministers are considered supporters of former President Aristide and do not entirely subscribe to the current government's direction, others are doing their best with little resources and a dearth of experienced technical managers. This has resulted in little progress in areas such as civil service downsizing and infrastructure development.

Parliament on the other hand seems to get mixed reviews primarily because the concept of a deliberative legislative body, sharing the decision-making power of governing, is so new. The legislators we met seemed to be committed to the task of rebuilding the country and enthusiastic about their role, even if they seemed somewhat unsure of their actual level of authority. However, divisions within the Lavalas political organization, namely between the pro-Preval and pro-Aristide wings which dominate the Parliament, has resulted in a period of legislative paralysis especially with respect to key issues such as passing a budget which is seven months overdue and reconciling two different versions of civil service reform. The April 6 elections could be good news for former President Aristide and bad news for President Preval. Senators elected under the Lavalas Family banner could well control the legislature and could prevent serious reforms from taking place.

LAW AND ORDER

Violence remains a serious and recurring problem. However, most of this seems perpetrated largely by rival gangs seeking dominance in an area or as a result of political infighting largely among the various factions of the Lavalas political movement. Despite the occasional acts of violence, the establishment of public security seems to be on the right track. This growing sense of law and order has been due in large part to the slowly emerging professionalism of the Haitian National Police (HNP). Just over one year old, the HNP has been getting better at its job of policing despite the fact that their training is minimal and that they lack adequate equipment such as armament, communications and transportation. Weaknesses still exist in the area of mid-level management and investigative techniques. Overall, however, the commitment of Secretary of State for State Security, Robert Manuel and HNP Director General, Pierre Denize, to build a truly professional policy force was encouraging.

Complicating the law and order process is the simple fact that a professional and capable justice system simply does not exist. What there is is inefficient and often corrupt. Training programs for judges, lawyers, and courts are underway supported by the U.S. Department of Justice. But a smooth running, competent system is years away. Until then, the efforts of the police to investigate crimes and put criminals away will be severely undermined.

An even bigger test of the security system could come as early as July when the United Nations mandate expires. If the U.N. security force, which today numbers 1,300 uniformed troops, is withdrawn, the HNP could be strained to its limits. In our discussions with various officials, it became clear that the U.N. security presence should be retained in Haiti until at least the end of July, if not longer, in order to give the HNP more time to prepare.

ECONOMY

In general, the Haitian economy is in a state of shambles. On the positive side, the economy is showing some progress in that inflation is being brought under control, the local currency, the gourde, is being stabilized and budget expenditures are being tightened. On the other hand, jobs are not being created and important infrastructure improvements in roads, electricity and the port are at a standstill. In some cases, such as in the privatization of the major utilities and the seaport, political opposition by the anti-economic reformers and the anticipated job loss among the civil service, provide the major impediment. In cases such as road construction and improvement, the lack of qualified government contract managers and skilled contractors, not money, is the problem. With few exceptions, the Haitian private sector has been reluctant to invest within the country because of their uncertainty over the long-term political stability of the government and its commitment to reform. The international investment community is waiting to see the results of the first wave of privatization as well as the commitment of the Haitian private sector. The international lending community is prepared to provide some $1.5 billion in assistance if the Haitian government continues to initiate political and economic reforms in a timely manner.

While STAFFDEL agreed that privatization was an important barometer of the GOH commitment to economic reform, the importance of this process and the timetable for its accomplishment may be over emphasized. Privatizing closed facilities such as the flour mill and cement factory, while important symbolically, at best would create only a few jobs. The more important facilities such as the telephone and electric companies will take much longer to accomplish for a whole variety of reasons including the fear of foreign ownership of Haiti's important assets since the Haitian private sector is not likely to be able to raise the necessary capital to buy these operations. While this process must be encouraged to proceed as expeditiously as possible, it will not solve Haiti's economic problems and cannot be done overnight as some have suggested. Even the goal of March 1998 for the privatization of all nine public enterprises, given where they are now, seems ambitious. In the interim, there are some more visible reforms which could be achieved which would reaffirm the government's commitment and which would bring revenues into the treasury. Most important of these would be reforms at the port, and especially of the customs department. Loss of revenue among imports of basic staples such as rice and cooking oil are well known. Smuggling of these commodities is growing, representing a significant loss of revenue for the GOH. It would not take must effort to address this problem through measures ranging from ''shiprider'' agreements with the U.S. Coast Guard to more strict enforcement of cargo reporting and accounting, to a more effective, corruption-free, collection of duties.

OUTLOOK

Despite the recent spate of unrest and violence, which appears to be somewhat over dramatized in the press, it was STAFFDEL's assessment that Haiti was heading in the right direction, if slowly. Although Ambassador Swing likes to say that ''everything in Haiti is broken'', the most severe problem facing President Preval, and the most difficult to address is the inability of the economy to create jobs. This alone is the issue which creates the climate of unrest. To do this, however, the domestic private sector and the international investment community have to be convinced that they can turn a profitable business while operating in a safe environment. The law and order issue is being addressed as fast as it can by producing a professional police force. However, not every crime will be solved on a timely basis nor will every criminal be put in jail until enough well trained policemen are put on the beat and until a more responsive judicial system comes on line.

Civil service reform legislation has been passed but not yet enacted so the government's plan to downsize will continue slowly. But until economic reforms take hold, as symbolized by the privatization effort, large private sector jobs programs will not be forthcoming. Privatization of the flour mill, cement factory and airport could be accomplished by the end of the summer but none of these will produce large numbers of new jobs. And even though government officials like to point out that the majority of the Haitian people would not care who owned or operated these companies as long as they had electricity and could make a phone call anytime, there is enough political opposition, opposition which President Preval seems unable or unwilling to overcome, to make this a slow process.

Finally, there is the ''Aristide'' factor. Although the former President has not come out forcefully in opposition to the current direction of the government being promoted by President Preval, Aristide's former Prime Minister, there is speculation that Aristide is working behind the scenes to sabotage the more ambitious plans of the government. It is known that Aristide is contemplating a political comeback by running for President in five years when Preval's term expires. So as not to lose public support as Haiti moves forward toward reconstruction, many believe that Aristide is encouraging the gang violence in the urban centers, especially in the Cite Soleil section where a strong base of his support is located. Many also believe he is orchestrating the political violence among the factions of the Lavalas political movement and it is well known that he is opposed to privatization and has advised his followers in the government, now stronger as a result of the recent elections, to deliberately drag their feet on these reforms.

The question of Aristide's influence and the kinds of force he can bring to bear on the direction of the country is still a matter of debate. But the fact that President Preval, knowing who among his own Ministers oppose his policies, is moving slowly with respect to their removal and replacement, is an acknowledgment that Aristide's power is respected. Similarly, certain members of the Parliament, unsure of the future political landscape, display a reluctance to be more aggressive toward reform.

STAFFDEL concluded that President Preval has chartered the right course for Haiti even if, at times, he seems to be somewhat reluctant to make all the necessary

moves to traverse that course with all speed. The rebuilding of Haiti into a viable democracy with a strong rule of law and a vibrant economy will not be easy and certainly will take time. However, if the economy does not show signs of expanding, political unrest will rise. This slow pace could lead to a new wave of violence designed to undermine confidence in the Preval government and its policies. Any major law and order problem will have negative consequences for Haiti's stability and could throw Haiti back into a period of paralysis, upheaval and possible anarchy.

Lastly, we would be remiss if we failed to acknowledge the hospitality, hard work and cooperation of the U.S. Embassy in Port-au-Prince. Ambassador Swing and his team were confident that Haiti's chances for success were good despite the difficulties. Ambassador Swing's commitment and dedication were manifest in his willingness to give us as much time out his busy schedule as we needed. And his efforts to have us meet with U.N. Special Representative, Ambassador Ter Horst, Haitian Parliamentarians, and especially President Preval, were more than we expected. Ambassador Swing has been in Haiti longer than a normal posting but his presence, his expertise, his dedication and his relationship with the Haitian leadership are invaluable during these critical times. We also want to acknowledge Political Counselor Sue Ford Patrick for all the work she did in getting us to all of our meetings and for providing valuable insights to conditions in the country.

And finally, we wish to commend Colonel Stull, Commander of the U.S. Support Group, and his troops for the fine work they are doing in Haiti. The dedicated men and women of our Marine, Navy and Army contingents there are providing important humanitarian and civic assistance projects in addition to their normal security mission. Their mission in Haiti is often overlooked, and sometimes even questioned, but their presence is invaluable and a credit to their respective services.

KEY INDIVIDUALS STAFFDEL MET WITH WHILE IN HAITI

Government of Haiti: Mr. Rene Preval, President; Mr. Leslie Delatour, Central Bank Governor; Mr. Robert Manuel, Secretary of State for State Security; Mr. Pierre Denize, Director General, Haitian National Police; and Mr. Jean August Brutus, HNP Commissaire.

Legislative branch: Mr. Macdonald Jean, Senator; Mr. Jean Robert Sabalat, Senator; Mr. Alix Fils-Aime, Deputy; and Mr. St. Juste Momprevil, Deputy.

Representatives of the Council on Modernization of Public Enterprises (CMEP).

Representatives of the Haitian Private Sector.

United Nations: Ambassador Enrique Ter Horst, Special Representative to the Secretary General; and General Pierre Daigle, Commander, U.N. Support Mission on Haiti.

Representatives of the International Donor Group including the World Bank, International Monetary Fund, and the Inter-American Development Bank.

Representatives of other Organizations in Haiti including: Adventist Relief and Development Agency; International Republican Institute; National Democratic Institute; and Inter-American Foundation.

United States Support Group: Colonel Stull, Commander.

## WORKING FAMILIES FLEXIBILITY ACT OF 1997

SPEECH OF

### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 19, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector:

Mr. MARTINEZ. Mr. Chairman, I rise in support of the Miller substitute.

Mr. MILLER has worked to meet the Republicans halfway in this effort to provide flexibility for working families.

I contend that H.R. 1 does not provide the flexibility that its sponsors claim it does.

Members on the other side of the aisle, trying to appeal to working mothers, claim that under H.R. 1, workers would work overtime and then take comptime whenever they need it—to take a child on a class trip, to tend to a sick parent, to volunteer time at their child's school. However, H.R. 1 also provides that an employer can deny comptime if taking that time would unduly disrupt that business. What good does it do to accrue comptime if your employer can prevent you from taking it when you want it?

Say Mrs. Smith wants to volunteer to be a chaperon for her daughter's class trip to the natural history museum next Tuesday. The employer says that taking leave Tuesday will unduly disrupt the business, but Mrs. Smith can take the time next Friday. What good does that do Mrs. Smith? Is that really choice?

Members on the other side of the aisle will claim that the bill does state that the employee has a choice, and that there are steps he or she can take if the employer wrongfully denies comptime. But if we are talking about the majority of workers today—who make less than 2½ times the minimum wage—we cannot truly state that these individuals have the resources to challenge their employer in court. Many need these jobs and would never consider threatening them even if they were in the right. Others who are bold enough to consider filing suit against their employer do not have the resources to hire an attorney and go to court.

Proponents of H.R. 1 point to the public sector, stating that comptime works well there. Let me tell you, I know of some Federal employees who opt for paid overtime, because they know they'll never get the opportunity to use their comptime when they want to. The public sector is not a business. We offer comptime there because it saves taxpayer dollars. The only reason private businesses will even consider offering comptime is that it saves money and will give employers the opportunity to have employees work longer hours.

Comptime is really a no-interest loan that employees give to their employers. Employees work the overtime, and then get paid later in comptime—if they get a chance to use it at all. Mandated overtime pay has been the law to penalize employers who make their employees work longer than the 40-hour workweek. That is why overtime is paid in time-and-a-half. This also provides a benefit to employees who choose to work longer hours for more pay. But employees get their compensation as overtime pay in the next paycheck—not a week later or a month later, when it is convenient for the employer.

During the markup, it greatly concerned me that Members on the other side of the aisle referred to comptime as a benefit. Comptime is compensation for time that the employee has worked. The employee has a right to that compensation—it is not something that the employer should have the power to delay or to alter.

Many workers in my district need that overtime pay—they count on it being in every paycheck. Comptime will not help them keep a roof over their heads, food on the table, or clothes on their backs. I don't hear the small businesses in the 31st District clamoring for the option of comptime—many cannot afford to have employees on leave at irregular times. So the only protection to ensure that employees are paid for the time they work is to have overtime pay protections.

Nevertheless, I support Mr. MILLER's substitute so that those businesses and those employees who want comptime can fairly participate in such a program. The substitute ensures that comptime is truly flexible, and that employees have true choice.

Mr. MILLER's substitute puts teeth into the penalties for employers who coerce their employees into taking comptime and who wrongly deny an employee's right to take comptime when he or she wishes.

This measure also prohibits employers from discriminating among employees when offering comptime. It mandates that when an employer chooses to implement a comptime program, he or she must offer that comptime to all similarly situated employees. Therefore, if an employer offers comptime to a particular employee, he or she must also offer it to all the other employees who are doing the same work, on the same schedule, at the same site.

Another very important provision in this substitute is that it allows the Secretary of Labor to require employers to post a bond to assure funds to pay for unused comptime. Thus, employees would be guaranteed to receive their comptime if an employer declared bankruptcy.

I urge my colleagues to reject H.R. 1 and adopt the Miller substitute.

## INTRODUCTION OF LEGISLATION

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. GEKAS. Mr. Speaker, today I with my colleague Representative BEN GILMAN, introduced a bipartisan bill to correct a fundamental unfairness to all Federal administrative law judges. The Administrative Law Judge Cost of Living Adjustment [COLA] Reform Act. Since 1992 administrative law judges have not received a cost-of-living adjustment like other Federal employees in the General Schedule and Senior Executive Service. Enactment of the legislation introduced today will remedy this unfair situation.

This legislation amends section 5372 of title 5, U.S. Code, and provides that the cost of living adjustment for administrative law judges will be adjusted by the same percentage and on the same date as the rates of pay for the General Schedule.

Through no fault of their own, ALJ salaries were included as a percentage of the Executive Schedule, which includes Members of Congress and Cabinet Secretaries. Since 1992 Members of Congress have prohibited themselves from receiving COLA's by appropriations bill riders that cover the whole Executive Schedules, including ALJ's. ALJ's in salary structure are more like other Federal employees hired at $75,000 a year and their average salary is about $89,000 a year, much less than Members of Congress or Cabinet Secretaries included in the Executive Schedule. The cost of the legislation is not significant, not even raising the $5 million point of order threshold under the Budget Act. In fact we estimate that the cost of the legislation is under $4 million.

As a matter of fairness, these Federal employees should receive pay adjustments at the same rate as other Government employees. The salaries of the younger administrative law judges are well below the pay level of Members of Congress. Many of the younger administrative law judges have fallen behind the rates of pay of their former Government colleagues. Senior Government attorneys paid under the General Schedule and the Senior Executive Service have received pay adjustments during the same period which has caused their rates of pay to exceed that of administrative law judges. The administrative law judiciary has traditionally recruited these senior attorneys as administrative law judges. The ability to recruit senior Government attorneys, experienced private practice attorneys, and to retain experienced administrative law judges is being impaired because of the disparity between the current pay of administrative law judges as compared with the pay of senior Government attorneys.

We believe that it is important to keep the Federal administrative judge corps competitive with other senior Government attorney positions. The Federal administrative judiciary must be able to recruit from the most able and experienced legal practitioners in both the private and public sectors, able to adjudicate complex and contested legal disputes. Adjudication of citizens' administrative claims by the Government is often the first contact the public has with the justice system. We want to ensure by passage of this bill, that the public has the quality and standard of service that justice deserves.

## CONGRATULATING THE CANCER INSTITUTE OF NEW JERSEY

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Cancer Institute of New Jersey on being designated as a clinical cancer center by the National Cancer Institute's Cancer Centers Program. This long-sought designation is a well-deserved honor and will mean much not only to the Cancer Institute of New Jersey but cancer patients throughout the State as well.

This designation, a tremendous advancement in health care for New Jerseyans, will allow clinical trials of new cancer therapies sponsored by the U.S. Food and Drug Administration to take place in New Jersey for the first time. This is a major milestone for the 6-year-old center, which is part of the University of Medicine and Dentistry of New Jersey's Robert Wood Johnson Medical School. The medical school will receive an $800,000 Federal grant to help support the center's operations. The designation places the Cancer Institute of New Jersey among the highest regarded cancer centers in the world.

The people of the State of New Jersey deserve the research and care provided by the Cancer Institute of New Jersey. They need to have convenient access to the newest advances in the prevention, diagnosis, and experimental treatment of cancer. Prior to the creation of the institute, New Jersey cancer patients seeking innovative care were forced to travel to either New York or Philadelphia. This was a particular burden for residents of the central portion of the State, which is an hour or more from either city. Such long travel distances are more than inconvenient—with frequent, repeated treatment sometimes needed, they can cause serious disruptions and hardships for the families involved. The opening of the institute has proven a major step forward for New Jersey cancer patients and its new designation as a cancer center brings New Jersey cancer treatment to the state-of-the-art.

The need for the institute is great. New Jersey has nearly 8 million citizens and cancer statistics ranking it as the third highest State in the Nation for estimated cancer deaths and the eighth highest for new cancer cases.

With 120 investigators, the Cancer Institute's clinical care and basic research programs include bone, bone marrow transplantation, gastrointestinal, genitourinary, gynecological, head and neck, leukemia/lymphoma, melanoma/sarcoma, and pediatrics.

The institute becomes one of more than 50 cancer centers designated across the country that engage in multidisciplinary research efforts to reduce cancer incidence, morbidity, and mortality.

The Cancer Institute of New Jersey is a partnership of UMDNJ, Hackensack University Medical Center, New Brunswick Affiliated Hospitals, St. Peter's Medical Center, and Atlantic Health System.

I know personally the tragedy of cancer: My husband, Richard W. Roukema, M.D., and I lost our son, Todd, to leukemia in 1976 at the age of 17. At that time, bone marrow transplants and other techniques that offered hope were only in their experimental stages. Since then, many advances have been made that have spared thousands of other parents the heartbreak we faced. It is thanks to the brilliant researchers and physicians at institutions such as the Cancer Institute of New Jersey that hope can be maintained.

Today, we are within grasp of a cure for many forms of cancer but much research remains to be done. I thank God for those who are willing to labor toward this goal and pray that with their help a cure can be found and that no child will ever again have to suffer from this terrible disease.

## SALUTE TO THE CINCINNATI BURNS INSTITUTE

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the Shriners Hospitals for Children and the Cincinnati Burns Institute for their continuing commitment to the treatment and care of burn-injured children in the Cincinnati area, and to congratulate the Shriners on their 75th anniversary. We thank them for the vision and service that they have so generously given to the Greater Cincinnati community.

The Shriners Hospitals for Children is a network of 22 hospitals, 19 orthopedic units, and 3 burns institutes, offering specialized medical care to children up to the age of 18. The Cincinnati Burns Institute is one of the Shriners Hospitals specializing in acute and rehabilitative care of children suffering from burn injuries. As a regional referral hospital, the Cincinnati unit serves children who live within a 1,000-mile radius of Greater Cincinnati.

The mission of the Shriners is to minimize the devastation of burn injuries and enhance the patient's potential and quality of life. The Shriners provide family-centered and holistic pediatric burn care of the highest quality. And, by providing all medical care to patients at no cost to them or their parents or a third party, the Shriners Hospitals and Burns Institutes not only care emotionally for their patients, but financially as well. Through public education and prevention efforts, the Cincinnati Burns Institute, along with the Shriners, has been instrumental in raising public awareness in the management of pediatric burns.

The leadership of these truly dedicated organizations is an asset to our community and to our Nation. All of us in Cincinnati congratulate the Shriners Hospitals for Children on their 75th anniversary. We are grateful for all they have given to Greater Cincinnati.

## AMERICA'S FEDERAL CREDIT UNIONS

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. THOMPSON. Mr. Speaker, I would like to express my support for America's Federal credit unions on behalf of at least 35,000 people residing in the Second Congressional District who depend on them to receive financial services. As you may know, the original legislation that created Federal credit unions in the 1930's required that their members share a ''common bond of occupation or association.'' Over the years, this statute has been interpreted in a fashion that allows employees from many different companies to join the same credit union. However, in the 1994 Federal District Court case of National Credit Union Administration versus First National Bank & Trust and its subsequent appeals, it was ruled that credit unions must have a ''single common bond of occupation.'' In other words, all the members of the credit union must work for the same employer.

Although the Supreme Court has decided to hear this case, credit unions all across the Nation have been forced to cease accepting new

members from employers outside of those who already belong while they wait for the final ruling. In addition to this disruption in the industry, if this case stands, credit unions may be forced to exclude all employers with the exception of the single original employer that the credit union received its charter to serve.

Mr. Speaker, credit unions are the last source of financial services for millions of Americans who do not have the credit background to receive help from traditional banking institutions. If this case is allowed to stand, as many as 10 million current credit union members could be expelled from their credit unions, and services could be interrupted for all 70 million American credit union members. Many critics of credit unions feel that they have become a threat to the banking industry. However, according to the Credit Union National Association, the average credit union has less than $28 million in assets—less than one-sixteenth the size of the average bank. In fact, Chase and Citibank, the two largest U.S. banks, combined have more assets than the aggregate holdings of all 12,047 credit unions. I do believe that banks play an important role in America's economy, but I believe that a balance can be found between their needs and those of the credit union industry. Banks are likely to remain America's chief source of financial services, but there is no reason that a thriving credit union industry cannot survive and continue to serve those people who cannot be helped by banks. Mr. Speaker, it could take many months before the Supreme Court makes its final decision on this case. The credit union industry can not hang in limbo while it waits for the Supreme Court to act. Representative LATOURETTE has introduced a bill to this Congress in order to clarify this issue. The Credit Union Membership Access Act of 1997, of which I am a cosponsor, will protect the status quo by allowing employees from more than one company to become members of the same credit union. I support this legislation wholeheartedly, and I urge this Congress to act to prevent a disaster for America's credit union industry.

## HELP COMMUNITIES AFFECTED BY BASE CLOSURE

### HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. MCCOLLUM. Mr. Speaker, today, I am introducing legislation that will facilitate the swift transfer of closed military bases to local communities. This action is necessary because current law hinders the large and complex transfer of military base property with economic redevelopment in mind.

Many of the laws governing the reuse of military bases are antiquated and filled with confusing terms and conditions. One major existing hindrance is a clause prohibiting the obtainment of profit by local communities. This is a problem because it prevents local communities from generating profits through subleasing for the purpose of reinvestment to maintain and improve landscaping, maintenance, and infrastructure. The remedy for this situation is to replace the clause with legislation embodying the provisions of the base closure laws and amendments of the 1990's.

The interim lease provisions have not been as successful as planned because many of the terms and conditions act as disincentives to economic development conveyance. For example, there is no commitment for final ownership by Federal agencies upon assumption of control or occupancy of transfered property. Commercial firms are willing to enter into leases, but are refusing this option because of the lack of commitment for final ownership. In addition, the new occupants of closed base property are unable to conduct major renovations unless they agree to restore the property to its original condition. Many of the facilities require major alterations from their original condition just to bring them to local code standards. Why are we requiring restoration of undesired conditions? This makes no sense and ultimately results in taxpayer waste.

Prior to 1996, departure of Federal agencies reverted property to the Federal Government for disposal by GSA. A leaseback provision was established in the National Defense Authorization Act for fiscal year 1996 to protect communities from a Federal agency revolving door. Under this law, property approved for Federal usage would be transferred to the local redevelopment agency, then leased to a Federal agency at no cost for up to 50 years. The reasoning behind this is to ensure transfer of property to local communities in the event of departure by Federal agencies. The lack of a mandatory requirement for leaseback acceptance allows for circumvention of the legislative intent. In Orlando, FL, the Veterans Administration has requested Orlando Naval Training Center property through the Federal screen process. VA has refused to enter into a long-term lease which would allow enaction of a leaseback provision. This creates major problems for community redevelopment authorities as it limits their ability to finalize reuse plans. My legislation guarantees an option for communities to obtain reuse property after the departure from the property by the first Federal agency lessee.

We must allow common sense to prevail in this base reuse process. There are some instances where it makes sense to lease to organizations affiliated with the branch of service that previously occupied the base property. This is currently prohibited, yet doesn't it make sense to relocate recruiting stations, reserve centers, and military processing centers onto closed base property? This type of action will allow these units to function in a military environment while reducing taxpayer burden generated by lease of civilian property.

The four branches of the U.S. Armed Services are currently able to contract with local governments for fire and police services for 6 months prior to the closure of a base. Families remaining on closed bases need these services, yet there is no provision for bases being closed in phases as the services do not define phased closures as operational. In simpler terms, local communities bear the burden for fire and police services because the service branches are unable to contract for services.

Mr. Speaker, the bill I'm introducing today will make major strides in reforming the base closure reuse process. We must enact this legislation to protect our local communities. I urge my colleagues' support.

## HONORING DAVID ALLEX

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. ORTIZ. Mr. Speaker, I rise today to commend David Allex of Harlingen, TX, and to commend his life's work of improving the economic conditions of south Texas.

David is a legend in south Texas. He has served as the president of the Harlingen Industrial Foundation, Inc. [HIFI] since its inception in 1968. That is an incredible tenure, but David Allex is quite the economic pioneer. Few people have had the effect that David has had on the economic fortunes of the south Texas business and professional community. David is leaving HIFI, and his presence will be sorely missed.

During David's tenure, his efforts attracted a host of industries to the south Texas area. He was actively involved in bringing the following companies to the Rio Grande Valley: Tex Steel, Fruit of the Loom, Anderson, Greenwood and Co., Valley International Cold Storage, Atlantic-Durant Technology, Inc., Tadim, Levi Strauss, William Carter Co., Velcon Filters, and Aloccorp.

The high unemployment rate in the valley has always been my paramount concern since coming to Congress. These companies would not have relocated to south Texas if not for David's assertiveness and commitment to the economic development of our area. His vision, innovation, and ideas have made the valley a force in our Nation's new economy.

I ask my colleagues to join me today in recognizing the quality, loyalty, integrity, and accomplishments of David's service to the economy of south Texas. I offer David my personal thanks and best wishes.

## TRIBUTE TO MARCIA STEIN

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. DIXON. Mr. Speaker, this morning I rise to pay a well earned tribute to Marcia Stein, who retired from this body on January 20, 1997. For 15 years, Marcia provided exemplary service as one of the Official Reporters of the House. She and her husband, Robert P. (Bob) Stein, an oceanographer with the National Oceanic and Atmospheric Administration, are present this morning, and I am pleased to have this opportunity to commend Marcia for her outstanding service to this institution.

A native of Abilene, KS, Marcia attended Phillips University in Enid, OK, before relocating to the Washington, DC, area. After working for a number of years at Andrews Air Force Base, she attended Strayer College and graduated as a court reporter in 1975. She worked several years as a freelance reporter before joining the staff of the Official Reporters of the House on November 12, 1981. Marcia especially enjoyed specializing in hearings on national security and intelligence; 10 of her 15 years were spent as a reporter for the Appropriations Subcommittee on National Security. Some of the highlights of her Hill career included reporting the Iran-Contra hearings and

traveling to Bonn, Germany, and other parts of the globe to report field hearings.

Now that Marcia has retired, she is able to devote more time to pursuing her favorite pastimes of golf, she carries an 18 handicap, and duplicate bridge. She has been a life master in duplicate bridge since 1968. She also enjoys reading and snorkeling. Marcia and Bob are the proud parents of 4 children: Danise, David, Adam, and Jason; and 2 grandchildren, Allison and Jacob.

Marcia has enjoyed observing history in the making, and she feels privileged to have been assigned to report some of the most interesting events taking place in this august body. Those of us who have had the pleasure of working with her during her distinguished career, also feel privileged to have had the opportunity to work with an individual of such outstanding ability and professionalism.

Thank you Marcia for your service to your country and to the House of Representatives. I wish you and Bob a long, healthy, and prosperous retirement.

## SALUTING WILSON A. ROGERS OF CLEVELAND, OH

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. STOKES. Mr. Speaker, I rise today to recognize the dedication and hard work of a constituent who has been honored recently for his distinguished service to his field and his community. Wilson A. Rogers of Cleveland, an owner and operator of McDonald's restaurants, was recently bestowed the prestigious Ronald McDonald Award. This award is the highest award given to an owner/operator and covers 40 regions. Mr. Wilson earned this award through this outstanding work in his local community and for outstanding management.

Wilson Rogers has been a part of the McDonald's team for more than 22 years. His interest in becoming a restauranteur was sparked by reading about the opportunities of owning a McDonald's franchise in the newspaper. He had learned the lessons of success through hard work on his family's farm in South Point, OH, but what he has given back to his community comes straight from his heart.

Mr. Rogers has a rich history of involvement with the future of the youth of our community. His passion for academic achievement brought about the creation of the McDonald's Martin Luther King Scholarship and Exhibition at Cuyahoga Community College. This project made a 5-year $50,000 contribution to the Tri-C/MLK scholarship program and created an exhibit for the college to honor the late civil rights leader. He has also aided many disadvantaged students who might not otherwise attend college through the United Negro College Fund. He has chaired and cochaired the UNCF Telethon and Golf Tournament and now sits on their advisory committee.

Mr. Speaker, among other efforts to help children get ahead, Wilson Rogers was instrumental in helping the Achievement Center for Children secure a grant from Ronald McDonald Children's Charities. Mr. Rogers also helps feed the hungry and homeless, and is a past board member of the Harvard Community Center. His dedication to the Greater Cleveland area and improving the lives of others speaks volumes about his character. This devoted husband and father, businessman, and philanthropist has brought much to those around him and those he may never meet. I ask my colleagues to join me today in recognizing the admirable personal and professional accomplishments of Mr. Wilson Rogers.

## A TRIBUTE TO BOB GRIFFITTS

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. DUNCAN. Mr. Speaker, I want to pay tribute to a great American, my friend, Bob Griffitts. Bob turns 50 today, and in some ways, I am sure that he does not want a lot of attention called toward this occasion.

Bob has never been one to seek attention or publicity or credit at any time. But this should be a special day in his life, and he deserves a lot more credit and praise than he ever receives.

Bob Griffitts is my district director and longtime closest personal friend. He spends his days quietly helping the constituents of the second district and over the last 8½ years has helped thousands in ways big and small. He works nights, weekends, and holidays and never really leaves the job behind. People would be shocked if they followed him around for a few weeks and saw how many hours he puts in.

Bob serves the people of east Tennessee at a personal financial sacrifice. Before taking his present job, he was a very successful realtor and appraiser.

He handled many commercial real estate deals for groups of doctors and other investors. He had many leading companies as clients of his appraisal business.

Throughout his career, both in business and politics, he has always inspired a great feeling of trust and confidence in all those with whom he has dealt.

There is not a dishonest or unethical bone in Bob Griffitts' body.

Always giving of himself to others, Bob has almost never asked anything for himself.

He has served this Nation well, through our great free enterprise system, in government, and through two other very important ways as well.

First, while he almost never mentions it and no, very few people know it, Bob is a veteran of the frontlines of some of the toughest fighting which went on in Vietnam.

He was and is a courageous, patriotic man who deeply loves this country.

Hardened in numerous wartime battles, he is the kind of man you want beside you when times get tough.

He would be embarrassed to be described in this manner, but to me he is a true American hero.

Secondly, and most important of all, he is a devoted family man.

He has had a long and happy marriage to his wife, Barbara, and his loyalty and friendship to me is without question a distant second to his love for and devotion to her.

There is, though another woman in Bob's life, and no man has ever loved a daughter more than Bob loves his Deena.

Deena has grown into a beautiful young woman, a recent graduate of the University of Tennessee and now getting off to a great start in a career with one of Knoxville's most respected insurance firms.

Deena has never let her dad down and has made him a proud and happy father for many years.

To sum up, Mr. Speaker, Bob Griffitts is the kind of man who has made this country great. He is not rich or famous, but he is well-known and greatly respected in his beloved east Tennessee.

He deserves very much to be considered as one of our Nation's finest citizens.

On this special milestone in his life, I would like say happy birthday and best wishes for many, many more.

I could never repay Bob for all he has done for me, or thank him nearly enough. But I will close by saying that I am very proud to call him my friend.

## THE TAXPAYER BROWSING PROTECTION ACT

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. COYNE. Mr. Speaker, I am pleased to cosponsor, along with my Democratic and Republican colleagues, a bill titled the ''Taxpayer Browsing Protection Act.'' As the ranking member of the Ways and Means Committee Oversight Subcommittee, I have worked with the IRS Commissioner and the other subcommittee members in support of the legislation being introduced today.

Most recently, the IRS Commissioner wrote me and renewed her request that legislation be introduced to clarify the criminal sanctions for unauthorized access to or inspection of tax information, referred to as browsing, by IRS employees. A copy of the Commissioner's March 10, 1997, letter follows my statement and is included in the RECORD.

Importantly, this bill would prohibit unauthorized review of tax information, retained by the IRS in both paper and electronic form. Violators would be subject to significant criminal sanctions, including monetary fines and imprisonment, and dismissal from IRS employment.

This legislation will significantly enhance the IRS's current zero tolerance policy for illegal browsing of tax information. The public will benefit from this legislation knowing that their tax records are only inspected by IRS employees who need the information as part of their job responsibility. Also, all the hardworking and committed IRS employees nationwide will benefit from this legislation knowing that a bad apple hired by the IRS will be quickly removed from the agency and punished under the law.

I look forward to working with the members of the Committee on Ways and Means, on a bipartisan basis, to approve this legislation and to bring the bill to the House floor in a timely manner.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
*Washington, DC, March 10, 1997.*

Hon. WILLIAM J. COYNE,
*Subcommittee on Oversight, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR MR. COYNE: I wanted to let you know about a case that was recently decided by

the United States Court of Appeals for the First Circuit, *United States* v. *Czubinski*, No. 96–1317, 1997 U.S. App. LEXIS 3077 (1st Cir. February 21, 1977) and to request your support for legislation to clarify the criminal sanctions in the Internal Revenue Code for the unauthorized access of taxpayers' accounts by Internal Revenue Service employees.

Since becoming Commissioner, I have repeatedly stated that the IRS will not tolerate violations by employees of the rules against unauthorized access. The Service's zero tolerance policy prohibits any employee access to (and use of) tax information, except to the extent necessary for an employee to perform assigned duties.

In the *Czubinski* case, the First Circuit reversed the conviction of a former IRS employee for improperly accessing taxpayer information in the IRS database. That person had been indicted and convicted of several counts of violating 18 USC §§1343 and 1346 (wire fraud) and 18 USC §1030(a)(4) (computer fraud). In reversing the conviction, the court stated that ''unauthorized browsing of taxpayer files, although certainly inappropriate conduct, cannot, without more, sustain [a] federal felony conviction [under 18 USC §§1343, 1346 and 1030(a)(4)].''

This decision and a 1996 acquittal, by a Memphis, Tennessee jury of another former IRS employee who had been indicted for improper access of taxpayer accounts under 26 USC §7213 (Unlawful Disclosure of Tax Return Information), *United States* v. *Patterson*, Cr. No. 96–20002 (W.D. Tenn. April 10, 1996), are very troubling and make it more difficult for the Service to appropriately discipline employees who violate our policy against unauthorized access.

In the past several years, the IRS has taken a number of steps to ensure that unauthorized access of taxpayer information by IRS employees does not occur. For example, each time an employee logs onto the taxpayer account database, a statement warns of possible prosecution for unauthorized use of the system. All new users receive training on privacy and security of tax information before they are entitled to access the Integrated Data Retrieval System (IDRS). The Service has also installed automated detection programs that monitor employees' actions and accesses to taxpayers' accounts, identify patterns of use, and alert managers to potential misuse. Employees are disciplined according to a Guide for Penalty Determinations that includes dismissal. In the *Czubinski* opinion, the court noted that ''the IRS rules plainly stated that employees with passwords and access codes were not permitted to access files on IDRS [the database] outside of the course of their official duties.''

In addition to the internal actions, the IRS has recommended and supported legislative efforts to amend the Internal Revenue Code and Title 18 to clarify the criminal sanctions for unauthorized computer access to taxpayer information. A recent amendment to 18 USC §1030(a)(2)(B) by the Economic Espionage Act of 1996, Pub. L. No. 104–294, 110 Stat. 3488 (1996), provides criminal misdemeanor penalties for anyone who intentionally accesses a computer without authorization or who exceeds authorized access and thereby obtains information, including tax information, from any department or agency of the United States. I have been advised by counsel that had this amendment been in effect and applicable to the *Czubinski* and *Patterson* cases, the government very likely would not have lost those cases.

Although the recent amendment to 18 USC §1030(a)(2)(B) will hopefully serve as a significant deterrent to unauthorized computer access of taxpayer information, this statute only applies to unauthorized access of computer records. It does not apply to unauthorized access or inspection of paper tax returns and related tax information. Legislation such as S. 670, introduced in the 104th Congress, would achieve that result. By clarifying the criminal sanctions for unauthorized access or inspection of tax information in section 7213 of the Internal Revenue Code, whether that information is in computer or paper format, the entire confidentiality scheme respecting tax information and related enforcement mechanisms would be appropriately found in the Internal Revenue Code.

An amendment to section 7213 such as was proposed in the 104th Congress would serve important tax administration objectives. (Of course, as is currently the case under section 7213 for convictions resulting from the disclosure of tax information to unauthorized third parties, a conviction of federal officers and employees for the unauthorized access or inspection of tax information would, in addition to imprisonment and fine, continue to result in dismissal from office or discharge from employment.)

We would like to work with you and your staff to assure that improper access can be dealt with appropriately.

Sincerely,

MARGARET MILNER RICHARDSON.

## JERRY PACHT, IN MEMORIAM

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Ms. HARMAN. Mr. Speaker, every Member here has a story about the beginning of his or her interest in politics. Mine begins with an extraordinary pixie of a man named Jerry Pacht, who died last week in Los Angeles at age 75.

Before embarking on a distinguished career on the Los Angeles Municipal Court followed by decades on the L.A. County Superior Court, Jerry ran for Congress, twice. His campaigns were high principle and low budget, and he recruited and excited a large band of volunteers.

I was a high school student in 1960, the first year Jerry ran, and led what he called the kiddie brigade. Our colleague, HOWARD BERMAN, then president of the UCLA Young Democrats, played a far more senior role in the campaign.

I learned a lot. My role was confined in substantial part to stuffing envelopes and mimeographing materials, but I saw how valuable those tasks were. In the days before television ads, communication of Jerry's message and his passion depended on people like me. Even in these slicker and more cynical times, the hub of campaigns still is centered on volunteers. Without them, candidates don't win.

Of course it matters what the message is, and whether the messenger is credible. Though Jerry's runs for office may not have persuaded a majority of the voters, the qualities in him that excited me and others were on full display during his long and successful judicial career that followed.

Son of a judge, Jerry's interest in a judicial career became known to Gov. Pat Brown who appointed him to the local bench in 1965 and promoted him a year later.

He was a beloved figure—always insisting that the law be fairly applied, even if the cause it benefited was unpopular. No one ever accused Judge Pacht of any motive other than serving the public. In a press interview, he once said: ''I am not into making money. I always wanted to make some kind of mark, to change my society, do something to make it run better * * *.'' He surely achieved his goal.

In his obituary in the Los Angeles Times, I learned that Jerry had visions of becoming a singer, and was delighted to be asked to sing the national anthem at a Dodger game. Jerry, I heard your song. I still do. I always will. My interest in politics goes back to my early experience on your campaign. It goes forward with your melody in my head.

Godspeed.

## TRIBUTE TO MARJORY STONEMAN DOUGLAS

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. DEUTSCH. Mr. Speaker, I rise to recognize the contributions of Marjory Stoneman Douglas—an American hero who turned 107 years old yesterday. Mrs. Douglas is one of the mightiest protagonists of the Florida Everglades who led the first efforts to raise public awareness of Florida's River of Grass.

In 1947, Mrs. Douglas wrote her landmark book on Florida's largest wetlands ecosystem ''The Everglades: River of Grass.'' This pioneering work was the first to highlight the plight of the everglades and ultimately served to awaken public interest in restoring its health. Still going strong in her 107th year, Mrs. Douglas has dedicated her life to the defense of the Everglades through her extraordinary personal effort and by inspiring countless others to take action. Recognizing these accomplishments, President Clinton awarded her the Medal of Freedom in 1994, the Nation's highest civilian award.

Mr. Speaker, I have introduced legislation which honors Mrs. Douglas' legacy by creating the Marjory Stoneman Douglas Wilderness in Everglades National Park. The Marjory Stoneman Douglas Wilderness will serve as a permanent and natural monument to the American hero who helped save North America's greatest wetland ecosystem. This year, as we commemorate the 50th anniversary of the park and the first publishing of ''The Everglades: River of Grass,'' I believe it is fitting that we permanently honor Mrs. Douglas' legacy through this legislation.

## THE HOPE AND OPPORTUNITY ACT OF 1997

### HON. WILLIAM CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 1997*

Mr. CLAY. Mr. Speaker, I am pleased to introduce the Hope and Opportunity Act of 1997 proposed by President Clinton. The bill creates a Hope scholarship tax credit of up to $1,500 per student for tuition and fees in the student's first year, and another $1,500 in the second year if the student earns at least a B average. The credit will help 4.2 million students next year and will save families $18.6 billion over 5 years. The HOPE scholarship is

designed to make the first 2 years of college as universal as a high school degree.

The act includes a tax deduction up to $10,000—$5,000 maximum in 1997 and 1998—for tuition and fees paid for undergraduate and graduate education, or job training or retraining. The deduction would be ''above the line'' so it is available even if the taxpayer does not itemize. Some 8 million Americans would benefit from this deduction next year, and it will save families $17.5 billion over 5 years.

The act increases the maximum Pell grant from $2,700 to $3,000, which would be the largest increase in Pell grants in 20 years. Also, some 218,000 older students would become newly eligible for Pell grants by increasing the Pell grant living allowance.

I commend President Clinton for including a Pell grant increase in the bill; however, I think it is critical to demonstrate an even greater commitment to helping low-income families obtain educational opportunities. I propose that Pell grants spending be made mandatory for the next 5 years, with a commitment to restore the maximum Pell grant to its full value by 2002 and will introduce my own bill to do that shortly.

The President's bill cuts student fees in half for 4 million low- and middle-income students, saving them $2.6 billion over 5 years. It also reduces the in-school interest rate for 2 million students, saving them an additional $1 billion.

The bill extends section 127 of the Internal Revenue Code through December 31, 2000, and reinstates the application of that section to graduate students. The provision, scheduled to expire this year, excludes employer paid educational assistance from an employee's gross income and wages. The bill also creates a tax credit for employer provided educational assistance, and provides income exclusion for student loan forgiveness.

The act proposes a number of measures that will level the playing field between the Direct Lending and Federal Family Education Loan [FFEL] programs so they can fairly compete and operate efficiently. It recalls $2.5 billion of Federal moneys currently held in reserve by student loan guaranty agencies by clarifying that the Department of Education is the ultimate insurer of all FFEL guarantees. The bill also standardizes repayment plans for the Department of Education loan programs, and increases the percentage lenders and guaranty agencies must bear for student loan defaults.

Unlike proposals made by Republicans who want to give tax breaks to the wealthy, the Hope and Opportunity Act of 1997 gives tax relief to middle-class families struggling to pay for college. It is critical to ensure that middle- and low-income students not face insurmountable barriers to higher education. I believe we should move the President's higher education plan to the top of our legislative agenda.

# *Daily Digest*
# Senate

## *Chamber Action*

*Routine Proceedings, pages S2803–S2864*

Measures Introduced: Eight bills were introduced, as follows: S. 518–527. **Pages S2837–38**

Measures Passed:

*Claim Settlement:* Senate passed H.R. 412, to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, clearing the measure for the President. **Pages S2862–63**

Nuclear Waste Policy Act: Senate continued consideration of the motion to proceed to the consideration of S. 104, to amend the Nuclear Waste Policy Act of 1982. **Pages S2820–36**

A unanimous-consent agreement was reached providing for consideration of the bill on Wednesday, April 9, 1997. **Page S2828**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the annual report of the Department of Transportation for fiscal year 1995; referred to the Committee on Commerce, Science, and Transportation. (PM–25). **Page S2837**

Transmitting the annual report of the National Endowment for Democracy for fiscal year 1996; referred to the Committee on Foreign Relations. (PM–26). **Page S2837**

Transmitting the report of the Radiation Control for Health Act for 1995; referred to the Committee on Labor and Human Resources. (PM–27). **Page S2837**

Nominations Received: Senate received the following nominations:

James William Blagg, of Texas, to be United States Attorney for the Western District of Texas for the term of four years.

Calvin D. Buchanan, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

James Allan Hurd, Jr., of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

John D. Trasvina, of California, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 2001. (Reappointment)

A routine list in the Foreign Service. **Page S2864**

Messages From the President: **Page S2837**

Messages From the House: **Page S2837**

Measures Read First Time: **Pages S2837, S2862**

Statements on Introduced Bills: **Pages S2838–56**

Additional Cosponsors: **Pages S2856–57**

Notices of Hearings: **Page S2857**

Authority for Committees: **Pages S2857–58**

Additional Statements: **Pages S2858–62**

Adjournment: Senate convened at 10:30 a.m., and adjourned at 6:16 p.m., until 10:30 a.m., on Wednesday, April 9, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2863.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### APPROPRIATIONS—AGRICULTURE

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 1998, receiving testimony in behalf of funds for their respective activities from Dallas R. Smith, Acting Under Secretary, Farm and Foreign Agricultural Services, Bruce R. Weber, Acting Administrator, Farm Service Agency, August Schumacher, Administrator, Foreign Agricultural Service, Christopher E. Goldthwait, General Sales Manager, Kenneth D. Ackerman, Acting Administrator, Risk Management Agency, and Dennis Kaplan, Deputy Director for Budget, Legislative, and Regulatory Systems, all of the Department of Agriculture.

Subcommittee will meet again on Tuesday, April 15.

### CHILD PORNOGRAPHY

*Committee on Appropriations:* Subcommittee on Commerce, Justice, State, and the Judiciary, and Related Agencies concluded hearings to examine child pornography issues, focusing on the sexual exploitation of children through the Internet and on-line services, after receiving testimony from Louis J. Freeh, Director, Wade B. Houk, Assistant Director in Charge of Finance, and Robert M. Bryant, Assistant Director,

Criminal Investigative Division, all of the Federal Bureau of Investigation, Department of Justice; and Ernest E. Allen, National Center for Missing and Exploited Children, Arlington, Virginia.

APPROPRIATIONS—EPA

*Committee on Appropriations:* Subcommittee on VA, HUD and Independent Agencies held hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency, receiving testimony from Carol M. Browner, Administrator, EPA.

Subcommittee will meet again on Tuesday, April 22.

AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Subcommittee on Personnel concluded hearings on S. 450, authorizing funds for fiscal years 1998 and 1999 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 1998 and 1999, focusing on active and reserve military and civilian personnel programs and the Defense Health Program, after receiving testimony from Edwin Dorn, Under Secretary of Defense for Personnel and Readiness; Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs; Bernard Rostker, Assistant Secretary of the Navy for Manpower and Reserve Affairs; and Rodney A. Coleman, Assistant Secretary of the Air Force for Manpower and Reserve Affairs, Installations and Environment.

AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Subcommittee on SeaPower held hearings on S. 450, authorizing funds for fiscal years 1998 and 1999 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 1998 and 1999, focusing on submarine development and procurement programs and global submarine threat, receiving testimony from Senator Chafee; John W. Douglass, Assistant Secretary of the Navy for Research, Development and Acquisition; Vice Adm. Donald L. Pilling, USN, Deputy Chief of Naval Operations, Resources, Warfare Requirements and Assessments; Rear Adm. Robert E. Frick, USN, Program Executive Officer for Submarines; and Rear Adm. Michael W. Cramer, USN, Director of Naval Intelligence.

Subcommittee recessed subject to call.

CHEMICAL WEAPONS CONVENTION

*Committee on Foreign Relations:* Committee held hearings on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993 (Treaty Doc. 103–21), receiving testimony from Madeleine K. Albright, Secretary of State; and Donald Rumsfeld, James Schlesinger, and Caspar Weinberger, each a former Secretary of Defense.

Hearings continue tomorrow.

RUSSIA-NATO

*Committee on Foreign Relations:* Subcommittee on European Affairs concluded closed hearings to examine the Russia-Nato relationship after the Helsinki Summit, after receiving testimony from Strobe Talbott, Deputy Secretary of State; and Jan M. Lodal, Principal Deputy Under Secretary of Defense for Policy.

AUTHORIZATION—INDIAN JUVENILE JUSTICE

*Committee on Indian Affairs:* Committee concluded hearings on proposed legislation authorizing funds for fiscal years 1998 through 2001 to provide assistance to Indian tribes for juvenile justice and delinquency prevention programs under the Juvenile Justice and Delinquency Prevention Act of 1974, after receiving testimony from Thomas L. LeClaire, Director, Office of Tribal Justice, Department of Justice; Thomas S. Begich, Washington, D.C., and Larry Blackhair, Fort Duchesne, Utah, both on behalf of the Coalition for Juvenile Justice; and Mary V. Thomas, Gila River Indian Community, Sacaton, Arizona.

# House of Representatives

## *Chamber Action*

Bills Introduced: 27 public bills, H.R. 1225–1251; and 3 resolutions, H.J. Res. 68, and H. Con. Res. 57–58, were introduced. **Pages H1338–39**

Reports Filed: Reports were filed as follows:

H.R. 1000, to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977 (H. Rept. 105–43);

Oversight Plans for all House Committees (H. Rept. 105–44);

H. Res. 107, providing for consideration of motions to suspend the rules (H. Rept. 105–45); and

H.R. 1003, to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide, amended (H. Rept. 105–46 Part I). **Pages H1337–38**

Recess: The House recessed at 12:57 p.m., and reconvened at 2 p.m. **Page H1294**

Suspensions—Objection to Consideration: Objection was heard to the unanimous consent request to authorize the Speaker on Wednesday, April 9 to entertain motions to suspend the rules and agree to H.R. 240, Veterans Employment Opportunities Act of 1997 and H.R. 757, the American Samoa Development Act of 1997. **Pages H1294–95**

Nurse Aide Training Correction: On the call of the Corrections Calendar, the House passed H.R. 968, amended, 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. Agreed to the Ways and Means Committee technical amendment. **Pages H1297–99**

Suspensions: The House voted to suspend the rules and pass the following measures:

*Rural Multifamily Rental Housing:* H.R. 28, to amend the Housing Act of 1949 to extend the loan guarantee program for multifamily rental housing in rural areas (passed by a yea-and-nay vote of 397 yeas to 14 nays, Roll No. 72); **Pages H1299–H1302**

*Household Food Stamp Eligibility and Benefits re Prisoners:* H.R. 1000, to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977 (passed by a yea-and-nay vote of 409 yeas, Roll No. 73; **Pages H1302–03**

*Iosco County, Michigan:* H.R. 394, to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan; and **Pages H1303–04**

*J. Phil Campbell, Sr., Conservation Center:* H.R. 785, to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center. **Pages H1304–05**

Presidential Messages: Read the following messages from the President:

*Department of Transportation:* Message wherein he transmits his fiscal year 1995 Annual Report for the Department of Transportation—referred to the Committee on Transportation and Infrastructure;

*Radiation Control:* Message wherein he transmits his 1995 Annual Report on the Administration of the Radiation Control for the Health and Safety Act of 1968—referred to the Committee on Commerce; and

*National Endowment for Democracy:* Message wherein he transmits his fiscal year 1996 Annual Report for the National Endowment for Democracy—referred to the Committee on International Relations. **Pages H1305–06**

Recess: The House recessed at 3:24 p.m. and reconvened at 5:15 p.m. **Page H1306**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H1306 and H1306–07. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 9:20 p.m.

# *Committee Meetings*

## COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Commerce, Justice, State and Judiciary held a hearing on the NOAA. Testimony was heard from D. James Baker, Under Secretary, Oceans and Atmosphere, Department of Commerce.

## LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education held a hearing on the Institute of Museum and Library Services. Testimony was heard from Diane B. Frankel, Director, Institute of Museum and Library Services.

## TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Treasury, Postal Service, and General Government continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

## PRODUCT LIABILITY REFORM ACCESS LIFE-SAVING PRODUCTS

*Committee on Commerce:* Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Product Liability Reform and Consumer Access to Life-Savings Products. Testimony was heard from Representative Gekas; and public witnesses.

## LOW INCOME HOME ENERGY ASSISTANCE ACT

*Committee on Education and the Workforce:* Subcommittee on Early Childhood, Youth and Families held a hearing on the Low Income Home Energy Assistance Act Program. Testimony was heard from Representatives Miller of Florida, Moakley and Sanders; Joel Eisenberg, Senior Policy Analyst, Oak Ridge National Laboratory; and public witnesses.

## MISCELLANOUS MEASURES

*Committee on Government Reform and Oversight:* Subcommittee on the Postal Service approved for full Committee action the following bills: H.R. 1057,

amended, to designate the building in Indianapolis, IN, which houses the operations of the Circle City Station Post Office as the ''Andrew Jacobs, Jr. Post Office Building''; and H.R. 1058, to designate the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, as the ''John T. Myers Post Office Building''.

## ZAIRE

*Committee on International Relations:* Subcommittee on Africa held a hearing on ''Zaire: Collapse of an African Giant?''. Testimony was heard from George Moose, Assistant Secretary, Africa, Department of State; Vincent Kern, III, Deputy Assistant Secretary, African Affairs, Department of Defense; and public witnesses.

## MISCELLANOUS MEASURES

*Committe on the Judiciary:* Ordered reported the following measures, H.R. 1225, to make a technical correction to title 28, United States Code; relating to jurisdiction for lawsuits against terrorist states.

H.J. Res 62, amended, proposing an amendment to the Constitution of the United States with respect to tax limitations.

The Committee also considered a private immigration bill and a private claims bill.

## OVERSEAS QUALITY-OF-LIFE INFRASTRUCTURE

*Committee on National Security:* Subcommittee on Military Installations and Facilities held a hearing on overseas quality-of-life infrastructure. Testimony was heard from the following officials of the Department of Defense: Brig. Gen. Hans Van Winkle, USA, Deputy Chief of Staff, Engineers, U.S. Army Europe; Rear Adm. John R. Ryan, USN, Commander, Fleet Air Mediterranean, Commander, Maritime Air Forces; Col. Dean Fox, USAF, Civil Engineer, Headquarters, U.S. Air Force Europe; Col. David Spaulding, USA, Assistant Chief of Staff, Engineers, VIII U.S. Army Korea; Rear Adm. Albert T. Church, USN, Deputy Chief of Staff, Shore Base Management, Commander-in-Chief Pacific Fleet; Brig. Gen. James M. Hayes, USMC, Commanding General, Marine Corps Base Smedley D. Butler, Deputy Commander, Marine Corps Base Japan; and Col. Frank Destadio, USAF, Civil Engineer, Headquarters, U.S. Air Force Pacific.

## DOD REVIEW—GENERAL AND FLAG OFFICER AUTHORIZATIONS

*Committee on National Security:* Subcommittee on Military Personnel held a hearing on the methodology and process which DOD used to complete the general officer and force officer review mandated by Congress in the 1997 Defense authorization legislation. Testimony was heard from Mark E. Gebicke, Director, Military Operations and Capabilities Issues, National Security and International Affairs Division, GAO; and the following officials of the Department of Defense: Frederick Pang, Assistant Secretary, Force Management Policy; and Terrence O'Connell, Chairman, Reserve Forces Policy Board.

## ACQUISITION WORKFORCE

*Committee on National Security:* Subcommittee on Military Procurement and the Subcommittee on Military Readiness held a joint hearing on the Acquisition Workforce. Testimony was heard from Louis Rodrigues, Director, Acquisition Issues, GAO; and the following officials of the Department of Defense: Noel Longuemare, Deputy Under Secretary, Acquisition and Technology; John W. Douglass, Assistant Secretary, Navy, Research, Development and Acquisition; Darleen Druyan, Principal Deputy Assistant Secretary, Air Force, Acquisition and Management; and Keith Charles, Deputy Assistant Secretary, Army, Plans, Programs, and Policy.

## LIVESTOCK GRAZING POLICIES—NATIONAL FORESTS

*Committee on Resources:* Subcommittee on Forests and Forest Health held an oversight hearing on livestock grazing policies on public domain National Forests. Testimony was heard from public witnesses.

## SUSPENSIONS

*Committee on Rules:* Granted by voice vote a resolution providing that suspensions will be in order on Wednesday, April 9, 1997 and Thursday, April 10, 1997. The resolution provides that the Speaker or his designee will consult with the Minority Leader or his designee on any suspension considered under this resolution.

## ETHICS REFORM

*Committee on Standards of Official Conduct:* Task Force on Ethics Reform met in executive session to continue discussions on Ethics Reform.

Will continue tomorrow.

## CHILDREN'S HEALTH COVERAGE

*Committee on Ways and Means:* Subcommittee on Health held a hearing on Children's Access to Health Coverage. Testimony was heard from William J. Scanlon, Director, Health Systems Issues, GAO; Linda T. Bilheimer, Deputy Assistant Director, Health, Health and Human Resources Division, CBO; Patrick J. Purcell, Analyst in Social Legislation, Congressional Research Service, Library of Congress; and public witnesses.

## ADOPTION PROMOTION ACT

*Committee on Ways and Means:* Subcommittee on Human Resources held a hearing on H.R. 867, Adoption Promotion Act of 1997. Testimony was heard from Senator DeWine; Representatives Camp and Kennelly of Connecticut; Olivia A. Golden, Acting Assistant Secretary, Children and Families, Department of Health and Human Services; Jess McDonald, Director, Department of Children and Family Services, State of Illinois; and public witnesses.

## COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 9, 1997

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations,* Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1998 for Navy and Marine Corps programs, 10 a.m., SD–192.

*Committee on Armed Services,* Subcommittee on Airland Forces, to hold hearings on S. 450, authorizing funds for fiscal years 1998 and 1999 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 1998 and 1999, focusing on Unmanned Aerial Vehicle programs and operations and modernization efforts, 10 a.m., SR–222.

*Committee on Banking, Housing, and Urban Affairs,* Subcommittee on Housing Opportunity and Community Development, to hold hearings on S. 462, to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, 9:30 a.m., SD–538.

*Committee on Commerce, Science, and Transportation,* to hold hearings on the nomination of Kenneth M. Mead, of Virginia, to be Inspector General, Department of Transportation, 9:30 a.m., SR–253.

Full Committee, to hold hearings to examine the investigations and responses to aviation accidents, 10 a.m., SR–253.

*Committee on Finance,* to hold hearings to examine Medicare payment policies for post-acute care, 10 a.m., SD–215.

*Committee on Foreign Relations,* Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Multilateral Development Bank, 10 a.m., SD–419.

Full Committee, to continue hearings on the Chemical Weapons Convention, 2 p.m., SD–419.

*Committee on Governmental Affairs,* Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the role of the Department of Commerce in Federal statistical gathering analysis and dissemination, and proposals for reform and consolidation, 1:30 p.m., SD–342.

*Select Committee on Intelligence,* to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

### House

*Committee on Agriculture,* and the Committee on Resources, joint hearing to review forest ecosystem health conditions in the United States, 11:00 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Commerce, Justice, State and Judiciary, on Prisons and Related Issues, 10:00 a.m., and on Maritime Programs, 2:00 p.m., H–309 Capitol.

Subcommittee on Energy and Water Development, executive, hearing on Atomic Energy Defense Activities, 10:00 a.m., 2362–B Rayburn.

Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Coordinators for the New Independent States, 10:00 a.m., 2360 Rayburn.

Subcommittee on Interior, on Department of Energy, 10:00 a.m. and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Consolidated Management (DOL, HHS, ED), 10:00 a.m., and on Employment and Training Administration/Veterans Employment, 2:00 p.m., 2358 Rayburn.

Subcommittee on National Security, executive, on Intelligence Budget Overview, 10:00 a.m., H–140 Capitol.

Subcommittee on VA, HUD and Independent Agencies, on American Battle Monuments Commission, 10:00 a.m., on Court of Veterans Appeals, 11:00 a.m., and on DOD—Civil, Cemeterial Expenses, Army, 12:00 p.m., H–143 Capitol.

*Committee on Education and the Workforce,* Subcommittee on Early Childhood, Youth and Families, hearing on Charter Schools, 10:00 a.m., 2175 Rayburn.

*Committee on International Relations,* hearing to review "Does U.N. Peacekeeping Serve U.S. Interests?" 10:00 a.m., 2172 Rayburn.

*Committee on National Security,* Subcommittee on Military Procurement and the Subcommittee on Military Research and Development, joint hearing on the fiscal year 1998 Department of Defense authorization request—Unmanned Aerial Vehicle Programs, 2:00 p.m., 2118 Rayburn.

*Committee on Resources,* Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 408, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, 2:00 p.m., 1324 Longworth.

*Committee on Science,* Subcommittee on Basic Research, to continue hearings on NSF Authorization Part III, 2:00 p.m., 2325 Rayburn.

Subcommittee on Energy and Environment, hearing on fiscal year 1998 Budget Authorization for Department of Energy, Environmental Protection Agency Research and Development, and National Oceanic and Atmospheric Administration; and to mark up H.R. 363, to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Field Research and Public Information Dissemination Program, 10:00 a.m., 2325 Rayburn.

Subcommittee on Space and Aeronautics, to continue hearings on fiscal year 1998 NASA Authorization: International Space Station, 10:00 a.m., 2318 Rayburn.

*Committee on Standards of Official Conduct,* executive, Task Force on Ethics Reform, to continue discussions on Ethics Reform, 10 a.m., H–313 Capitol.

*Committee on Ways and Means,* to mark up the following: H.R. 1001, to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Review Commission; and the Taxpayer Browsing Protection Act, 10:30 a.m., 1100 Longworth.

Subcommittee on Human Resources, to mark up H.R. 1048, Welfare Reform Technical Corrections Act of 1997, 4:00 p.m., B–318 Rayburn.

*Permanent Select Committee on Intelligence,* executive, hearing on the Budget, Part 1: HUMINT, 10 a.m., and, executive, Budget Hearing Part 2: Covert Action, 2 p.m., H–405 Capitol.

*Next Meeting of the* SENATE

10:30 a.m., Wednesday, April 9

Senate Chamber

Program for Wednesday: After the recognition of six Senators for speeches and the transaction of any morning business (not to extend beyond 1 p.m.), Senate will begin consideration of S. 104, Nuclear Waste Policy Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, April 9

House Chamber

Program for Wednesday: Consideration of H. Res. 107, providing for consideration of motions to suspend the rules and consideration of 2 Suspensions (subject to the rule being granted):

1. H.R. 240, Veterans Employment Opportunities Act of 1997; and

2. H.R. 757, the American Samoa Development Act of 1997.

## Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E578, E586
Andrews, Robert E., N.J., E581
Berry, Marion, Ark., E589
Blunt, Roy, Mo., E583
Brown, George E., Jr., Calif., E583
Clay, William (Bill), Mo., E599
Coyne, William J., Pa., E598
Davis, Thomas M., Va., E589, E591
Deutsch, Peter, Fla., E599
Dixon, Julian C., Calif., E597
Duncan, John J., Jr., Tenn., E598
Dunn, Jennifer, Wash., E588
Franks, Bob, N.J., E590
Gallegly, Elton, Calif., E593
Gekas, George W., Pa., E595
Gibbons, Jim, Nev., E590
Gilman, Benjamin A., N.Y., E578, E580, E582
Harman, Jane, Calif., E599
Holden, Tim, Pa., E587
Kleczka, Gerald D., Wisc., E581
Kucinich, Dennis J., Ohio, E581, E585
McCollum, Bill, Fla., E597
Maloney, Carolyn B., N.Y., E579, E580, E583
Martinez, Matthew G., Calif., E595
Miller, George, Calif., E579
Moran, James P., Va., E577, E589
Ortiz, Solomon P., Tex., E597
Pascrell, Bill, Jr., N.J., E577, E579, E582, E585, E586, E590
Portman, Rob, Ohio, E596
Ros-Lehtinen, Ileana, Fla., E586, E589
Roukema, Marge, N.J., E596
Sensenbrenner, F. James, Jr., Wisc., E577
Shuster, Bud, Pa., E587
Stark, Fortney Pete, Calif., E588, E590
Stokes, Louis, Ohio, E591, E598
Thompson, Bennie G., Miss., E596
Traficant, James A., Jr., Ohio, E586
Underwood, Robert A., Guam, E578, E585
Visclosky, Peter J., Ind., E579, E581, E585
Weygand, Robert A., R.I., E580
Woolsey, Lynn C., Calif., E582

**Congressional Record** The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $295.00 per year, or purchased for $2.50 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.