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No. 49

## House of Representatives

The House met at 2 p.m.

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

Since You have created each person, O God, and have breathed into all people the very breath of life, we offer these words of prayer and thanksgiving for the mighty gifts of life that we celebrate each day.

When we contemplate our blessings and as we meditate on our responsibilities, we become more aware of the grandeur of Your creation and the majesty of Your gifts to us. May we use these gifts wisely and courageously as we seek to be Your people, doing the works of faith and hope and love. This is our earnest prayer. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. 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.

### MESSAGE FROM THE SENATE

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

S. 495. An act to provide criminal and civil penalties for the unlawful acquisition, trans-

fer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

The message also announced that pursuant to Public Law 104-201, the Chair, on behalf of the majority leader, after consultation with the Democratic leader, appoints the following individuals as members of the Commission on Maintaining United States Nuclear Weapons Expertise: Henry G. Chiles, Jr. of Virginia; and Robert A. Hoover of Idaho.

### THE REPUBLICAN AGENDA

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

Mr. EWING. Mr. Speaker, I come here today to talk about the Republican agenda. I think that it is fitting and proper that we start to concentrate on those important areas of business left to this body and to this Congress.

Crime is and remains an important issue in the 15th District of Illinois and is an important part of our agenda. Securing our borders from threats of illegal entry by those trafficking drugs is very important in our battle to win the war on crime and drugs.

As recently as last Sunday, a Sunday evening news program, an exposé as you would have it, talked about the operation of our border patrols as we deal with those coming into our country who may be bringing drugs into this country. I think it was shocking to the American people. It was to me. If the evidence put forth in this television program were even partially true, we have a serious problem with our own enforcement.

Mr. Speaker, it is time to move on and to check this out.

ONE HUNDRED DAYS UNTIL ELDERLY AND DISABLED LEGAL IMMIGRANTS LOSE SSI BENEFITS

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

Mr. LEVIN. Mr. Speaker, in exactly 100 days many thousands of elderly and disabled legal immigrants in our country will lose their only source of financial support, SSI, unless this Congress acts.

This is not about welfare reform, it is about community responsibility. It is not about moving a young parent from welfare to work, but about elderly people who cannot work. It is not about people who came here illegally, but people who came here under our laws, who now find themselves disabled, most often because of age and illness:

Asian-Americans caught up in the Vietnam war, often fighting on our side; Arab-Americans, many of whom fled the land of Saddam Hussein; people who, despite in numerous cases having defended their native land against Nazi invaders, left because of Soviet persecution against Jewish families; Hispanic-Americans dislocated by war or in pursuit of family reunification.

When the President signed the Personal Responsibility Work Opportunity Reconciliation Act, he made it completely clear he would propose legislation this year to correct the provisions on legal immigrants. Today I am introducing the bill that the President has proposed.

### WORLD BANK GIVING AMERICAN DOLLARS AWAY

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. TRAFICANT. Mr. Speaker, the World Bank, funded by American dollars, just gave another \$250 million to Russian coal miners. The problem is no one knows what happened to the first \$250 million. That is right, bye-bye, \$250 million.

Now, if that is not enough to massage your chapter 11, check this out: Russian officials say the \$250 million is lost. Where is the money, Mr. Speaker?

Since 1992, \$7 billion of American money going to the World Bank ends up in Russia. Where is the money?

I say, while the World Bank, with American dollars, is providing jobs for Soviet and old Soviet Russian coal miners, American coal workers are getting pink slips and black lung.

Beam me up. I say somebody at the World Bank is smoking dope and they are inhaling. I think we need some common sense here. Yield back the balance of our carcinogens involved with this.

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#### PRESENT TO AMERICAN PEOPLE AN HONEST AND RESPONSIBLE BALANCED BUDGET PLAN

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

Mr. GUTKNECHT. Mr. Speaker, we talk about the 104th Congress as being a historic Congress. Well, we have an opportunity in this Congress to do something historic as well: to present the American people with an honest and responsible balanced budget plan.

The President and the Congress are having important budget negotiations right now. We have an opportunity. We can balance the budget by the year 2002. We can show decreasing deficits as we move toward that balanced budget. We can provide permanent tax relief for hard-working American families. We can solve the problem of the Social Security and the Medicare trust funds. And finally, and most importantly, we can lay the foundations for eliminating the national debt and leave our kids a debt-free future.

Mr. Speaker, these are principles and issues that are worth fighting for, and I think they are principles we can all agree to. This is a chance for us to set a higher standard, to make good on our promises of actually changing the way Washington does business, and simply do the right thing for our seniors, for our children, for everyone. Let us seize the day.

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#### NATIONAL SCIENCE AND TECHNOLOGY WEEK

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

Mr. EHLERS. Mr. Speaker, this week is National Science and Technology Week. National Science and Tech-

nology Week is an informal public education outreach program of the National Science Foundation.

National Science and Technology Week is celebrated across the country, providing special opportunities in communities throughout the Nation to notice the major impact and importance that science and technology have on all aspects of our daily lives.

This year's theme is "Webs, Wires and Waves: The Science and Technology of Communication." This theme recognizes the impact that telecommunications has had in shrinking the world and bringing people worldwide closer together.

Today, from 9 a.m. to 9 p.m., the National Science Foundation will again offer its "Ask a Scientist or Engineer" hotline by telephone and the Internet. The toll-free number for this public service is 1-800-682-2716. Online access will be provided throughout the week at asknstw@nsf.gov.

I encourage my fellow Members to strongly support this program and join with me in celebrating National Science and Technology Week, and if my colleagues did not catch the telephone numbers or the Internet address, feel free to call my office and get the correct numbers.

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#### NEW WELFARE REFORM LAW UN- JUST, UNNECESSARY, AND UN- AMERICAN

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

Mr. GUTIERREZ. Mr. Speaker, today the countdown begins.

One hundred days from now, the new welfare reform law, a law that is unjust, unnecessary, and un-American, will jeopardize the health of the elderly, blind, disabled, and economically vulnerable immigrants. Yes, the same immigrants who made American richer, stronger and free through their own hard work, their own contributions.

The new welfare law would be unfair if it affected one immigrant. Now multiply it hundreds of thousands of times, as much as 1.8 million times. This is the magnitude of the crisis we are facing.

We have 100 days to restore benefits to legal immigrants and 100 days to restore something else, too: To restore a sense of fairness and logic to the welfare debate, to restore the principle of compassion.

Two years ago, some of my House colleagues acted in 100 days on something called a Contract With America. Within the next 100 days Members of both parties should consider an older contract, a compact, a covenant really, that no matter our background, in America we are worthy of that freedom, worthy of our respect, worthy of our compassion.

America should be proud of its immigrants and ashamed of the new welfare law.

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#### H.R. 400 IS THE STEAL AMERICAN TECHNOLOGIES ACT

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

Mr. ROHRBACHER. Mr. Speaker, today, H.R. 400 comes before the House of Representatives for amendment and for an up and down vote. I call H.R. 400 the Steal American Technologies Act, so it is a good thing that we have discussed this bill on Science and Technology Week.

The fact is H.R. 400 would change the fundamental protections that have been in place guarding America's technological secrets and our innovation since the founding of our Republic.

□ 1415

It changes these fundamental protections. It guts the patent system. H.R. 400 would mandate that all of our technological secrets be published so our worst enemies will be able to use our innovations and technologies against us even before our patents are issued.

I ask my colleagues to join me in defeating H.R. 400, which is a Pearl Harbor attack on America's technological lead. Future generations of Americans will suffer if we let this dismal, this terrible bill through. I would ask my colleagues to join me in defeating H.R. 400, the Steal American Technologies Act.

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#### EQUAL TREATMENT FOR MEN AND WOMEN

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

Ms. NORTON. Mr. Speaker, Monday the Supreme Court let stand a title IX ruling requiring Brown University to give equal treatment to men and women in sports. This was not an affirmative action case. It was an old-fashioned deliberate discrimination case, even though affirmative action would have been justified given the exclusion of women from sports for decades. It did not come a moment too soon. This is the 25th anniversary of title XI. It did not come a moment too soon because everybody jumped and cheered for our women athletes at the Atlanta Olympics. It is now time for Congress to undo the damage it did last year when it erased all State compliance funds for title IX, for the injury was not to female athletes alone but to all school programs for girls, including our attempts to increase girls in math and science. This is not about men versus women. It is not a zero sum game. Equal treatment for men and women is win-win, Mr. Speaker.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 117 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 117

*Resolved*, That it shall be in order at any time on Wednesday, April 23, 1997, or on Thursday, April 24, 1997, for the Speaker to entertain motions that the House suspend the rules. The object of any motion to suspend the rules shall be announced from the floor at least one hour prior to its consideration. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this rule makes it in order at any time today, Wednesday April 23, or tomorrow, Thursday, April 24, for the Speaker to entertain motions that the House suspend the rules. The rule also provides that the object of any motion to suspend the rules shall be announced from the floor at least 1 hour prior to its consideration. The rule further considers the Speaker or his designee to consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The bills that will be considered under suspension of the rules as a result of adopting this rule are noncontroversial and are very narrowly tailored, thus making it impractical to bring them up under an order of business resolution from our Committee on Rules. However, scheduling them for consideration today is necessary to ensure that our colleagues are here to do the very important committee work.

For example, Mr. Speaker, the Committee on Banking and Financial Services is meeting today to mark up the Housing Opportunity and Responsibility Act. In addition, the Committee on Ways and Means is meeting today to mark up two very important pieces of legislation, the Adoption Promotion Act and the Welfare Reform Technical Corrections Act. Finally, the Committee on International Relations is marking up several timely measures relating to Zaire and Cambodia.

Mr. Speaker, a number of our colleagues have expressed concern about

the pace in which this body has conducted its business during the first months of this session. To those Members, I would simply say that today's resolution makes it possible to keep moving ahead expeditiously on the important business the American people have sent us here to do.

This is clearly a straightforward and noncontroversial rule. I would hope my colleagues here will debate it with their customary civility and pass it on without delay.

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

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

While I do not oppose the rule, I would like to use the opportunity to again raise the issue of why the majority still has yet to propose a budget and has yet to hold any hearings or markups on campaign finance reform. Fifty-eight bills have already been introduced in the House this year that would reform our campaign finance system, one of which is my own measure to provide free television time to political candidates. Yet all 58 of these campaign finance reform bills continue to languish in committee. There is no excuse for this Congress' continuing failure to take action on these issues. The leadership of the House owes it to the voters of the Nation to seize the opportunity before it and to enact responsible reform. While I support this rule allowing us to move suspension measures forward this week, I would urge our leadership and my colleagues to also move forward on some of the more difficult and pressing matters before us. I am at a loss to explain to my constituents why the House has spent so little time in session this year while so much major legislation has yet to see the light of day. Let us get on with the budget process and move forward with real campaign finance reform.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to the rule, the following suspensions will be considered today:

House Concurrent Resolution 8, H.R. 39, H.R. 449, H.R. 688, and H.R. 1272.

21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 116 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 400.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes, with Mr. HASTINGS of Washington (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, April 17, 1997, the amendment in the nature of a substitute offered by the gentleman from California [Mr. ROHRBACHER] had been disposed of and the bill was open for amendment at any point.

Are there further amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CAMPBELL: amend section 302(C)(2), p. 68 of March 20 text: Strike lines 4-6.

Insert: "under this chapter, and such use shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use, however, the defense shall also extend to improvements in"

Amend section 302(C)(6), p. 69 of March 20 text:

At line 23, strike "," add: "in which case the use of the defense shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use."

Mr. CAMPBELL. Mr. Chairman, I begin today with a word of thanks to my good friend and colleague, the gentleman from California [Mr. ROHRBACHER], on whose side I fought last week, and to my good friend and colleague, the gentleman from North Carolina [Mr. COBLE], the chairman. This is a different subject from last week. It is an amendment that deals with the prior domestic use. I would just like to take a moment and explain it.

This bill does something that has never before happened in American patent law. What it says is that where a prior user of a patented idea has made commercial use of that idea in the United States, then—even though the inventor files the patent on time and even eventually gets the patent—that inventor has no opportunity to get royalties from that prior domestic user. Now, that messes up the whole system. The idea is to reward the inventor, the person who comes up with the idea first, and who goes and gets it patented.

If instead you have to look around and wonder if somebody else anywhere

in the country is engaged in the prior domestic use, you run the risk that when the patent eventually is awarded to you it will have very little value, very little value because some other company has already got it and the right to continue producing it.

This is a problem that might be limited, and I was offering an amendment to my good friend the chairman of the committee, which regrettably he was not able to accept. I do wish to put on the Record, by the way, that he accepted many other amendments of mine, for which I am very grateful. So this has been a cooperative process, but he was not able to accept this one.

What I suggested was, look, let us limit this prior domestic user to the kind and volume of that prior use. If you are an innocent prior domestic user, okay, continue. But you should not be able to double it, to triple it, increase it tenfold after somebody else has the patent. Particularly I am worried that if you sell your company, you should not be put in the position where the acquirer is bidding more for the company because it has the crown jewel of being able to do what, under existing law, would be a violation of patent.

So I propose today on the floor exactly the amendment I offered to the chairman, and I am going to take just a moment further and explain it. It says, go ahead, I understand the occasional need for a prior domestic user to continue, but it will be limited in quantity, volume, and scope to the actual quantity, volume, and scope that you were producing before; and, if you are acquired, that the acquirer, in taking over the full company, also not expand that use in scope or quantity or volume. Obviously the Patent Office has the right to issue regulations that will be relevant for explaining and applying this exception.

Where did I come up with this? This is a model in labor law about the opportunities and obligations to continue bargaining when an employer is taken over by another. The legal rules for changes in scope when there is a change in ownership are well known in existing law. I hope this is clear, and I offer this as an amendment that will improve the Coble bill that we are voting on later today. It will not defeat the other provisions of the bill. It is not inconsistent with it in my view.

Since last week, one additional piece of testimony has come to my attention, Mr. Chairman, and that is from Robert Rines, the president of the Academy of Applied Science. He wrote the following in a letter dated April 22:

I also know firsthand that staff at MIT, where I teach, Stanford, Carnegie and Harvard, at least, are particularly upset with the prior secret user provision, which is certainly of no value to universities and which if passed will be used to deprecate their patents.

The importance of this is underlined by the fact that the major research universities have an interest in creat-

ing innovation and not having the value of it taken away because some prior domestic user making, let us say, 10 units can now make 100. That is it. I believe the amendment is simple, and I would urge my colleagues to support it.

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

I thank the gentleman from California. As he indicated, Mr. Chairman, we have been pretty easy dogs to hunt with. As the gentleman said, we have compromised, we gave away a lot. I do not think we compromised the bill in doing so, but we worked very favorably with many people who came to us.

□ 1430

The amendment made in order by my colleague would seriously undermine the effectiveness of title III of H.R. 400, however, which protects prior American users of patented technologies. The amendment would apply limitations on expansion of activities by the prior user and by any company to which the prior user might wish to transfer its business.

The first part of this amendment is unclear to me as to exactly what type of limit would be placed upon a prior user. By limiting the quantity and volume to the, quote, actual quantity, volume or scope, close quote, of the prior use, the question is prior to what? Prior to the date of filing of an application covering an invention which is the subject of the prior use? Prior to the date of issuance on such a patent? Prior to the date the prior user is sued by the patent holder? It is very nebulous.

Irrespective of the actual meaning of the first part of this amendment, Mr. Chairman, it would at least significantly erode the benefit of the prior user right to American manufacturers, leaving them at a serious disadvantage vis-a-vis European and Japanese patent holders. All of our major trading partners have prior use defenses in their laws now. Thus, while foreign firms could use their U.S. patents to effectively disrupt the U.S. manufacturing and production facilities of American companies, the manufacturing operations of these foreign firms would remain immune from attack on the basis of patents obtained in their countries by their U.S. competitors. Such serious limitation on the prior use defense would place enormous pressure on enterprises, large and small, to seek to patent every advance which formed part of their production technology to avoid disruptions from patents by subsequent inventors.

The second part of the amendment, in addition to suffering the same infirmities of clarity, would be extremely prejudicial to start-up firms and small businesses which are frequently acquired by larger firms. A small business concern enjoying a prior use right, which it cannot transfer to a prospective purchaser, will be considerably less valuable to such a purchaser, de-

priving the individuals who created the small business in the first place of the just returns for their endeavors.

For those reasons and others, Mr. Chairman, I oppose the amendment offered by the gentleman from California [Mr. CAMPBELL].

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

Mr. Chairman, the ranking member and I and other Democratic members of the subcommittee oppose this amendment. It forbids a technology-based business to grow its operations if the benefits are from a prior use defense. It would also freeze the level of activity benefiting from a prior use defense when a business was sold. This would especially harm small firms selling their businesses. The amendment limits the protection for prior uses to use that is no greater in quantity, volume or scope than the use that occurred before a somewhat unclear point in time. The limitation applies both to any expansion in quantity, volume or scope by another company to which the prior user may wish to transfer its business.

The practical effect of this limitation would be to discourage any growth or improvement in businesses that title III is intended to protect. The limitation also would discourage any transfer of a line of business to another firm that might be more efficient and competitive.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. DELAHUNT. Mr. Chairman, I yield the balance of my time to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I just wanted a quick comment. The chairman has received a letter. Mr. Lehman, our Commissioner of Patents and Trademarks, has written to the chairman on this issue, and I want to quote him. He in his letter dated April 22 indicates that, and I quote:

H.R. 400 contains provisions referred to as prior use rights that are intended to make the patent system fairer by allowing those who practice an invention before it was patented by another to continue to practice invention after the patent issued.

According to Mr. Lehman, and again this is a quote:

Mr. CAMPBELL's amendment is unfair in limiting their rights to exploit the invention to the quantity or volume of use at the time of the prior use. In some instances they may have reasonably expected to expand operations at a later time and others that may be tantamount to eliminating the prior use right.

That is Mr. Lehman's comment.

Mr. CAMPBELL. Mr. Chairman, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from California.

Mr. CAMPBELL. Would the gentleman kindly request the gentlewoman to share that copy with me, in that I have not seen it until this moment?

Ms. LOFGREN. Mr. Chairman, if the gentleman will yield, I am sorry. Of course. Since it was sent to the gentleman from North Carolina [Mr.

COBLE] I assumed, but I would be happy to, when we go back into the House of Representatives, I will ask unanimous consent that the letter be submitted in the RECORD. In the meanwhile I will make a copy for the gentleman.

Mr. CAMPBELL. If the gentlewoman from California can just bring it over to me, that way I can see it on my rebuttal.

The letter referred to is as follows:

U.S. DEPARTMENT OF COMMERCE,  
PATENT AND TRADEMARK OFFICE,  
Washington, DC, April 22, 1997.

Hon. HOWARD COBLE,  
Chairman, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your request to review proposed amendments to H.R. 400, the "21st Century Patent System Improvement Act." We oppose enactment of any of these proposed amendments and amendments that may be presented containing the same subject matter.

One amendment offered by Mr. Hunter would amend provisions of H.R. 400 related to patent reexamination—a proceeding that offers a cost-effective alternative to litigation. As changed by the Manager's Amendment, title V of H.R. 400 would improve the existing procedures by permitting those who question patent validity (other than the patent owner) to participate more effectively in reexamination proceedings. This makes reexamination a more effective alternative to expensive and time-consuming litigation. This amendment would eliminate this improvement and all others contained in H.R. 400. Furthermore, it would preclude the primary examiner who authorized the issuance of the patent, the person in the Patent and Trademark Office most familiar with the patent and the technology involved in it, from participating in the reexamination of the patent.

Another proposed amendment offered by Mr. Hunter would retain the provisions as amended by the Manager's Amendment but would change them in such a way as to render reexamination proceedings as almost useless. Under the provisions of this amendment, reexamination proceedings could only be instituted within nine months of the date of issue of the patent. In many or most cases, disputes involving the validity of the patent will not be apparent within the first nine months after issue. Thus, reexamination will not be a viable substitute for litigation in many instances and patent owners and third parties will be forced to engage in litigation that is more costly and time consuming. While this would be a disadvantage for all businesses, this could be especially disadvantageous for individual inventors and small businesses. It is ironic that this amendment is claimed to have been offered on their behalf.

An amendment offered by Mr. Forbes would preclude pre-grant publication of a patent application filed by small business or individual inventors (as defined in the fee subsidy provisions of title 35), unless requested by the applicant. The public benefits from prompt publication of patent applications. There appears to be no reason to exempt some applicants from the publication requirement, especially when any possible legitimate concerns about losing the opportunity to use trade secrets are mitigated by the bill under consideration. It provides that these applicants can request delays in publication until after the second office action.

H.R. 400 contains provisions, referred to as "prior user rights," that are intended to

make their patent system fairer by allowing those who practiced an invention before it was patented by another to continue to practice invention after the patent issued. Mr. Campbell's amendment is unfair in limiting their rights to exploit the invention to the "quantity or volume of use" at the time of the prior use. In some instances, they may have reasonably expected to expand operations at a later time. In others, it may be tantamount to eliminating the prior user right.

Each of these proposed amendments would make it more difficult for all businesses, but especially small businesses or individual inventor, to exploit their inventions successfully. Therefore, we oppose their enactment.

Furthermore, during the debate on H.R. 400, some Members cited a report released by the Congressional Research Service that concluded that H.R. 811 would end the practice of "submarine patents". This conclusion in it is incorrect. H.R. 811 would permit publication at a late point in patent prosecution (unlike H.R. 400 that requires early publication) and permits the term to run from the date of issue (unlike H.R. 400 that requires the term to run from the date of filing). This means that the public would not receive notice of the "submarine" patent until the five-year date. Although this could be earlier than they would under the law before the enactment of the Uruguay Round Amendments Act, the public still could have invested substantial amounts unknowingly in the technology covered by the submarine patent. Worse, given the term provisions, the beginning of the patent term can still be unjustifiably delayed so that it appears that the submariner is obtaining a longer patent term than authorized. Thus, the public may then know about the patent application pending in the Office, but they cannot stop the delay tactics or the unfair extension of the patent term.

Sincerely,

BRUCE A. LEHMAN,  
Assistant Secretary of Commerce and  
Commissioner of Patents and Trademarks.

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

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

Mr. Chairman, I was very pleased that the gentlewoman from California [Ms. LOFGREN] brought up Bruce Lehman, the head of our Patent Office. He is the one who actually made an agreement that has brought us all together today. It was his agreement with the Japanese, which I put into the CONGRESSIONAL RECORD on numerous occasions which the other side of this debate has yet to comment on, that has brought us together, because Mr. Lehman signed an agreement to harmonize American patent law with that of the Japanese. That is the reason we are here today.

America had the strongest patent law in the world. That is the reason we had our great innovations that mankind has enjoyed over these last 200 years coming from the United States of America.

This is an attempt, what is happening today, H.R. 400, to destroy the fundamental legal protections that have been part of our legal system since the adoption of our Constitution and in the name of harmonizing our law with that of Japan.

Last week, when we had this discussion as to basically our substitute amendment, all of this, quote, reform was being done to stop submarine patenting, supposedly. Well, those who were listening realized that argument did not wash. Well, what was the real reason we have the bill here? Why is there a portion of this bill that demands that every American inventor will have to have his invention published for everybody in the world to see and to steal before that patent is issued? That is part of the bill because that is the way the Japanese system works. That is what we have agreed to in a subterranean agreement with the Japanese.

This bill will gut America's patent system. It is horrendous. It will make us technologically inferior one generation from now. I ask my colleagues to defeat it.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, there were three points made in opposition to my amendment. I would like to rebut each of them. First of all, prior domestic use; it has been asked: Prior to what? The answer is already in the bill. Remember the bill itself creates the prior domestic use as a right. Accordingly, I am saying whatever that prior domestic use is, it shall be limited to its scope as of the time of the prior domestic use recognized by the bill. So it really is a circular argument against my amendment.

Second, opponents of my amendment argue that this is a disadvantage for America in regard to Europe because Europe has a prior domestic use provision. This is the debate we had last week.

If a European files over here, the European's prior domestic use does not give an excuse to violate American patent law. Everyone over here is treated the same. Over in Europe, whether an American or a European files, there is a prior domestic use exception. So there is a no unfairness between the two; we have a better system. In America the patent means more, and that should be protected.

And, last, opponents argue that small businesses are somehow disadvantaged. I have now had the opportunity to read Mr. Lehman's letter. He claims small inventors are disadvantaged—but what he says is disadvantaged as opposed to what the amendment would provide instead of the bill, not disadvantaged as compared to the status quo. There is no prior domestic commercial use in the status quo.

Now if my colleagues wish to create a prior domestic use exception, I am limiting it so that it is not expanded so broad as to take away the value of the right. And that is my intention. But please, to say that it limits the small businesses is really quite erroneous because small businesses do not have this right presently.

Last, if you want to generalize, understand it is the large businesses who

are more likely engaged in the prior domestic commercial use. It is the small businesses who, if you want to generalize, are the inventors, the larger businesses who are the commercializers.

This one provision shows as clearly as any in the bill that it is an attempt to take from the inventor and give to the commercializer, and we do that at great risk to the inventing process.

I thank my colleague for yielding.

Mr. ROHRABACHER. It is fascinating that in H.R. 400, which we will vote on as an up-and-down vote at the end of this long debate and after our amendments are through, that all of the Nobel Laureates that have been cited on the floor have been in favor of a substitute to H.R. 400 and have opposed H.R. 400; the research departments of our major universities and colleges are opposed to H.R. 400; every inventors' organization in the country is opposed to H.R. 400; small businesses throughout our country are opposed to H.R. 400.

They do not want to give huge, multinational, and foreign corporations every secret that they have been developing with their research and their efforts over the years, even before patents are granted to those who have applied for patents.

This would make vulnerable small businessmen. It would make vulnerable our inventors. It would cut into what America has had as our edge against every one of our foreign adversaries both in terms of national security and in terms of our prosperity.

I am asking my colleagues to join me in voting no on H.R. 400 but supporting the amendment of the gentleman from California [Mr. CAMPBELL] which would, hopefully, improve it one little bit.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words. I just have a very brief statement I want to make.

I want to say to my friend, the gentleman from California [Mr. ROHRABACHER]: First, I disagree with him comprehensively in his interpretation of the bill; second, a local Capitol Hill-newspaper has quoted me according to some anonymous source, as referring to him with a highly uncomplimentary name. I would like the public record to show that I hold him in the highest regard, I hold him in the highest esteem, in the highest respect, and that I disavow such terms and dislike personalizing any disputes.

I hope the gentleman does not put any credence in that published statement because that would be wrong. But again, I reiterate my comprehensive disagreement with the gentleman.

Publication is protection. Yes, it is published. Yes, people can read it. But you have provisional rights as though you had a patent issued. What the publication does is say, yes, this is my idea, I was here first, do not tread on me. And it is that publication of foreign applications for patents that we

would like to see, inasmuch as they see ours when we file over there.

But notwithstanding that, that is not the real thrust of my remarks. The thrust of my remarks is to say that the gentleman is persistent and tenacious and a very worthy adversary; and I hope the misstatements in the press have not colored the gentleman's view of my opinion of him, which is of the highest.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I thank the gentlewoman for yielding.

First of all, I would like to say that this has been a heated debate and it has been a bipartisan debate; and no one can really chart who is going to fall down on what side of this debate in terms of their party or whether they are conservative or liberal or what have you.

I think that is healthy for this body. And I certainly never believed that my colleague, the gentleman from Illinois [Mr. HYDE] would have personalized it the way the newspaper said it was. After all, it was a comment not about me but about my mother I seem to think. And I am sure that comment would not really have been something that would be characteristic of the gentleman from Illinois [Mr. HYDE], who has always kept debates on a very high plain, even though sometimes being called Mr. Periscope is not always the nicest thing in the world, but I did not take offense at that either.

Mr. HYDE. Mr. Chairman, if the gentlewoman would yield, the gentleman's periscope is always up.

Mr. ROHRABACHER. But I have nothing but respect for the gentleman from North Carolina [Mr. COBLE] and the gentleman from Illinois [Mr. HYDE].

As I say, if one would examine our voting records, one would find that we vote together 90 percent of the time. Again, however, in this particular instance, I am in strong disagreement with my two colleagues. And I am happy that we are discussing publication, because I believe publication is the essential ingredient of H.R. 400.

□ 1445

How one might determine this, whoever is listening from the outside or reading the CONGRESSIONAL RECORD or our colleagues listening from their offices, is that this bill was actually submitted to Congress during the last session. The bill was virtually the same bill, but it had a different title on the bill. The title of the bill in the last Congress was the Patent Publication Act.

The reason it was called the Patent Publication Act is because the purpose of the bill, and the essential purpose, the essential thing that it accomplishes that could not be accomplished with other minor reforms, or actually things that could happen, reforms

within the Patent Office itself, the publication is the thing that by necessity takes some congressional action.

Why is publication bad? It is common sense. Those people who are listening, those people who are reading the CONGRESSIONAL RECORD, our colleagues who are listening at home, if one cannot understand the argument that was just presented to us of why publishing our secret information, information that by American tradition was kept absolutely confidential until the issuance of a patent, from the time our Constitution was adopted until after this bill passes and is signed into law, the law has been that an American has a right of confidentiality. If he has an invention and applies for a patent, no one will have the right to know about it until that patent is issued.

This is a major divergence of American law in a fundamental area. We are talking about the law that has governed technological development in our country. It has served us well. America's competitors did not know what American inventors, innovators, and universities were doing until the patent was issued. This bill would mandate after 18 months that all of the information of an applicant would be made public even before the patent is issued.

Sometimes patents take 5 and 10 years to issue. In that case, America's worst adversaries, people who want to destroy this country economically and bring us down, will have all of our technological secrets to use against us. The bill takes care of that, we are told, because it grants then, the innovator, the inventor, the right to sue these huge foreign and multinational corporations who might infringe upon us.

That will not work. It does not fool the inventors. It is a formula for a catastrophe and the stealing of our technology to be used against us.

I ask for people to vote no on H.R. 400.

Ms. KAPTUR. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. CAMPBELL].

Mr. HYDE. Mr. Chairman, will the gentlewoman from Ohio yield?

Mr. CAMPBELL. Mr. Chairman, if the gentleman from Illinois [Mr. HYDE] will get us some more time.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the gentlewoman from Ohio have an additional minute.

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

There was no objection.

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

Ms. KAPTUR. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, this is just kind of a passing comment. The gentleman from California [Mr. ROHRABACHER] talked about countries that wanted to destroy us economically. I searched the globe, and I see all

of these countries wanting to trade with us. They like our markets. They do not really want to destroy us economically. They would like to get an advantage, but destruction, I do not think that is part of their agenda.

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

Ms. KAPTUR. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, if I could please get attention to my amendment. It has nothing to do with disclosure. My amendment has something to do with the prior user opportunity to undermine the patent. Here is what it is.

The bill itself says something that has never existed before in American patent law. At it is now in patent law, if one who was making a product prior to you, but does not obtain the patent, and you do—they have to pay you royalties. That is valuable. It is a way to make people go to the Patent Office and get their idea patented.

Under this bill, for the first time in American patent law, that prior domestic user gets to continue—with no obligation to pay royalties, and worse, the right to expand, and sell the company and sell this right along with the company, with the result that it really takes away a significant percentage of the value of having a patent.

So what I propose is this: I understand that there will occasionally be a prior innocent commercial user. Let him, let her continue—that is all right—but only with the scope and volume that that person was doing. Do not allow it to be a back door to expand so much as to take away the essential patent right.

I think that is a very reasonable amendment. We had discussion on this as an amendment, and I think it improves the bill. I thank my colleagues from Ohio.

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

Mr. Chairman, I thank the gentleman for staying around to answer a few questions on his amendment. I just want to ask a couple of questions. Let me walk through this thing and make sure I get the right and accurate picture of what his amendment does.

This has to do with prior use of a certain technology, and that means presumably, if one has a company that has been using technology, let us say they have kept it as a trade secret so other people do not know what it is, and they end up obtaining a patent for that particular technology, that the prior user, the corporation, can continue to use the technology without having to pay. But if they expand their activity beyond the scope that existed at the time the patent issued for the inventor over here, then they have to pay for the delta, the difference between their present activity and their expanded activity, using what is now patented technology.

Is that an accurate description?

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

Mr. HUNTER. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, it is almost accurate; there is just one point where it was not, and that is that the expansion is of the use beyond the prior domestic use. At one point my colleague substituted the word "patent" for "use," but I think he has said it absolutely accurately otherwise.

Here it is: Under existing patent law, the prior domestic user has to pay royalties to the person who gets the patent. This bill says that prior domestic user who might have kept it secret can expand to his heart's content. My amendment says, no, look, if you have a prior domestic use, that is what you can continue doing; but if you expand it beyond that, then you have to deal with the fellow who has the patent.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his explanation.

Mr. CAMPBELL. Mr. Chairman, if the gentleman would yield further, I want to just take one moment to read the provision in the bill which I would amend. Again, I say to my colleagues, this has nothing to do with publication; it has to do with an exemption never before existing in American patent law. It says, I am quoting from the bill, title III: "except that the defense shall also extend to variations in the quantity or volume of use of the claimed subject matter."

I take that out, and I say, if you have a prior use, okay, continue it, just do not expand it. I thank the gentleman for yielding.

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

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

#### RECORDED VOTE

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

The CHAIRMAN. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

Mr. COBLE. Mr. Chairman, I move to strike the last word to engage in a colloquy with my friend from California [Mr. CAMPBELL], a brief colloquy, if the gentleman is willing.

Mr. Chairman, the gentleman and I talked about this in the back of the room earlier, and as best I recall, the gentleman was in agreement, but he may not be able to bind others.

I think our colleagues have heard about enough of H.R. 400. Would the gentleman be willing, and it would be unanimous consent, to terminate all debate on this matter at 5 o'clock today?

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

Mr. COBLE. I yield to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I speak only for myself. I have consulted

with my colleague from California. I know my other colleague from California, Mr. HUNTER, will be offering an amendment, and I understand our colleague from New York, Mr. FORBES, will be offering an amendment.

On my own behalf and having consulted with my colleague, I am more than willing to use every effort to end by 5. This is my last amendment.

There is one disagreement. In my family, we speak of little else than patent law, and I am shocked that the gentleman would find that a limitation is somehow preferred by my colleagues on the floor. But if that is my colleague's perception, I would be agreeable.

Perhaps the gentleman would yield to my colleague from California, Mr. HUNTER.

Mr. HUNTER. Mr. Chairman, if the gentleman would yield, certainly I have an amendment that I will be offering at the end of the other amendments and I will try to make it short and sweet and do everything I can to accommodate our friend.

I would anticipate we ought to be finished by 5. I would hate to be at 4:45 or 4:50 and have one to go, but I think we can do it.

Mr. COBLE. Mr. Chairman, I thank the gentleman.

Mr. Chairman, for what it is worth, I ask unanimous consent that all debate on the bill and any amendments thereto be concluded by 5 o'clock today.

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

There was no objection.

#### AMENDMENT OFFERED BY MR. CAMPBELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL: page 48 of March 20 text, strike line 3, insert:

"111(b) of this title, as to which there have been two substantive Patent Office actions since the filing, shall be published, in accordance"

Line 17, insert:

"(D) 'Substantive Patent Office action' means an action by the patent office relating to the patentability of the material of the application (not including an action to separate a patent application into parts), unless the patent applicant demonstrates under procedures to be established by the patent office that the office action in question was sought in greater part for a purpose other than to achieve a delay in the date of publication of the application. Such Patent Office decision shall not be appealable, or subject to the Administrative Procedures Act."

Mr. CAMPBELL. Mr. Chairman, this is the last amendment I will offer. It deals with the publication issue.

For our colleagues who have not followed the debate on the floor, I would simply observe that the first amendment I offered was not on this subject; it dealt with prior commercial use. This does. This is the soul of a compromise that I thought made sense.

I will point out that it deals with the obligation to disclose before a patent is

actually granted. Everyone who followed the debate last week is familiar with the argument, pro and con, but I, in good faith, tried to work out a compromise, and we were close, but it was not eventually successful. I believe it is the right way to go, though. Here is what I am suggesting.

The whole argument in favor of disclosure offered by the supporters of the bill is that there is a submarine patent problem. Some patent applicants will keep their application secret, just below the surface for a while, and then ask for a continuation, ask for a delay, and then wait for somebody else to take their idea and turn it into a commercial product; and when they do, then they rise, like a submarine, and fire their torpedoes of litigation. I understand that argument. It has validity, in part.

So what I suggest is, let us require disclosure for some, but by requiring disclosure for all, we run all the risks that we talked about last week. There are good-faith people who are not trying this submarine strategy who want to try to get a patent, but when they are told they are not likely to, they then want to take their idea to a company and say, "I have a trade secret, are you interested in a trade secret?"

But after the bill passes, if it does today and becomes law, if the other body passes it and the President signs it, well, then, it is gone, because they have already disclosed their secret.

So let us solve the problem of the submarine patent but not cause everybody to have to disclose. That is the element of my compromise.

So how do we determine who ought to disclose? Here is the part that I offer, and I think it is a generous offer. If this is acceptable to the majority of Members, we will have improved this bill. It says, look, I have one pretty good signal. If one has had two actions in the Patent Office, one is possibly involved in gaming the system. Let me emphasize "possibly," because there are a lot of innocent people who have two actions in the Patent Office. Indeed, I am informed by some of my research universities that three or four Office actions are needed before they are absolutely sure.

I am being as generous as I can to try to seek compromise, and I am saying, disclose if you are in the Patent Office and you get two patent actions. That tells me that gaming the system is afoot, maybe.

□ 1500

This amendment says disclose only if we are convinced that you might be a submariner. I think it is a very generous exception, but it does not require everyone to disclose. So the innocent patent applicant who does everything he or she can and just does not get the patent by 18 months can continue to try to get the patent without suffering the consequence that it is disclosed to the world. The person who is attempting to game the system really cannot

game it without getting two patent actions.

Let me take a moment and explain what a patent action is. For example, somebody would go in and ask for a continuation; the Patent Office is ready to make your decision and give you a patent, but I, the patent applicant, say: Take your time, please delay it a little more. Please consider the prior use that might have been alleged, for example. Please consider that this patent has more than one possible patentable idea in it, for example.

All of those requests could, of course, be done innocently, but I am suggesting that they are sufficient for us to say the risk of the submariner is there.

In conclusion, I put to my colleagues, if the patent applicant has not even gotten two Patent Office actions, how can this patent applicant be engaged in a subterfuge, an attempt to engage in or an attempt to do a submarine number? It is really practically impossible. That is not how it is done. So rather than force the world to disclose, please, just go after the wrongdoers, and even so, I am sweeping broadly.

That is what I offer. I appreciate the attention of my colleagues.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from California [Mr. CAMPBELL].

Mr. Chairman, I say to the gentleman from California, I have referred to him on many occasions as one of the most learned, if not the most learned, Member of this august body, and perhaps I was presumptuous when I accused him of committing infirmities of clarity. The gentleman might remind me that it was my inability to interpret. But it appeared to me to be an infirmity of clarity, nothing personal meant by that.

The amendment submitted by my friend, the gentleman from California, Mr. Chairman, can be interpreted to require the PTO, Patent and Trademark Office, to complete two substantive office actions in every application filed and still publish all applications in 18 months.

The PTO is simply not able to comply with such a requirement at this time with their existing resources. This solution would force the PTO to ask Congress for a fee increase, which comes, guess where, out of the inventor's pockets. It could also affect the quality of patent examinations, causing more examiners to make mistakes through hurried examinations, and therefore exposing inventors to more court challenges, which can cost millions of dollars. That does not propel innovation, it seems to me.

The second interpretation of the gentleman's amendment could be to delay the publication of all applications until the second substantive office action determining the patentability of an invention. If this interpretation holds true, the gentleman from California proposes to expand the choice over publication offered only to small busi-

nesses in H.R. 400. I repeat, we offer that to small businesses in our bill.

But the gentleman from California [Mr. CAMPBELL] would expand that to all applicants, including big business, without granting the inventor a 3-month grace period before publication. This will remove one of the benefits of publishing applications in the United States, the early availability of foreign origin applications in the United States in our language, in the English language.

Title II of H.R. 400 requires publication of foreign origin applications within about 6 months after filing in the United States. That means we see their technology 1 year before any of ours is published and protected in the United States. The amendment offered by the gentleman from California delays the publication of foreign origin applications for a year after the date they would otherwise be published in the United States under H.R. 400. Let us not take away that benefit.

Moreover, the Campbell amendment would delay the publication of applications by U.S. businesses who are also filing abroad, where their applications are already published 18 months after filing in the United States. Delayed publication of these applications that are also filed abroad deprives American inventors of easy access to the same.

Whichever way it is read, the amendment offered by the gentleman from California, it seems to me, favors foreign applicants over U.S. applicants and effectively guts the protections and benefits offered in H.R. 400.

Vote no on the Campbell amendment. Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from California.

Ms. LOFGREN. Mr. Chairman, I would just like to note that the ranking member concurs in the analysis that the chairman of the subcommittee has just outlined.

Mr. GOODLATTE. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from California [Mr. CAMPBELL].

Mr. Chairman, I think the debate here has been wrongly focused on the whole idea that somehow the patent system operates to protect the work of inventors through secrecy. That is not the case at all. We protect the work of inventors through secrecy by using a trade secret process.

Patents operate just the opposite. We protect the rights of American inventors through our patent system when the patent is issued today by telling the whole world that that particular individual is the first to patent that item. That is the protection they get, by publishing the work, by publishing the discovery of the invention.

That is exactly what we are trying to improve in this process by publishing after 18 months. We are, if we simply look at this debate from the standpoint of how many of these can we continue

to not publish, overlooking the fact that we are, in point of fact, having the opportunity to improve our system and improve the protection on those inventors through publication.

The gentleman from North Carolina has rightly pointed out that if we do not change our system, the fact that 75 percent of all the patents filed in the United States are published after 18 months because they are also filed in Japan, in Germany, in France, and other places around the world, in the languages of those countries, in Japanese, in German, in French, so inventors in those countries, the little guys, have the opportunity to see in their own language exactly what everybody else in this process is doing. The small inventor, the major business, anybody in the United States, does not have that opportunity under our system because we do not publish.

Of all the patents filed in the United States, 45 percent are filed by foreign inventors. We do not get the opportunity to see what they are doing in this country because it is not published in English for our inventors to see. If we adopt this amendment, we are going to miss out on what is a major reform in our patent law that improves the conditions, does not harm the conditions for the small inventor.

The second thing that is harmful for the small inventor in our current process is the amount of time it takes that small inventor to get capital to get their product on the market. A major business does not have that problem. They have the capital. They are ready to go with their product, whether they have a patent issued or not. But the little guy has the problem of not being able to get that capital.

Quite to the contrary of the criticism of this legislation by the opponents, the experience in Europe and other places around the world is that when you publish after 18 months, the entrepreneurial investor will be willing to put the money behind your invention sooner because you are being published, and not only are you being published, and this is the critical element, everybody else in the patent process is being published as well, so that entrepreneurial investor has the opportunity to know that you are the first one out of the box because you are the first one being published.

If there is anybody else out there with a competing patent idea, that if they put their money behind you and somehow somebody else is going to get that patent, they now have the opportunity to know that you are the one because you are the first one out of the box with that publication.

The experience in Europe and other places has been that the entrepreneurs put the money behind that little inventor sooner, get their product to market sooner as a result of having that publication.

Finally, the amendment offered by the gentleman from California does not eliminate gaming of the system. As the

gentleman from North Carolina [Mr. COBLE] correctly pointed out, it simply changes the nature of the gaming. If somebody wants to force publication of somebody else's patent, then they go through the process of having a patent controversy in the Patent Office. The result is that there is a new way of gaming our system.

That has not improved the system, that has simply changed the way that lawyers and those who want to game the system and take advantage of it, who do not want to bring a new idea to market, who do not want to get the capital to put an idea on the line but rather want to take advantage of somebody else, they will still be able to do it under the gentleman's amendment.

Mr. Chairman, I urge opposition to the amendment and support of H.R. 400, which will truly improve the system not only for all American business but most especially for the little guy.

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

I listen to this discussion about why we have to do things in this country to benefit foreign inventors, Mr. Chairman, and I think they should be helped, but not at the expense of our own people. The truth is that if our country has 10 times as many intellectual breakthroughs as any other country in the world, why do we want to conform our system to countries that are not working as well as ours?

The gentleman from Virginia said something about that our inventors need to see all this information from other places, but they are not clamoring for this. We have more inventors in our part of America, and we are the State of Thomas Alva Edison. They are not asking for this to be done. What they are asking for is their property rights be protected, and that their inventions not be opened up to snooping in the 18-month window that the gentleman is talking about, there, that after that they can take a look; for whichever country in the world or whichever inventor in the world wants to take a look at that, and really have special privilege over that intellectual property, which has never been granted by this country before.

If we talk about what other countries do, if you file a patent in Germany or one in Japan, you do not file the kind of detailed patent that you do in this country. We require so much more of our inventors. What is interesting, I just have to put this in the RECORD, and I am going to ask unanimous consent that it be placed in the RECORD, what is driving this entire debate, the amendments, the base bill, is this agreement that our government got itself locked into back in January 1994 called a mutual understanding between the Japanese Patent Office and the United States Patent and Trademark Office.

Mr. Chairman, this is not something that is not significant. This is very significant, because what the United

States agreed to is exactly what the proponents of H.R. 400 are trying to get us to pass here. Essentially it says that our Government had to come back to the United States after agreeing to this and agree to introduce legislation to amend the U.S. patent laws to change the term of patents from 17 years from the date of grant of a patent, which has been our current law now, for an invention to 20 years from the date of filing, which is the change that the proponents of H.R. 400 obviously want.

What did we get for this; for changing, turning upside down the system that has created 10 times more inventions, better inventions, intellectual property breakthroughs, than any other country in the world? What we got was an agreement from the Japan Patent Office that says the following; that they would permit foreign nationals to file patent applications in the English language, with a translation in Japanese to follow within 2 months.

So what we agreed to was to turn the entire system that drives job creation in this country and has created the standard of living in this society, and what we get is a little teeny, weeny agreement from Japan that they are going to agree to translate the patents that are filed into their own language.

Mr. Chairman, it seems to me there is something very uneven about this playing field, and for those Members that were not a party to these negotiations, if the staffs have not informed the Members of what is going on here, let me tell them, we are talking about a wholesale gutting of the patent laws that have protected the intellectual property of our inventors. This has not been talked about much in the debate. Our system is completely different than these other countries, but what is wrong with our current system? Why is it so bad? Have these Members' inventors actually been beating their doors down and asking for changes? The only changes my inventors back home have been asking for is to make the maintenance fees more easily payable for them. They are getting too high for the small people, for the small people.

What H.R. 400 does is opens up the possibilities of litigation to the small people, which are the people that are creating the new jobs in this country, making life much more difficult for them, and we get almost nothing for it. I would hope that one of the proponents of the legislation could explain to me how this is an evenhanded deal for the United States, that they are out here. I would hope the gentleman from Virginia [Mr. GOODLATTE] would respond.

Mr. GOODLATTE. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, in responding to the gentlewoman's comments earlier where she said we were helping foreign inventors, quite the opposite. Foreign inventors are helped right now under the current laws of

their countries that publish the 75 percent of all patents filed in the U.S. Patent Office that are also filed in other countries.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

□ 1515

Ms. KAPTUR. As I mentioned to the gentleman, when you file in Europe or you file in Japan, you file a generic patent. You do not file the kind of detailed patent that you do in this country. We have a different kind of patent system, and the proof is in the pudding. Look at this country compared to the places that we are competing with.

So it seems to me that we should be about the task of saying, if we have created a good system, how do we make the system here function better for our people rather than getting ourselves into a position where we are arguing to rubberstamp an agreement that is going to harmonize the United States with countries whose systems are flat, who commercialize the inventions made here, and we will disadvantage our own people by getting them caught up in all types of litigation.

Why are we making it harder for the people of the United States to protect their intellectual property?

Mr. Chairman, I submit this for inclusion in the RECORD.

MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

Actions to be taken by Japan:

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedure.

Actions to be taken by the U.S.:

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,  
Commissioner, Japanese Patent Office.

BRUCE A. LEHMAN,  
Assistant Secretary of  
Commerce and  
Commissioner of Patents  
and Trademarks,  
United States Patent  
and Trademark Office.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has again expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. GOODLATTE. Mr. Chairman, the gentlewoman will continue to yield, 45 percent of the patents that are filed in the U.S. Patent Office are filed by foreign inventors, and we do not have the opportunity to see in the English language what is published by those folks.

Second, no one has addressed the whole point that we have made that these inventors get the capital to bring their product to market sooner, when you publish sooner, so that entrepreneurs who invest know sooner that this is the investment they should put their money behind because that is the person who is going to be getting the patent.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, nobody is complaining about the current system. People like the protection attendant with the current system. Inventors are not breaking our doors down and coming through the windows asking for these changes. There are a few multinational corporations that want to do a little snooping. And they are famous for buying out inventions of inventors in this country. You know how the current system works. Why would you want to advocate for them rather than the vast majority of inventors who want to have their rights protected.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has again expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. GOODLATTE. Mr. Chairman, if the gentlewoman will continue to yield, the fact of the matter is we are advocating for the little inventor by pointing out the advantages of the system that we have elsewhere in the world that benefits them. We have seen how it benefits them. It will benefit them here as well.

I have had many small inventors who have contacted me in support of this legislation and, yes, I have had some of those multinational corporations you talk about. They file an awful lot of patents as well and they want their patents protected under our system as well. That is exactly why we need to pass this legislation, to help both.

Ms. KAPTUR. Mr. Chairman, if what the gentleman says is true, then why are all the small business groups of the United States opposed to his proposal: the Small Business Legislative Coun-

cil, the Small Business Technology Coalition, the National Association for the Self-Employed, the National Patent Association, National Small Business United. If your idea is so good, then why are the small guys who cannot afford suits on the international scene, why are they opposing the bill?

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

Mr. Chairman, the gentlewoman's points were right on target. I hope my colleagues who are following this debate in their offices and those people following on C-SPAN and those people reading the CONGRESSIONAL RECORD will note that throughout the debate we have made reference to a subterranean agreement with Japan and have indicated that what we see here today we believe is nothing more than an attempt to implement this agreement, subterranean, hushed-up agreement with the Japanese to harmonize our law, make our law like theirs. And you will notice that that has never been addressed, nothing has been addressed by the other side of this debate to that charge. We make it over and over and over again. And I would like the gentleman from Virginia [Mr. GOODLATTE] to come forward now if he would like to have a colloquy and deny that this has something to do with implementing this secret agreement with Japan. Mr. Chairman, I thank the gentleman from Virginia [Mr. GOODLATTE].

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. ROHRBACHER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I note that none of the proponents of H.R. 400 are willing to stand up and explain about this agreement with Japan and how that is driving this debate and what is the relationship between that and these.

Mr. ROHRBACHER. Mr. Chairman, I would challenge Members on the other side of this debate to spend their time and their 5 minutes explaining to the American people why what they are proposing directly parallels a secret agreement that we have made with Japan. They will have time on their side to answer that.

The fact is that the driving force behind this, whether or not the members of the committee are themselves committed to this agreement, the driving force behind this has been to fulfill this agreement. How can you tell? Because there were two avenues to this agreement in harmonizing our law with Japan. There were two major factors that made American law different than the Japanese law.

No. I was we had a guaranteed patent term, a guaranteed patent term which meant no matter how long it takes you to get your patent issued, at the end of that time period, would be guaranteed 17 years of patent protection and, No. 2, the other aspect of American patent law, since the founding of our country, was that there was

a right of confidentiality. The inventor had a right, when he applied for a patent, that that would be kept secret and, yes, secret really meant something to those people and has meant a lot to our technological edge throughout the years. They had a right to that until the patent was issued.

This legislation goes in exactly the opposite direction, changes the fundamental rules of the game to correspond with this agreement to harmonize our law with Japan. This is absolutely, the American people should understand that what we are doing is trading a strong system of protection that gave us the leverage on all our competitors in the world, gave us our own national security because we had the edge technologically on our adversaries, we are now changing that to a weak system. And where will that weak system take America?

I would beg to disagree with my esteemed colleague, the gentleman from Illinois [Mr. HYDE]. I believe there are people who are out to destroy us economically. I believe there are other countries in the world and other forces at play in the world that would like very much to destroy America's economic prosperity and to put all of those billions of dollars in their pocket. I am assuming that they are adversaries. I am assuming that our Government should be doing everything we can to strengthen the rights of the American people to thwart those adversaries overseas that would steal their technology.

This bill, H.R. 400, I implore my colleagues, please vote against this monstrous threat to American security and prosperity. Please remember that all the inventors organizations, research departments at our major universities, all the Nobel laureates that have been cited on this floor are begging us not to pass this bill. It will not in any way improve a situation that could not be improved with smaller type improvements and reforms. We do not need to destroy the fundamentals of the system to reform and make our system better.

This is the equivalent, this bill, of cutting off our leg in order to cure a hangnail. If your doctor says, I am sorry, we have to change the fundamental makeup of your body in order to cure that hangnail and we are going to cut your leg off, go to another doctor.

Please, let us not harmonize our law with Japan. God bless the gentleman from Virginia [Mr. GOODLATTE]. Yes, it has worked maybe one way in Europe, but how this system has worked, 18 months with publication, how has it worked in Japan? The economic shoguns, the people, the elite of Japan have beaten down their people in submission every time they have raised their head. The Japanese do not invent anything because when an inventor applies for a patent in Japan, he is beaten down and his invention is stolen. They will do that to us, too.

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

I note, I thought it was rather an odd orchestration when my friend from Ohio challenged anybody to stand up and respond, and her colleague from California then refused to allow anyone to do it. I think we should notice that there was a certain reason why no one stood up to respond. The gentlewoman from Ohio, she said, why does not someone respond? And the answer was, the gentleman from California would not let them.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to make the point that the so-called agreement that the gentleman refers to is not something that has been honored in any way, shape, or form by this Congress or by the Committee on the Judiciary that comes forward with this legislation.

We are a first to invent Nation, not a first to file Nation. That is what they want to have. We have always had a number of very significant differences in our patent system.

All we are doing is saying that these are things that help us in this country, and we want to modify our system to engage small inventors and large inventors in having the opportunity to receive the benefits of publication. This is not a battle over trade secrets. There is a mechanism to protect trade secrets for anyone who wants to take advantage of it. Patents are protected by broadcasting to the whole world that an individual has the first to invent, and we should protect that by advancing publication where it helps.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, if the gentleman from Virginia's statement is correct, then why does H.R. 400 embody the Japanese agreement?

Mr. FRANK of Massachusetts. Mr. Chairman, let me respond now. First of all, I want to congratulate my friend from California. I did not realize he had such good intelligence sources, because he has been waving around a secret agreement.

My reaction was to wonder, if it was a secret, where he got it. And I do not want to force him to reveal his sources, but apparently the gentleman from California has some tentacles into the intelligence networks of either America or Japan, because he is privy to secret agreements. Frankly I did not think it was that much of a secret, and the fact that the gentleman had it did not surprise me. But when he waved it around as a secret agreement, I was little bit puzzled.

I just want to totally disagree with the conspiracy theory here. This is a difficult subject in some regards. People who have different economic inter-

ests may have different views. There is room for legitimate intellectual debate here.

I and others have had some differences with the bill. H.R. 400 today is a different bill than it was before. There are some close questions. Some of the questions the gentleman from California [Mr. CAMPBELL] raised about prior use, I had hoped to work with him further. But this is not some conspiracy.

There was not a secret agreement signed in some tunnel in Tokyo. The gentleman from California is refuting me on a secret agreement by waving that secret around. I have to say, it is a pretty poor secret that falls into the hands of the gentleman from California. It is not a secret. There is a discussion of policy. We are making these changes. Some of us make changes in this bill without checking with anybody else. And the unwillingness to debate the issue on the merits but to invoke these kinds of conspiracy theories, I think ill-serves the policy-making process.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I think that the secret source for uncovering this secret agreement has been found. It is the Commerce News Press Release for immediate release. It is 1994. The headline is, "American Inventors Promised Swifter, Stronger Intellectual Property Protection by Japan."

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, this is very sneaky. Not only is the Commerce Department signing secret agreements, but they are then publicizing their secret agreements to throw people off the track of the fact that they had a secret agreement. I think that is an underhandedness that we ought to put an end to.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I did not use that term.

Mr. FRANK of Massachusetts. Mr. Chairman, I understand that. I realize the gentlewoman did not say that. That is why I did not say she said it. It was the gentleman from California.

The gentleman from California has been waving this around talking about a secret agreement. My friend from California over here has just pointed out that this secret agreement was announced. I think we are entitled to point out that this was not such a big secret and that notion I will stress for this reason. Sure there is reason to debate this. I have agreed with some of the points Mr. ROHRBACHER made, and I have supported some amendments to move it more in his direction, but to denounce it in these terms, to talk about secret agreements and to invoke conspiracies of people to be beholden to foreign powers to undermine American economics is just not a good idea.

Ms. KAPTUR. Mr. Chairman, if the gentleman will continue to yield, does the gentleman deny that the content of that agreement is now the driving mainline inside of H.R. 400? The roll-back?

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Yes, I deny it, Mr. Chairman. I will tell the gentlewoman this, I have been working on this bill. I was originally a cosponsor of Mr. ROHRABACHER's bill. We made some changes. I have met with people in biotech. I have met with people in universities, big inventors and small inventors. I have proposed some changes. I did not even read the secret agreement. That agreement may not be a secret from a lot of people, but it was secret from me. So I absolutely deny that in my work on this bill, guided as it has been by conversations with Americans, that I was in fact the hidden puppet of the emperor of Japan.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

□ 1530

Mr. GOODLATTE. Mr. Chairman, if the gentleman will continue to yield, I want to make the point if this is some conspiracy that came up within the last 2 years, it is interesting that U.S. patent commissioners have been seeking this change. U.S. patent commissioners of both political parties have been seeking this change for 20 years. The Nixon administration, the Ford administration, the Reagan administration, the Bush administration all sought these changes long before there was any so-called secret agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, what we finally should do is to give credit to the literary hand that runs us all. Clearly this was motivated by the purloined letter, where the way to hide it was to leave it out in public, because, apparently, the Commerce Department stands accused of having signed a secret agreement to govern us all and then nefariously publishing that secret agreement to cover their tracks.

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

Mr. Chairman, I wanted to speak just for a minute because the gentleman from Virginia [Mr. GOODLATTE] made several points about the European and the Japanese system and how they have a large number of high-technology start-ups. I think that goes right to the essence of this publication requirement in the amendment of the gentleman from California [Mr. CAMPBELL].

I want to read a paragraph from a gentleman who is a patent lawyer, considered to be an authority on patents. I think it is a very excellent summary of the problem with early publication. He says:

Moreover, if early stage inventions of start-ups, small businesses and individual inventors are prematurely disclosed, the innovators will quickly lose any advantage or headstart to establish financially stronger imitators. Unless start-up businesses can get a strong foothold in the marketplace before infringers appear so that they can afford to assert their patent rights, these rights become virtually worthless.

He concludes by saying this, and this goes right to the gentleman's point, he says, "These are two major reasons that Japan and Europe have virtually no high-technology start-up businesses."

Now, I think we should all be proceeding from the same page with respect to the facts. As I understand it, and the reason I have this graph up here is because this is a factual graph. It shows that the United States has 175 Nobel laureates in science and technology; Japan has only five and that may be instructive to us here. The information I have is that there are almost no high-technology start-up companies.

That is the lifeblood of the American economy. But in Europe and Japan there are almost no high-technology start-up companies, and it is because these little companies need running room. They need to be able to go out before they get a patent and start lining money up.

Early publication, according to these inventors that are here, and I am quoting one of their letters, early publication will "kill us." They will lose the one thing that they have, the secrecy; the one thing they can offer, the confidentiality to an investor to get him or her to invest money in their particular operation.

So unless the gentleman from Virginia [Mr. GOODLATTE] has information to the contrary, my information is that there are almost no high-technology start-up businesses in Japan and Europe, and that is because those countries are production heavy. They are not idea heavy, they are production heavy. We have the innovators, we have the creators of ideas, and our people need that protection.

Japanese businesses and European businesses, perhaps legitimately, want to aid their industrial base. And the way they aid their industrial base is by getting American ideas into the assembly line quickly and cheaply, and they can do that with early publication.

Now, according to the same analyst, the reason there are not a lot of high-technology start-ups in Japan is because once a little inventor comes out with an idea, and it is not protected by patent when he has to publish early, he is immediately flood patented. That means that people patent around him by making very incremental changes in his idea, so that if he varies the slightest to the left or right from this little alley that has been left for him and his

invention, he runs into Mitsubishi's or Toshiba's patent or some other large company.

There is a reason why we have 175 Nobel laureates in the United States in science and technology, many of whom, as we have discussed on the floor, the inventor of the MRI, the inventor of the pacemaker, and many others who oppose this bill and support the Rohrabacher substitute, our inventors are afraid of early publication and they do not want to see it.

So I would support the enlargement of the publication protection that is manifested in the amendment offered by the gentleman from California [Mr. CAMPBELL].

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

Mr. HUNTER. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, just a question of the gentleman. He mentioned patent flooding, a practice that happens in Japan, where the big guys surround the little guys and beat them down trying to steal their intellectual property rights.

If we change our laws exactly like Japan's, to make it just like Japan's, which is harmonizing our law, which is the secret agreement, and I say secret agreement because I did not know anything about it as a Member of Congress. I was a Member of Congress at this time. Probably 1 out of 100 Members of Congress knew anything about this agreement with Japan.

But if we harmonize our law with Japan, will that not mean that these same Japanese companies can come here and do in the United States to our little guys what they are doing to their people in Japan?

Mr. HUNTER. Mr. Chairman, reclaiming my time, I would say to the gentleman that that is absolutely right. And the other thing is there are big companies that are infringers that, if they had the opportunity, would flood patent around a small entrepreneur.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

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

Mr. HUNTER. Mr. Chairman, I guess my point is this. We need to get some running room, some momentum, the opportunity to go out and line up investors before the patent is issued.

The point that is made by this patent analyst is very good. He said unless startup businesses can get a strong foothold in the marketplace before infringers appear so that they can afford to assert their rights, that means hire lawyers, these rights will become virtually worthless.

It is very easy to spend a lot of money on lawyers early in the process. This early publication takes away their running room and their ability to

get a foothold in the investment community and ultimately in the marketplace. That is the problem with early publication.

So I strongly endorse Mr. CAMPBELL's amendment that to some degree enlarges publication avoidance rights.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will continue to yield, one other correction to the statement made by the gentleman from Virginia. He stated the Reagan administration sought these changes.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 30 additional seconds.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman if he wants to complete his statement.

Mr. ROHRABACHER. Mr. Chairman, my office has been in contact with Clayton Yeutter about these changes that were mandated. I am sorry to say to the gentleman that the Reagan administration did not support the changes that are being sought in H.R. 400.

What the gentleman is mistaking is the heads of the Patent Office, who were probably working for the Reagan administration and other administrations, those former heads of the Patent Office are now living on consulting fees and retired from the Government, and they can take whatever stand that they need to take.

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

As I have listened here to this very vigorous debate, I have felt some concern, because I think there is some confusion that has been created, not intentionally I am sure.

I generally, do not like agreements that are made by any administration when the Congress is not in agreement with them. I was not a Member of the House of Representatives in 1994, when this agreement was entered into. I was happily on the Board of Supervisors of Santa Clara County, but I can recall at the time a very vigorous discussion in Silicon Valley that I participated in as a public figure about whether or not innovators and inventors believed that we should change our system to first to file, as opposed to first to invent. And it may not be that every part of the country has that kind of vigorous spirited debate about patent reform but as the gentleman from California [Mr. CAMPBELL] is aware, that is the sort of thing that is discussed at home in Santa Clara County, and there were divided opinions. I think that for the most part people are very satisfied with H.R. 400 in Silicon Valley.

I wanted to point out that we are not attempting to conform American patent law to Japan's laws or the European Union. What we are attempting to do is to make sure our innovators have every protection, that there is an even playing ground, that innovators are not put at a disadvantage.

I think if one looks at the nature of patent law, and, actually, I have had occasion to get a copy of the Japanese patent law and compare it to United States patent and copyright laws, and almost word for word patent applicants in Japan are required to do what patent applicants in the United States and the European Union are required to do.

Mr. Chairman, I submit for the RECORD a copy of comparison between the Japanese, the United States, and European Community patent law.

#### JAPANESE LAW

(4) The detailed explanation of the invention under preceding subsection (iii) shall state the invention, as provided for in an ordinance of the Ministry of International Trade and Industry, in a manner sufficiently clear and complete for the invention to be carried out by a person having ordinary skill in the art to which the invention pertains.

#### U.S. LAW

§112 Specification.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

#### EUROPEAN COMMUNITY

Article 83, Disclosure of the Invention.—The European patent application must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

I believe it is important that we talk about protecting our own people and our own innovators. There has been a lot of discussion that somehow the big, bad multinationals are after passage of this bill to the detriment of America.

Well, the National Venture Capital Association members were here last week in the Capitol at a meeting, and the venture capitalists, who fund the startups, the little guys that are in the garages with the great ideas, they are for H.R. 400. They vigorously oppose the amendment defeated last week, and they are for small American innovators getting a better chance to be successful in America.

I saw the gentleman from California's chart about Nobel prize winners in America vis-a-vis other parts of the world, and it makes me proud that we have so many great scientists in our country. I think we all have that pride. We want to make sure that we continue to have the cutting edge in innovation, that we continue to do better than everyone else in the world.

Whether we agree on all of these amendments or not, I think as Americans in this Chamber we all agree we want our country to be successful. We want to keep that leading edge, because we know that the high technology, high value-added jobs that are represented by the so-called big, bad multinationals, companies I thought were good guys, like Intel, as well as the little bitty guys that are about to be funded by venture capitalists, and hopefully fulfill their dream to become

a big guy like the Intels, that it is in protecting their interests vis-a-vis our foreign competitors that our future lies.

Mr. Chairman, at this point we have had a very long discussion on this matter, and I do not want to unduly prolong it. I would just note that for those that are concerned about the memorandum entered into in 1994 between Commissioner Lehman and his counterpart in Japan, it was, unfortunately or not, depending on one's point of view, reached quite some time ago by the United States, and it is very clear that H.R. 400 is not really what was envisioned by the agreement although as far as I am aware we have gotten the advantage of some of their promises.

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

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

Mr. HYDE. Mr. Chairman, I want to direct my remarks to my dear friend, the gentleman from California [Mr. HUNTER], who is one of the great consumers of venison in this or any other Congress.

I am proud, too, as the gentlewoman from California [Ms. LOFGREN] stated, of the number of Nobel Prize winners in the United States, but I just am uncomfortable with that kind of a chart, because what it seems to be saying is that Occidentals are smarter than Asians. It is kind of a racial bias to say that some groups, some races, some ethnic clusters are smarter than other people. I do not know what else we can draw from that.

I went and looked up all the Nobel Prize winners in chemistry, physics, medicine, and physiology from 1981 to 1995, and, yes, the United States had 57 percent of them, but 43 percent were foreigners from all over the globe. All over the globe.

Of course, it is a Swedish prize, given up in Stockholm by a group of Occidentals, I guess. I would not claim Asiatic bias, and I know they know where Japan is, but I would just hesitate saying one group of people are just smarter than another group.

I know that just because someone is paranoid does not mean people are not after them. That could be true. But I have detected some awfully serious Japan bashing here, and I am surprised, because what we are aiming for in H.R. 400 is what the Patent Commissioners of President Ford, President Reagan, President Nixon, President Bush all wanted, 18 months publication, which protects the inventor because he has provisional rights as against the world as though he had a patent and can enforce it.

□ 1545

But it forces the foreign inventor who wishes to be protected in our country to get published, too, that 45 percent of applications from overseas to be published, too. And in addition, those submariners that are cruising

under the bottom have to surface and they cannot seduce other people into investing money and then finding they are in the middle of a lawsuit.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Ms. LOFGREN. I just thought as a Swedish American I should speak as to the Nobel Prize committee and the number of Americans who are awarded Nobel Prizes.

We know from Silicon Valley that Americans, and as the chairman has referenced, come in all stripes and from every part of the globe originally. One can walk into any high-tech company in the Silicon Valley and it feels like being in the United Nations, but they are all good Americans. Many of our Nobel Prize winners are originally of Asian descent, and we are proud of them as well.

Mr. HYDE. I remember Wernher von Braun. He had an accent, but he was certainly a brilliant scientist. He came over here. A fellow named Einstein did pretty well.

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

Mr. HYDE. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

Let me just say that the gentleman has made my point. My point is not that there is any ethnic difference between the Nobel Prize winners here and the ones in Japan. In fact, the gentleman was chuckling at my pronunciation of a number of these names because there are not many Smiths and Joneses on this list. The point is that these people from all over the globe came to America for a reason. The reason was they got better property rights protection in terms of intellectual property than they do in Japan.

Mr. HYDE. They have freedom in this country. Freedom.

Mr. HUNTER. The point is you have a different system. It is the publication that kills the early innovator, the entrepreneur.

Mr. HYDE. Will the gentleman agree that once publication occurs at 18 months, the average patent is issued at 19 months? Would the gentleman agree to that?

Mr. HUNTER. I just got a letter from the Patent and Trademark Office. It says fully 30 percent of the patents that are going to be issued are not yet issued at 18 months. Will the gentleman agree with that?

Mr. HYDE. What about provisional rights? Does the gentleman agree that there is protection called provisional rights following publication? The inventor then says, "Look, I did this, I invented this"?

Mr. HUNTER. Here is my answer to the gentleman. My answer is that 2 or 3 percent of royalties, if you can afford the lawyer to get them, are no substitute for getting 20 to 30 percent of the action, which is what an inventor

gets when he lines up the money, the investors, and he gets to produce his product himself instead of trying after the fact to get partial payment from a company that took his invention.

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

Mr. HYDE. I yield to the gentleman from Virginia.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. GOODLATTE. I thank the chairman for yielding. Mr. Chairman, on that very point the fact of the matter is those inventors get the opportunity to get the capital behind their project, their invention, sooner with publication. Because not only are they published but their competition is published. So the inventor has the opportunity to say to that entrepreneur, that person who is going to put the dollars behind him, "You can put them behind me with confidence."

Right now many inventors are complaining to the gentleman from California [Mr. ROHRBACHER] saying they are worried about the gap between 18 months and whenever they get their patent because they will not be able to get the capital during that time. The reason they cannot get the capital during that time is because they do not know, the entrepreneur does not know that they are the ones who are going to get it. Under this procedure, they will.

But I want to address, if I may, the gentleman's very, very asserted message that somehow we are attempting to conform our patent laws to the Japanese, nothing could be further from the truth, when we take one concept that is held by many, many other countries and apply it in this legislation to say that somehow we are now harmonizing our patent law with the Japanese law. We most certainly are not.

The United States is a first-to-invent nation. Japan is a first to file. The United States has immediate examination. Japan has deferred examination. The United States process their patents in 20 months, on average. Japan takes 8 years. We have protections for universities who publish early. There is no such protection in Japan. And we have, as the chairman noted, provisional rights that give additional protection for those inventors. They do not have those rights in Japan. We are not following the Japanese here. We are leading the way as we always have in patent law.

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

Mr. Chairman, last week I learned a lesson at this microphone about how quickly 5 minutes pass, particularly when one is being questioned. But today in hopes to give an opportunity for those who still have brief comments to share as we bring this to a conclu-

sion, I have agreed to yield to my colleague from California, and if there are others who would like part of that time, please let me know.

I just wanted to follow up a statement made by the chairman of the committee, and that deals with a portion of the bill that has not been discussed but which I think is extremely important as we talk about the publication at 18 months and the fact that the Patent Office tells us that currently the pendency, average pendency time for a patent in this country is 21 months. Obviously, more than the 18.

However, under current law, funds intended for the PTO are being diverted to other purposes. Last year, \$54 million in funding for the PTO was diverted from the PTO to other programs under the budget, and for fiscal year 1998 the President's proposed budget will divert \$92 million of the user fees to other areas of the budget. If the PTO were allowed to keep those fees which H.R. 400 does allow, the time to process patents would be reduced dramatically and this whole discussion of whether publication at 18 months is problematic or not would be made moot.

Mr. Chairman, I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I want to thank my friend and colleague from Indiana who is especially gracious given that we have parted company on some issues of this bill. The reason I asked the gentleman to yield is I thought it might be useful to talk about my amendment on which we will have a vote.

The bill as it is now written has an exception. It is a good idea. The bill now has an exception for somebody who is not likely to be a submariner and who is small. In that case, you do not have to disclose. You do not have to publish. It is a good idea.

The way they tell if you are not a submariner is if you have not yet had two Patent Office actions. It is pretty rough justice, but it will do. So my amendment says if that is right, if that is how you tell who is not a submariner, then you should not have to disclose whatever size you are. And if you want to give an exemption for small applicants, that is the gentleman from Ohio's amendment that will be coming up next.

So if your idea is to help small business, great, vote for the Kaptur amendment, and if your idea is that if you have not even had two actions from the Patent Office, you are not gaming the system, then you should vote for the Campbell amendment.

I just conclude by noting that that is the very logic in the exception provided by the bill itself.

Mr. PEASE. Mr. Chairman, reclaiming my time, I do oppose the amendment offered by my friend from California. I do believe that the combination of publication with the rights that attach at the time of publication and the funding that would be provided to the PTO in order to allow it to advance

the time that it takes to grant patents outright is the best combination for protection of all American inventors, large or small.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Page 48, insert the following after line 21:  
 "(C) An application filed by a small business concern entitled to reduced fees under section 41(h)(1) of this title, by an individual who is an independent inventor entitled to reduced fees under such section, or by an institution of higher education (as defined in section 1202 of the Higher Education Act of 1965) entitled to reduced fees under such section 41(h)(1) shall not be published until a patent is issued thereon, except upon the request of applicant, or in any of the following circumstances:

"(i) In the case of an application under section 111(a) for a patent for an invention for which the applicant intends to file or has filed an application for a patent in a foreign country, the Commissioner may publish, at the discretion of the Commissioner and by means determined suitable for the purpose, no more than that data from such application under section 111(a) which will be made or has been made public in such foreign country. Such a publication shall be made only after the date of the publication in such foreign country and shall be made only if the data is not available, or cannot be made readily available, in the English language through commercial services.

"(ii) If the Commissioner determines that a patent application which is filed after the date of the enactment of this paragraph—

"(I) has been pending more than 5 years from the effective filing date of the application,

"(II) has not been previously published by the Patent and Trademark Office,

"(III) is not under any appellate review by the Board of Patent Appeals and Interferences,

"(IV) is not under interference proceedings in accordance with section 135(a),

"(V) is not under any secrecy order pursuant to section 181,

"(VI) is not being diligently pursued by the applicant in accordance with this title, and

"(VII) is not in abandonment,

the Commissioner shall notify the applicant of such determination.

"(iii) An applicant which received notice of a determination described in clause (ii) may, within 30 days of receiving such notice, petition the Commissioner to review the determination to verify that subclauses (I) through (VII) are all applicable to the applicant's application. If the applicant makes such a petition, the Commissioner shall not publish the applicant's application before the Commissioner's review of the petition is completed. If the applicant does not submit

a petition, the Commissioner may publish the applicant's application no earlier than 90 days after giving such a notice.

"(iv) If after the date of the enactment of this paragraph a continuing application has been filed more than 6 months after the date of the initial filing of an application, the Commissioner shall notify the applicant under such application. The Commissioner shall establish a procedure for an applicant which receives such a notice to demonstrate that the purpose of the continuing application was for reasons other than to achieve a delay in the time of publication of the application. If the Commissioner agrees with such a demonstration by the applicant, the Commissioner shall not publish the applicant's application. If the Commissioner does not agree with such a demonstration by the applicant or if the applicant does not make an attempt at such a demonstration within a reasonable period of time as determined by the Commissioner, the Commissioner shall publish the applicant's application.

Page 48, line 22, strike "(C)" and insert "(D)".

Page 49, line 16, strike "(D)" and insert "(E)".

Page 49, line 17, strike "(C)" and insert "(D)".

Page 50, line 2, strike "(C)" and insert "(D)".

Strike title V of the bill and redesignate the succeeding title, and sections thereof, and references thereto, accordingly.

Amend the table of contents accordingly.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Chairman, it is obvious that this patent bill has engendered substantial and necessary debate. That means that there are some unsolved problems inherent in the basic bill.

One of the most important issues that we wish to bring up for amendment today has to do with the treatment of small business as opposed to big business in the base bill. Our amendment would exempt small business as defined by the Patent Office itself, 500 or fewer employees, based on the fee schedule that they use to distinguish between large and small business. It would exempt small business, universities, and individual independent inventors from having their patents published prior to when that patent is granted. This gets at one of the major objections of the opponents to the base bill.

Our amendment also fixes the submarine problem, which I will discuss in a second, but basically it sets up a process that is more fair to get at the problem of when a patent has not risen out of the depths of the review process, and, third, it strikes the reexamination provisions. Because what we do not want to do is to open up more litigation for the small inventor that really does not have the deep pockets of some of those who very much want to receive some of the benefits in the parts of H.R. 400 that we do like.

So our amendment has three parts to it: It exempts small business, univer-

sities, and individual independent inventors from having their patents published prior to grant. We do this because in the base bill the 18-month publication would reveal new ideas to the world technical community before that inventor had the patent and, frankly, that is an open invitation to stealing, it is an open invitation to copying, and it places a much greater burden on that inventor, especially when they are small, to protect their invention. Our amendment also is proposed because we want to offer the small inventor some leg to stand on, a fairer system.

Our amendment is also offered because we want to make sure that foreign corporations and foreign governments do not have easier access to American technology as proposed by small inventors, and we want to protect from this undue litigation that seems to be burdening our system from one end to the other, and why complicate it more under the proposed bill?

I might just point out that in the way the H.R. 400 is currently proposed, if you end up defending your patent, that will not happen in a court of law. There will not be a jury. There will not be a judge. You will be in the Patent Office, this new creature, we do not know what it is going to look like yet, and it is going to take a lot of money to defend yourself in this new system that is being set up and this new entity that is being set up.

So our effort is to say, look, OK, for those people who want to play that game, let them do it, but for the small inventors and the small businesses and the university community that do not want to get engaged in that system, give them a level playing field to play on as well.

I might mention that in 1995, the White House Conference on Small Business adopted a recommendation which specifically recommended to Congress that patent applications remain unpublished until the patent is granted. That was the White House Conference on Small Business, a large group of people that come in here from across the United States. This was an important enough issue that they put it on the agenda of the White House Conference on Small Business. They do have legitimate concerns. We are only asking those who have already started to repair H.R. 400 to please consider this proposal.

We incorporate in the amendment as well important language to deal with the submarine patent issue. The amendment adopts the Rohrabacher language in the substitute that was debated last week, and our amendment lays out specific exceptions for when a patent can be published early, perhaps due to continuous delays, perhaps abandonment, perhaps pending more than 5 years, all of the concerns of the proponents.

Mr. ROHRABACHER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, on this particular point, the antisubmarine patent language in our bill was the strongest language that we could possibly put into the bill. For 2 years I pleaded with the other side of this issue, to everyone on the other side, please give me the strongest language you can possibly give me, I will include it in the bill just so long as it does not eliminate and end the guaranteed patent term.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has expired.

(On request of Mr. ROHRABACHER, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. We pleaded and pleaded. Give us anything that will satisfy you that we have put the submarine patent issue to bed. We begged them, please give us that language. But, no, they would not. They would not touch it with a 10-foot pole because their purpose was not ending the submarine patent issue.

□ 1600

We instead, I went to the gentleman from California [TOM CAMPBELL], distinguished professor, man respected throughout this body for his legal knowledge, and he finally came up with the strongest patent, antisubmarine patent language that he could come up with. That is what was in the bill. We did that because we did not want people to destroy the fundamental patent system or protections that was a guaranteed 17-year patent system or patent in the name of getting at submarine patents. That is like cutting a leg off to get to a hangnail or destroying freedom of speech for everybody because there is some pornographer out there printing a pornographic magazine.

No, we have taken care of the submarine patent issue. We have included that language.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. Mr. Chairman, I really appreciate this opportunity because I know that the folks that have worked on H.R. 400 have tried very hard, and frankly it is a work in progress, and as we work harder, it gets better all the time.

I just wanted to summarize and say on this amendment we really have made a legitimate effort to protect the interests of the small inventor, the small business, the university inventors, the university community that is not satisfied with the base bill. We would ask for colleagues' consideration, and I would just end by saying that on the reexamination provisions of the base bill, recognize that this is going to cause a heavier burden on inventors to defend their patents because it gives the right to anyone in the

world to submit a request to invalidate a U.S. patent at any time in its 17-year life. On this one, the big money will win as these patent fights go. Please support the Kaptur amendment. Please defend small business, the small inventor and the university community where so many of our new ideas come from.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

Mr. Chairman, first of all, I would like to establish my credentials of defending small businessmen and working people as much as anybody that is on this floor at this moment. That being said, I want to point out that this is not in the interests of small business. So we have a little bit of a definitional problem as we approach the Kaptur amendment. That is that we both support working people and small businessmen except one thinks that this amendment will help small businessmen, and myself thinks that it will not help small businessmen, and I am going to try to explain for all those in this body that want to help small businessmen why the Kaptur amendment is not good, it is bad. It is bad for this first reason:

One, what she has cleverly put into this, or somebody, from lines 6 to 11 is to bring back the current law that we are changing. The bill currently on the floor helps small businessmen. This changes it back namely by saying that of the Higher Education Act entitled to reduce fees from such section shall not be published until a patent is issued thereon except upon the request of the applicant. This just went back into the bill that we voted on last week and lifted up this current law language.

This allows submarining. Submarining, now known to everybody, is bad. We do not want bad stuff in the base bill. This would allow submarining and those who would indulge in that, and they are not all big businessmen. The businessman on the cover, the picture of the businessman who was the No. 1 submariner in the country on the Wall Street Journal, was not representing a multinational corporation. He was a small businessman.

Point No. 2: Why do we have an amendment exempting institutions who do not wish to be exempted? Why? In whose great wisdom, not on the committee, have we decided that universities need to be exempted? Who is asking? The answer: Nobody. But it is thought to be a pretty good deal.

It is not a good deal, but not only is it not a good deal, it is not desired.

So for those reasons, the three that I mentioned, I respectfully urge a very strong and overwhelming rejection of the amendment of my good friend from Ohio's amendment.

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

Mr. Chairman, the gentleman from the Roanoke Valley said it earlier

about publication. Some people have made publication the devil. Our Constitution provides the grant of a monopoly for a limited time in exchange for sharing one's secret with the public. That simplifies a definition of the patent law. Today that constitutional exchange is being circumvented by whom? By patent submariners.

Now here we go again. The gentlewoman from Ohio [Ms. KAPTUR] has reincarnated Mr. ROHRABACHER'S failed attempt to allow abuses of the patent system. This was defeated last Thursday by the House, and I again thank each of my colleagues who stood tall with us, and it ought to be defeated again. This reminds me of the Cary Grant movie, "The Pink Submarine." This is the same submarine, my friends, with a new coat of paint. This amendment should really be called an invitation.

My colleagues all remember Mr. Lemelson, our patent submariner, our multimillionaire patent submariner. It reads something like this. "Dear Mr. Lemelson," or any other prospective patent submariner, "You are invited to purposefully delay your application at the Patent and Trademark Office for your own benefit to the detriment of the American consumer." Just as the gentleman from Michigan said, this is no friend to small business. "Don't worry about the phony escape clause regarding dilatory tactics. No one can prove it. Time? Oh, as long as you want, perhaps 25, 30, 40 years. Place? Unknown. After all, your application is a secret so that no one will have the benefit of avoiding duplicating your efforts because you can successfully hide from them. You are submarining. You are laying low in the bushes. You are laying low and playing possum," as I said last week. "Date. The date is up to you. You show up when you want to show up. P.S., please pass this invitation on to a friend."

This license to allow professional litigators to clog our courts and stifle American innovators with expensive lawsuits that can end in bankruptcy for those who actually hire American workers and invest in the economy cuts into the heart of the constitutional charge to Congress to offer a limited monopoly to an inventor in exchange for sharing secrets. That is right. Publication is a necessary ingredient of the process.

The gentleman from California [Mr. ROHRABACHER] the gentlewoman from Ohio [Ms. KAPTUR], they do not seem to believe that submarining is a problem. That is why this amendment contains a loophole big enough to drive a submarine through. But let me quote from the Wall Street Journal from April 9. Many of my colleagues read it. It describes a new class of patent lawyers out to make a business in the submarine industry. "The clear winners," writes the Journal, "so far are the lawyers. Mr. Lemelson also employees a small army of them. One of Mr. Lemelson's lawyers pretty much

thanks himself for that, noting an old joke. 'One lawyer in town, you are broke.' He boasts, 'Two lawyers in town, you are rich.'" The article goes on to say that a new breed of intellectual property lawyers has emerged, too.

Many seem to be inspired by Mr. Lemelson's attorney, who pioneered the use of contingency fees in patent cases and whose work for Mr. Lemelson alone has brought him more than \$150 million in fees. You think consumers win with this sort of scenario?

The lawyer's success: He lives in a 15,000 square foot house near Aspen, CO, has made the field of submarining a very hot area. Here the cover of the American Lawyer Magazine, a picture of Mr. Lemelson's lawyer basking in the riches, 150 million bucks that belongs to American consumers.

You bet I am worked up about this. This is indeed a grave problem, and it is growing. This amendment, and I will call it Rohrabacher 2, or Kaptur 1, or the sequel to Rohrabacher, again works to protect this practice which stifles American investment and innovation.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. COBLE] has expired.

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

Mr. COBLE. I feel obliged to get this into the record before 5 o'clock, Mr. Chairman. I have worked on this now for almost 5 months. When I retire for my evening rest, I am thinking of patents. At early morning hours, when I dream, I dream of patents. When the cock crows the next morning, I awaken, guess to what? The thoughts of patents.

And for the first time since last week, I learned of a secret Japanese agreement. Oh, yes, there is a secret agreement out. The Japanese are going to bash us. Folks, our better argument, the gentlewoman from California said it last week, the gentleman from Illinois, the chairman of the committee, said it last week, I think the gentleman from Massachusetts [Mr. FRANK], perhaps the gentleman from Michigan [Mr. CONYERS] did as well, a better argument could be made that your rank and file Japanese inventor, they want to keep it just the way it is because, under the present scenario, they have the luxury of reviewing publication well in advance over there and then they can play possum and lay low because the time runs for a delayed publication over here.

It would be my thinking they are not happy at all with H.R. 400. But I want my colleagues to dispel this thought about a secret Japanese agreement because there is simply no truth to it.

I thank everyone who has taken part in this, Mr. Chairman, and I thank you. And if I become too emotional, I apologize. But I think I would be remiss if I did not feel strongly about it, because we have plowed the field time and again and it is time to bring in the harvest and head for the barn.

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

I have struggled trying to find some way that I can support the amendment of my colleague, the gentlewoman from Ohio [Ms. KAPTUR]. My colleague asked me to review it, and I regret that I cannot support it.

I think many of us are striving to reach comity and to work in a bipartisan manner, but for this amendment it just cannot happen for me and I think that is true for many of us who have worked so long on this bill; and the main reason why is that, as others have indicated, it continues to permit submarine patents.

The manager's amendment went a long way toward addressing the issue, whether anyone believes it is correct or not, addressing even the perception or the anxiety about small inventors, who wanted to not have a published application, who are uneasy about the change and updating of our law for the information age.

And I think that that measure is sound and passed by voice vote last week. However, to provide that an application could never be published or might be published for many, many years later, as could be done with the amendment of the gentlewoman from Ohio [Ms. KAPTUR] and is currently done under our present system, is not acceptable.

I would point out one thing: I know this was not intended, I am sure, by the amendment, but you could, under the amendment, have a foreign inventor come to the United States, file an application for a patent in the United States only, and end up submarining American inventors. And I do not think that is a result that is good for our country.

I want to mention a particular case, because so much has been said about countries in Asia. But the most notorious submarine patentator that I have been able to find is a Swedish individual, an alleged inventor, Olaf Soderblom, who filed for a United States patent in 1968 and it was not issued until 1981, 13 years later.

□ 1615

The very early years of the patent pending application were spent by Mr. Soderblom fighting various battles with other independent U.S. patent applicants over who was the first inventor. However, a lot of the 13 years were used by Mr. Soderblom's attorney to manipulate claims to postpone any action on them.

Mr. Soderblom never participated in or contributed to the public IEEE standards regarding his token ring technologies that he alleged as his idea. As he waited with his application just below the surface, the rest of the world moved forward and the token ring technologies that were really never contemplated by Mr. Soderblom at the time of his filing were invented; and fortunately for him or unfortu-

nately for America, Mr. Soderblom did get some very excellent American patent attorneys.

Press accounts indicate that he was paid over \$100 million for his patent, something he never really designed, never used, never participated in. And this money came directly from United States companies and was deposited into his bank in the Netherlands, contributing to our adverse balance of trade.

Mr. Soderblom has never resided in the United States. He has rarely visited the United States. He just came and took our money. Unfortunately, the amendment before us would allow that to occur again.

I also need to discuss the issue of swooping, because it has been discussed several times by several speakers.

Mr. Chairman, one would think by listening to the debate here that the small people, and I do not mean small in stature, but people who are not rich, people who are just starting out, are at risk under H.R. 400. The world, as my mother and father used to tell me, is not always fair. The truth is that one's ability to protect one's patent from swoopers at the time of patent issuance or at the time of publication, when rights attach under H.R. 400, is only as good as one's ability to step forward, get one's lawyers, stand up for oneself, and protect oneself.

Now, fortunately, we have contingent fee operations in America, and there are plenty of attorneys who are willing to protect a good American inventor against an infringing Japanese multinational or Swedish multinational or whatever. But the truth is if one is not willing to fight for one's patent, one does not have any rights that will not be trampled on. That is true under the current system of publication at patent issuance. It is equally true under the proposed protection from the time of publication, 18 months out. I think it is important to say that because nothing changes in this regard as the result of H.R. 400.

The CHAIRMAN. The time of the gentleman from California [Ms. LOFGREN] has expired.

(On request of Ms. KAPTUR, and by unanimous consent, Ms. LOFGREN was allowed to proceed for 2 additional minutes.)

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I wanted to thank the gentlewoman for her comments. Our intention is to close any loopholes that may exist on submarine patenting, even though that issue is a rather curious one to be raised by the committee, because in the last 20 years between 1971 and 1993, out of 2.3 million patent applications, only 627 have been classified as submarine patents; and at least a third of those were U.S. Government military secrets. So I find it interesting that the gentlewoman spent a great deal of her time talking about submarine patents.

Our intention is to close any loopholes that might be there, and that is why the language is in our amendment.

Let me also say that our concern is profoundly small inventors, small business, and university-based inventors. If the proposal in the base bill that early publication is so good for the small inventor and small business, why have those inventors and businesses not published before the grant of the patent up to now? By current law they have that right. So our intention is to protect the small inventor. Please help us do that.

Ms. LOFGREN. Mr. Chairman, reclaiming my time, under current law, if one publishes one's patent application in America before the patent is issued, one does not have any protection. Under H.R. 400, provisional rights attach at the time of publication. So one is protected from the time of publication. Under current American law, it would be foolish indeed to put oneself out otherwise.

Secondarily, I understand, and I believe, that the gentlewoman does not want to do damage to her country any more than I do. That is not what is at issue, as we both recognize. It is a difference of opinion over how to proceed, how best to protect our country's inventors.

It is my judgment that the hundreds of millions of dollars spent by U.S. companies, and in some cases individuals, to submariners is indeed important. The cited number of 200 does not matter as much as the hundreds of millions of dollars.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding.

If Members feel that they may have heard this debate before somewhere, they are absolutely correct. This is precisely what we spent several hours doing on the Rohrabacher amendment last week. We did it upsidedown, backward, there were short speeches, long speeches, ferocious speeches, timid speeches, but it was the Rohrabacher amendment. We are now back into it again. We are now rehashing the Rohrabacher amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I will not yield, Mr. Chairman.

Ms. KAPTUR. Mr. Chairman, this is the Kaptur amendment, it is not the Rohrabacher amendment.

Mr. HYDE. Mr. Chairman, I have the time.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has the time.

Mr. CONYERS. Mr. Chairman, I will not lecture my distinguished colleague from Ohio on the rules of the floor. Please do not interrupt me when the chairman of the committee has yielded time.

Ms. KAPTUR. Mr. Chairman, I would ask the chairman to please yield to me.

The CHAIRMAN. The gentleman from Illinois has the time, and he has yielded to the gentleman from Michigan. The gentleman from Michigan is recognized.

Mr. CONYERS. Mr. Chairman, that is the second time the gentlewoman has done that.

Now, this is a rehash. I emphasize, this is the same old stuff. Go back and read the RECORD.

POINT OF ORDER

Ms. KAPTUR. Point of order, Mr. Speaker.

The CHAIRMAN. The gentlewoman will state her point of order.

Ms. KAPTUR. Mr. Chairman, the gentleman in the well is referencing this amendment under the name of another Member. This is an amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

The CHAIRMAN. The gentlewoman may clarify that point in debate but has not stated a point of order.

The gentleman from Michigan [Mr. CONYERS] may proceed.

Mr. CONYERS. Mr. Chairman, let me say that the subject of this discussion has been dealt with already under whoever's name we care to put it. It is not new information. It is the RECORD of last week that is spread with this.

As my subcommittee chairman has said, the gentleman from North Carolina [Mr. COBLE], this brings back playing possum; right? This brings back submarining; right?

Oh, well, if it does, how does that happen? Because in the gentlewoman's amendment, the Kaptur amendment, at lines 8, 9, and 10: shall not be published until a patent is issued thereon, except upon the request of the applicant.

This now allows small business and universities to indulge in submarining, if they choose; it exempts publication, and that takes us back to where we came in. That is what the new base bill of the committee, after several years' doing, is all about.

Mr. Chairman, I would say to my colleagues, please, we do not need to be going back into this. We need to stop submarining, and this is in the interest of small businessmen.

Final point, and I will yield my time back to the Chairman. If the universities needed this, they would have asked us. We have had innumerable hearings, and not one university witness has ever said we need the Kaptur amendment or any language like it. For those reasons I humbly approach the membership to ask them to reject the amendment. I thank the gentleman for yielding to me.

Mr. HYDE. Mr. Chairman, I thank the gentleman. I would just like to point out to the gentlewoman from Ohio [Ms. KAPTUR], a fine Member of this House, that there is form and there is substance. The form is certainly the Kaptur amendment. The substance, however, in my interpretation, as I read it, is Rohrabacher.

Why do I say that? Because under the gentlewoman's amendment, publica-

tion of the pending application could occur only if the application has been pending for more than 5 years. Boy, does that protect the submariner. Five years. That is a lifetime in the computer industry, in the biotechnical industry, in the pharmaceutical industry. Five years one can lurk underground, under the surface of the water. And there are other conditions which echo the Rohrabacher amendment, which we debated last week.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding, merely to point out that the reviewers of this, the Congressional Research Service, all of the other groups, fundamentally said that the base bill and our bill, that amendment, were equally good on the submarining issue. The substance of our amendment, which is the small business provision, my colleague will not talk about doing this debate. My colleague is trying to obfuscate the most important part of this amendment. Very clever, Mr. Speaker.

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

Mr. Chairman, I rise to support the Kaptur amendment. A couple of points have been made that I think need to be answered in this debate on this particular amendment. First, publication, the driving theme of the proponents of the bill is that small inventors need them and need their language and need H.R. 400. Whether they like it or not, this is going to help them.

Once again the gentleman from Virginia [Mr. GOODLATTE] pointed out that he thinks publication is going to help small innovators, because once they advertise this creation to the world, money will swoop in, money will come from the four corners of the globe and they will be able to finance their invention with that money.

Now, the point is, if somebody wants to publish their invention, they can do it. They can do it under present law. There is a provision under present law so inventors can go out and publicize if they want to.

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

Mr. HUNTER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, the point about publication is it is not just the choice of the individual inventor but, rather, the publication of everyone's patent applications. If no one else has published, then the entrepreneur has the assurance that that one being published is the one they can put their money behind. If they do not know, if everybody else has a choice of publishing or not, we are back to the same old submarining, gaming of the system.

Mr. HUNTER. Mr. Chairman, reclaiming my time, let me just say that the gentleman's argument is naive. If one goes into a high-technology company today and wants to view some of

their technology for possible financing, one has to sign a stack of nondisclosure agreements.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will continue to yield, just briefly, to say that that is because they do not have the protection of the U.S. patent system. Publication gives them the provisional right to protection that they do not have when they sign that stack of papers.

□ 1630

Mr. HUNTER. Mr. Chairman, let us walk through what the gentleman just said. He said these people are protected once they publish. They are not protected, and I will tell the gentleman why. To be able to sue for royalties, and that is not 20 or 30 percent of the action, but if somebody else publicizes what they have, they have to show that their invention, that the invention that came out and was utilized by somebody else, was substantially identical to their initial application.

The facts are that when inventors go out and make an initial application, that initial application is often much broader than what is finally patented. So if they make it too broad, if they make the application much broader than the final patent that is awarded and they get that final patent, they cannot come in and sue.

The second thing is that they have to come in and show that they actually had notice of what that person was doing, of that publication. When you send out patent ideas, these ideas that are being published, on the Internet, how are you going to prove that the guy had actual knowledge of what you had?

Last, the whole point that has been made by all these small inventors is this: To sue and get a part of the action, even if it is a 2- or 3-percent royalty, you have to have horsepower. That means you have to have money. If you have not had some running room, if you have not had the chance while your patent was secret to go out there and line that money up, you are never going to be able to do it. That is a fact of life. That is why these inventors hold this stuff tight to their chests. That is why they have not come on H.R. 400.

My good friend, the gentleman from Illinois [Mr. HYDE], my fellow consumer of venison, posed this debate as something, as a Japan-bashing thing, where we are lining up the sons of the Mayflower versus the people of Japanese ancestry.

I would just say to my friend, I am looking at this list of our Nobel laureates, like Franco Modigliano and many others. This is a country where people of every ethnic origin have come to America, used the protection of the patent system to come up with an idea. My friend, the gentleman from Illinois, almost deterred me from using my poster again.

I wonder why it is OK for the gentleman from Virginia to talk about

Japan and Europe and why we should look at some of their ideas, but if somebody disagrees with him it is Japan bashing. I still think this poster is instructive.

Japan is production heavy. They specialize in production. They need to get creative ideas into the assembly line. That is why they made the agreement with our patent examiner to get our patents published 20 years after application, rather than 17 years after the patent was actually issued. But once again, the small inventors, the Nobel laureates, the guys who invented the MRI, the guys who invented the pacemaker, those guys are not submariners.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 30 additional seconds.)

Mr. HUNTER. Mr. Chairman, I think the question everybody has to ask the committee is this: You have 2.3 million patents granted since 1973. According to the statistics that both sides have cited, there have been 670 submariners in that period of time, and about 30 percent of those were military secrets. That takes us down to less than 400 submariners.

We have crafted a piece of legislation that will rip away privacy for millions of inventors so we can make one guy on the face of a magazine, we can take care of that problem.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 30 additional seconds.)

Mr. HUNTER. Mr. Chairman, let me just close by saying that the same language that was in the Rohrabacher bill is in the Kaptur bill. CRS has said that both sides, both types of language, would likely end the practice of submarine patents.

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

Mr. Chairman, the reason I demonstrably stated and repeatedly stated at the end of the debate on the last amendment, that I had begged the other side for language to end the submarine patent problem, if Members remember, I said over and over again, I for 2 years pleaded with the other side of this issue, give me language that will end the submarine patent problem and I will put it into my bill, just so long as we do not use this problem as an excuse to destroy the fundamental protection of our patent system which has been the guaranteed patent term.

I got nothing in return. I got no answer. To everyone I met I said, please give me the language.

The gentleman from Virginia [Mr. BOUCHER] negotiated, hopefully in good faith, for over a year trying to find language that was acceptable. There was nothing acceptable to the other side

except elimination of the guaranteed patent term.

Finally the gentleman from California, TOM CAMPBELL came forward and said, let us work together and find some really tough language on the submarine patent problem and we will put it into your bill, and no one will be able to complain.

In fact, the Congressional Research Service looked at it and said, yes, the language you put in there is likely to end the submarine patent practice forever, just like H.R. 400 will. The difference between our approaches is, of course, we are not amputating the patient's leg in order to get to the hangnail. We are not destroying freedom of speech in the name of stopping a few pornographers.

If someone was up here today arguing that we have to end the first amendment to the Constitution, we have to change the Bill of Rights, because there are going to be some people that take advantage of freedom of speech, and our bill is going to have the government check all the newspapers and everything that is published beforehand to take care of these submarine free speakers, the fact is, you would say, you are crazy. You are not going to touch the Constitution in order to get the bad guys. We can find out ways of regulating them and controlling the problem.

No; instead, the other side has demanded we obliterate the protections that we have had in place since the adoption of the U.S. Constitution in order to get at the submarine patent problem. I contend that this is a fig leaf that is being used to cover the implementation of an agreement that we made with Japan 4 years ago to harmonize our law with the Japanese law. That is why there was no compromise language. That is why there was nothing they could come back to me and say that, no, we do not have to have publication to solve the submarine patent problem, we can do something else here. I was open to all those other alternatives.

No, because the purpose of the act is to put publication in our law, and the purpose of putting publication in our law is to implement a secret agreement, it was secret to me, and I was a Member of Congress, with the Japanese to harmonize our system.

Why do we want to harmonize our law with Japanese law? In Japan, which we were talking about here before, they have flooded, and that means if the little guy invents something the big guys just make little changes in what his patent is all about, because now they know all the details because it has been published, and they surround the little guy and they beat the little guy into submission and take away his rights. That is why nobody ever invents anything in Japan.

We are inviting these very same economic gangsters, economic shoguns, economic godfathers, you name them, whatever they are, the economic elite

of Japan and China and all the rest of the countries who brutalize their own people because their people do not have legal protections, we are inviting those same elitists to come over here and brutalize our people because we are stripping away their protection in the name of submarine patents.

Let me note that all the examples we have heard about submarine patents today have been examples from the 1960's and 1970's. The Patent Office in the early 1970's put in place, or late 1970's, excuse me, a system called the PALMS system. It has already taken care of the submarine patent problem. None of the examples they have given have taken place since the PALMS system was put into place.

Furthermore, our legislation, which we have been trying to offer, rather than destroying the rights of the American people, will, according to the Congressional Research Service, end the practice of submarine patenting.

Please, Mr. Chairman, I urge my colleagues, the little guy, the Roscoe Bartletts of this country, the small businessmen, our universities and research departments are begging us, please, do not publish the secret information that they have been developing before they get their patent. They know it is going to be stolen. They know they will not have the wherewithal to sue Mitsubishi Corp. or the People's Liberation Army in China that would steal their technologies.

Please oppose H.R. 400 and support the Kaptur amendment.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois [Mr. HYDE], the chairman of the committee.

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

Mr. HYDE. Mr. Chairman, I think this could be boiled down very simply. We have a mind-set that thinks publication is an open door to thievery and to stealing our secrets.

There is another philosophy, it is in our Constitution. It says that if you want to get a patent, that gives you exclusive rights to your invention for a period of years, and then the tradeoff for that exclusivity is disclosure to the world, so the world may benefit from this wonderful insight that you have now patented. That is the tradeoff.

Publication is the disclosure so the world may benefit, but meanwhile, you have a period of years for which you may exploit fully your rights to the patent. That is the tradeoff. Publication is protection, because once your idea is published it is notice to the world you were there first; you have been there, you have done that, and it is yours. If anybody wishes to infringe on your rights, which are called provisional rights, not a patent yet but equivalent to a patent, they are subject to damages. So you are protected.

Meanwhile, Mr. Chairman, the foreign inventor, and 45 percent of the ap-

plications in our country, where we produce all these Nobel laureates, most of whom have an accent, not all, most, we then publish in our country, as they publish over there, so we all have that so-called level playing field.

But the most important thing I want to say, Mr. Chairman, is that we have seen that CRS report waved around as often as we have heard about hangnails or toenails. I think this argument needs a pedicure, I would say to my friend.

By the way, speaking of the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR], there is an old Italian saying, you may dress the shepherd in silk, he will still smell of the goat.

Mr. Chairman, the CRS report which the gentleman so proudly has waved I would point out has been critiqued by the American Intellectual Property Law Association, which represents nearly 10,000 international intellectual property lawyers, and they say, for reasons about which we can only speculate, H.R. 811, the bill of the gentleman from California [Mr. ROHRBACHER], as reprised by the gentlewoman from Ohio, considerably strengthens the abuse potential of a submariner wishing to keep a patent application secret.

Under one section of H.R. 811, publication of a pending application could only occur if the application has been pending for more than 5 years. We can grow an awful lot of submarines under the water in 5 years.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

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

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding to me. I am glad it is not goat skin, based on what has gone on here recently.

Mr. Chairman, I just wanted to say that the gentleman's explanation of how the patent system works today was just excellent.

Mr. HYDE. I thank the gentlewoman.

Ms. KAPTUR. What I wanted to ask, though, is if the proposal in H.R. 400 that the gentleman is promoting is going to be useful, currently if publication is going to be such a good idea, early publication for small inventors and small business, why have they not published under the current law, which they can do if they wish, but they do not do it?

Mr. HYDE. I would suggest to my friend that if she does not want it ever published, she wants to keep it a secret in perpetuity, do not ask for a patent. Keep it as a trade secret and get protected under the trade secrecy laws.

But if she wants a patent it has to be published. She is protected while it is published, and then the patent protects her, and then the world may benefit from her wonderful invention.

Ms. KAPTUR. Mr. Chairman, if the gentleman will continue to yield, you are protected until such time as that patent is issued, and certainly with the courts and system we have in place, after that patent is granted. What the

committee is seeking to do, and why we in this amendment try to protect small business and small inventors, is lessen the time that they have that protection.

Mr. HYDE. The gentlewoman protects the submariner. She really protects and enhances the submariner.

Ms. KAPTUR. If the gentleman reads correctly what our amendment does, that is only one of five different ways in which we try to get at the submarine problem. I think the gentleman is incorrect.

□ 1645

Mr. HYDE. Mr. Chairman, that 5 years leaps out from the gentlewoman's amendment.

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

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I heard a statement just a few minutes ago, and I think it needs to be addressed, that there is nothing currently going on by way of the submarine patent issue, that that problem was already solved, and the like.

I had to mention, I did mention last week a letter received by Charles Trimble, President and CEO of Trimble Navigation, one of the premier firms in Silicon Valley. I just wanted to quote a couple of the things he said in his letter.

He said, From our view inside the Global Positioning System Industry, we see no harm to our industry from H.R. 400 and I support this legislation. As an inventor, I obtained basic patents, not to make money but to ensure that no one else would stop me from using my own patent or innovation in commercializing the GPS technology.

Another reason for obtaining patents is to facilitate the licensing of technology to a larger company. The real issue is not only inventing a technology but reducing it to practice, generating a commercial market and creating a legitimate business activity. This activity is a critical backbone of our economy.

He goes on to say that keeping patents unpublished or submarining until there is an emerging commercial industry that can be held hostage to costly and unnecessary lawsuits is a serious competitive threat to U.S. industries. And then, in fact, and this was dated March 11, 1997, Our industry is currently, he says, diverting significant amounts of money to combat a submarine patent that will most likely be proven not to read on our technology. This is a very sensitive issue.

He is saying that this is not a large company versus a small company issue. This is an issue about who can get hot-shot patent lawyers to continue to press for money that they do not deserve, did not earn and are extorting.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say, I am about to

yield to the senior ranking member, but I did want to alert Members that the vote is at 5 and the test on this for all Members will be given tomorrow morning.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, to the gentleman from California [Mr. ROHRBACHER], our distinguished colleague, it has just been discovered that there is no secret conspiracy.

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

Mr. Chairman, I rise in order to allow the author of this amendment the chance to close. I wish to take 30 seconds before yielding the remaining amount of my time to observe that our distinguished chairman of the full committee did omit the other provision of Ms. KAPTUR's amendment. It was not simply the 5-year provision. There is also the provision that I drafted which requires publication for anyone who seeks to continue the patent application process, which is exactly the submariner.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

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

Ms. KAPTUR. Mr. Chairman, I thank the gentleman. I wish to ask the Members to please read the substance of our amendment. The sidetracks that this debate has gone down this afternoon have amazed even me.

I wanted to state for the RECORD that there are many university scholars, inventors, lists long that have written us in support of our legislation against the base bill and, of course, many of them are in a precarious position because those universities receive funds from some of the very same interests that are promoting H.R. 400 and in many ways not being sensitive to the smaller inventors, the smaller businesses, those individual inventors that we wish to protect and give fair standing to as this measure moves forward.

Our amendment essentially would attempt to protect those inventors' patents prior to issuance. We do not want any invitation to copy, which H.R. 400 certainly promotes, because it says that within 18 months, that patent would be published even before it is granted.

Right now an individual is protected until the time that the patent is issued, until it is granted. So it is a substantial collapsing of the protection time for an individual inventor.

I find it so interesting to listen to the proponents say, well, in our system you can litigate. That is easy for a big corporation. IBM, Xerox, Ford Motor, why they are some of the best friends of this country in the jobs that they provide, and so forth. But the point is they are not the only inventors around. There are a lot of small workshops. There are a lot of professors that are

out there filing. There are a lot of independent inventors who do not have the kind of financial wherewithal to function in the system that is being created here.

It is no different than the battle between the megabanks and the credit unions. It is no different than the battles that we have between the Committee on Commerce and the Committee on Small Business. It is the very same issue for small inventors, for independent inventors, and those who are not independent, who have other sources of finance to back up whatever it is they are trying to protect and advance through that Patent Office.

So our amendment essentially exempts small business under the definition of the Patent Office. It says, hey, look, give them equal footing. Do not make them play under this system, which is very difficult for the small inventor to cough up the cash for. It does not subject them to the kind of litigation that is likely to be involved here where it is more likely that their ideas and their patent will be infringed upon through the processes that are being promoted in the base bill.

Our measure also would try to acknowledge that the base bill does not distinguish between large and small inventors. So it really is an equity question for us.

We would ask Members to support the Kaptur amendment to create a level playing field, support the small business person. Support the small inventor. Support your colleges and universities. Support the little guy. Do the right thing. Make this bill better.

I know the chairman of the full committee wants to do that. I know the ranking member wants to do that. The Kaptur amendment accomplishes that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Ms. KAPTUR].

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

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentleman from Ohio [Ms. KAPTUR] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

Page 4, strike line 1 and all that follows through page 26, line 9 and insert the following:

TITLE I—PATENT AND TRADEMARK SYSTEM REVISIONS

**SEC. 101. SECURE PATENT EXAMINATION.**

Section 3 of title 35, United States Code, is amended by adding at the end the following:

"(f) All examination and search duties for the grant of United States letters patent are sovereign functions which shall be performed within the United States by United States citizens who are employees of the United States Government."

**SEC. 102. PATENT AND TRADEMARK EXAMINER TRAINING.**

(a) IN GENERAL.—Chapter 1 of title 35, United States Code, is amended by adding at the end the following new section:

**"§ 15. Patent and trademark examiner training"**

IN GENERAL.—All patent examiners and trademark examiners shall spend at least 5 percent of their duty time per annum in training to maintain and develop the legal and technological skills useful for patent or trademark examination, as the case may be.

"(b) TRAINERS OF EXAMINERS.—The Patent and Trademark Office shall develop an incentive program to retain as employees patent examiners and trademark examiners of the primary examiner grade or higher who are eligible for retirement, for the sole purpose of training patent examiners and trademark examiners who have not achieved the grade of primary examiner."

(b) CLERICAL AMENDMENT.—The table of contents for chapter 1 of title 35, United States Code, is amended by adding at the end the following:

"15. Patent and trademark examiner training."

**SEC. 103. LIMITATIONS ON PERSONNEL.**

Section 3(a) of title 35, United States Code, is amended by adding at the end the following: "The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation."

Page 26, line 10, strike "121" and insert "104".

Page 28, line 15, strike "122" and insert "105".

Page 30, strike line 3 and all that follows through page 46, line 23, and insert the following:

**SEC. 106. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall take effect 30 days after the date of the enactment of this Act.

Amend the table of contents accordingly.

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

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

There was no objection.

Mr. HUNTER. Mr. Chairman, this has been a good debate, a robust debate on the patent system and whether or not we need to radically change the system. I am offering this amendment to move over to the personnel side of the issue and talk about it a little bit.

I want you to consider that the proposal, the idea that property rights are extremely precious in the United States and that if you ask the average citizen what his most important right is, he would probably say it is my right to own my house, my farm, my property, and to have a system that ensures that ownership.

Now, we often have disputes over property rights in the United States. We have quiet title actions and other types of actions, when you go to court because somebody else or the government disputes your claimed absolute ownership of your property. And what Americans want when their property rights are in dispute is an excellent judiciary with absolute integrity. They

do not want to have a judiciary that is contracted out. We went over and had a rent-a-judge program. They do not want to have a judiciary where you may go to a foreign country and contract or exchange judges with them, especially if it is an issue where their ownership of your property may be a part of the particular issue. We want to have judges that are absolutely insulated from politics.

Now, I think we need exactly the same thing when we are talking about intellectual property. We have had a Patent Office, I understand, I have done a little investigation, we have not had a scandal regarding undue influence in the Patent Office for 160 years. What does that say about our patent examiners, those Federal employees who work in the Patent Office and basically make decisions that are life or death for American citizens, for inventors, for small businesses, for big businesses?

Those people in practical terms award property rights or refuse to award property rights. They are quasi-judges. They are a lot like the judges who make determinations on real property rights, who make the decision as to whether or not you own your house or you own that strip of land that your neighbor may contest.

Well, I have offered an amendment that does several things. It says essentially that patent applications, it ensures that patent applications will be reviewed by politically insulated, competent, and plentiful patent examiners. Let us go through that.

First, I think the important idea is to have political insulation to make sure that you have an absolutely pristine patent examiner corps and you do that by making sure that they are U.S. citizens and that they are Federal employees. You do not want to contract out judges. These folks are quasi-judges.

Second, it ensures that you are going to have good patent examiners. It says that over 5 percent of their duty time must be spent in training. We have a lot of very high technology creativity now that is being pushed through the Patent Office by American innovators. We need to have folks that are up to speed and can apply technical expertise that will allow them to make an efficient review of that patent application. So my bill or my amendment offers a requirement for 5 percent of your duty time being spent in training.

Last, it ensures that you are going to have swift patent issuance, that has been an issue today, and office flexibility by lifting a mandated full-time employee cap from the Patent and Trademark Office.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

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

Mr. Chairman, I just want to explain to the gentleman from California, [Mr. HUNTER] that he has had 5 minutes. I get 3. I am not giving him any more time. I am not yielding.

Mr. Chairman, I object to this amendment. This amendment contains a number of restrictions on how the tradeoffs can operate, including the types of search files the office should use, the amount of training examiners should receive, where and by whom the patent application should be examined. It imposes restraints on executive branch negotiations with other nations on patent law.

Is this serious? We are going to, in an amendment that all debate concludes on in 8 minutes, we are now going to limit the executive branch of Government's ability to negotiate with other nations on patent law.

This would eliminate the operational flexibilities and management stability of the Government corporation which would be created in H.R. 400. I guess that means it guts the bill.

So here we go. We have had about 4 amendments. I am not impatient with this mode of debate and the secret agreements that nobody knows about, the conspiracy that is motivating the movers of H.R. 400. But it is a little trying.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Ms. LOFGREN. Mr. Chairman, in my reading of the amendment, I believe it is very clear from the plain words of the amendment that the Patent and Trademark Office current search files would need to be maintained. I think what this means, in a practical manner, is that the current 33 million documents search files that are on paper would need to be maintained forever.

I think, although I presume not intended, that would be a very serious problem for our country when we think about what we can accomplish with computerization, especially dealing with massive amounts of data. So I think that that unintended consequence, if for no other reason, should lead us all to oppose this amendment. I do not know whether the chairman of the subcommittee wished to be recognized for the remainder of my time.

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

Mr. CONYERS. I yield to the gentleman from California.

□ 1700

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman yielding, and it is for this purpose. If I could have the

attention of the gentleman from Michigan.

Mr. Chairman, I am asking for unanimous consent that 2½ additional minutes be given to the gentleman from Michigan [Mr. CONYERS] and 2½ additional minutes be given to the gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard. All time has expired.

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentleman from California [Mr. HUNTER] will be postponed.

Mr. BARCIA. Mr. Chairman, we have listened to members of this house eloquently debate both sides of this issue today and it is apparent that almost all agree that there are problems with our current patent system. However, we do not agree on how we can correct the problems.

There are several points on which we all agree and I believe that we can and should work on perfecting those provisions to improve, not massively alter, our patent system. We agree that we need to prevent submarine patents.

We agree on provisional royalty rights for those who are published. Those changes can be made without hurting independent inventors who have been the backbone of this country for 200 years.

We do not need to make massive changes to a system that we can fix. Let's address those provisions on which we agree and pass a bill that ends abuse of the system. Let us also continue to provide the independent inventor the opportunity and financial ability to pursue innovative ideas and inventions.

Some of my colleagues have suggested, quite correctly, that even under the current system lawsuits and piracy are possible, even prominent. However, this is not an excuse for opening our inventors to more of the same. Compounding injustice will not make our Nation better.

Innovation is the cornerstone and strength of our country and we are all committed to protecting the intellectual property rights of inventors and researchers. We all want to prevent abuses by those who would purposely delay applications or use other tactics to artificially extend patent protection.

However, I am opposed to H.R. 400 and any other legislation that would allow infringement on intellectual property rights guaranteed by our Constitution.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to stand up for our Nations small businesses and individual investors. With all the data on the obstacles small businesses face in our increasingly globally-oriented marketplace, I am quite dismayed about the changes advocated by this bill. While supporters claim this

bill helps businesses and inventors, closer examination proves otherwise. Rather than assisting all businesses and inventors, this bill allows large corporations and foreign entities to gain an advantage over America's small businesses and individual inventors.

Proponents of this legislation claim that this bill benefits investors and the American society as a whole. They contend that by publishing patents in a shorter amount of time, businesses and the government will be able to save money from eliminating duplicative research. In addition, supporters claim by disclosing the patent information in 18 months inventors are compensated for royalties earlier in the patent process. Existing law provides that a patent applicant must remain confidential until the patent is granted. Do we really want to disclose information to our competitors just to harmonize our patent laws with international standards?

Instead of maintaining a system that has been independent and encourages American ingenuity for over 200 years, H.R. 400 restructures the U.S. Patent & Trademark Office [PTO] by creating a Management Advisory Board that reviews the policies, goals, performance, budget and user fees of the PTO. This bill will subject the PTO to the appropriations process, as well as, Congressional oversight. Mr. Speaker we have already seen how special interests in the political process can influence the system. This bill not only adds additional redtape, but more significantly, it allows politics to influence the issuance of a patent. The existing structure already provides applicants the objectivity and assurance that they will be given a fair opportunity to obtain patents and safeguards intellectual property rights.

During this debate we will be hearing a lot about "submarine patents." Proponents of H.R. 400 allege that numerous patent applicants purposely delay their patent to keep their inventions secret. If submarine patents are as secretive as critics claim, then how are we to know the real number of submarine patents that exists? Are submarine patents really a problem or is it just a smokescreen to dismantle a system that protects the rights of the little guy?

Another change H.R. 400 seeks is to allow third parties to participate in the reexamination process. Under existing law, validity of issued patents are challenged and reexamined only by the U.S. Patent & Trademark Office. This bill will allow larger corporations and wealthier entities to challenge the validity of a patent. As these challenges or suits drag on for longer periods, the smaller and less affluent businesses or individuals are the ones most negatively affected. Once their finances are depleted, the "deep pockets" are likely to acquire rights to these patents.

H.R. 400 will hurt our small businesses and inventors. It should not pass.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 116, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1, offered by the gentleman from California [Mr. CAMPBELL];

Amendment No. 2, offered by the gentleman from California [Mr. CAMPBELL];

Amendment offered by the gentleman from Ohio [Ms. KAPTUR];

And the amendment offered by the gentleman from California [Mr. HUNTER].

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

PARLIAMENTARY INQUIRIES

Mr. CAMPBELL. Mr. Chairman, is it my understanding that we will go to a recorded vote or must I make a point of order about the absence of a quorum?

The CHAIRMAN pro tempore. The Chair will clarify.

Ms. LOFGREN. Mr. Chairman, parliamentary inquiry. Is it my understanding that the first recorded vote is on the Campbell 1 amendment, to be followed by 5 minute votes on Campbell 2, the Kaptur amendment and the like? I could not hear.

The CHAIRMAN pro tempore. The gentleman is correct.

AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1, offered by the gentleman from California [Mr. CAMPBELL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 224, not voting 24, as follows:

[Roll No. 86]

AYES—185

Abercrombie Dixon Jones  
 Bachus Doolittle Kanjorski  
 Baker Doyle Kaptur  
 Baldacci Duncan Kennedy (MA)  
 Barcia Ehlers Kildee  
 Barr Emerson Kim  
 Barrett (WI) Engel King (NY)  
 Bartlett Ensign Kleczka  
 Bass Everett Klink  
 Bereuter Filner Klug  
 Bilbray Foley Kucinich  
 Bilirakis Forbes LaHood  
 Blumenauer Fowler Largent  
 Bonilla Frank (MA) LaTourette  
 Bonior Gallegly Leach  
 Bono Gephardt Lewis (KY)  
 Brown (FL) Gibbons Lipinski  
 Brown (OH) Gillmor Livingston  
 Calvert Goode LoBiondo  
 Camp Gordon Lucas  
 Campbell Goss Maloney (CT)  
 Chenoweth Graham Manzullo  
 Christensen Green Martinez  
 Clayton Gutierrez Mascara  
 Clement Hansen McCarthy (NY)  
 Coburn Hastings (WA) McCollum  
 Combust Hayworth McDade  
 Condit Hefley McGovern  
 Cook Herger McHugh  
 Cooksey Hill McInnis  
 Costello Hillery McIntosh  
 Cox Hobson McIntyre  
 Coyne Hoyer McKeon  
 Crapo Hulshof McKinney  
 Cunningham Hunter McNulty  
 Danner Istook Menendez  
 Davis (VA) Jackson-Lee Metcalf  
 DeFazio (TX) Mica  
 Dellums Johnson, E. B. Miller (FL)

Mink Poshard Solomon  
 Molinari Radanovich Stark  
 Moran (KS) Rangel Stearns  
 Murtha Regula Strickland  
 Myrick Riley Stump  
 Neumann Rivers Stupak  
 Ney Rohrabacher Talent  
 Norwood Ros-Lehtinen Tauscher  
 Oberstar Roybal-Allard Thornberry  
 Obey Royce Thune  
 Olver Ryun Thurman  
 Ortiz Salmon Tiahrt  
 Owens Sanchez Traficant  
 Pallone Sanders Upton  
 Pappas Saxton Walsh  
 Parker Scarborough Wamp  
 Pascrell Schaefer, Dan Waters  
 Paul Schaffer, Bob Watkins  
 Petri Shadeeg Watt (NC)  
 Pickering Smith (MI) Watts (OK)  
 Pombo Smith (NJ) Weldon (FL)  
 Pomeroy Smith, Linda Weygand  
 Porter Snowbarger Wolf

NOES—224

Ackerman Franks (NJ) Moran (VA)  
 Aderholt Frelinghuysen Morella  
 Allen Frost Nadler  
 Archer Ganske Neal  
 Armye Gejdenson Nethercutt  
 Baesler Gekas Northup  
 Barrett (NE) Gilchrest Nussle  
 Barton Gilman Oxley  
 Bateman Gonzalez Packard  
 Becerra Goodlatte Pastor  
 Bentsen Goodling Paxon  
 Berman Granger Payne  
 Berry Greenwood Pease  
 Bishop Gutknecht Pelosi  
 Blagojevich Hall (OH) Peterson (MN)  
 Bliley Hall (TX) Peterson (PA)  
 Blunt Hamilton Pickett  
 Boehlert Harman Pitts  
 Boehner Hastert Portman  
 Borski Hastings (FL) Price (NC)  
 Boswell Hefner Pryce (OH)  
 Boucher Hilliard Quinn  
 Boyd Hinchey Ramstad  
 Brady Hinojosa Reyes  
 Brown (CA) Holden Riggs  
 Bunning Hoolley Rodriguez  
 Burr Horn Roemer  
 Burton Hostettler Rogan  
 Buyer Houghton Rogers  
 Callahan Hutchinson Rothman  
 Canady Hyde Roukema  
 Cannon Jackson (IL) Sabo  
 Capps Jefferson Sandlin  
 Cardin Jenkins Sawyer  
 Carson John Schumer  
 Castle Johnson (CT) Scott  
 Chabot Johnson (WI) Sensenbrenner  
 Chambliss Johnson, Sam Serrano  
 Clay Kasich Sessions  
 Clyburn Kelly Shaw  
 Coble Kennedy (RI) Shays  
 Conyers Kennelly Sherman  
 Cramer Kind (WI) Shimkus  
 Crane Knollenberg Shuster  
 Davis (FL) Kolbe Siskisky  
 Davis (IL) LaFalce Skaggs  
 Deal Lampson Skeen  
 DeGette Lantos Skelton  
 Delahunt Latham Slaughter  
 DeLauro Lazio Smith (TX)  
 DeLay Levin Smith, Adam  
 Dickey Lewis (CA) Snyder  
 Dicks Lewis (GA) Souder  
 Dingell Linder Spence  
 Doggett Lofgren Spratt  
 Dooley Lowey Stabenow  
 Dreier Luther Stenholm  
 Dunn Maloney (NY) Stokes  
 Edwards Manton Sununu  
 Ehrlich Markey Tanner  
 English Matsui Tauzin  
 Eshoo McCarthy (MO) Thomas  
 Etheridge McCrery Thompson  
 Evans McDermott Tierney  
 Ewing McHale Torres  
 Farr Meehan Turner  
 Fattah Meek Vento  
 Fawell Millender-Visclosky  
 Fazio McDonald Waxman  
 Flake Miller (CA) Weldon (PA)  
 Foglietta Minge Weller  
 Ford Moakley Wexler  
 Fox Mollohan White

Whitfield Woolsey Young (AK)  
Wicker Wynn Young (FL)

NOT VOTING—24

Andrews Furse Schiff  
Ballenger Hoekstra Smith (OR)  
Bryant Inglis Taylor (MS)  
Collins Kilpatrick Taylor (NC)  
Cubin Kingston Towns  
Cummings Rahall Velazquez  
Deutsch Rush Wise  
Diaz-Balart Sanford Yates

□ 1725

The Clerk announced the following pairs:

On this vote:

Mrs. Cubin for, with Mr. Kingston against.  
Mr. Sanford for, with Mr. Smith of Oregon against.

Mr. Deutsch for, with Mr. Towns against.

Messrs. DELAY, HASTERT, WELLER, and GONZALEZ changed their vote from "aye" to "no."

Messrs. POMBO, CAMP, RYUN, WATTS of Oklahoma, KIM, McGOVERN, Mrs. CLAYTON, and Ms. ROYBAL-ALLARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. CAMPBELL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 167, noes 242, not voting 24, as follows:

[Roll No. 87]  
AYES—167

Abercrombie	Calvert	Danner
Archer	Campbell	Deal
Bachus	Cardin	DeFazio
Baker	Chenoweth	DeLay
Baldacci	Christensen	Dellums
Barcia	Clayton	Dixon
Barr	Clement	Doolittle
Barrett (WI)	Coburn	Doyle
Bartlett	Combest	Duncan
Bass	Condit	Emerson
Bereuter	Cook	English
Bilirakis	Cooksey	Ensign
Bonilla	Costello	Everett
Bonior	Cox	Ewing
Bono	Crapo	Filner
Brown (OH)	Cunningham	Foley

Forbes	Lipinski
Gallegly	Livingston
Kanjorski	LoBiondo
Gibbons	Lucas
Goode	Manullo
Goss	Martinez
Graham	Mascara
Green	McCarthy (NY)
Gutierrez	McCrery
Hall (TX)	McDade
Hansen	McHugh
Hastert	McInnis
Hastings (WA)	McIntyre
Hayworth	McKeon
Hefley	McKinney
Herger	McNulty
Hill	Metcalfe
Hilleary	Mica
Hobson	Miller (FL)
Holden	Mink
Hoyer	Molinari
Hulshof	Moran (KS)
Hunter	Myrick
Hutchinson	Neumann
Istook	Ney
Jones	Norwood
Kaptur	Oberstar
Kildee	Obey
King (NY)	Olver
Kleczka	Ortiz
Klink	Pallone
Kucinich	Parker
LaHood	Pascarell
Largent	Paul
LaTourette	Petri
Lazio	Pickering
Leach	Pombo
Lewis (CA)	Poshard
Lewis (KY)	Regula

NOES—242

Ackerman	Doggett
Aderholt	Dooley
Allen	Dreier
Armey	Dunn
Baessler	Edwards
Barrett (NE)	Ehlers
Barton	Ehrlich
Bateman	Engel
Becerra	Eshoo
Bentsen	Etheridge
Berman	Evans
Berry	Farr
Bilbray	Fattah
Bishop	Fawell
Blagojevich	Fazio
Bliley	Flake
Blumenauer	Foglietta
Blunt	Ford
Boehler	Fowler
Boehner	Fox
Borski	Frank (MA)
Boswell	Franks (NJ)
Boucher	Frelinghuysen
Boyd	Frost
Brady	Ganske
Brown (CA)	Gejdenson
Brown (FL)	Gilchrest
Bunning	Gillmor
Burr	Gilman
Burton	Gonzalez
Buyer	Goodlatte
Callahan	Goodling
Camp	Gordon
Canady	Granger
Cannon	Greenwood
Capps	Gutknecht
Carson	Hall (OH)
Castle	Hamilton
Chabot	Harman
Chambliss	Hastings (FL)
Clay	Hefner
Clyburn	Hilliard
Coble	Hinchee
Conyers	Hinojosa
Coyne	Hooley
Cramer	Horn
Crane	Hostettler
Cummings	Houghton
Davis (FL)	Hyde
Davis (IL)	Jackson (IL)
Davis (VA)	Jackson-Lee
DeGette	(TX)
DeLahunt	Jefferson
DeLauro	Jenkins
Dickey	John
Dicks	Johnson (CT)
Dingell	Johnson (WI)

Riggs	Royce
Riley	Royce
Rivers	Rohrabacher
Ros-Lehtinen	Ros-Lehtinen
Ryan	Ryan
Salmon	Ryan
Sanders	Salmon
Saxton	Sanders
Scarborough	Saxton
Schaefer, Dan	Scarborough
Schaffer, Bob	Schaefer, Dan
Sensenbrenner	Schaffer, Bob
Sessions	Sensenbrenner
Smith (MI)	Sessions
Smith (NJ)	Smith (MI)
Smith, Linda	Smith (NJ)
Snowbarger	Smith, Linda
Solomon	Snowbarger
Stark	Solomon
Strickland	Stark
Stump	Strickland
Stupak	Stump
Sununu	Stupak
Talent	Sununu
Thornberry	Talent
Thune	Thornberry
Thurman	Thune
Tiahrt	Thurman
Traficant	Tiahrt
Walsh	Traficant
Wamp	Walsh
Waters	Wamp
Watt (NC)	Waters
Watts (OK)	Watt (NC)
Weldon (FL)	Watts (OK)
Weller	Weldon (FL)
Whitfield	Weller

Pelosi	Peterson (MN)
Peterson (PA)	Peterson (PA)
Pickett	Pickett
Pitts	Pitts
Pomeroy	Pomeroy
Porter	Porter
Portman	Portman
Price (NC)	Price (NC)
Pryce (OH)	Pryce (OH)
Quinn	Quinn
Radanovich	Radanovich
Ramstad	Ramstad
Rangel	Rangel
Reyes	Rangel
Rodriguez	Reyes
Roemer	Rodriguez
Rogan	Roemer
Rogers	Rogan
Rothman	Rogers
Roukema	Rothman
Roybal-Allard	Roukema
Sabo	Roybal-Allard
Sanchez	Sabo
Sandlin	Sanchez

NOT VOTING—24

Andrews	Gekas	Schiff
Ballenger	Hoekstra	Smith (OR)
Bryant	Inglis	Taylor (MS)
Collins	Kilpatrick	Taylor (NC)
Cubin	Kingston	Towns
Deutsch	Rahall	Velazquez
Diaz-Balart	Rush	Wise
Furse	Sanford	Yates

□ 1736

The Clerk announced the following pair:

On this vote:

Mr. Sanford for, with Mr. Smith of Oregon against.

Ms. PELOSI changed her vote from "aye" to "no."

Mr. McCRERY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 193, not voting 20, as follows:

[Roll No. 88]  
AYES—220

Abercrombie	Bonior	Collins
Aderholt	Bono	Combest
Archer	Boyd	Condit
Bachus	Brady	Cook
Baker	Brown (FL)	Costello
Baldacci	Brown (OH)	Cox
Barcia	Calvert	Cramer
Barr	Campbell	Crapo
Barrett (WI)	Cardin	Danner
Bartlett	Chenoweth	Deal
Bereuter	Christensen	DeFazio
Bilbray	Clayton	DeLauro
Bilirakis	Clyburn	DeLay
Bishop	Coburn	Dellums
Bonilla		Dickey

Dixon LaTourette  
 Doolittle Lazio  
 Doyle Leach  
 Duncan Levin  
 Emerson Lewis (KY)  
 English Lipinski  
 Ensign Livingston  
 Everett LoBiondo  
 Ewing Lucas  
 Fattah Manzullo  
 Filner Martinez  
 Foley Mascara  
 Forbes McCarthy (NY)  
 Fowler McCrery  
 Fox McDade  
 Franks (NJ) McGovern  
 Gallegly McHale  
 Gejdenson McHugh  
 Gephardt McInnis  
 Gillmor McIntosh  
 Goode McIntyre  
 Gordon McKeon  
 Goss McKinney  
 Graham McNulty  
 Green Meek  
 Gutierrez Menendez  
 Hall (OH) Metcalf  
 Hall (TX) Mica  
 Hansen Millender-  
 Harman McDonald  
 Hastert Miller (CA)  
 Hastings (WA) Miller (FL)  
 Hayworth Mink  
 Hefley Molinari  
 Herger Moran (KS)  
 Hill Moran (VA)  
 Hilleary Murtha  
 Hilliard Myrick  
 Holden Nethercutt  
 Hostettler Neumann  
 Hoyer Ney  
 Hulshof Norwood  
 Hunter Oberstar  
 Hutchinson Obey  
 Istook Olver  
 Jackson-Lee Ortiz  
 (TX) Owens  
 Jefferson Pallone  
 Jones Pappas  
 Kanjorski Parker  
 Kaptur Pascrell  
 Kildee Paul  
 Kim Payne  
 King (NY) Pelosi  
 Kleczka Peterson (PA)  
 Klink Petri  
 Kucinich Pickering  
 LaHood Pombo  
 Largent Pomeroy

NOES—193

Ackerman Conyers  
 Allen Cooksey  
 Arney Cooney  
 Baesler Crane  
 Barrett (NE) Cummings  
 Barton Cunningham  
 Bass Davis (FL)  
 Bateman Davis (IL)  
 Becerra Davis (VA)  
 Bentsen DeGette  
 Berman Delahunt  
 Berry Dicks  
 Blagojevich Dingell  
 Bliley Doggett  
 Blumenuauer Dooley  
 Blunt Dreier  
 Boehlert Dunn  
 Boehner Edwards  
 Borski Ehlers  
 Boswell Ehrlich  
 Boucher Engel  
 Brown (CA) Eshoo  
 Bryant Etheridge  
 Bunning Evans  
 Burr Farr  
 Burton Fawell  
 Buyer Fazio  
 Callahan Flake  
 Camp Foglietta  
 Canady Ford  
 Cannon Frank (MA)  
 Capps Frelinghuysen  
 Carson Frost  
 Castle Ganske  
 Chabot Gekas  
 Chambliss Gibbons  
 Clement Gilchrist  
 Coble Gilman

Porter Poshard  
 Radanovich Leach  
 Rahall Levin  
 Rangel Lewis (KY)  
 Regula Lipinski  
 Riggs Livingston  
 Riley LoBiondo  
 Rivers Lucas  
 Rodriguez Manzullo  
 Rohrabacher Martinez  
 Ros-Lehtinen Mascara  
 Royce McCarthy (NY)  
 Ryun McCrery  
 Salmon McDade  
 Sanders McGovern  
 Saxton McHale  
 Scarborough McHugh  
 Schaefer, Dan McInnis  
 Schaffer, Bob McIntosh  
 Sensenbrenner McIntyre  
 Shadegg McKeon  
 Smith (MI) McKinney  
 Smith (NJ) McNulty  
 Smith, Linda Meek  
 Snowbarger Menendez  
 Solomon Metcalf  
 Spence Mica  
 Spratt Millender-  
 Stabenow McDonald  
 Stark Miller (CA)  
 Stearns Miller (FL)  
 Stenholm Mink  
 Strickland Molinari  
 Stump Moran (KS)  
 Stupak Moran (VA)  
 Sununu Murtha  
 Talent Myrick  
 Tauzin Nethercutt  
 Thompson Neumann  
 Thornberry Ney  
 Thune Norwood  
 Tiahrt Oberstar  
 Torres Hutchinson  
 Traficant Obey  
 Upton Istook  
 Walsh Jackson-Lee  
 Wamp (TX)  
 Waters Jefferson  
 Watt (NC) Jones  
 Watts (OK) Pappas  
 Weldon (PA) Parker  
 Weller Pascrell  
 Weygand Paul  
 Whitfield Weller  
 Wicker Peterson (PA)  
 Woolsey Petri  
 Wynn Pickering  
 Young (AK) Pombo

Linder Pickett  
 Lofgren Pitts  
 Lowey Portman  
 Luther Price (NC)  
 Maloney (CT) Pryce (OH)  
 Maloney (NY) Quinn  
 Manton Ramstad  
 Markey Reyes  
 Matsui Roemer  
 McCarthy (MO) Rogan  
 McCollum Rogers  
 McDermott Rothman  
 Meehan Roukema  
 Minge Roybal-Allard  
 Moakley Sabo  
 Mollohan Sanchez  
 Morella Sandlin  
 Nadler Sawyer  
 Neal Schumer  
 Northup Scott  
 Nussle Serrano  
 Oxley Sessions  
 Packard Shaw  
 Paster Shays  
 Paxon Sherman  
 Pease Shimkus  
 Peterson (MN) Shuster

NOT VOTING—20

Andrews Inglis  
 Ballenger Kilpatrick  
 Cubin Kingston  
 Deutsch Rush  
 Diaz-Balart Sanford  
 Furse Schiff  
 Hoekstra Smith (OR)

□ 1748

The Clerk announced the following pairs:

On this vote:  
 Ms. Velázquez for, with Mr. Deutsch against.  
 Mrs. Cubin for, with Mr. Kingston against.  
 Mr. Sanford for, with Mr. Smith of Oregon against.

Mr. HOBSON, Mr. LAFALCE, and Ms. SLAUGHTER changed their vote from "aye" to "no."

Messrs. RAHALL, BRADY, McGOVERN, and FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was agreed to.  
 The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, during the vote on the Kaptur amendment my vote should have been recorded as a "yea" vote for the amendment. My vote was inadvertently recorded as a "no" vote and I would like for the RECORD to show that I was in favor of the Kaptur amendment. This amendment will provide small businesses and inventors with the protections that they need and deserve.

AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. HUNTER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 133, noes 280, not voting 20, as follows:

[Roll No. 89]  
 AYES—133

Abercrombie Herger  
 Bachus Hill  
 Baker Holden  
 Baldacci Hostettler  
 Barcia Hoyer  
 Barr Hulshof  
 Bartlett Hunter  
 Bilbray Istook  
 Bilirakis Jackson-Lee  
 Bonior (TX)  
 Bono Jones  
 Brown (OH) Kanjorski  
 Burton Kaptur  
 Calvert Kildee  
 Campbell King (NY)  
 Chenoweth Kleczka  
 Clement Klink  
 Coburn Kucinich  
 Combust Largent  
 Condit LaTourette  
 Crapo Lewis (KY)  
 Danner Lipinski  
 DeFazio LoBiondo  
 Doolittle Lucas  
 Doyle Manzullo  
 Emerson Martinez  
 English Mascara  
 Ensign McCarthy (NY)  
 Everett McHale  
 Ewing McHugh  
 Filner McInnis  
 Foley McKeon  
 Forbes McKinney  
 Gallegly McNulty  
 Gephardt Metcalf  
 Gibbons Mica  
 Goode Miller (CA)  
 Goodling Mink  
 Goss Moran (KS)  
 Graham Moran (VA)  
 Gutierrez Myrick  
 Hall (TX) Neumann  
 Hansen Ney  
 Hayworth Norwood  
 Hefley Oberstar

NOES—280

Ackerman Coble  
 Aderholt Collins  
 Allen Conyers  
 Archer Cook  
 Armey Cooksey  
 Baesler Costello  
 Barrett (NE) Cox  
 Barrett (WI) Coyne  
 Barton Cramer  
 Bass Crane  
 Bateman Cummings  
 Becerra Cunningham  
 Bentsen Davis (FL)  
 Bereuter Davis (IL)  
 Berman Davis (VA)  
 Berry Deal  
 Bishop DeGette  
 Blagojevich Delahunt  
 Bliley DeLauro  
 Blumenuauer DeLay  
 Blunt Dellums  
 Boehlert Dickey  
 Boehner Dicks  
 Bonilla Dingell  
 Borski Dixon  
 Boswell Doggett  
 Boucher Dooley  
 Boyd Dreier  
 Brady Duncan  
 Brown (CA) Dunn  
 Brown (FL) Edwards  
 Bryant Ehlers  
 Bunning Ehrlich  
 Burr Engel  
 Buyer Eshoo  
 Callahan Etheridge  
 Camp Evans  
 Canady Farr  
 Cannon Fattah  
 Capps Fawell  
 Cardin Fazio  
 Carson Flake  
 Castle Foglietta  
 Chabot Ford  
 Chambliss Fowler  
 Christensen Fox  
 Clay Frank (MA)  
 Clayton Franks (NJ)  
 Clyburn Frelinghuysen

Obey  
 Olver  
 Ortiz  
 Pallone  
 Pappas  
 Pascrell  
 Petri  
 Pombo  
 Pomeroy  
 Radanovich  
 Rahall  
 Regula  
 Riley  
 Rivers  
 Rohrabacher  
 Ros-Lehtinen  
 Royce  
 Ryun  
 Salmon  
 Sanders  
 Saxton  
 Scarborough  
 Schaefer, Dan  
 Schaffer, Bob  
 Sessions  
 Skelton  
 Smith (NJ)  
 Smith, Linda  
 Snowbarger  
 Solomon  
 Spence  
 Stark  
 Stump  
 Talent  
 Tiahrt  
 Traficant  
 Walsh  
 Wamp  
 Waters  
 Watts (OK)  
 Weldon (FL)  
 Weller  
 Whitfield  
 Young (AK)

Frost  
 Ganske  
 Gejdenson  
 Gekas  
 Gilchrist  
 Gillmor  
 Gilman  
 Gonzalez  
 Goodlatte  
 Gordon  
 Granger  
 Green  
 Greenwood  
 Gutknecht  
 Hall (OH)  
 Hamilton  
 Harman  
 Hastert  
 Hastings (FL)  
 Hastings (WA)  
 Hefner  
 Hilleary  
 Hilliard  
 Hinchey  
 Hinojosa  
 Hobson  
 Hooley  
 Horn  
 Houghton  
 Hutchinson  
 Hyde  
 Jackson (IL)  
 Jefferson  
 Jenkins  
 John  
 Johnson (CT)  
 Johnson (WI)  
 Johnson, E.B.  
 Kasich  
 Kennedy (MA)  
 Kennedy (RI)  
 Kennelly  
 Kim  
 Kind (WI)  
 Klug  
 Knollenberg  
 Kolbe

LaFalce	Owens	Shuster
LaHood	Oxley	Sisisky
Lampson	Packard	Skaggs
Lantos	Parker	Skeen
Latham	Pastor	Slaughter
Lazio	Paul	Smith (MI)
Leach	Paxon	Smith (TX)
Levin	Payne	Smith, Adam
Lewis (CA)	Pease	Snyder
Lewis (GA)	Pelosi	Souder
Linder	Peterson (MN)	Spratt
Livingston	Peterson (PA)	Stabenow
Lofgren	Pickering	Stearns
Lowey	Pickett	Stenholm
Luther	Pitts	Stokes
Maloney (CT)	Porter	Strickland
Maloney (NY)	Portman	Stupak
Manton	Poshard	Sununu
Markey	Price (NC)	Tanner
Matsui	Pryce (OH)	Tauscher
McCarthy (MO)	Quinn	Tauzin
McCollum	Ramstad	Thomas
McCrary	Rangel	Thompson
McDade	Reyes	Thornberry
McDermott	Riggs	Thune
McGovern	Rodriguez	Thurman
McIntosh	Roemer	Tierney
McIntyre	Rogan	Torres
Meehan	Rogers	Turner
Meek	Rothman	Upton
Menendez	Roukema	Vento
Millender-	Roybal-Allard	Visclosky
McDonald	Sabo	Watkins
Miller (FL)	Sanchez	Watt (NC)
Minge	Sandlin	Waxman
Moakley	Sawyer	Weldon (PA)
Molinari	Schumer	Wexler
Mollohan	Scott	Weygand
Morella	Sensenbrenner	White
Murtha	Serrano	Wicker
Nadler	Shadegg	Wolf
Neal	Shaw	Woolsey
Nethercutt	Shays	Wynn
Northup	Sherman	Young (FL)
Nussle	Shimkus	

## NOT VOTING—20

Andrews	Inglis	Taylor (MS)
Ballenger	Kilpatrick	Taylor (NC)
Cubin	Kingston	Towns
Deutsch	Rush	Velazquez
Diaz-Balart	Sanford	Wise
Furse	Schiff	Yates
Hoekstra	Smith (OR)	

□ 1757

The Clerk announced the following pair: On this vote:

Mrs. Cubin for, with Mr. Kingston against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute as modified, as amended.

The committee amendment in the nature of a substitute as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

□ 1800

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE), having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes, pursuant to House Resolution 116, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SMITH of Oregon. Mr. Speaker, unfortunately, I was unable to be present during consideration of H.R. 400 today. As a cosponsor of this bill, however, I feel it is important for me to let my intentions be known on this important matter. Therefore, I would like to state for the RECORD that, had I been present, I would have voted against all of the amendment to H.R. 400 and supported final passage of the bill.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 400, 21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 400, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

## GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 400.

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

There was no objection.

## WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1062

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1062.

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

There was no objection.

## 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 on Thursday, April 24, 1997.

## EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO SIGNIFICANCE OF MAINTAINING HEALTH AND STABILITY OF CORAL REEF ECOSYSTEMS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con. Res. 8) expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems, as amended.

The Clerk read as follows:

## H. CON. RES. 8

Whereas coral reefs are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forests of the oceans;

Whereas healthy coral reefs provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Whereas healthy coral reefs function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves, storm surges, and accompanying losses of human life and property;

Whereas the scientific community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats;

Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas, containing reefs of the Flower Garden Banks in the Gulf of Mexico, the Florida Keys in south Florida, and offshore Hawaii, Puerto Rico, the Virgin Islands, and American Samoa;

Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef stewardship by launching the International Coral Reef Initiative and by maintaining professional networks for the purposes of sharing knowledge and information on coral reefs, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general fund of coral reef knowledge; and

Whereas 1997 has been declared the "International Year of the Reef" by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the significance of maintaining the health and stability of coral reef ecosystems, by—*

(1) promoting comprehensive stewardship for coral reef ecosystems;

(2) encouraging research, monitoring, and assessment of and education on coral reef ecosystems; and

(3) improving the coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. Speaker, I appreciate the scheduling of House Concurrent Resolution 8, the coral reef protection resolution of 1997, for consideration this afternoon.

Mr. Speaker, with the able help of my comrade in arms, the gentleman from Hawaii [Mr. ABERCROMBIE], I introduced this resolution in early January.

Mr. Speaker, in addition to their colorful beauty and ecological significance, healthy coral reefs provide numerous economic benefits to the United States and our territories. They support commercial and recreational fisheries, they are tourist attractions; they provide us with biomedicines and serve as natural protection for our coastlines. However, coral reefs are in a state of decline, not only in United States waters but worldwide. Without proper understanding of what is causing this degradation, it is difficult to determine how best to combat or reverse it.

To this end, House Concurrent Resolution 8 makes a clear and forceful statement in support of further research, monitoring, and education with regard to coral reefs. It also encourages cooperation and coordination among U.S. agencies, academic institutions, nongovernmental organizations and industry that are involved in research on reef management and conservation activities.

Finally, this legislation honors the fact that in 1997, it has been declared the Year of the International Reef by a global community of coral reef scientists, conservationists, and natural resource managers. Through the successful passage of this resolution, Congress will join this effort in promoting understanding and awareness of coral reef ecosystems. Congressional support for this resolution is bipartisan, coming from 40 Members who represent both coastal and noncoastal districts. Along with other positive environmental legislation that will be considered by Congress this year, this deserves our favorable consideration.

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

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

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

Mr. Speaker, I think that the gentleman from New Jersey [Mr. SAXTON], in his usual manner, has stated the case very well for the International

Year of the Reef. I would like to just simply state for the record and for the benefit of the Members who may not be fully aware of the items contained in the resolution, that this sense of the Congress statement is aimed at maintaining the health and stability of coral reef ecosystems.

We intend to do that by promoting comprehensive stewardship for coral reef systems, for encouraging research, monitoring, and assessment of and education on coral reef ecosystems, and approving the coordination of the coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry.

Mr. Speaker, this is truly a public-private partnership which will have benefits not only for the reef systems themselves, but for all the people on the planet with respect to continued recognition of our dependency on one another.

Mrs. MINK of Hawaii. Mr. Speaker, I rise as one of the cosponsors of House Concurrent Resolution 8, which expresses the sense of Congress regarding the importance of maintaining the health and stability of our coral reef ecosystems. This resolution is particularly appropriate as we celebrate the International Year of the Reef in 1997.

Coral reefs, both in U.S. and international waters, face dire threats to basic functions needed to maintain them as natural and stable reef ecosystems. Pollution from chemicals and human waste disrupt normal behaviors of organisms making up coral communities in reefs. Overfishing disturbs the precarious balance in marine ecosystems of which coral reefs are an integral part. Overuse by industries using coral products in their processing and merchandise destroy and damage sections of the reef, as does indifference and careless handling of the reef during activities such as water recreation and fishing.

Statistics about the destruction of the world's coral reefs cited by the National Oceanic and Atmospheric Administration [NOAA] should be of great concern. NOAA estimates that about two-thirds of coral reefs globally are dying, with 10 percent degraded beyond recovery, 30 percent in critical condition and predicted to die in the next 10 to 20 years, and another 30 percent forecasted to perish by 2050.

In the Central Pacific Ocean region, nuclear testing and military base construction at Enewetak and Bikini in the Marshall Islands, and military construction and warfare at Ulithi, Kanton, Palmyra, Wake, Tarawa, Chuuk, Kwajalein, Mili, Jaluit, Johnston, and Funafuti permanently damaged coral reefs, or left them in the condition to warrant longterm recovery, according to the University of Hawaii Sea Grant College Program. Additional reports have included evidence of reef degradation by illegal or destructive harvesting of reef resources, which has also led to depletion of giant clams, sharks, other finfish, dugongs, crocodiles, sea turtles, coconut crabs, lobsters, and other shellfish coexisting with reef ecosystems.

Mitigation of threats to coral reefs are especially critical to my State of Hawaii, which is home to some of the most exquisite reefs in the world. Reef health is vital to Hawaii's

multimillion dollar tourism industry, and some efforts to practice ecotourism have been implemented by the industry. However, reef conditions around the islands need much more attention if they are to improve. For example, reefs around the island of Maui are being endangered by shoreline development and human pressures—anchoring, pollution from boats and water users, and fishing exercises—as well as fish feeding, according to the coral reef research study administered by the Pacific Whale Foundation and funded by Earthwatch annually since 1989.

During the International Year of the Reef, we must make conscientious efforts toward preservation of our coral reefs. Extensive stewardship of and research and education about coral reefs by government agencies, nongovernmental organizations, academic institutions, industry, and our own communities is necessary to save our beautiful reefs.

I strongly urge my colleagues to add their support to House Concurrent Resolution 8 and vote to pass this significant resolution.

Mrs. CHRISTIAN-GREEN. Mr. Speaker, I thank my colleague for yielding time to me and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 8 and I ask my colleagues to join with me and the proponents of this resolution in expressing the sense of Congress of the significance of maintaining the health and stability of coral reef ecosystems. I want to also commend my colleagues on the Resources Committee, the chairman and ranking member of the Subcommittee on Fisheries, Wildlife and Oceans, Mr. SAXTON and Mr. ABERCROMBIE for their leadership in bringing this resolution to the floor today.

House Concurrent Resolution 8 recognizes that our country has taken certain measures to protect national coral reefs through the designation and management of several underwater national parks. One such national coral reef site is the Buck Island National Monument situated off the northeast coast of St. Croix in my district, the U.S. Virgin Islands.

Buck Island Reef National Monument was established in 1961 through a proclamation issued by President Kennedy to preserve "one of the finest marine gardens in the Caribbean Sea". Since that time, this and other local reef systems have been struggling against the onslaught of several major hurricanes, nonpoint source pollution and other damaging influences. To determine the present and future health of one the Caribbean's most significant coral reef ecosystems the National Park Service has established a research/monitoring program at Buck Island. Since the inception of the monitoring program, over 350 individual coral colonies have been tagged and are being monitored.

This past weekend I had the opportunity, along with two of my colleagues, to visit the Buck Island National Monument and can report firsthand of the magnificence of this priceless resource and of the healthy signs of recovery of the corals following the damage to them by the recurring hurricanes. I want to thank National Park Service Biological Technician Zandy-Marie Starr for her assistance in helping us understanding the unique features of the Buck Island Reef National Monument.

Mr. Speaker, 1997 has been declared the International Year of the Reef by the coral reef

research community and over 40 national and international scientific, conservation, and academic organizations. I urge my colleagues to join me in expressing our support for the preservation of coral reefs by voting "yes" on House Concurrent Resolution 8. I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of House Concurrent Resolution 8, the Coral Reef Protection Resolution of 1997.

Interestingly enough, Alaska has the distinction of being the northernmost point in the Pacific which supports coral growth. A variety of corals live in the Gulf of Alaska, along the Aleutian chain, and in the Bering Sea. However, due to cold water temperatures, these corals are unable to create extensive reef structures.

House Concurrent Resolution 8 is non-controversial and has broad bipartisan support. It deserves favorable consideration in both Chambers of Congress, and I urge you to vote "aye" on this important measure.

Mr. MILLER of California. Mr. Speaker, I'm pleased that we are considering House Concurrent Resolution 8 today. The global crisis in coral reef health is an important issue that has received little recent attention in Congress. I commend the Fisheries Subcommittee Chairman, Mr. SAXTON, for introducing the resolution, of which I am an original cosponsor.

Coral reefs are one of nature's wonders. While they provide important physical habitat for ecologically and economically important species, the reef itself is also a living structure. And, as a living structure, thousands—perhaps millions—of individual coral animals are dying and others are taking their place on the reef at any one time.

The problem is that now human activities have shifted that balance and coral reefs are dying off at an alarming rate worldwide. Corals are very sensitive to water pollution, sedimentation, damage from boat groundings, and even simple physical contact by divers. Coral reefs are, in a sense, the canary in the coal mine of the oceans.

A great deal of injury is being inflicted on coral reefs, mainly in southeast Asia, through easily preventable, largely illegal fishing techniques. Cyanide and other poisons are being used to stun and capture fish for the aquarium trade and for the live food fish trade. These chemicals kill nearby coral, and divers scrambling to get fish out of nooks and crannies in the reef often inflict further damage on the reef.

Most of the aquarium fish captured in this way end up in hobbyists' tanks in the United States. So this is not just a foreign problem; we have to take some responsibility for our consumer actions that are driving these practices.

I have introduced legislation myself, House Resolution 87, to address the specific problem of unsustainable coral reef fisheries. I understand that the Fisheries Subcommittee will hold a hearing on that resolution next month, and I hope that it will be marked up shortly thereafter.

Both of these resolutions share a common purpose. They are intended to bring the global plight of coral reefs before Congress, raise the level of awareness of policy makers, and ask us to do more. The scientific and environmental communities have declared 1997 the International Year of the Reef. What better

time for us to pay attention to the many problems plaguing coral reefs, and seek practical solutions to those threats? If we don't do something soon, there may not be any reefs left to save.

I urge the House to support the resolution and I hope we will continue in the coming months to take action to address the coral reef crisis.

Mrs. MEEK of Florida. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 8, the Protect Coral Reef Ecosystems resolution.

I am particularly moved to speak on this subject because, my State, Florida, is the only State in the continental United States with natural coral reef communities.

This resolution seeks to preserve this natural marine resource by providing comprehensive protection from natural and manmade destruction.

This measure articulates Congress' recognition of the importance of maintaining the health and stability of coral reef ecosystems.

The bill also encourages research, education, and management efforts by Federal agencies, academic institutions, nongovernmental organizations, and private industry to further this effort.

Although most people know that coral reefs are one of our most precious and fragile marine resources, the benefits derived from coral reefs are probably less known.

Coral reefs are valuable sources of biomedical chemicals. The use of coral reefs as a source of new chemicals for anticancer treatments is especially promising.

The life of coral reefs are at once fragile and dynamic. It takes 100 years to grow one inch of coral reef—and decades to rehabilitate damaged reefs. This kind of sustained instability is further justification for strong protective measures.

We are now certain that the loss of these natural wonders has implications for other organisms. Without coral reefs, many lesser organisms would disappear. Likewise the abundance of other valuable marine species would also be substantially affected.

The world's coral reefs are subject to a myriad of threats including natural damage caused by humans and extreme weather conditions, as well as damage resulting from tourism activities, commercial harvests, vessel groundings, and pollution.

Even though underwater national parks have been established by Congress in the Gulf of Mexico and the Florida Keys, it is still critical that we move decisively to protect this vital natural resource.

The protection of coral reefs is good for tourism, biomedical research, pharmaceutical production, and good for the future of our children.

I urge support for this measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 8, as amended.

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

The title of the concurrent resolution was amended so as to read: "Concurrent resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the concurrent resolution just agreed to.

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

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1031.

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

There was no objection.

#### AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 1997

Mr. SAXTON. Mr. speaker, I move to suspend the rules and pass the bill (H.R. 39) to reauthorize the African Elephant Conservation Act.

The Clerk read as follows:

H.R. 39

*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 "African Elephant Conservation Reauthorization Act of 1997".

#### SEC. 2. REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.

Section 2306 of the African Elephant Conservation Act (16 U.S.C. 4245) is amended by striking "fiscal years" and all that follows through "1998" and inserting "fiscal years 1997, 1998, 1999, 2000, 2001, and 2002".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. Speaker, I am pleased to rise in support of this bill. Mr. Speaker, H.R. 39 was introduced by our full committee chairman, the gentleman from

Alaska, DON YOUNG, and was cosponsored by our distinguished Speaker, the gentleman from Georgia, NEWT GINGRICH.

The fundamental goal of H.R. 39 is quite simple: It is simply to extend the authority of the Secretary of the Interior to allocate Federal money from the African elephant conservation fund until September 30, 2002.

At our subcommittee hearing in March we heard from witnesses regarding the various grant projects their organizations have sponsored to assist in the conservation of the African elephant. The results of these projects were discussed, and how additional funds authorized by H.R. 39 would be spent in the future.

H.R. 39, I believe, Mr. Speaker, is noncontroversial. It is a conservation measure. It will help to save the flagship species of the African Continent. I ask all Members to join in supporting the bill.

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

□ 1815

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

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

Mr. ABERCROMBIE. Mr. Speaker, I, too, with the gentleman from New Jersey [Mr. SAXTON], rise to support H.R. 39, the African Elephant Conservation Reauthorization Act of 1997.

I might take a moment, Mr. Speaker, to ask the Chamber to reflect on the fact that not only does Mr. SAXTON support this resolution but the gentleman from Georgia, Mr. GINGRICH, the gentleman from Alaska, Mr. YOUNG, myself and the gentleman from California, Mr. MILLER, all support it. I do not know if we are ever going to achieve that position again.

We may want to pause for a moment of silence at this point, reverence for the question of bipartisanship. It surely can take place and it does take place over the African elephant. I think we could probably extend that to the donkey and the elephant in the United States, but I am not sure about the former as opposed to the latter.

In any event, Mr. Speaker, it is the African Elephant Conservation Reauthorization Act, and it is literally deadly serious business we are about on this floor today.

I support the African Elephant Conservation Act and its purpose in perpetuating healthy populations of African elephants. I am concerned that other U.S. funded programs that may impact the African elephant may not be working towards this purpose as expressed by the act. I hope that the U.S. Fish and Wildlife Service and the United States Agency for International Development will work cooperatively towards the ends of African elephant conservation.

I appreciate the importance of the Speaker, the chairman and the sub-

committee chair, the importance which the Speaker and the chairman and the subcommittee chair place on conserving African elephants, and I most certainly commend them for moving expeditiously to reauthorize the African Elephant Conservation Act.

I would hope, Mr. Speaker, in conclusion, especially that the young people of this country would pay particular attention, given the fact that we have before us the situation with the panda at the Washington Zoo now undergoing an operation with species throughout the United States and the rest of the world in zoos finding themselves under extreme stress and duress. With populations of animals such as the elephant experiencing similar calamities and difficulties throughout the world, I think that it is incumbent upon us to help other nations and other people find ways to have conservation and preservation efforts be made manifest in more than just the abstract.

We do not want to find ourselves reduced to finding reruns of National Geographic specials or Discovery Channel programs constituting or, for that matter, observing animal acts in Las Vegas as the sole preservation effort that is made by this species with regard to the rest of the species on the planet.

This particular act, this reauthorization act, is a serious effort made on a bipartisan basis by serious minded Members who want to see to it that we set a standard; with this act we are doing it. If we can take similar measures with other species throughout the world, I look forward to the time when we can say with some confidence that we have made moves and taken steps to see to it that conservation is more than just a word.

I commend the gentleman from New Jersey, [Mr. SAXTON], for bringing this bill forward and am very grateful for the cooperation that he and the staff of the committee have extended on this bill and for all the Members who have expressed support.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from Hawaii [Mr. ABERCROMBIE] for the bipartisanship with which we have been able to handle these two bills and the staff on both sides.

I might say, Mr. Speaker, it appears to me like we are moving rapidly towards some other bipartisan agreements on some other bills that have to do with wildlife management on the domestic side.

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

Mr. SAXTON. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, under the question of wildlife management, perhaps we can get the Committee on the Budget members in and make an amendment to this resolution.

Mr. SAXTON. Mr. Speaker, we could certainly call on them for their cooperation.

Mr. ABERCROMBIE. Mr. Speaker, does the gentleman think he could get unanimous consent on that?

Mr. SAXTON. The gentleman will be interested to know that we just held the second in a series of five hearings that had to do with how we were funding our wildlife refuge system. And we could use some help, I might say, from the Committee on the Budget with regard to some of those issues.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the African Elephant Conservation Reauthorization Act (H.R. 39). This important piece of legislation will continue America's commitment to worldwide elephant conservation. I would also like to congratulate Chairman YOUNG for bringing this important legislation forward.

H.R. 39 will reauthorize the African Elephant Conservation Act through the year 2002. The continuation of this important and successful program will preserve America's leadership to conserve and restore African elephant herds in their native habitat. The future survival of African elephants depends upon America's leadership, and our small but crucial amount of financial support.

The AECA has been responsible for rescuing African elephants from the path to extinction. As we all know during the 1970's and 1980's, African elephant populations declined from around 1.5 million to 600,000 animals. Drought, shrinking habitat, and expanding human populations had some part in the decline of the population. But by the mid-1980's, rampant and efficient poaching of elephants for the world ivory trade was found most directly responsible for elephants' endangerment.

The passage of the AECA reversed that downward trend of elephant populations. A large part of the success of the AECA comes from the effectiveness of the African Elephant Conservation Fund. This Fund, which is administered by the United States Fish and Wildlife Service, has provided nearly \$7 million during 9 years to elephant conservation projects throughout Africa, through 66 grants to 50 projects in 17 countries. Each of these projects has received matching support from organizations like Safari Club International, the Wildlife Conservation Society, the African Safari Club of Washington, DC, and others. Less than one half of this has been Federal funding. Our Federal commitment leverages and coordinates private sector support for elephant conservation.

The focus of the conservation fund was originally on antipoaching efforts. However, in the last few years, the projects have focused on elephant population research, efforts to mitigate elephant/human conflict, investigations of the ivory trade, cataloging of ivory stockpiles, and identifying new techniques for elephant management.

In addition the fund helps local villages, who often live in fear of elephants, to coexist and benefit from the long term conservation of elephants. This is an important step. As rural farmers in Africa begin to accumulate economic gains brought by the wildlife around them, they will find it in their best interest to conserve that same wildlife. In the long run, this will reduce the high cost of conservation and save elephants from extinction.

Mr. Speaker, the African Elephant Conservation Fund has been a tremendous success. I encourage all my colleagues to vote

H.R. 39 and support this important and successful program.

Mr. YOUNG of Alaska. Mr. Speaker, as the sponsor of H.R. 39, I rise in strong support of this important conservation legislation to reauthorize the African Elephant Conservation Fund. I am pleased that I have been joined in this effort by Speaker NEWT GINGRICH and our colleague from California, DUKE CUNNINGHAM.

For the past 9 years, this fund has been the only continuous source of new money for elephant conservation efforts. While the act authorizes up to \$5 million per year, in reality the Congress has annually appropriated less than \$900,000 to save and conserve this flagship species of the African Continent.

This money has been used to finance some 50 conservation projects in 17 range states throughout Africa. These projects have been sponsored by a diverse group of conservation organizations including the African Wildlife Foundation, Safari Club International, Southern Africa Wildlife Trust, and the World Wildlife Fund. These funds have been used to purchase antipoaching equipment for wildlife rangers, to establish a database on elephants, to develop effective conservation plans, to undertake various elephant population surveys, and to move elephants from certain drought regions.

While the world community has been successful in halting the widespread slaughter of this magnificent animal, the fight to save the African elephant is far from over. It is essential that we extend the Secretary of the Interior's authority to allocate money for the African elephant beyond its statutory deadline, and that is the goal of H.R. 39. In fact, my bill would reauthorize the African Elephant Conservation Fund until September 30, 2002.

Last month, the subcommittee conducted a hearing on H.R. 39. Testimony was obtained from witnesses representing the administration, the Humane Society of the United States, Safari Club International, and the World Wildlife Fund. There was unanimous support for this bill, and the administration's representative accurately stated that "this is not a hand out, but a helping hand."

This is a sound piece of legislation, and this small investment will help to ensure that our largest land mammal, the African elephant, does not disappear from this planet. It will also allow the U.S. Fish and Wildlife Service to fund a number of additional elephant conservation projects in the future.

I urge an "aye" vote on this important conservation measure.

Mr. MILLER of California. Mr. Speaker, I support H.R. 39 which continues funding for the African Elephant Conservation Act through the year 2002. Enacted in October 1988 in response to the alarming decline of African elephants, the act has made a significant contribution to the preservation of this threatened species. This legislation will allow these efforts to continue.

The African Elephant Conservation Act has funded effective programs throughout 17 different African countries. Efficiently using small, strategically important grants, the act: enhances elephant conservation management programs; supports antipoaching training and operations; and develops sound scientific data on elephant populations. The act promotes range-wide efforts, as well as cooperative projects that provide for matching funds from a variety of other sources. All of these pro-

grams work toward the act's purpose of perpetuating healthy populations of African elephants.

Despite the achievements seen so far, I am concerned about the coordination and management of U.S. funded elephant conservation efforts. Programs that impact African elephant populations are funded by both this act and the United States Agency for International Development, and it is not clear whether these efforts are mutually supportive. They should be. Furthermore, it is essential that innovative programs and management decisions are well grounded in science and sound management practices, and are effective in increasing elephant populations. We must ensure that all United States funded programs work toward the same ends—the conservation of African elephants.

I appreciate the importance the Speaker, Mr. YOUNG, and Mr. SAXTON place on conserving African elephants, and I commend them for moving expeditiously to reauthorize the African Elephant Conservation Act. Their support of this legislation reflects the strong desire by the American public to preserve African elephants. By passing this legislation, and by continuing to monitor all U.S. efforts supporting elephant conservation, we can fulfill this desire.

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

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

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 39.

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. SAXTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 39, the bill just passed.

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

There was no objection.

#### SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1997

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 449) to provide for the orderly disposal of certain Federal lands in Clark County, NV, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada, as amended.

The Clerk read as follows:

H.R. 449

*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 "Southern Nevada Public Land Management Act of 1997".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Bureau of Land Management has extensive land ownership in small and large parcels interspersed with or adjacent to private land in the Las Vegas Valley, Nevada, making many of these parcels difficult to manage and more appropriate for disposal.

(2) In order to promote responsible and orderly development in the Las Vegas Valley, certain of those Federal lands should be sold by the Federal Government based on recommendations made by local government and the public.

(3) The Las Vegas metropolitan area is the fastest growing urban area in the United States, which is causing significant impacts upon the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area, which surround the Las Vegas Valley.

(b) PURPOSE.—The purpose of this Act is to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

#### SEC. 3. DEFINITIONS.

As used in this Act:

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

(2) The term "unit of local government" means Clark County, the City of Las Vegas, the City of North Las Vegas, or the City of Henderson; all in the State of Nevada.

(3) The term "Agreement" means the agreement entitled "The Interim Cooperative Management Agreement Between The United States Department of the Interior—Bureau of Land Management and Clark County", dated November 4, 1992.

(4) The term "special account" means the account in the Treasury of the United States established under section 4(e)(1)(C).

(5) The term "Recreation and Public Purposes Act" means the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", approved June 14, 1926 (43 U.S.C. 869 et seq.).

(6) The term "regional governmental entity" means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District.

#### SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Direction of the Bureau of Land Management in Clark County, Nevada, as generally depicted on the map entitled "Las Vegas Valley, Nevada, Land Disposal Map", dated April 10, 1997. Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

(b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

(1) RECREATION AND PUBLIC PURPOSE ACT CONVEYANCES.—Not less than 30 days before the offering of lands for sale or exchange pursuant to subsection (a), the State of Nevada or the unit of local government in whose jurisdiction the lands are located may

elect to obtain any such lands for local public purposes pursuant to the provisions of the Recreation and Public Purposes Act. Pursuant to any such election, the Secretary shall retain the elected lands for conveyance to the State of Nevada or such unit of the local government in accordance with the provisions of the Recreation and Public Purposes Act.

(2) RIGHTS-OF-WAY.—

(A) ISSUANCE.—Upon application, by a unit of local government or regional governmental entity, the Secretary, in accordance with this Act and the Federal Land Policy and Management Act of 1976, and other applicable provisions of law, shall issue right-of-way grants on Federal lands in Clark County, Nevada, for all reservoirs, canals, channels, ditches, pipes, pipelines, tunnels and other facilities and systems needed for—

(i) the impoundment, storage, treatment, transportation or distribution of water (other than water from the Virgin River) or wastewater; or

(ii) flood control management.

(B) DURATION.—Right-of-way grants issued under this paragraph shall be valid in perpetuity.

(C) WAIVER OF FEES.—Right-of-way grants issued under this paragraph shall not require the payment of rental or cost recovery fees.

(3) YOUTH ACTIVITY FACILITIES.—Within 30 days after a request by Clark County, Nevada, the Secretary shall offer to Clark County, Nevada, the land depicted on the map entitled "Vicinity Map Parcel 177-28-101-020 dated August 14, 1996, in accordance with the Recreation and Public Purposes Act for the construction of youth activity facilities.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands identified in subsection (a) for disposal are withdrawn from location and entry, under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary terminates the withdrawal or the lands are patented.

(d) SELECTION.—

(1) JOINT SELECTION REQUIRED.—The Secretary and the unit of local government in whose jurisdiction lands referred to in subsection (a) are located shall jointly select lands to be offered for sale or exchange under this section. The Secretary shall coordinate land disposal activities with the unit of local government in whose jurisdiction such lands are located. Land disposal activities of the Secretary shall be consistent with local land use planning and zoning requirements and recommendations.

(2) OFFERING.—After land has been selected in accordance with this subsection, the Secretary shall make the first offering of land as soon as practicable after the date of enactment of this Act.

(e) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this subsection in a fiscal year—

(A) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(B) 10 percent shall be paid directly to the Southern Nevada Water Authority for water treatment and transmission facility infrastructure in Clark County, Nevada; and

(C) the remainder shall be deposited in a special account in the Treasury of the United States for use pursuant to the provisions of paragraph (3).

Amounts in the special account shall be available to the Secretary without further appropriation and shall remain available until expended.

(2) LAND EXCHANGES.—

(A) PAYMENTS.—In the case of a land exchange under this section, the non-Federal

party shall provide direct payments to the State of Nevada and the Southern Nevada Water Authority in accordance with paragraphs (1) (A) and (B). The payments shall be based on the fair market value of the Federal lands to be conveyed in the exchange and shall be considered a cost incurred by the non-Federal party that shall be compensated by the Secretary if so provided by any agreement to initiate exchange.

(B) PENDING EXCHANGES.—The provisions of this Act, except this subsection and subsections (a) and (b), shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management prior to February 29, 1996.

(3) AVAILABILITY OF SPECIAL ACCOUNT.—

(A) IN GENERAL.—Amounts deposited in the special account may be expended by the Secretary for—

(i) the acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h), with priority given to lands located within Clark County;

(ii) capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark County, and the Spring Mountains National Recreation Area;

(iii) development of a multispecies habitat conservation plan in Clark County, Nevada;

(iv) development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and

(v) reimbursement of costs incurred by the local offices of the Bureau of Land Management in arranging sales or exchanges under this Act.

(B) PROCEDURES.—The Secretary shall coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.

(C) LIMITATION.—Not more than 25 percent of the amounts available to the Secretary from the special account in any fiscal year (determined without taking into account amounts deposited under subsection (g)(4)) may be used in any fiscal year for the purposes described in subparagraph (A)(ii).

(f) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended according to the provisions of subsection (e)(3).

(g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND TRANSFER.—Upon request of Clark County, Nevada, the Secretary shall transfer to Clark County, Nevada, without consideration, all right, title, and interest of the United States in and to the lands identified in the Agreement, subject to the following:

(1) Valid existing rights.

(2) Clark County agrees to manage such lands in accordance with the Agreement and with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated pursuant to that section.

(3) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed or leased by Clark County, such sale, lease, or other conveyance shall contain a limitation which requires uses compatible with the Agreement and such Airport Noise Compatibility Planning provisions.

(4) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed by Clark County, such lands shall be sold, leased, or otherwise conveyed for fair market value. Clark County shall contribute 85 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the special account. If any of such lands sold, leased, or otherwise conveyed by Clark County are identified on the map referenced in section 2(a) of the Act entitled "An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes", approved December 23, 1980 (94 Stat. 3381; commonly known as the "Santini-Burton Act"), the proceeds contributed to the special account by Clark County from the sale, lease, or other conveyance of such lands shall be used by the Secretary of Agriculture to acquire environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Santini-Burton Act. Clark County shall contribute 5 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the State of Nevada for use in the general education program of the State, and the remainder shall be available for use by the Clark County Department of Aviation for the benefit of airport development and the Noise Compatibility Program.

SEC. 5. ACQUISITIONS.

(a) ACQUISITIONS.—

(1) DEFINITION.—For purposes of this subsection, the term "environmentally sensitive land" means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(B) enhance recreational opportunities and public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(2) IN GENERAL.—After the consultation process has been completed in accordance with paragraph (3), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Lands may not be acquired under this section without the consent of the owner thereof. Funds made available from the special account may be used with any other funds made available under any other provision of law.

(3) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary or the Secretary of Agriculture shall consult with the State of Nevada and with local government within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. Consultation under this paragraph is in addition to any other consultation required by law.

(b) ADMINISTRATION.—On acceptance of title by the United States, land and interests in land acquired under this subsection that is within the boundaries of a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national

conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

(c) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of land or an interest in land to be acquired by the Secretary or the Secretary of Agriculture under this subsection shall be determined pursuant to section 206 of the Federal Land Policy and Management Act of 1976 and shall be consistent with other applicable requirements and standards. Fair market value shall be determined without regard to the presence of a species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1) of title 31, United States Code, is amended as follows:

(1) By striking “or” at the end of subparagraph (F).

(2) By striking the period at the end of subparagraph (G) and inserting “; or”.

(3) By adding at the end the following:

“(H) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1997 that is not otherwise described in subparagraphs (A) through (G).”.

#### SEC. 6. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report on all transactions under this section.

#### SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.

(a) TRANSFER OF REVERSIONARY INTEREST.—

(1) IN GENERAL.—Upon request by a grantee of lands within Clark County, Nevada, that are subject to a lease or patent issued under the Recreation and Public Purposes Act, the Secretary may transfer the reversionary interest in such lands to other non-Federal lands. The transfer of the reversionary interest shall only be made to lands of equal value, except that with respect to the State of Nevada or a unit of local government an amount equal to the excess (if any) of the fair market value of lands received by the unit of local government over the fair market value of lands transferred by the unit of local government shall be paid to the Secretary and shall be treated under subsection (e)(1) of this section as proceeds from the sale of land. For purposes of this subsection, the fair market value of lands to be transferred by the State of Nevada or a unit of local government may be based upon a statement of value prepared by a qualified appraiser.

(2) TERMS AND CONDITIONS APPLICABLE TO LANDS ACQUIRED.—Land selected under this subsection by a grantee described in paragraph (1) shall be subject to the terms and conditions, uses, and acreage limitations of the lease or patent to which the lands transferred by the grantee were subject, including the reverter provisions, under the Recreation and Public Purposes Act.

(k) AFFORDABLE HOUSING.—The Secretary, in consultation with the Secretary of Housing and Urban Development, may make available, in accordance with section 203 of the Federal Land Planning and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as he may deter-

mine for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities. For the purposes of this subsection, housing shall be considered to be affordable housing if the housing serves low income families as defined under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et. seq.).

#### SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON NATIONAL CONSERVATION AREA.

Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended to read as follows:

“(2) The conservation area shall consist of approximately 195,780 acres as generally depicted on the map entitled ‘Red Rock Canyon National Conservation Area Administrative Boundary Modification’, dated August 8, 1996.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 449, introduced by the gentleman from Nevada [Mr. ENSIGN], will solve the many problems currently facing the Bureau of Land Management in the Las Vegas area. Las Vegas is the fastest growing area in the Nation and is expected to continue on this trend for years to come. As with many Western States, Las Vegas is landlocked by the vast Federal ownership in Nevada and, as the area grows, demands for Federal lands increase.

During the 104th Congress, the Subcommittee on National Parks, Forests and Lands requested the Interior Inspector General to audit the Federal land exchange process in Nevada. The Inspector General found that the BLM had lost millions of dollars of taxpayer money because the system is flawed, easily manipulated and subject to political pressures. The Ensign bill will implement an open process wherein the public will have more input and lands will be sold for fair market value.

The revenues received from these sales will be used to purchase environmentally sensitive lands within the State of Nevada. Fifteen percent of the revenues will be shared with the local government to help pay for the incredible demands for infrastructure and water.

H.R. 449 is the culmination of many hours of Mr. ENSIGN's public lands task force which involved representatives from all sides of this debate. Environmentalists, developers, planners, local and Federal Government came together to agree on this legislation. Moreover, Mr. ENSIGN has worked hard to accommodate administration and minority concerns. This is a balanced and equitable approach to a very difficult issue, and I commend Mr. ENSIGN and the gentleman from Nevada, Mr. GIBBONS, for their efforts. I urge my

colleagues to support H.R. 449 and pass it as amended.

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

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

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

Mr. ABERCROMBIE. Mr. Speaker, I think that my good friend, the gentleman from Utah [Mr. HANSEN], has made an excellent summation of the bill to this point.

The language of bill, H.R. 449, has undergone a number of refinements, as indicated, since it was first considered in the last Congress. Originally there were a number of very serious concerns with the bill. Tremendous progress on the measure has been made over the past year. Senators BRYAN and REID and the gentleman from Nevada, Mr. ENSIGN, have worked with the Bureau of Land Management and other interested parties to address a number of issues of concern, and changes to the bill continue to be made up until the very recent time, as indicated again by my good friend.

An agreement is near on the total bill, but it has not been completed. The administration's statement of policy on H.R. 449 notes the remaining concerns, but with the understanding that further refinements to the bill are likely in the Senate, neither the administration nor this side of the aisle will oppose passage today of H.R. 449, as amended.

Mr. Speaker, I would like to commend Mr. ENSIGN.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Las Vegas, NV [Mr. ENSIGN], the sponsor of this bill.

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

Mr. ENSIGN. Mr. Speaker, I rise in support of H.R. 449, the Southern Nevada Public Land Management Act of 1997. I would like to start by thanking the gentleman from Utah [Mr. HANSEN], the subcommittee chairman, for all his diligent work and also the staff, my staff, the committee staff and everybody who participated in this bill and, of course, the chairman of the House Committee on Resources, the gentleman from Alaska [Mr. YOUNG], for all of the work that has been done on this bill. This bill has been commonly referred to as the Ensign/Bryan bill because Senator BRYAN introduced companion legislation on the Senate side.

Mr. Speaker, this is good legislation, especially with this being Earth Week and our awareness of the environment is heightened. H.R. 449 is good for the environment, good for education, and good for quality of life in Nevada. I believe that this legislation will prove to be model legislation not only in policy but in process.

This process first started with my predecessor, Representative Jim Bilbray, who formed a public lands task force. Members of this task force were representatives from local governments, utility providers, developers, recreationalists, environmentalists, and Federal agencies such as the National Park Service, U.S. Forest Service and BLM. When I came to office, I continued the meetings of the task force, and with their help and input and with the assistance of Senator BRYAN we drafted what ultimately became the legislation before us today.

After numerous meetings and constant flow of information and ideas, we drafted what we believe to be excellent, compromise legislation where an extremely wide variety of interests have been served and are ultimately satisfied. In a political atmosphere that has seen so much controversy, it is refreshing to see true bipartisan legislation.

During the 104th Congress, the Subcommittee on National Parks, Forests and Lands held a field hearing in Las Vegas on similar legislation. We heard overwhelming testimony and startling statistics about what is occurring in Clark County. Our witnesses included Governor Miller, Clark County School Superintendent Dr. Brian Cram, representatives from the Clark County Commission and Southern Nevada Water Authority, and representatives from local environmental groups. The witnesses unanimously supported our legislation.

As some of my colleagues may know, the Las Vegas valley is the fastest growing metropolitan city in the country, and this single issue has been the central focus of our State legislature. No other issue, besides Yucca Mountain receives the attention that growth and development do. In addition, 87 percent of the State of Nevada is federally controlled, resulting in a patchwork pattern of private lands interspersed with public lands.

The blue on this map indicates the public lands that are located within the red boundary which this legislation establishes. The blue lands are the public lands within the Las Vegas valley to be disposed of within this legislation.

This dueling combination makes it very difficult for the Federal agencies to manage this land and puts enormous pressure on local elected officials, the school district, utility providers and, most importantly, the current residents who are forced to shoulder the price tag of this development.

Given the high quality of life and large percentage of federally owned land, the valley is a prime platform for development. Over the years, the land exchange process has been used to privatize the public land that is interspersed among the private land. Many aspects of this process have greatly benefited Nevada as well as the entire country. Nevada's economy and job market have experienced a boost. We have acquired environmentally sen-

sitive lands throughout the State and relieved the Federal agencies of some burdensome management responsibilities.

Despite all the good that seems to stem from the land exchange process, it unfortunately cannot possibly accommodate the ever-changing market of the Las Vegas valley and give the fairest value of the land in a fast growing area like Las Vegas. Therefore, an open, fair market auction process will best serve the American people by ensuring the most revenue to purchase and improve our favorite environmental areas. Currently, it is nearly impossible for the BLM to guarantee fair market value for exchanged lands.

Furthermore, it is exceedingly expensive for our local utilities to transport services across Federal lands to private tracts, and everyone is in agreement that it makes sense to dispose of these lands.

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The general manager of the Southern Nevada water authority has repeatedly testified that it costs an estimated \$14,000 per acre of land that is privatized through the exchange process.

It is very important to point out that the value of this Federal land is greatly inflated due to the infrastructure that the local taxpayers are providing. Land in the desert without roads or water is virtually worthless from a financial standpoint, and I see no reason why we should not be getting a little something back from the sale of these lands that our utility bills have made so valuable.

H.R. 449 authorizes the sale of these lands while providing that 85 percent of the generated revenue would go to the Federal Government for use in the State of Nevada to purchase environmentally sensitive lands and the remaining 15 percent would be used locally. Most importantly, the Ensign-Bryan bill provides the essential mechanisms to, one, allow this growth to occur in an orderly fashion by allowing local officials a seat at the table; two, ensure this growth occurs without neglecting the environment by funneling revenue for acquisition of environmentally sensitive lands and to our existing federal facilities, such as Lake Tahoe, Red Rock and Lake Mead. Nevada is home to some of the most beautiful and pristine areas in the country. Areas around Lake Tahoe and Spring Mountains are unparalleled in their natural environmental splendor. These lands must be protected for the enjoyment of future generations and the Ensign-Bryan bill provides the necessary means to accomplish this united goal.

H.R. 449 provides money to offset a \$1.7 billion water delivery system for Clark County. Ten percent of the revenues would be used by Southern Nevada Water Authority for construction of a future water delivery system. The ability of the residents to receive an adequate water supply is the most

pressing issue currently facing southern Nevada.

Finally, H.R. 449 helps future generations by providing revenue for education. It has been estimated that school enrollment is projected to increase by 83 percent by 2006 and the Clark County School District will need to build one elementary school a month just to accommodate the new students coming in.

H.R. 449 also helps our youngest residents by setting aside nearly 40 acres of land to be used specifically for development of youth recreation facilities like baseball diamonds and soccer fields. As this phenomenal rate of growth sweeps the Las Vegas Valley, it is important we preserve ample and safe areas for our children and our children's children to play.

The Ensign-Bryan bill gives new authority to the Secretary of the Interior to sell lands to local governments for affordable housing. The entire State of Nevada is experiencing growth and affordable housing needs exist throughout the State. With this new authority, the Secretary, working with local governments, can provide adequate housing facilities for our less fortunate residents. It is vitally important that everyone, young and old, have access to a roof over their head, and the Ensign-Bryan bill makes this possible.

Mr. Speaker, I cannot emphasize strongly enough the importance of this legislation to Nevada and the precedent it will set for other areas. We have come a long way since this legislation was initially introduced, and again I want to thank my colleague in the Senate, Senator BRYAN, I want to thank the gentleman from Utah, Chairman HANSEN, my colleague the gentleman from Nevada, JIM GIBBONS, and also the minority and the minority staff for all the work they have done on this.

Mr. HANSEN. Mr. Speaker, I yield the balance of the time to the gentleman from Nevada, [Mr. GIBBONS], who has the rest of the State.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Nevada, [Mr. GIBBONS], is recognized for 9 minutes.

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

Mr. GIBBONS. Mr. Speaker, I want to begin by thanking my colleague, the Congressman from southern Nevada, JOHN ENSIGN, for his outstanding work on H.R. 449, the Southern Nevada Public Lands Management Act of 1997. H.R. 449 will solve many land, sale and exchange problems for Southern Nevada because Southern Nevada is one of the Nation's fastest growing areas and, with over 87 percent of Nevada owned by the Federal Government, it makes expansion for our communities almost impossible.

The Bureau of Land Management and many developers continually disagree over the fair market value of these public lands. The BLM praises the land

as being fully developed, trying to maximize the returns on public lands, while developers, on the other hand, feeling the land would continue to be sagebrush without their development, appraise the land as desert.

H.R. 449 will change the appraisal process by auctioning off land to the highest bidder. This will ensure the taxpayers of America get the highest probable price for our public lands, and will allow developers to acquire needed lands for community expansion and development.

My colleague the gentleman from Nevada, [Mr. ENSIGN], was helpful in working with me to get report language that assures all Federal proceeds from the land sales would be spent first in Clark County and then priority would be placed on lands in the Lake Tahoe Basin.

H.R. 449 requires a funding split from land sales, 85 percent going to the Federal Government for the purchase of environmentally sensitive land in Nevada and the remaining 15 percent going to the State of Nevada.

The Federal Government's 85 percent, which is used to purchase environmentally sensitive areas, caused me and my constituents great concern. Many times in previous land exchanges, large amounts of land in Northern Nevada were bought and exchanged for small parcels of land in Southern Nevada. This process has destroyed the tax base of many cities and counties and essentially gave the Federal Government more land ownership in Nevada.

No longer were ranches farmed, taxes paid or workers hired. Needless to say, land exchanges and sales have been tough for many local governments in Nevada.

That is why Congressman ENSIGN's diligent effort has allowed Northern Nevada to protect its tax base and stop the Federal Government from continually owning more and more of Nevada. The land in the Lake Tahoe Basin is very pristine, and it is in need of protection to guarantee the quality of the lake and the surrounding forests.

In conclusion, Mr. Speaker, the Southern Nevada Public Land Management Act of 1997 accomplishes two very important goals in Nevada. First, it allows land in the Las Vegas area to be developed to accommodate the ever growing number of people moving to that area. And second, it will serve to protect and improve many environmentally sensitive areas in Clark County and the Lake Tahoe Basin while protecting the tax base in Northern Nevada.

Finally, this bill is good for the American taxpayer because it protects them in the land sale and exchange process.

Mr. Speaker, I would again like to compliment my colleagues on this bill and encourage all Members to support H.R. 449.

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

Mr. Speaker, we understand Las Vegas and Clark County are under tremendous growth pressure, and we can sympathize with their situation. I think we can all agree that the BLM should work with the local community regarding land sales and exchanges the agency is undertaking in the area. We want to see this done in a fair and reasonable way, one that protects the national interests in these public lands and is mindful of local needs and concerns.

With that in mind, Mr. Speaker, we will accept the bill and ask that it move forward today.

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 Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 449, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 449, the bill just passed.

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

There was no objection.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND AMENDMENTS ACT OF 1997

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 688) to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act, as amended.

The Clerk read as follows:

H.R. 688

*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 "Leaking Underground Storage Tank Trust Fund Amendments Act of 1997".

#### TITLE I—DISTRIBUTIONS FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND

##### SEC. 101. LEAKING UNDERGROUND STORAGE TANKS.

(a) TRUST FUND DISTRIBUTION.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following new subsection:

"(f) TRUST FUND DISTRIBUTION TO STATES.—

"(1) IN GENERAL.—(A) The Administrator shall distribute to States at least 85 percent of the funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund (in this subsection referred to as the 'Trust Fund') each fiscal year for the reasonable costs under cooperative agreements entered into with the Administrator for the following:

"(i) States' actions under section 9003(h)(7)(A).

"(ii) Necessary administrative expenses directly related to corrective action and compensation programs under subsection (c)(1).

"(iii) Enforcement of a State or local program approved under this section or enforcement of this subtitle or similar State or local provisions by a State or local government.

"(iv) State and local corrective actions pursuant to regulations promulgated under section 9003(c)(4).

"(v) Corrective action and compensation programs under subsection (c)(1) for releases from underground storage tanks regulated under this subtitle in any instance, as determined by the State, in which the financial resources of an owner or operator, excluding resources provided by programs under subsection (c)(1), are not adequate to pay for the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business.

"(B) Funds provided by the Administrator under subparagraph (A) may not be used by States for purposes of providing financial assistance to an owner or operator in meeting the requirements respecting underground storage tanks contained in section 280.21 of title 40 of the Code of Federal Regulations (as in effect on the date of the enactment of this subsection) or similar requirements in State programs approved under this section or similar State or local provisions.

"(2) ALLOCATION.—

"(A) PROCESS.—In the case of a State that the Administrator has entered into a cooperative agreement with under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator for such cooperative agreements.

"(B) REVISIONS TO PROCESS.—The Administrator may revise such allocation process only after—

"(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks and with representatives of owners and operators; and

"(ii) taking into consideration, at a minimum, the total revenue received from each State into the Trust Fund, the number of confirmed releases from leaking underground storage tanks in each State, the number of notified petroleum storage tanks in each State, and the percent of the population of each State using groundwater for any beneficial purpose.

"(3) RECIPIENTS.—Distributions from the Trust Fund under this subsection shall be made directly to the State agency entering into a cooperative agreement or enforcing the State program.

"(4) COST RECOVERY PROHIBITION.—Funds provided to States from the Trust Fund to owners or operators for programs under subsection (c)(1) for releases from underground storage tanks are not subject to cost recovery by the Administrator under section 9003(h)(6)."

(b) TECHNICAL AMENDMENTS.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended as follows:

(1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A)) is amended by striking out "sustances" and inserting in lieu thereof "substances".

(2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1)) is amended by striking out "subsection (c) and (d)" and inserting in lieu thereof "subsections (c) and (d)".

(3) Section 9004(a) (42 U.S.C. 6991c(a)) is amended by striking out "in 9001(2)(A)" and inserting in lieu thereof "in section 9001(2)(A)".

(4) Section 9005 (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking out "study taking" and inserting in lieu thereof "study, taking";

(B) in subsection (b)(1), by striking out "relevant" and inserting in lieu thereof "relevant"; and

(C) in subsection (b)(4), by striking out "Environmental" and inserting in lieu thereof "Environmental".

#### TITLE II—EXTENSION OF TRUST FUND PURPOSES

##### SEC. 201. EXTENSION OF TRUST FUND PURPOSES.

Paragraph (1) of section 9508(c) of the Internal Revenue Code of 1986 (relating to expenditures) is amended by striking "to carry out section 9003(h)" and all that follows and inserting "to carry out—

"(A) section 9003(h) of the Solid Waste Disposal Act (as in effect on the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986), and

"(A) section 9004(f) of the Solid Waste Disposal Act (as in effect on the date of the enactment of the Leaking Underground Storage Tank Trust Fund Amendments Act of 1997)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from Michigan [Mr. STUPAK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

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

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

Mr. OXLEY. Mr. Speaker, as the estimable Yogi Berra said, "It's like *deja vu* all over again." H.R. 688 is the same Leaking Underground Storage Tank bill we passed by a voice vote on the floor just 7 months ago in the last Congress. Except for a couple of technical, completely nonsubstantive changes, everything is the same except the number.

The LUST program cleans up leaking underground storage tanks and requires tank owners to put in new tanks meeting tough Federal standards by the end of next year. The program is funded by a dedicated trust fund.

Owners of cars pay taxes into the LUST trust fund. On every gallon of gas we pay a one-tenth of a cent tax for the LUST program. This tax went into effect in 1987 and expired at the end of 1995, but only 40 percent of the money we have paid has been spent out on the program. We have spent only \$655 million on LUST since 1987 out of \$1.7 billion collected. Before we give the taxes another ride, we ought to look carefully at using what we have already collected. Congress did not create the trust fund for the sake of having another trust fund; it was created to fund this particular program.

In contrast with some other environmental programs, we taxpayers seem to have gotten an effective program for our LUST money. With financial assistance from EPA cooperative agreements, States have secured cleanup of 140,000 sites since 1987. Contrast this with Superfund. Taxpayers spent \$17 billion through the EPA alone in 17 years and only 130 sites or so were taken off the list of the country's worst sites. States should have a bigger role in running Superfund.

While I am on the subject, I want Members to know we are working on Superfund reform in my subcommittee on a bipartisan basis with the administration, and I hope our efforts will result in a bill with bipartisan support from our full committee.

Back to LUST, H.R. 688 improves the LUST program in two ways:

First, it requires EPA to give at least 85 percent of its appropriation to the States each year. This puts the money where the tanks are and where the cleanup work is done.

Second, the bill authorizes three new uses of the Federal funding, giving States flexibility to make their programs more effective by, one, putting the money into their financial assurance funds for tank cleanup in cases of financial hardship; two, enforcing requirements that underground tanks meet minimum leak detection and prevention standards by 1998; and, three, administering their State assurance funds.

Less than 30 percent of tank owners have come into compliance with the EPA tank requirements that all tank owners will have to meet in 1998. We need to help States meet the financial burdens of the huge enforcement task that is coming down the pike next year.

The bill also prohibits States from using the money to help someone comply with the 1998 tank requirements so tax dollars will not be used to put people who have already complied with the law at a competitive disadvantage.

This is another good bill for the environment from the Committee on Commerce, and I encourage Members to support this bill as they did just 7 months ago on the floor.

I congratulate the chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, the sponsor of the bill, for his work, as well as the gentleman from Michigan, Mr. BART STUPAK, the chief Democrat cosponsor.

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

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

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

Mr. STUPAK. Mr. Speaker, I want to thank the gentleman from Virginia, Chairman BLILEY, and members of the committee for working together in taking this major step forward on moving this very important bill. I appreciate the opportunity to work with the

gentleman from Colorado, Mr. DAN SCHAEFER, and his staff. We have worked together well the past Congress and this Congress to put forth this leaking underground storage tank legislation.

□ 1845

The Leaking Underground Storage Tank Program is one of the most important and least known environmental programs run by the Federal Government and the States. The act regulates the use of large underground tanks that hold petroleum products. One need only to go to their local gas station to find tanks regulated underneath this act.

This is the National Water Quality Inventory Report to Congress. In this report, which list each State, this report states that the leaking underground storage tanks are the most frequent cause of groundwater contamination. Unfortunately, the Committee on Appropriations does not feel our Nation's groundwater is as high a priority as many of us here in this Chamber believe tonight. In fiscal year 1997, the Committee on Appropriations cut the President's request by more than a third for the funds necessary to help us clean up leaking underground storage tanks.

The Committee on Appropriation's actions are even more frustrating because the Leaking Underground Storage Tank Program is funded, as the gentleman from Ohio pointed out, from a tax on petroleum products. Currently, the Leaking Underground Storage Tank Trust Fund, or LUST, as it is called, has a billion dollar surplus. I will continue to join with my colleagues, especially the gentleman from Colorado, Mr. DAN SCHAEFER, in the fight to increase the appropriations for this program.

In Michigan, my State, the State's leaking underground storage tank fund is insolvent due to improper management and funding. In Michigan, the fund is not accepting new claims, and cleanups on leaking underground tanks have all but ceased. Although I believe the legislation being discussed here tonight is an important step in cleaning up leaking tanks, it is my hope that States, and Michigan in particular, will renew their commitment to this program.

Beyond any doubt, H.R. 688 will make improvements to the program. These improvements will increase the amount of funding available for contaminated sites, increase the amount of money for State enforcement, and guarantee that the money Congress appropriates for this program will get to the States.

This legislation does not completely turn the program over to the States. We have maintained a strong role for the EPA in this legislation by preserving the current cooperative agreement process between the States and the Federal Government. This bill does not decrease the Federal role in the LUST

program. Rather, it will strengthen the Federal-State partnership that has been successful since the program's inception.

The bill before us today will not require the Committee on Appropriations to direct more resources to this problem. However, it will strengthen the EPA's partnership with the States and increase EPA's flexibility to use this money for the Leaking Underground Storage Tank Program and get that money back to the States.

I would like to comment briefly, if I may, just on a few points that the gentleman from Ohio [Mr. OXLEY] made about the Superfund Program and its comparison with the Leaking Underground Storage Tank Program. Although we are certainly not here to debate Superfund issues tonight, it is clear that in order to achieve our mutual goal of improving the Superfund Program, we must take a full and fair look at the program as it exists today.

I have heard too many times from my Republican friends that very few Superfund sites have been cleaned up despite heavy expenditures. These statements are no more than old, worn out political rhetoric. The facts reveal an entirely different landscape:

Out of the 1,335 National Priorities List sites, 1,100 of those sites have had significant on-site, physical cleanup work performed. Those 1,100 sites break down as follows:

At 400 sites, all cleanup construction has been completed; at 500 sites, actual cleanup construction is under way, such as construction of a slurry wall for installation of a treatment system; and at 200 sites, significant removal work has been completed to abate an imminent hazard.

Mr. Speaker, in my district, Manistee Harbor, we were just there the other night to sign the final documents between the State of Michigan, industry, environmental groups, and the Federal Government, because we have taken a site that was on the Superfund that put PCBs out into Lake Michigan, and in less than 3 years we have most of it cleaned up. Everybody has agreed upon a solution. It is being done, and it has been a record cleanup for a Superfund site. That could not have happened without the help of my friends on the Republican side.

Mr. Speaker, Superfund expenditures to date have totaled \$13 billion, not the wildly inflated figures we hear. It is my hope, and if we take Manistee Harbor as an example, that our mutual efforts on this bill here tonight will serve as an example of how we can work together on the more difficult issue of Superfund reauthorization. We should examine the facts and the progress of the Superfund Program today in order to achieve a bipartisan consensus on improving Superfund.

I look forward to working with the gentleman from Ohio, Mr. OXLEY, the gentleman from Colorado, Mr. DAN SCHAEFER, and their staffs, as we work this bill the rest of the way through,

through the Senate, and on to the conference committee, and even to the White House, and I hope we can do the same with Superfund.

On today's bill, I would like to thank the gentleman from Colorado, Mr. DAN SCHAEFER, and his staff person Patrick O'Keefe, as well as Alison Burkes of the minority staff; Fred Eases from the majority and Matt Berzok on my staff for all their hard work over the past year on this very important program, the Leaking Underground Storage Tank Program.

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

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado, Mr. DAN SCHAEFER.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I again want to certainly thank the gentleman from Ohio and the ranking members of this committee for moving this finally along.

The objectives of the Leaking Underground Storage Tank Trust Fund Amendments Act, which is H.R. 688, are really simple. This is identical to the bill that we passed last year, ran out of time, but I think it is very imperative that we finally get back to it. It is going to give the States, as has been stated, more financial stability in operating their underground storage tank programs and greater flexibility to address unique environmental problems, particularly in rural America.

Throughout the drafting process, the gentleman from Michigan [Mr. STUPAK] and I solicited and received substantial input on how to best achieve our goals. As a result, the final product we have before us today meets all our initial goals, with a strong emphasis on quicker cleanups and stricter enforcement. H.R. 688 has over 70 bipartisan cosponsors and diverse private sector support.

The so-called LUST program was first enacted in 1984. The trust fund followed in 1986. The current LUST statute allows States to spend the Federal LUST trust fund money in a limited number of instances, mainly for corrective actions where an owner is unable, or unwilling, to clean up a leak.

Along with the corrective action standards for leaking tanks, the LUST statute also requires owners and operators of underground storage tanks to meet certain standards. The deadline for compliance with these tank standards is 1998. When implemented, the tank standards will provide an important preventative protection against many future leaks.

The LUST program has largely been a success. The regulated industry and the EPA tank office share a good working relationship. However, over the next few years the nature of the program is going to change dramatically.

EPA has stated it envisions drastically scaling back the tank office. States will supervise corrective action where leaks have occurred and become the primary enforcers for the tank standards.

I certainly support this progression. However, if we expect States to carry out more duties, it is critical that they must be given more freedom to use LUST trust fund money where most needed.

Finally, EPA has traditionally dedicated about 85 percent of its annual LUST trust fund appropriation to the States. But as State responsibilities do increase, we need to give them peace of mind that this tradition will continue. H.R. 688 gives this financial stability.

I want to thank all those involved in crafting this bill. The process has embodied the spirit of bipartisanship and compromise. Our final product increases enforcement and enhances site cleanups with the broad-based support of the regulated industry.

I again want to thank the gentleman from Michigan [Mr. STUPAK] for all his work on this, and certainly again thank the gentleman from Ohio [Mr. OXLEY], and on my staff Patrick O'Keefe for staying with this issue for so long.

Mr. Speaker, I urge my colleagues to support this sound environmental initiative.

Mr. STUPAK. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. DOYLE] who was a valuable asset in drafting this legislation and as a member of the Committee on Science certainly understands it.

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

Mr. DOYLE. Mr. Speaker, I rise in support of H.R. 688. I want to thank the bill's sponsors, the gentleman from Colorado, Mr. DAN SCHAEFER, and my good friend, the gentleman from Michigan, Mr. STUPAK, for their diligent leadership on this issue.

The LUST program was enacted in 1984 to address the potential health and environmental risks associated with antiquated and substandard underground storage tanks. A tax was levied on all petroleum products to create a trust fund to fund these efforts. That tax expired on December 31, 1995, with nearly \$1 billion in the trust fund.

Unfortunately, the majority of these funds expended so far have gone to offset general Federal spending and not for the purpose to which it was meant to be dedicated.

The LUST Amendments Act gives the ironclad assurance that trust fund spending will go to assisting States to pursue compliance and corrective action associated with the LUST program. It also gives the States more flexibility in using these funds, including direct use of Federal LUST trust fund money to help business owners who would otherwise be unable to afford Government-mandated cleanups.

These cleanups are pivotal to comprehensive economic revitalization efforts like the one many of us in the Pennsylvania delegation are looking at for Allegheny County and for the Mon Valley region in particular.

We have a good program here, and Congress in its wisdom found a sound funding mechanism for it. Let us demonstrate our good faith to small businesses in this sector and move this legislation forward without delay.

Last year, the Congress passed this legislation, but the Senate failed to act on it before adjournment last October. Since this year's version is identical to the previously approved bill, I expect the House will act expeditiously to pass the LUST Amendments Act. Hopefully, this will give the Senate ample time to send this legislation to the President for his approval.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 688, the Leaking Underground Storage Tank Trust Fund Amendments Act. As an original cosponsor of the legislation, this Member would like to commend the distinguished gentleman from Colorado, Mr. DAN SCHAEFER, and the distinguished gentleman from Michigan, Mr. STUPAK, for introducing this bill and working for its enactment.

Across the Nation, leaking underground storage tanks present a hazard which must be addressed. Unfortunately, less than half of the identified leaking tanks have been remedied. In addition, there are likely thousands of other unidentified leaking tanks which require action.

This legislation improves the current situation by distributing more money from the existing trust fund to the States where it belongs. The trust fund was established by Congress in 1986 and currently contains about \$1 billion. Although the trust fund is intended to provide assistance in the cleanup of underground storage tanks, too much of the money in the trust fund has been used to offset general Federal spending.

This Member certainly believes that the money in the trust fund should be used for the purposes for which it was originally intended; money simply accumulating in the trust fund obviously does not address the current needs. The large number of remaining leaking underground storage tank sites is evidence that the States could use this money which is currently accumulating in the trust fund. This bill would assist States in more efficiently receiving and disbursing money from the trust fund. It would also give the States increased flexibility in the use of money from the trust fund.

This Member urges his colleagues to support H.R. 688.

Mr. LARGENT. Mr. Speaker, as a member of the Commerce Committee's Finance and Hazardous Materials Subcommittee, I rise in support of H.R. 688, the Leaking Underground Storage Tank Trust Fund Act, commonly referred to as the LUST program.

My colleague, Mr. SCHAEFER, has developed a well-crafted piece of legislation which has two primary purposes. The first is to ensure that 85 percent of the money Congress appropriates for the program goes to the States; and to expand the uses for which the trust fund moneys can be used.

In 1986, Congress created the LUST Trust Fund, paid for with a one-tenth of one cent per

gallon tax on motor fuels. The Trust Fund is to be used by the EPA or the States, in accordance with Federal law, to enforce Underground Storage Tank corrective action requirements; to conduct cleanups where no solvent responsible party can be found, where there is a known but unwilling responsible party, or where a responsible party does not have the financial ability to pay for the entire cleanup.

Unlike many other well-intentioned bills enacted by Congress, which then fall victim to the law of unintended consequences, the LUST program has met its intended purpose to set leak detection and prevention standards for underground tanks.

H.R. 688 improves on the current program because it provides an increased amount of stability and certainty to State agencies while granting greater flexibility.

I urge my colleagues to support H.R. 688.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Colorado, Mr. DAN SCHAEFER, once again for his leadership on this issue.

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

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 688, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 688.

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

There was no objection.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1271, FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-70) on the resolution (H. Res. 125) providing for consideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1273, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-71) on the resolution (H. Res. 126) providing for consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1274, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-72) on the resolution (H. Res. 127) providing for consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1275, CIVILIAN SPACE AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-73) on the resolution (H. Res. 128) providing for consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### FIRE ADMINISTRATION AUTHORIZATION ACT OF 1997

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1272) to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1272

*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 "Fire Administration Authorization Act of 1997".

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof a semicolon; and

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

“(G) \$29,600,000 for the fiscal year ending September 30, 1998; and

“(H) \$30,500,000 for the fiscal year ending September 30, 1999.”

### SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 is amended—

(1) in section 29(a)(1), by inserting “, or any successor standard thereto,” after “Association Standard 74”;

(2) in section 29(a)(2), by inserting “or any successor standards thereto,” after “which-ever is appropriate,”;

(3) in section 29(b)(2), by inserting “, or any successor standards thereto” after “Association Standard 13 or 13-R”;

(4) in section 31(c)(2)(B)(i), by inserting “or any successor standard thereto,” after “Life Safety Code.”; and

(5) in section 31(c)(2)(B)(ii), by inserting “or any successor standard thereto,” after “Association Standard 101.”

### SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

The Administrator of the United States Fire Administration shall transmit to Congress a report providing notice at least 60 days in advance of the termination or transfer to a private sector entity of any significant function of the United States Fire Administration.

### SEC. 5. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator of the United States Fire Administration for fiscal years 1998 and 1999 for the activities for which sums are authorized by the amendments made by this Act, unless such sums are specifically authorized to be appropriated by the amendments made by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator of the United States Fire Administration shall exclude from consideration for grant agreements made by the Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or

use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

### SEC. 6. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration.

### SEC. 7. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) access immediately the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct in time.

### SEC. 8. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to the amendments made by this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under the amendments made by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under the amendments made by this Act, the Administrator of the United States Fire Administration shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Michigan [Mr. BARCIA] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

□ 1900

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

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

Mr. SENSENBRENNER. Mr. Speaker, I rise today to ask that the House suspend the rules and pass the bill, H.R. 1272, the Fire Administration Authorization Act of 1977.

Mr. Speaker, this bill, as amended, was reported favorably by voice vote with overwhelming bipartisan support by the Committee on Science on April 16, 1997.

H.R. 1272 reauthorizes the programs and activities of the U.S. Fire Administration, a small but important Federal agency within the Federal Emergency Management Agency. The USFA was created by Congress in 1974 in response to a report by the President's National Commission on Fire Prevention and Control, entitled “America Burning,” which presented a dismal assessment of the Nation's fire problem. The report found that nearly 12,000 lives were lost to fire yearly in this country. In addition, fire was found to be responsible for more than 300,000 injuries and over \$3 million in economic losses.

Congress reacted to the report by declaring a Federal role for reducing fire losses and created the USFA and the National Fire Academy. The USFA is currently charged with helping prevent and control fire-related losses through, first, coordination of the Nation's fire safety and emergency medical service activities; second, educating the public on fire prevention and control; third, collecting, analyzing and disseminating data related to fire; fourth, promoting the use of sprinkler systems in residential and commercial buildings; fifth, conducting research and development on fire suppression; sixth, promoting fire fighter health and safety; and seventh, coordinating with other agencies charged with emergency response responsibilities.

The USFA administers the National Fire Academy. The academy provides management-level training and education to fire and emergency service personnel and fire protection and control activities. The Fire Academy, located in Emmitsburg, MD, trains tens of thousands of fire and emergency personnel a year through its on and off campus programs.

Year after year during budget hearings held by the committee, witnesses from the volunteer and paid fire services, as well as emergency services, have testified to the important and indispensable role the USFA and NFA pay and their ability to perform their responsibilities. For a modest Federal expenditure, the USFA leverages the resources of tens of thousands of fire departments nationwide. The USFA provides training and education to fire-fighters, provides them with data which enables them to fight fires more efficiently and safely, and performs research on lifesaving protective clothing and gear as well as new fire suppression technologies. All of these activities could not be done as well, if at

all, if the tight budgets of volunteer fire departments, without whom the Nation would be incapable of protecting lives and property without an enormous expenditure of money, money which I will hasten to say would be raised through local property taxes.

H.R. 1272 authorizes \$29.6 million in fiscal year 1998 and \$34.5 million in fiscal year 1999, a 3 percent annual increase over the administration's request of \$28.7 million. The USFA needs the slight increase because the agency recently acquired a new mission.

The USFA's new mission, counter terrorism training for emergency response personnel, arose from the enactment of the Antiterrorism and Effective Death Penalty Act passed last year by the Congress and signed by the President. Counter terrorism training for first responders is an appropriate function for the USFA as it is frequently local fire and emergency departments who are first on the scene not only to battle fires, but also to react to acts of terrorism such as the bombings in Oklahoma City and the World Trade Center in New York. In fact, counter terrorism training complements and supplements many of the traditional first responder training programs currently offered through the National Fire Academy.

Following enactment of the Antiterrorism Act, money was appropriated to FEMA and the USFA in the Omnibus Appropriations Act of 1997 to begin counter terrorism training this year. The USFA's fiscal 1998 budget request includes for the first time an appropriation for this activity, without a corresponding increase in the overall budget request. During the committee's budget hearing on USFA, the administrator explained that request reflects the incorporation of counter terrorism training as a new, permanent mission of the agency and that the arson budget would be decreased in order to fund this mission.

As I have stated before, counter terrorism training is relevant and appropriately performed within the USFA. However, the Committee on Science feels that a slight increase in the budget is necessary in order to accommodate the new mission, while ensuring that the agency's core missions, including arson, are not negatively impacted.

The other sections of H.R. 1272 include: first, technical changes to the fire protection standards; second, a provision requiring that the administrator inform Congress in advance of any effort to privatize or terminate agency activities; third, a prohibition of funds authorized by this act for congressional lobbying; fourth, a limitation on unauthorized appropriations; fifth, a 5-year limitation on future grants to a person who received non-competitive, merit-reviewed awards; sixth, a requirement that reprogramming notices be required by the Appropriations Committees must be provided to the authorizing committees; and sev-

enth, a sense of Congress resolution emphasizing that planning should begin immediately to assess and correct any computer systems affected by the year 2000 date-related software problem and requires the USFA to comply with the Buy American Act.

I understand that there is some confusion among Members about this bill based upon erroneous information that many offices received regarding the bill's authorization levels compared with fiscal year 1997 spending. The original appropriation to USFA for fiscal 1997 was \$27.6 million. However, late last year Congress appropriated an additional \$2.5 million to USFA for a new mission in counter terrorism training, which raised the spending level to 30.1 million in fiscal year 1997. This was in response to a supplemental request by the administration for funds authorized in the antiterrorism and effective death penalty act of 1996.

Let me be clear that the authorization levels in this bill of 29.6 million for fiscal 1998 and \$30.5 million for fiscal 1999 are lower than the fiscal 1997 appropriated final level of \$30.1 million.

Mr. Speaker, in closing I wish to thank the chairman, the gentleman from New Mexico [Mr. SCHIFF], and the ranking minority member, the gentleman from Michigan [Mr. BARCIA], of the Subcommittee on Basic Research of the Committee on Science for their hard work on this legislation as well as the full committee's ranking member, the gentleman from California [Mr. BROWN]. I urge the Houses's support of this bill.

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

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

Mr. Speaker, I rise in support of House Resolution 1272, the Fire Administration Authorization Act of 1997. I want to commend the gentleman from New Mexico [Mr. SCHIFF], the chairman of the Subcommittee on Basic Research, for his efforts to develop this legislation. I also want to especially acknowledge the leadership of the chairman of the Committee on Science, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the ranking Democratic member, the gentleman from California [Mr. BROWN] for bringing the bill before the House so expeditiously.

The U.S. Fire Administration is a small Federal agency with a disproportionate impact. Its programs make a difference by improving the skills of firefighters and other emergency rescue workers in all parts of the Nation, improving the tools available to detect and subdue fires and by raising public awareness of fire prevention measures. Although the Federal expenditure for the agency is small, its impact on the well-being of all Americans is enormous.

The Fire Administration was created by the Federal Fire Prevention and Control Act of 1974 in response to a growing awareness that the high loss of

life and destruction of property due to fire was a national problem which could be improved by focused and coordinated education, training and research efforts. During the past 25 years, significant progress has been made through the programs of the Fire Administration which increases public awareness of fire safety measures, improves the effectiveness of fire and emergency services and spurs the wider use of home fire safety devices. Nevertheless the United States still has one of the highest fire death rates among advanced nations.

While much has been accomplished by the Fire Administration, the record of fire death rates and property loss in our Nation reveals that much remains to be done. H.R. 1272 authorizes funding for the Fire Administration above the President's request for fiscal year 1998 and provides sufficient growth to offset inflation for fiscal year 1999.

On the basis of testimony to the Science Committee, the Fire Administration operates effective programs that are widely acclaimed by firefighters and emergency response personnel alike. H.R. 1272 provides the slight growth needed to allow the agency to sustain its new and ongoing programs and continue to successfully carry out its multiple missions.

In particular, the increase above the fiscal year 1998 request is for the purpose of providing sufficient resources to allow the Fire Administration to continue its important new education and training programs for counter terrorism, which have been expressed so eloquently by the chair of the Science Committee, the gentleman from Wisconsin [Mr. SENSENBRENNER] in his remarks.

With our world becoming no less dangerous, it is vital that the first responders to emergencies in every community are well-trained and ready to deal with terrorist actions. In giving the Fire Administration this important, new responsibility, it is essential to also provide sufficient resources to ensure that the agency's traditional functions involving firefighter training and public fire education do not suffer. H.R. 1272 provides the modest growth that will prevent such an adverse impact on the agency.

The Fire Administration has long enjoyed the bipartisan support of Congress because of the recognition of its vital mission to increase public safety. I would like to commend the majority members of the Science Committee for working in a bipartisan fashion with the minority to develop H.R. 1272.

Mr. Speaker, H.R. 1272 is a good bill which authorizes the programs of an agency that truly contributes to the well-being of all of our citizens; and I am pleased to recommend the measure to my colleagues for their approval.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON LEE].

Ms. JACKSON LEE of Texas. Mr. Speaker, I thank the ranking member

for yielding me the time, and I thank very much the chairman and the ranking member for this bipartisan effort on behalf of the Fire Administration Authorization Act.

If there was a pleasurable act in the House Science Committee, certainly, being able to support this agency and all that it does was that. I would also like to stand today to salute all of the Nation's firefighters and emergency staff across the Nation, for it is through their sacrifice and effort that we are, in fact, a safer country.

In 1974, Congress created the U.S. Fire Administration and its National Fire Academy in order to halt the tragic loss of firefighters and individuals in the United States. Training, research, and public education have accounted for the success of the U.S. Fire Administration's commitment to reduce the loss of life.

There is no doubt that the people of America in our communities are safer as a result of the USFA. Every man, woman, and child in America benefits from its efforts, as do the Nation's 1.2 million fire servers, emergency medical servers, and emergency response personnel.

Emergencies will continue to occur. How we react to emergencies depends on the readiness of those that are dispatched to respond to our most critical emergency situations. We must be prepared to handle the critical situations that inevitably will arise.

The United States does have one of the highest fire death rates in the industrialized world. We are obviously working hard to bring that number down. More Americans die in fires each year than in all the natural disasters combined. With this agency, however, we feel comfortable that we are working steadfastly to stem that tide.

For example, approximately 4,500 deaths and 30,000 civilian injuries occur annually. Eighty percent of all civilian deaths occur in the home. Approximately 2 million fires are reported each year, with the direct property loss of about \$8.5 billion per year, with the cost to taxpayers of about \$50 billion a year.

□ 1915

One of the missions of the USFA is leadership coordination and support for the Nation's fire prevention and control, fire training and education and emergency medical services activities. This mission is carried out through programs directed at reducing injuries and loss of life and property resulting from fire.

Certainly our heart goes out to those citizens in North Dakota suffering from the flood and then the absolute irony of seeing their buildings burned down. Certainly this is an aspect of firefighting that many of us never thought we would have to confront, but this agency has the ability to try and solve those particular problems.

The USFA promotes firefighter health and safety and initiates re-

search into and conducts special studies to improve fire prevention and protection. USFA's national fire incidents reporting system collects, analyzes and disseminates data to assist State and local governments in reducing fire losses.

In NFA classrooms there are individuals who are trained to save lives, not only from terrorist attacks, but also from natural disasters and hazardous materials disasters.

It is important to know exactly what we are funding. Particularly, the activities of the National Fire Academy and those courses include training individuals on command and control of fire department operations in multialarm incidences, something very important for our urban areas and even in our smaller communities. It also assists, if you will, in fighting the overall world threat of terrorism. Terrorism is a worldwide threat that waits until the most vulnerable moment to shatter the lives and dreams of families and individuals. One terrorist attack affects hundreds, if not thousands, of individuals. The ability to swiftly mitigate the damages of terrorism must be firmly and solidly in place. We do not know where the next terrorist attack will take place, but fire departments across this country must be ready and able to respond if called upon.

The National Fire Academy trains students from all across the United States. I am very proud that in Houston a total of 29 firefighting students attended classes at the Emergency Management Institute and the National Fire Academy during the fiscal year 1996. The United States must have as its priority to bring down the terrible loss of life and property damage as it relates to fire. This supportive legislation will help us do that in the years to come.

Again, I am gratified for the bipartisan effort. My thanks to the chairperson and ranking member.

Finally, we must remember we do not know where the next fire emergency will occur, but we must be prepared to combat it and handle it effectively. The efforts of the U.S. Fire Administration allows us to accomplish this task. I rise in support of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in 1974, Congress created the U.S. Fire Administration [USFA] and its National Fire Academy [NFA] in order to halt the tragic loss of firefighters and individuals in the United States. Training, research, and public education have accounted for the success of the U.S. Fire Administration's commitment to reduce the loss of life.

There is no doubt that the people of America and our communities are safer as a result of the USFA. Every man, woman, and child in America benefits from its efforts, as do the Nation's 1.2 million fire service, emergency medical service, and emergency response personnel.

Emergencies will continue to occur. How we react to emergencies depends on the readiness of those who are dispatched to respond

to our most critical emergency situations. We must be prepared to handle the critical situations that inevitably arise.

The United States has one of the highest fire death rates in the industrialized world. According to the USFA, more Americans die in fires each year than in all the natural disasters combined.

Approximately 4,500 deaths and 30,000 civilian injuries occur annually. Eighty percent of all civilian deaths occur in the home. Approximately 2 million fires are reported each year with a direct property loss of about \$8.5 billion per year with a cost to taxpayers of about \$50 billion per year.

According to the USFA, its mission is to provide leadership, coordination, and support for the Nation's fire prevention and control, fire training and education, and emergency medical services activities. The mission is carried out through programs directed at reducing injuries and loss of life and property resulting from fire.

The USFA also is responsible for the development and delivery of training programs to advance the professionalism of the fire service and allied personnel. USFA assists State and local governmental efforts to prevent and control fire-related incidents, arson, and enhance the capability of the fire service to material incidents.

The USFA promotes firefighter health and safety and initiates research into and conducts special studies to improve fire prevention and protection. USFA's national fire incidents reporting system [NFIRS] collects, analyzes, and disseminates data to assist State and local governments in reducing fire losses.

The National Emergency Training Center [NETC] in Emmitsburg, MD, is a 107-acre campus which is shared by the Emergency Management Institute [EMI], the National Fire Academy, and the U.S. Fire Administration.

Through the courses and programs of the National Fire Academy, it works to enhance the ability of the fire service and allied professionals to deal more effectively with fire and related emergencies. The Fire Academy trains approximately 4,000 students through resident courses. An additional 3,500 students attend State weekend programs which offer shorter, more intense courses on designated weekends set aside for specific States.

More than 500 students attended regional delivery courses annually, and off campus direct delivery courses reach 7,000 participants.

According to the National Fire Academy, its delivery system is diverse. Teaching facilities include modern classrooms, residence halls, and training facilities.

In NFA classrooms are individuals who are trained to save lives; not only from terrorists attacks, but also from natural disasters and hazardous materials disasters.

It is important to know exactly what we are funding. National Fire Academy courses provide resident training in incident command and include:

Command and control of fire department operations in multi-alarm incidents;

Command and control of fire department operations at natural and manmade disasters, which addresses fire and rescue department operations at natural and manmade disasters that may require interagency or interjurisdictional coordination. Earthquakes, hurricanes, blizzards, civil disturbances, terrorism, hazardous materials releases, tornadoes, and floods are a few of the topics that are covered;

Command and control of fire department operations at target hazards, which is designed to introduce command officers to the complexities involved in commanding incidents at high risk areas;

Incident command system for emergency medical services, where students use scenarios, case studies, graphics, audiovisual, and role playing in order to demonstrate an understanding of the concept;

Basic life support and hazardous materials response, which emphasize critical concerns for emergency medical responders at hazardous materials incidents;

Initial response to hazardous materials incidents: basic concepts which gives students an understanding of the basic concepts and techniques of hazardous materials first response;

Fire service communication, which focuses on verbal and written communication skills for fire service managers;

Terrorism is a worldwide threat that waits until the most vulnerable moment to shatter the lives and dreams of families and individuals. One terrorist attack effects hundreds if not thousands of individuals. The ability to swiftly mitigate the damages of terrorism must be firmly and solidly in place.

We do not know where the next terrorist attack will take place. But fire departments across this country must be ready and able to respond if called upon. Fire response teams in Texas must be as quickly able to rapidly combat terrorist attacks as fire response teams in New York. Each must possess the same cutting edge training that will allow them to protect the lives and property of the American people.

The National Fire Academy trains students from all across the United States. In Houston, a total of 29 firefighting students attended classes at the Emergency Management Institute and the National Fire Academy during fiscal year 1996.

The priorities of the U.S. Fire Administration include public education and fire safety in order to reduce fire deaths, injuries, and property losses; assist State and local government efforts to prevent and control for related incidents, especially arson; and develop programs to encourage State and local fire and EMS service delivery organizations to coordinate and cooperate with State and local emergency management agencies.

The USFA also participates in research and technology initiatives to enhance the capability of the fire service to respond to all types of emergencies, including emergency medical and hazardous materials incidents; to promote the health, safety, and efficiency of firefighters; and to initiate research and evaluation procedures to improve fire prevention and protection.

We do not know where the next fire emergency will occur. But we must be prepared to combat it and handle it effectively. The efforts of the U.S. Fire Administration allows us to accomplish this task.

Mr. BARCIA. Mr. Speaker, I thank the gentlewoman from Texas.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time to just briefly thank the gen-

tleman from Michigan [Mr. BARCIA], and the gentleman from California [Mr. BROWN], and all of the members of the Committee on Science for working hard to expedite in a bipartisan manner this very important bill.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 1272, the Fire Administration Authorization Act of 1997. This important legislation is the product of a truly bipartisan effort to adequately fund a small Federal agency whose impact can be felt nationwide, every day.

Mr. Speaker, the United States Fire Administration [USFA] was created in 1974 in order to help reverse a very disconcerting trend of increasing deaths, injuries, and property damage caused by fires. Since its establishment, the USFA has assisted our nation's first responders in reducing fire losses. The USFA, charged with coordinating the nation's fire fighting efforts, funds programs in public education in fire prevention and control, firefighter health and safety, research and technology, and data gathering and analysis. In addition, the USFA administers the National Fire Academy [NFA] in Emmitsburg, MD through which tens of thousands of firefighters annually receive management level education and training.

During the hearing which I chaired in the Basic Research Subcommittee of the Committee on Science earlier this year, witnesses from the volunteer and paid fire fighting communities testified as to the importance of the USFA and NFA to their efforts. These programs leverage the modest resources available to local fire departments.

Mr. Speaker, H.R. 1272 provides a 3 percent annual increase in the USFA's FY 1998 and 1999 budgets. This increase is necessary in order to fund a new mission undertaken by the agency in counter terrorism training for emergency first responders, without negatively impacting USFA's traditional missions. The new mission is complementary to the training programs currently run by USFA, and I fully support this effort. Unfortunately, our nation must deal with the reality that terrorism has reached our borders. Because it will be local fire and emergency service personnel who are first on the scene at these horrible events, as was the case in Oklahoma City, it makes sense for USFA to integrate counter terrorism training with their other training programs.

Mr. Speaker, before I close I think it is important to mention that, as we consider H.R. 1272, the first in a series of bills reported by the House Science Committee, this week is National Science & Technology Week. National Science and Technology Week is an informal and public education outreach program of the National Science Foundation, dedicated to expanding participation by all Americans in the fields of science, technology and engineering. Since its inception in 1985, National Science & Technology Week has gradually expanded in scope and impact, involving millions of Americans in national and local events.

As part of this celebration of innovation and intellect in my home state of New Mexico, the Space Center in Alamogordo, provides training workshops for teachers and planning interactive, hands-on science events. The programs are resourceful in assisting in the distribution of education materials, which are is-

sued annually, both in English and Spanish. These packets assist both formal and informal educators and parents in engaging children in innovative, hands-on learning activities geared to science, mathematics and technology.

I encourage the House and Senate to strongly support this outreach program, recognizing the importance of involving all people in the awareness that science, engineering and technology are important in our lives today and crucial to our progress tomorrow. I hope you will join me in celebrating National Science and Technology Week.

Mr. Speaker, I want to thank Chairman SENSENBRENNER, Mr. BROWN, and Mr. BARCIA for all of their hard work in getting this legislation to the floor today. I support this bill and ask the House for its expeditious enactment.

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the bill, H.R. 1272, as amended.

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

A motion to reconsider was laid on the table.

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#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1272, the bill just passed.

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

There was no objection.

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#### EXTENDING ORDER OF THE HOUSE OF FEBRUARY 12, 1997, THROUGH WEDNESDAY, MAY 7, 1997, AS MODIFIED

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the order of the House of February 12, 1997, be extended through Wednesday, May 7, 1997, with the following modification:

After "minority leader" insert: "or a Member designated from the floor by the majority leader or the minority leader at the time of notice pursuant to clause 2(A)(1) of rule IX,".

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

There was no objection.

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#### SUPPORT H.R. 400 WITHOUT WEAKENING AMENDMENTS

(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, never has a bill been so misrepresented and trashed as has the patent bill. The effort to demonize this bill has not contributed to our debate, but has only misled Members who do not and should not be expected to understand the intricacies of the complex patent laws.

Following our debate last week, a Member was quoted as saying Mr. ROHRBACHER's bill helps the little guy while H.R. 400 only helps big business. I asked him how he reached that conclusion, and he replied that is what the opponents of H.R. 400 told me to say. That is his explanation.

This typifies the type of reasoning that has surrounded this debate. We defeated the Rohrabacher amendment last week. We are not yet finished. Help us defeat the amendments today, pass H.R. 400, and bring the United States patent system into the 21st century.

Mr. Speaker, later today we will finish consideration of an omnibus patent bill, H.R. 400, which I have attempted to shepherd through this body. While I believe we will pass the measure without weakening amendments, I feel compelled to address the manner by which the bill has been criticized since its introduction on January 9.

Never, in my years as a Congressman have I seen a piece of legislation so thoroughly misrepresented as to content and effect as has the patent bill. The effort to demonize this bill has not contributed to our debate; it has only served to mislead, confuse, and paralyze some Members who do not and should not be expected to understand all of the intricacies of a complex and arcane topic such as patent law. If we wait much longer, I anticipate that our detractors will attempt to convince the American public that I, as a lifetime member of the VFW, am conspiring with the other Bolsheviks down at the VFW Hall in Greensboro, NC, to destroy the United States and subvert her national economy.

With all due respect, Mr. Speaker, the chief opponent of H.R. 400 does not serve on either the subcommittee or full committee of jurisdiction. I dare say he has never sat on a panel charged with having knowledge of any intellectual property law.

Mr. Speaker, I implore my colleagues to bring our patent system into the 21st century by supporting H.R. 400 and rejecting the simplistic and distorted criticism that has surrounded the bill to date.

#### AGAINST MFN FOR CHINA

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

Mr. WOLF. Mr. Speaker, the question of MFN will be coming up. I urge Members to take a look at a recent poll done by the Weekly Standard which I will put in the RECORD. This is what Public Opinion Strategies said:

By an overwhelming margin of 61 to 29 percent, the American people oppose MFN for China. The other 10 percent did not know.

Sixty-one to twenty-nine percent.

The pollsters asked the respondents: "Do you support or oppose continuing most-favored-nation status with China?" Sixty-one percent to twenty-nine percent. That is all across the country, in every region, in all the cities, in the suburbs, on the farms, all political spectrum, men and women. The fact is even a greater percentage of women, 67 to 22 percent, oppose MFN.

Let us listen to the American people. The Chinese are persecuting Christians, they have Christians in jail, Catholic priests, Catholic bishops, evangelical pastors, persecuting Buddhists and Moslems, and yet this Congress and this administration is thinking of giving MFN for China.

I strongly urge Members to read the poll. The American people are aware. The Republican Party and the Democratic Party ought to be. Oppose MFN for China.

Mr. Speaker, I include the following editorial for the RECORD:

[From the Weekly Standard, April 28, 1997]

THE POLL NUMBERS ON CHINA: 61-29 AGAINST

The Washington debate over the Clinton administration's policy of appeasement—pardon us, "engagement"—toward China is heating up. It will get even warmer as July 1 nears, when Hong Kong reverts to Chinese sovereignty after 155 years as a British crown colony. And there'll be a full boil when Congress takes up the question of China's "most favored nation" status in American trade law. The fearsome let's-trade-with-Beijing lobby will twist the arms of congressmen to shut up about human rights and pass MFN. Wavering legislators will want to know: Where's the public on this nettlesome issue? Here's the answer.

At the Weekly Standard's request, the polling firm Public Opinion Strategies earlier this month reminded 800 Americans that the MFN designation "gives the Chinese full trading privileges with the United States." Then our pollsters posed a question that, if anything, bends over backwards in favor of engagement.

Some people support MFN "because they believe it will promote democracy and free markets in China and help the U.S. economy." Others want to suspend MFN "because China limits human rights, sells arms to Iran and pursues an aggressive foreign policy." So do our poll respondents "support or oppose continuing most favored nation status with China?"

The result: The American people oppose MFN, overwhelmingly, by 61 to 29 percent (the other 10 percent don't or gave no answer). They oppose it in every region of the country. They oppose it in the cities. They oppose it in the suburbs. They oppose it on the farm. White people oppose it. Black people oppose it. Republicans oppose it. Democrats oppose it. Rich people oppose it. Poor people oppose it. High-school dropouts oppose it. Ph.D.s oppose it. Married people oppose it. Single people oppose it. Clinton voters oppose it. Dole voters oppose it. Perot voters oppose it.

In other words, everyone opposes MFN. And interestingly enough, no one opposes MFN more than women do; by a whopping 45-point margin, 67 to 22 percent. So on this issue, President Clinton has a gender gap. He deserves it.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 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 gentleman from Georgia [Mr. LEWIS] is recognized for 5 minutes.

[Mr. LEWIS of Georgia 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 North Carolina [Mr. JONES] is recognized for 5 minutes.

[Mr. JONES 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 North Dakota [Mr. POMEROY] is recognized for 5 minutes.

[Mr. POMEROY 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 New York [Mrs. KELLY] is recognized for 5 minutes.

[Mrs. KELLY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

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

#### ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I rise today as my colleagues and I do every year at this time to join in remembrance and commemoration of one of the most horrible events of the 20th century and, in fact, in all of human history. That is the systematic extermination of 1.5 million Armenian men, women, and children during the final years of the Ottoman Turkish empire. This was the first genocide of the 20th century, a precursor to the Nazi Holocaust and the other cases of ethnic cleansing and mass extermination of peoples in our time in Bosnia and Central Africa and in other parts of the world.

We must, Mr. Speaker, call what happened to the Armenian people between the years 1915 and 1923 by its correct name, and that is genocide. Tomorrow, Thursday, April 24, marks the 82d anniversary of the beginning of the Armenian genocide. Armenian-Americans

throughout the United States and people of conscience everywhere are commemorating this event in various ways.

Our annual tradition of holding a special order here in the House of Representatives on or near the anniversary of the genocide is always a proud moment for this institution, a time where Members come together on a bipartisan basis to remember, to try to counter the indifference and the outright distortions of history. Yet, regrettably, I would say incredibly, the United States does not officially recognize the Armenian genocide. Bowing to strong pressure from Turkey, the U.S. State Department has, for more than 15 years, shied away from referring to the tragic events of 1915 to 1923 by the word "genocide."

Successive U.S. Presidents have annually issued proclamations on the anniversary of the genocide expressing sorrow for the massacres and solidarity with the victims and survivors, but always stopping short of using the word "genocide," thus minimizing and not accurately conveying what really happened beginning 82 years ago.

In the 1970's, the U.S. House passed a resolution officially recognizing the genocide, but it did not become law. In June 1996, just last year, during debate on the foreign operations appropriations bill, the House passed, by more than 300 votes in favor, an amendment withholding economic assistance to Turkey until and unless that country acknowledged the genocide. But again, that provision was removed in conference.

Today, there are some 30 countries from Australia to Russia to Lebanon that have adopted resolutions officially recognizing the Armenian genocide. When I speak to Armenian-American groups, many people are shocked to learn that the United States does not officially recognize the genocide. Armenian-Americans love this country and are very proud of the stands, the brave stands that we have taken throughout our history. Many people, Armenian-Americans and people of other ethnic backgrounds, probably just naturally assume that the United States, usually at the forefront of defending human rights and the cause of confronting history head on, including the difficult parts of history, that we would have been in the lead in this effort to remember the past. The fact that we have failed to go on record proclaiming the truth about the Armenian genocide must be rectified.

The United States should go on record clearly and unambiguously recognizing the Armenian genocide in setting aside April 24 as a day of remembrance. To that end, I urge renewed effort on the part of Congress to pass a resolution that puts the United States firmly on record on the side of the truth, and I pledge to keep up the pressure on the President to call the genocide by its proper name.

Mr. Speaker, I have a lot more comments that I would like to make about

the genocide this evening, but I would like now, if I could, to yield to the gentleman from Massachusetts [Mr. MCGOVERN], who has joined me on many occasions on the floor on Special Orders, and I am very pleased to see him here tonight on this occasion.

Mr. MCGOVERN. I want to thank the gentleman from New Jersey for organizing this time so that we might come together in remembrance of this terrible chapter in human history.

While there are some nations that object to the term "genocide," what took place in Armenia between the years of 1915 and 1923 was exactly that, a genocide. Whole communities were wiped off the face of the map. Over 1.5 million men, women, and children were deported, forced into slave labor, tortured, and exterminated by the Ottoman government of Turkey.

What happened in those years was more than just a series of massacres carried out by the Turkish Government during a time of instability, revolution, and war. It was the first example of genocide of the 20th century, a precursor to the Nazi Holocaust and the other cases of ethnic cleansing and massive extermination that have so haunted our times.

With the rise of totalitarian regimes in Europe during the 1920's and 1930's and the outbreak of World War II, the genocide perpetrated against the people of Armenia was largely forgotten. It has often been said that Adolph Hitler, when planning the Nazi strategy of extermination of the Jews that culminated in the final solution, remarked, who today remembers the extermination of the Armenians? Well, we remember, and we must always remember. Forgetting history not only dishonors the victims and the survivors, it encourages tyrants to believe that they can kill with impunity.

Most of the survivors of the Armenian genocide have now passed away, while the few who are still living are very old now.

□ 1930

Their sons and their daughters, their grandchildren and great grandchildren, will continue to speak out about their family's history and tragedy. It is out of respect for them that we add our voices here today on the floor of the U.S. Congress. It is with great sorrow and with a sense of disbelief that I find the United States has yet to recognize the Armenian genocide.

There are official statements each year observing the massacres that took place at the beginning of the century, but for reasons of political expedience, and bowing to Turkish pressure, the United States has never recognized these mass exterminations as genocide, this in spite of the fact that the U.S. National Archives, which is right here in Washington, DC, holds the most comprehensive documentation in the world on the Armenian genocide.

Some 30 nations, from Australia to Russia to Lebanon, have adopted reso-

lutions officially recognizing the Armenian genocide. The United States should go on record clearly and unambiguously recognizing the Armenian genocide, and setting aside April 24 as a day of remembrance.

I am proud to be a cosponsor of House Concurrent Resolution 55 that honors the victims of the Armenian genocide and calls upon the United States to recognize the genocide and encourage the Republic of Turkey to acknowledge and commemorate the atrocity committed against the Armenian population from 1915 to 1923.

As a Member of the National Caucus on Armenian Issues formed in 1995 by the gentleman from New Jersey [Mr. PALLONE] and our colleague, the gentleman from Illinois [Mr. PORTER], I am committed to being a voice for a stronger partnership between the United States and the Armenia of today.

But the gentleman from New Jersey also brought us together this evening not only to remember the past, but to praise the spirit and contributions of Armenian-Americans who are integral members of our cities and communities. The gentleman from New Jersey may not be aware that the first Armenian community in the United States was established at the end of the 19th century in the city of Worcester, in what is now the Third Congressional District of Massachusetts, which I have the privilege of representing. The very first Armenian church was built in Worcester. So the history of my district and the history of the Armenian people in America are deeply linked.

That history continues today, for operating just outside the town of Franklin, MA, in the center of my district, is the Armenian Youth Federation Summer Camp, where for the past 40 summers over 500 Armenian young people from across the country come together in fellowship.

There are 1,400 Armenian families in the Third Congressional District in Massachusetts, active members in the communities of Worcester, Shrewsbury, Holden, Westborough, Franklin, Medway, and elsewhere. They are involved in supporting the educational institutions of the district, an issue that is a high priority for me in my work here in the U.S. Congress. They have made their mark in business, the professions, and the arts. We are all enriched by their presence.

It is on their behalf that I have come here today to remember and to honor the past, to praise and respect the courage of the present, and to make a commitment to work for a better future for all Armenians.

I just want to again thank the gentleman from New Jersey for allowing me to have this opportunity, and thank him for his leadership on this issue.

Mr. PALLONE. Mr. Speaker, I appreciate the comments made by the gentleman from Massachusetts, and I know that the Armenian community is a very large one in Massachusetts and continues to grow. Basically, I think in

many ways it was the first State that really did have a large Armenian community, so I thank the gentleman for joining us tonight.

Mr. Speaker, I would like to report some good news on this issue. That is that on Monday, just this past Monday, April 21, the California General Assembly unanimously passed a resolution recognizing the Armenian genocide, as well as the more recent anti-Armenian pogroms committed in Azerbaijan.

Assemblyman Howard Kaloogian, a Republican representing north San Diego, authored the resolution and guided its passage through the legislature of that State. I know members of the California delegation will be joining this special order today, and I know they are very proud of their State today because of what happened with this resolution.

I yield to the gentleman from California [Mr. HORN].

Mr. HORN. I thank the gentleman from New Jersey, Mr. Speaker, and particularly for his initiative in getting this hour for a number of us to speak to the terrible, sad history that has been suffered by the Armenians from the Turks.

Mr. Speaker, I have come to this House floor again, along with the gentleman from New Jersey and many other colleagues, to remember the 82d anniversary of the beginning of the massacre that would ultimately claim over 1½ million Armenian dead, and untold suffering by those who came after them.

I have followed the history, both distant and recent, of Armenia for many years. Mr. Speaker, out of personal interest and as a result of my interactions with many fine individuals who are members of the American-Armenian community in Long Beach and Fresno, CA, I have had a long-held interest in this matter.

It is particularly sad for me that this House must gather year after year to commemorate this tragic event and to secure recognition in memory for it, and press for the acknowledgment of this terrible tragedy and shameful place in history by Turkey.

Unfortunately, the sad history of this massacre that took place in Turkey so many years ago is often overlooked. This leaves the historical reality of the plight of the Armenian people vulnerable to efforts to minimize or even deny the terror that was unleashed against their ancestors, unleashed in the first decade and a half of this century.

Because the events 82 years ago are so distant, this House is very right to draw the attention of the Nation to it. But it must be even more forceful, and the U.S. Government, through its diplomatic efforts, should pressure the government of Turkey to admit the role that their predecessors many years ago at that time played in this assault.

The continued denial by the Turkish government, our ally in NATO, of this

massacre, and that it occurred on its soil, and that Turks were actively involved, only serves to denigrate the memory of those who died and those who suffered and those who suffer today, thinking of their ancestors.

As a nation we must not forget the sad history of a larger power unleashed on a vigorous and creative people to obliterate their whole culture. The Armenian massacre is among the most terrible chapters of the 21st century, along with what Stalin did, along with what Mao did, along with what Hitler did, along with what Pol Pot did in Cambodia.

This House must remain vigilant to the efforts of historical revisionism and the attempt to make *de minimis*, as the lawyers would say, this terrible tragedy when 1.5 million Armenians were killed and many others maimed and wounded, or else we should be faced with the prospect of witnessing this type of tragedy again.

I hope that those who want to be members of the European Community, those who want to continue in NATO, will admit what those that came before them did, just as this Nation has admitted its mistakes in both slavery, how black Americans have been treated, how Indian Americans have been treated, how Hispanic-Americans have been treated, and how the Japanese-Americans in the Second World War were treated.

This Nation's greatness is because we have the capacity to say we were wrong, our ancestors were wrong, and we try to do something about it to remedy what has been left of this proud colony of vigorous people.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California [Mr. HORN] for the statement that he made, and again, his State just this past week passed this resolution commemorating and recognizing the genocide for what it is, and certainly everyone in California can be proud of that fact. I appreciate the gentleman's comments.

Mr. Speaker, as the gentleman from California mentioned, and I would like to reiterate again, the problem, or certainly one of the most serious problems we face, is the fact that Turkey goes right on denying that the genocide ever took place.

Yesterday my office received, as I am sure many other offices did, a document from the Turkish Democracy Foundation. This document repeats the well-worn claims that the genocide did not happen, or that the number of victims is overstated, or that relocation of a certain portion of the population was limited, *et cetera, et cetera*.

The document concludes, and I will quote: "The U.S. Congress is not the proper place to discuss historically controversial issues, and it should not pass historical judgments."

I would like to say right now on the floor, with all due respect to the Turkish Democracy Foundation, I would say that the Congress is the proper place to discuss the genocide, as well as class-

rooms and civic organizations and religious institutions throughout this country. We must not deny the truth. Our responsibility on the floor is to make sure that the truth is told, and told over and over again, so that genocide does not occur again. That is the point we need to make.

Just to give some facts, again, and these are simple, documented facts, on April 24 of 1915 some 200 Armenian religious, political, and intellectual leaders from Constantinople or Istanbul were arrested and exiled in one fell swoop, silencing the leading representatives of the Armenian community in the Ottoman capital. This was the symbolic beginning of the genocide, the occasion we commemorate tonight.

But over the years from 1915 to 1923, as the gentleman mentioned, there were over 1.5 million men, women and children were deported, forced into slave labor, tortured and exterminated by the government of the Young Turk Committee. The deportations and killings finally ended with the establishment of the Republic of Turkey in 1923, although efforts to erase all traces of the Armenian presence in the area continued.

After years of imprisonment, slave labor, acts of torture and 1.5 million murders, the Turks tried to erase the evidence of the Armenian presence in the region by changing place names and destroying Armenian culture and religious monuments. But this entire shameful and appalling period of history meets every definition of the term "genocide."

Turkey has to come to terms with its past. After all, Mr. Speaker, Turkey is a member of NATO. The gentleman from California mentioned that it is a member of NATO, a defense alliance that was basically set up to defend freedom. Many of our NATO allies, as well as some of the eastern and central European nations moving toward NATO membership, have very painful and horrible aspects of their history, in some cases very recent history. But some have done a better job than others in confronting their past. Turkey, at least at the official level, has made no attempt to face up to the truth. Those independent Turkish voices that have tried to tell the truth have been intimidated into silence.

Mr. Speaker, I mention this again only because there is such merit in the fact that, for example, in the case of Nazi Germany, that the German Government recognized that the Holocaust took place. They give reparations for the Holocaust. They commemorate the Holocaust. They put up memorials to the Holocaust. That makes such a difference in terms of the Jewish people, to recognize that the German Government acknowledges that this took place and it was a terrible thing. When Turkey refuses to acknowledge it, it is almost as if the genocide continues to occur, because the government officially will not recognize it.

Mr. HORN. If the gentleman will continue to yield, Mr. Speaker, he mentioned it was the Turkish Democracy Foundation.

Mr. PALLONE. Yes.

Mr. HORN. They seem to feel that over 8 years, as the gentleman mentioned, from 1915 to 1923, that 1.5 million Armenians must have committed suicide. Of course, that is nonsense.

Mr. PALLONE. I think the gentleman is right. I am not saying that they do not acknowledge that some people were killed, but they refuse to acknowledge the numbers, certainly, and they refuse to acknowledge there was any systematic effort to kill people in the nature of a genocide or ethnic cleansing.

Of course, the fact that they are willing to say that a few people were murdered or a few people were involved in some conflict is simply not acceptable. That is not what happened. This was a systematic effort at the government level by the Ottoman Empire to exterminate a whole people.

Mr. HORN. Exactly.

Mr. PALLONE. If I could just say, I just want to say that in January I had the opportunity to go to Armenia and Nagorno-Karabakh and visited the genocide Memorial Museum, which was a really amazing place and really valuable to just be there to see it.

But when I went into the museum, which is actually still being completed, it was almost embarrassing, because I went through a particular room where they had collected the various countries, and there are 30 now, that have recognized the genocide. The director of the museum, who was a wonderful man who basically, you know, made this his life ambition, to continue and complete this museum, sort of under his breath said, you know, the United States does not recognize the genocide, even though Russia and so many other countries have.

It was really embarrassing to think that our country, the bastion of freedom, has not recognized the genocide when some of the other countries did, including Russia as one of the ones that did.

The other thing was, it goes back to what we were saying before about the Turkish Government recognition. They are in the process of constructing in the museum a sort of memorial that looks like a court. In other words, it is in the round, and in the center is basically where the judge would sit, and then on each of the walls of this round room they have a testimony from eyewitness accounts, contemporary eyewitness accounts, of what occurred, including one from the U.S. Ambassador to the Ottoman Empire at the time, Henry Morgenthau.

□ 1945

He testified, repeating what actually happened, that it was genocide and what occurred. It was explained to me, but it needed no explanation, that this is their idea, the Armenian idea of the Nuremburg trial.

In other words, that in the case of Germany and the Jewish Holocaust, trials were held and the people were brought to justice that in some, not all of them, but some of them who had perpetrated this crime. But in the case of Armenia, the Armenian genocide, no trial took place.

So in a sense the museum is creating the trial using contemporary documents and eyewitness accounts. It just brought home again how important and how valuable from a cleansing point of view, if nothing else, it is to have a trial or have a public pronouncement by the government or the perpetrators that this took place and that we still do not have in the case of the Armenian genocide.

Mr. HORN. Mr. Speaker, if the gentleman will continue to yield, I would hope we would draft a bipartisan bill that would solve that problem.

Mr. PALLONE. Mr. Speaker, we have. There is legislation that has actually been introduced by the gentleman from California [Mr. RADANOVICH], I believe, and the gentleman from Michigan [Mr. BONIOR] on a bipartisan basis and obviously we would like to get that moved. I think we are moving in that direction with what we do tonight and with other actions and statements by our colleagues.

Mr. HORN. Mr. Speaker, I thank the gentleman.

Mr. PALLONE. Mr. Speaker, let me, if I may, I wanted to just elaborate a little more, if I could, on why we attach such significance to insisting that the world community, including the United States, recognize the tragedy of the genocide and call it by its proper name.

As I said, Turkey stubbornly maintains its disgraceful policy of denying that the genocide we solemnly remember today ever took place, despite the lack of factual or historical basis for Turkey's denial. From the eyewitness accounts of journalists and diplomats on the scene to the eloquent and horrifying testimony of the survivors, the historic record is clear: that in the name of Turkish nationalistic ideology, the rulers of the Ottoman Empire conceived, planned and executed a program to eliminate ethnic minorities. The primary victims of this cruel policy were the Armenians. At that time the word "genocide" had not been coined but genocide is what it was. And I said there were no Nuremburg trials.

There has been no official atonement by the Turkish nation, and statements by me and other Members of Congress about the Armenian genocide are routinely met with contemptuous responses by Turkey's ambassador to the United States. But the denials of the revisionists fly in the face of the preponderance of evidence from American and other Western diplomats, from journalists on scene and from the survivors themselves, many of whom are still alive and some of whom are American citizens.

The U.S. National Archives holds the most comprehensive documentation in the world on this historic tragedy, more than 30,000 pages. Formal protests were made by the U.S. Ambassador Henry Morgenthau, and Congress approved of allowing a private relief agency to raise funds in the United States. American consular officials and private aid workers secretly housed Armenians, distributed aid and helped in their escape to other nations during the years from 1915 to 1923, and many times these Americans acted at great personal risk to themselves and in direct defiance of Turkish orders not to help the Armenians.

We have to continue to persuade the leaders of the Republic of Turkey, a country that receives hundreds of millions of dollars each year in U.S. aid, to officially acknowledge the truth. As one way to make amends, Turkey should immediately lift its blockade of Armenia and accept the Armenian government's offer to normalize relations without preconditions. I believe that these steps would ultimately be in Turkey's long-term interest as well. By doing the right thing and accepting historical responsibility and improving relations with the nation of Armenia, Turkey can help its own cause in terms of gaining admission to the European community and recognition in other historical forums.

Mr. Speaker, I yield to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, I rise in memory of the victims of the Armenian genocide, one of the most tragic events of this century and, of course, the first genocide of this century.

During the years 1915 to 1923, between a million and a half and 2 million Armenians who were citizens of the Ottoman Empire died as a result of a concerted effort to annihilate the Armenian population. This genocide is an undeniable fact. It is time for the Turkish government to recognize history and to apologize, not only to the Armenian community but to humanity as a whole.

I want to bring to my colleagues' attention a statement which the Holocaust Council issued in 1987 on the inclusion of the Armenian genocide in the U.S. Holocaust memorial museum, because I think it speaks volumes about the need to commemorate, to recognize and to remember the first genocide of this century.

That statement read: The genocide of the Armenian citizens of the Ottoman Empire between 1915 and 1923 will have a place in the U.S. Holocaust museum and its library. The fate of Armenians should be included in any discussion of genocide in the 20th century.

I also want to bring to the attention of my colleagues perhaps the most famous statement uttered about the Armenian genocide, and that was the comment made by Adolf Hitler when he reached the conclusion that history would forgive him if he engaged in the genocide he was planning. He stated,

who, after all, speaks today of the annihilation of the Armenians?

Mr. Speaker, we here today speak of the annihilation.

That is why we insist, we must insist that this body remember once again the Armenian genocide as one of the most important events of this century. The mistakes made by the west in reaction to that event or failure to react led in at least part to the annihilation of 6 million Jews and millions of others in the rest of this century.

That is why I hope that before a single dime of American taxpayer dollars are spent in aid to Turkey, that Ankara must, among other things, recognize the Armenian genocide. There is a tendency to view history as something only of relevance to the past. But those who forget history or those who refuse to acknowledge history are doomed to repeat it.

Today Turkey is not engaged in genocide against Armenians, but it is engaged in trying to strangle the Republic of Armenia by not allowing even humanitarian supplies to pass to this landlocked country. I note with regret that the State Department a few days ago informed those of us who are members of the House Committee on International Relations that once again it would waive the Humanitarian Aid Corridor Act. It is time for this act to carry out its purpose. It is time for Congress to evaluate whether Turkey should be given impunity to continue to blockade Armenia.

When Congress passed the act involving humanitarian aid corridors, we were serious. And I look forward in future meetings of the Committee on International Relations to trying to put some teeth in that act, to give Congress the right to review whether or not it is really necessary for our security that we waive that act again and again.

With that, I thank the gentleman for yielding to me.

Mr. PALLONE. I thank the gentleman from California.

He specifically mentioned the appropriation process and some of the provisions that the Armenia caucus, which the gentleman is a member of and that I am a member of, some of the things that we are trying to accomplish. It is sort of ironic in a way or coincidence that tomorrow, April 24, is not only the anniversary of the genocide but also the day when the appropriations subcommittee on foreign affairs or foreign operations is going to meet, and that has been, that subcommittee and the bill that comes to the floor has been the vehicle in the past for us to make a point on a number of issues.

The gentleman mentioned the Humanitarian Aid Corridor Act, which has been one of the main pieces of legislation that the caucus has worked on in the last few years. It really makes perfect sense.

Here all we are really saying is that if one country, in this case it happens to be Turkey, but it could be any coun-

try, accepts U.S. assistance, they have to allow humanitarian assistance that the U.S. is providing to its neighbor to pass through that first country's borders.

I cannot imagine anyone, I cannot imagine any American who would think that it would be possible for a country that receives American assistance to deny safe passage of humanitarian assistance through its borders to another country. I think if we told any of our constituents that the U.S. government allowed that first country to deny access, they would be outraged. Yet not only is that done routinely by Turkey through its blockade, but when we passed the Humanitarian Aid Corridor Act, we see year after year the administration coming forward and waiving it and saying, for national security reasons, whatever the reasons they gave, I thought were rather poor, it is okay to waive this corridor act and allow Turkey to blockade humanitarian assistance to Armenia. It just totally flies in the face of any notion of humanitarian assistance or human rights.

Mr. SHERMAN. I think that perhaps some in the State Department are victims of continuing Cold War thinking. We are no longer engaged in a giant chess game against the evil empire of the Soviet Union. Certainly when we emerge as the sole superpower, that is the status that we will enjoy only so long as the world regards the United States as a bastion of decency and morality in foreign policy.

Never in the history of the world has the rest of the world acquiesced to one country emerging as the sole superpower. It has happened in various regions. It has happened in the world before, but never with acquiescence.

The reason we are trusted to play the role we play in the world is because we are, yes, we are concerned and I think perhaps should be even more concerned with our own national interest, but we also are guided by morality. And for us to ignore the strangulation of both economic and humanitarian aid that Turkey is imposing on Armenia is actually harmful to our national security interests because it calls into question the foundation, the ideological foundation that allows us to be the only world superpower.

Another factor that I think is important, every time I go back to my district, and I was just there earlier today, people are concerned with how effectively our money is spent. They are willing to see the U.S. government do things that are good but only if the money is spent effectively.

When we have an international aid program which aids Turkey on the one hand and allows Turkey to prevent the aid program from being effective, when the recipient is also the obstructor, then how do we go back to our districts and say we are paying for air freight into Yerevan because we cannot truck things through Turkey and at the same time we are spending money to provide aid to Turkey.

What we need to do is insist that those who receive aid from the United States not prevent our aid programs around the world from being effective.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. I also wanted to make reference, I know that I was at the international relations subcommittee, one of the subcommittee hearings that the gentleman was a member of when we talked about trying to provide some assistance to Nagorno-Karabagh. I know the gentleman made reference to that.

Again, if I could just mention that, and perhaps you would like to comment as well, right now under the Freedom Support Act, section 907, there is no direct assistance to Azerbaijan, no direct U.S. assistance, because they also have a blockade of Armenia. So Armenia is really effectively blockaded on almost all sides between Turkey and Azerbaijan. However, the U.S. continues to provide humanitarian assistance to Azerbaijan through nongovernmental organizations.

Unfortunately, none of that assistance goes to Nagorno-Karabagh. Nagorno-Karabagh is an Armenian country, between Azerbaijan and Armenia, that fought a war of independence about 5 years ago, successfully, and is in the midst of trying to gain recognition by Azerbaijan and Turkey and other countries of its existence.

And I was there in January at the same time that I went to Armenia. I will say, as I have said, that the humanitarian needs are great and there is absolutely no reason why the U.S. should provide nongovernmental assistance, if you will, to one side in this conflict, Azerbaijan and Nagorno-Karabagh, when the need is just as great, if not greater.

□ 2000

So one of the things that we are trying to do this year is to provide some humanitarian assistance, probably through nongovernmental organizations, to Nagorno-Karabagh.

I know the gentleman at that hearing was very supportive of that and I appreciate that, and I yield to the gentleman.

Mr. SHERMAN. As a matter of fact, I think it is very important that if we are going to provide aid to that region of the world that we provide it to the one part of that region that has been wracked by warfare, and that is Nagorno-Karabagh. If there is any part of the Caucasus that needs our help, that is an area that should be receiving our help.

Indeed, a portion of the aid that we provide to that region should go through nongovernmental organizations to the people of Nagorno-Karabagh, and I will be working with the Armenians Issues Caucus and others, both in the committee and here on the floor, to make sure we provide that aid.

Also at that same committee hearing I was more than a bit surprised and

certainly not impressed when I saw that the administration's plan for aid to the Newly Independent States, the states of the former Soviet Union, anticipated that going from 1997 to 1998 they would increase aid to Azerbaijan by \$15 million and decrease aid to Armenia by \$15 million.

Now, they assured me that that figure was a mere coincidence, but whether it is a coincidence or a plan, it can certainly be reversed. One way to deal with it, of course, is to simply not increase aid to Azerbaijan, a country that, as the gentleman points out, continues to blockade Armenia on the other side, with Azerbaijan on one side and Turkey on the other, to certainly not go along with the administration's plan to increase aid, but to use that increment of dollars to provide aid to the people of Nagorno-Karabagh.

I hope that we would move in that direction and will be suggesting that to my colleagues not only here but in writing as well.

Mr. PALLONE. There is no question that there is a need for humanitarian assistance to Nagorno-Karabagh, and I have to say that I saw that firsthand. And I think the bottom line is that the United States policy needs to be more evenhanded. It does not make sense to say we are going to give money through the nongovernmental organizations to Azerbaijan and not to Nagorno-Karabagh.

The other thing I wanted to say, if the gentleman would bear with me, is having been to Karabagh, and of course our caucus has brought this up on a bipartisan basis many, many times, the concern, the need I should say, for the United States to play a larger role in trying to bring a peaceful settlement to Nagorno-Karabagh.

Obviously, there has been a cease-fire now in effect between Azerbaijan and Nagorno-Karabagh for a few years, and overall it has held. Although there was an incident last week where Azerbaijan did violate the cease-fire and there were some people actually killed, which was certainly unfortunate, but, overall, the cease-fire has held. But there needs to be a peaceful settlement of this conflict and I believe very strongly the only way that that will occur is if the United States plays an important role.

Earlier this year the United States agreed to be the cochair of the MINS group, as it is called, which is a group of nations that are trying to come to a peaceful settlement with regard to Nagorno-Karabagh. But, unfortunately, the United States really has not played a major role in trying to come to a peaceful settlement.

In fact, I thought that the United States' position that it took back in late 1996, where the United States signed onto this Lisbon Accord, where they recognized Azerbaijan's territorial integrity, thereby assuming that Nagorno-Karabagh was part of Azerbaijan, but at the same time did not recognize Nagorno-Karabagh's self-determination.

And we know there are two principles in international law, territorial integrity and self-determination. The United States was clearly siding with the territorial integrity of Azerbaijan and not the self-determination of Nagorno-Karabagh.

We need to turn that around and then the United States has to be an advocate for Nagorno-Karabagh's self-determination and then be willing to play a more significant role.

We have seen the President, for example, get involved in the Bosnia situation, in the Dayton accords, we have seen the President play a major role in the Mideast, in the Israeli-Palestinian conflict, and the same type of role needs to be played, I think personally by the President, but certainly to not continue this policy of not recognizing or not promoting Karabagh's self-determination.

I bring this back again to the genocide issue because one of the things that was certainly brought home to me when I was in Nagorno-Karabagh is the fact that the history of what has occurred in that region of the world not only at the time of the genocide between 1915 and 1923, but certainly before and after makes it almost impossible for people who are Armenian, who live in Nagorno-Karabagh, to think that they can ever be protected or ever have any kind of security if they live under the suzerainty of Azerbaijan.

I met a woman outside of Yerevan who was a refugee, and really a victim of three genocides. She was basically deported or had to escape from western Armenia at the time of the 1915 genocide; she went to Sush, which is a town, a religious center, in Karabagh, and was expelled or deported from there a few years later; then she ended up in Baku, which is the capital of Azerbaijan, and she was about 5 or 6 years ago she was expelled and deported from there and ended up in Yerevan.

So there are people who in the course of their lives have been the victims of deportation or genocide on many occasions. They are never going to accept the notion that somehow they are part of Azerbaijan or that they can live peaceably under the suzerainty of Azerbaijan.

That is why I believe very strongly that the United States has to recognize that fact. We cannot have another genocide in Karabagh, so the speak, and the only way we will make sure it does not happen is if we play a major role in trying to bring about a peaceful settlement.

I yield to the gentleman.

Mr. SHERMAN. I agree with the gentleman that one of the crowning glories of the second term of the administration of President Clinton would be to work for peace and achieve peace in the Caucasus. There is always a conflict between the concept of territorial integrity and the concept of self-determination, and when we look at the concept of self-determination we see that

that allows people to live under the government of their own choice.

Our own country was born, perhaps the world's greatest exercise of the concept of self-determination, our own Declaration of Independence, and we set forth in that declaration some standards that ought to be applied. Because when you render a country apart, when you change borders, the whole world can be affected.

We talked about the injustices imposed upon us by King George III. But they seem somewhat pale compared to the pogroms, compared to the aggression and the expulsions that the Armenian population of Nagorno-Karabagh has had to suffer over the last decade. Certainly if we made the case for self-determination, Nagorno-Karabagh has as well.

But also the argument for territorial integrity. There are borders and there are borders. The borders of Azerbaijan were drawn by Joseph Stalin for the purpose of dividing the Armenian people and placing Nagorno-Karabagh not for any logical reason except mischief, except division, except to deliberately cause peoples to be at conflict with each other.

If there was ever a border that should not be given a lot of respect by the international community, it is a border drawn by Joseph Stalin for the purpose of oppressing peoples in the Caucasus. And when we weigh territorial integrity, where the integrity is a Joseph Stalin border and the right of self-determination for a people who have suffered, I think in ways that our Founding Fathers did not, the scales certainly are in the direction of recognizing the rights of the people of Nagorno-Karabagh.

Mr. PALLONE. If I could, I think maybe we have another 5 or 10 minutes in our special order, and I just wanted to take this opportunity, if I could, to mention that although we, the Members of the House, are doing this commemoration this evening, many Members, yourself, myself and other Members of the House and Senate will take part in a Capitol Hill commemoration ceremony that is organized by the Armenian National Committee next Wednesday, April 30.

I wanted at this time, Mr. Speaker, to cite the work of both the great organizations representing the Armenian American community here in D.C., the Armenian Assembly of America and the Armenian National Committee, and they both deserve praise for their continued hard work and dedication to both Armenia and the United States.

The gentleman from California did mention the caucus, and if I could just say something briefly about the caucus. Two-and-a-half years ago Congressman PORTER and myself founded the Congressional Caucus on Armenian Issues basically to be a voice for a stronger United States-Armenia partnership and to better represent the interests of the Armenian American community. We now have 55 members.

There is a lot of sympathy and moral support for Armenia in the Congress and the administration, among State legislators. Your own State I mentioned earlier passed a resolution recognizing the genocide just earlier this week, I believe. But the bottom line is we cannot kid ourselves. We are up against very strong forces.

Unfortunately, the State Department, I believe, continues to take a basically pro-Turkey policy or adhere to a very pro-Turkey policy, and among United States and international business interests whose concerns with profits and sources of raw material often outweigh their concerns for the people of Armenia. So we have to constantly work against some of these others that are out there not really standing up for the concerns of Armenia and the concerns of the people of Karabagh.

In closing today, if I could just say one thing. Obviously, there is a need to pay particular tribute to the survivors of the genocide. I was in Michigan, actually, over the weekend at a commemoration service and there were many survivors there, I would say maybe about 15 or so people who survived the genocide. Of course, they are usually in their late eighties or nineties, or even 100, and one of the gentlemen actually gave me a book that he signed that talked about his whole eye witness account of the years 1915 through 1923. And it really was amazing to talk to someone who could directly explain what went on then. But of course there are thousands of accounts like that in the archives, in the U.S. archives and around the world.

I just wanted to mention, if I could, that we had many Members of Congress here tonight who wanted to join in this special order but because of the schedule, everything was a little crazy this evening. I think we have about 15 or 20 statements to submit for the RECORD.

Mr. HAMILTON. Mr. Speaker, I want to join my colleagues today in remembering the tragedy endured by the Armenian people in the years 1915–23.

Extensive massacres of Armenians took place during that period in eastern Anatolia plains in an atmosphere akin to a horrible civil war. Those events have indelibly and permanently marked the consciousness of many Americans, including Americans of Armenian descent, who are commemorating April 24, 1997, as a national day of remembrance of man's inhumanity to man and a special day of remembrance for the Armenian victims of strife in the early years of this century.

April 24 marks the 82d anniversary of the calamity. It is appropriate on this occasion to direct our attention and prayers to the memory of the vast number of victims who died in these tragic events.

It is in the interest of all of us and in the interest of mankind that this type of tragedy not occur again. The leading organizations of the Armenian-American community have been seeking to work within our political system for a statement concerning these critical events in their heritage.

The House of Representatives takes this occasion to honor the memory of the victims of

the massacres of Armenians. No one can deny these events and the centrality of these events in modern Armenian history. I am proud to be associated today with my colleagues on this important day of remembrance.

I would also like to salute the Republic of Armenia, and urge it to move forward in its democratic and economic reforms. Americans have an interest in the economic development of Armenia, its progress toward a free market economy, and its development of democratic institutions. We want to work with Armenia and its neighbors to insure peace, stability, and progress in their search for greater freedom and security. There is no better way to honor the misdeeds of the past than rededicating ourselves to a better future.

Today in Europe, we have a chance to advance the cause of peace and stability more vigorously and on a wider scale than ever before. I salute all governments, private organizations, and individuals, including the Armenians, who are working toward this end. I hope that their efforts will make the world a safer place, where innocent people no longer suffer the unspeakable crimes of war and terror.

Mrs. LOWEY. Mr. Speaker, this year marks the 82d anniversary of the Armenian Genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian Genocide, which began 15 years after the start of the 20th century, was the first act of genocide of this century, but it was far from the last. The Armenian Genocide was followed by the Holocaust, Stalin's purges, and other acts of mass murder around the world.

Adolf Hitler himself said that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and others he considered less than human. And he was right. It was only after the Holocaust that the cry "never again" arose throughout the world. But it was too late for millions of victims. Too late for the 6 million Jews. Too late for the 1.5 million Armenians.

Today we recall the Armenian Genocide and we mourn its victims. We also pledge that we shall do everything we can to protect the Armenian nation against further aggression; in the Republic of Armenia, in Nagorno-Karabagh, or anywhere else.

Unfortunately, there are some who still think it is acceptable to block the delivery of U.S. humanitarian assistance around the world. Despite our success in including the Humanitarian Aid Corridor Act in the foreign operations appropriations bills for the last 2 years, Azerbaijan has continued its blockade of United States humanitarian assistance to Armenia.

It is tragic that Azerbaijan's tactics have denied food and medicine to innocent men, women, and children in Armenia, and created thousands of refugees. The United States must stand firm against any dealings with Azerbaijan until it ends this immoral blockade. We must make clear that warfare and blockades aimed at civilians are unacceptable as means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, "Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors."

As the Armenian-American author William Saroyan wrote, "Go ahead, destroy this race \* \* \* Send them from their homes into the desert \* \* \* Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia."

I rise today to remember those cries and to make sure that they were not uttered in vain. The Armenian nation lives. We must do everything we can to ensure that it is never imperiled again.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today with my colleagues to commemorate the 82d anniversary of the Armenian genocide.

April 24, 1915, marks the symbolic beginning of the campaign to extinguish the Armenian population in the Ottoman Empire. Over the course of nine long years, 1,500,000 Armenian men, women and children were deported, forced into slave labor, tortured, or exterminated. Another 500,000 had to flee their homes, some coming here to the United States. It is imperative, therefore, that we, as the elected representatives of the people of the United States, recognize and commemorate the Genocide of the Armenian people.

Some today deny that the Armenian genocide ever occurred. Not only is there a preponderance of evidence to prove that it did, but there are a number of survivors, and children of survivors, who are living testaments to the horrors of the past. Our own National Archives holds more than 30,000 pages of documentation on this historic tragedy. With this overwhelming evidence, we cannot continue to allow the truth to be denied. Forgetting the past not only deprives us of the lessons that it has to teach, but it also shows a disrespect for the people who had to live it.

It is also incumbent upon us, on the anniversary of the Armenian genocide, to speak out about the messages of hate and bigotry on the rise in this country. As we have learned in this country and witnesses abroad several times this century, hate must not be allowed to grow unchecked. We must continue to denounce messages of hate and bigotry and promote tolerance within our communities.

Mr. Speaker, I think you for the opportunity to remember this tragic episode in world history.

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian-Americans, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

First, I would like to commend the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Illinois [Mr. PORTER], co-chairs of the caucus, for all of their hard work on this issue and other issues of human rights.

April 24, 1997 marks the 82nd anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that over 200 Armenian religious, political, and intellectual leaders were arrested and subsequently murdered in central Turkey.

This date marks the beginning of an organized campaign by the "Young Turk" government to eliminate the Armenians from the Ottoman Empire. Over the next 8 years, 1.5 million Armenians died at the hands of the Turks, and a half million more were deported.

As the United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., has written: "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact."

As a supporter of human rights, I am appalled that the Turkish government is still refusing to acknowledge what happened and instead is attempting to rewrite history.

In a sense, even more dismaying than Turkey's denial is the willingness of some officials in our own government to join in rewriting the history of the Armenian Genocide. It is imperative that we do not let political agendas get in the way of doing the right thing.

Mr. Speaker, the issues surrounding the Armenian genocide should not go unresolved. I call upon the United States Government to demand complete accountability by the Turkish Government for the Armenian Genocide of 1915–1923. To heal the wounds of the past, the Turkish government must first recognize the responsibility of its country's leaders at that time for this catastrophe.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

The noted philosopher, George Santayana, has taught us that "those who cannot remember the past are condemned to repeat it." We should heed this wise principle and do all we can to ensure that the martyrdom of the Armenian people is not forgotten.

Mr. MEEHAN. Mr. Speaker, I rise to join my colleagues in this Special Order to commemorate the anniversary of the Armenian Genocide. Each year, I join Members of Congress from both sides of the political spectrum, representing areas from east coast to west coast to take part in this Special Order. We join together in this annual commemoration to bring awareness to a chapter in history so brutal and violent, that 75 years later, the Turkish Government still refuses to admit their involvement.

Each year, as I rise to pay tribute to over 1.5 million Armenians who were killed in this tragic event, I am amazed at how easily, and how well, the news of the Armenian genocide was squelched and then hidden. We all remember the now famous question posed by Adolf Hitler at the beginning of World War II—he said "Who remembers the Armenians." Well, citizens of the world, this is just the problem. When tragedies of this magnitude take place, it is our responsibility to ensure that the story does not get forgotten. Let us teach our children that we will not tolerate human tragedy of this nature. Instead, as our world grows smaller every day, we must learn to live together in a global village. We must discover and treasure the differences among peoples around the world. We must promote tolerance and understanding. Only then will we have peace. When we remember the Armenian genocide we send a strong message to our global community that violence born of hatred and fear is unacceptable.

The world has the responsibility to see that the crime of genocide does not go unpunished. Genocide cannot be allowed to be a policy of our international community. A crime unpunished and unrepented is a crime which can and will be repeated. Even today, as I speak, the present Turkish Government is enforcing a blockade of Armenia blocking American humanitarian assistance from reaching that country. This aid, supported by Congress, is prevented from being transported to Armenia by land. Such a violation of fundamental principles of humane conduct cannot be allowed to continue.

There are still living survivors of the Armenian genocide in my district, and the horror of this ordeal is forever etched in their collective memories. Every year survivors participate in commemoration ceremonies in Boston, Lowell, and other areas around the Merrimack Valley. The commemoration offers an opportunity to reach out to the public in hopes that the media, the educated public, and citizens around the world will not ignore—or will not forget the tragedy suffered by the Armenians at the hands of the Turkish empire.

I represent a large and active Armenian community in my district. They are hard working and proud of their heritage. As Representatives to the United States Congress, it is our duty to commemorate the Armenian genocide in the hope that future generations will never allow such a callous disregard for human rights to occur again.

Mr. GILMAN. Mr. Speaker, I want to thank our two cochairmen of the Caucus on Armenian Issues, Congressman PORTER of Illinois and Congressman PALLONE of New Jersey, for arranging this Special Order today.

I also want to take this opportunity to extend my best wishes to the Armenian-American community on this important occasion.

The annual commemoration of the Armenian genocide is indeed an occasion of sad remembrance for Armenian-Americans.

Over the years I have had the privilege of meeting and becoming friends with many Armenian-Americans who have lost relatives and friends in the tragic atrocities that began in 1915.

I can well understand their grief and deep-seated feelings about this terrible event.

There are others who have suffered from genocidal acts who know what it means to lose such loved ones.

While we look back with sadness on the events that took place more than 80 years ago, we are reminded of how such atrocities can come about—and reminded as well that we must continue to try to prevent such tragedies in the future.

Mr. Speaker, once again, I want to thank my colleagues for inviting me to join them in this Special Order.

As we look to the future, let us wish the Armenian people success and prosperity as they continue to build their country's independence from communist domination—an independence won just a few years ago.

An independent Armenia is the best guarantee that the terrible events that began 82 years ago will never be repeated.

Mrs. MORELLA. Mr. Speaker, I am proud to join my colleagues today in commemorating the 82nd anniversary of the Armenian genocide.

Eighty-two years ago, the rulers of the Ottoman Empire made a decision to attempt to

eliminate the Armenian people living under their rule. Between 1915 and 1923, nearly 1.5 million Armenian people died and another 500,000 were deported.

The purpose of this special order is really a dual one, and I thank the gentlemen from New Jersey and Illinois for organizing it. First and foremost, it is to show respect and remembrance to those Armenian people and their families who suffered during those 8 years at the beginning of this century. Secondly, we are here to recognize that if we are ever to witness a universal respect for human rights, we must begin by acknowledging the truth. And that is the fact that governments continue to commit atrocities against their own citizens while escaping the consequences of their actions, internally by means of repression and externally for reasons of political expediency.

The events that took place under the rule of the Ottoman Empire 82 years ago were real. Many people died and the results were, and still are, shocking. If we in the Congress continue to react with silence regarding these events and are unwilling to stand up and publicly condemn these terrible events, we effectively give our approval to abuses of power, such as the Armenian genocide.

Mr. Speaker, all of us participating in this special order today realize that silence can mean acceptance when it comes to human rights abuses. And now it is our responsibility to make sure that everyone who is not here today realizes that they too must speak out against human rights violations. Not just violations of the past, but also against violations which are occurring in our world today. We must let the truth about these events be known and continue to speak out against all instances of man's inhumanity to man.

Today nearly one million Armenians live in the U.S. They are a proud people who spent 70 years fighting Stalinist domination. Finally, in just the past 5 years, they have achieved freedom. But even that freedom will never allow them to forget the hardships suffered by their friends and families nearly a century ago, nor will they ever stop forcing us to recognize that these and similar acts must continue to be condemned by nations and people who hold the highest respect for human rights.

Mr. VISCLOSKEY. Mr. Speaker, I rise today to commemorate the 82nd anniversary of the Armenian genocide. I am pleased to join my House colleagues on both sides of the aisle in remembering the terrible atrocities that were committed against the Armenian people earlier this century.

Despite the efforts of some, there is no denying that the Armenian genocide occurred. History is clear that the Ottoman Empire engaged in a systematic attempt to destroy the Armenian people and their culture. It started on April 24, 1915, when over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were brutally executed. By 1923, over half the world's Armenian population—an estimated 1.5 million men, women, and children—had been killed.

The Armenians are an ancient and proud people. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee and became allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities

ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

Despite the well documented fact that over 1.5 million Armenian were killed and hundreds of thousands more were exiled from their homes, there are some who still choose to believe that the genocide did not take place. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. Further denial of the Armenian genocide by certain parties, either due to ignorance or malice, can only be seen as a misrepresentation of history and should be roundly condemned.

While it is important to remember the horrible facts of history in order to help comfort the survivors, we must also remain eternally vigilant in order to protect Armenia from new and more hostile aggressors. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Turkey and other countries are attempting to break Armenia's spirit by engaging in a debilitating blockade against this free nation.

Last year, I led the fight in the House of Representatives to free Armenia from Turkey's viscous blockade by offering an amendment to the fiscal year 1997 Foreign Operations appropriations bill. Under current law, U.S. economic assistance may not be given to any country that blocks humanitarian assistance from reaching another county. Despite the fact that Turkey has been blocking humanitarian aid for Armenia for many years, the President has used his waiver authority to keep economic assistance for Turkey intact. My amendment, which passed in the House by a bipartisan vote of 301 to 118, would have prevented the President from using waiver authority and would have cut off U.S. economic aid to Turkey unless it allowed humanitarian aid to reach Armenia. Unfortunately, my amendment was not included in the final version of the Foreign Operations appropriations bill and the Turkish blockade continues unabated.

I am proud to say that a strong and vibrant Armenian-American community thrives in my district in northwest Indiana. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and northwest Indiana's strong ties to Armenia continues to flourish. Mrs. Vickie Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District are two Armenian-Americans who have contributed greatly to the quality of life in Armenia, as well as to the Armenian-American community in northwest Indiana.

Although it has suffered greatly, Armenia is once again a strong, sovereign nation. Its people are determined to succeed, and I am proud of the steps that Armenia has made to promote democracy. It is my sincere hope that Armenia remains strongly committed to democratic ideals and that our two countries continue to remain close friends.

In closing, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 82nd anniversary of the Armenian genocide. Their efforts will not only help to console the victims and their families, but also serve as a reminder to remain

vigilant in the fight to protect basic human rights and freedoms around the world.

Mr. KENNEDY of Massachusetts. Mr. Speaker, in my long association with the Armenian-American community, I have become very familiar with their pain by the act of genocide—and the further pain caused by a continuing attempt to deny that this genocide ever took place.

From 1915 to 1923, 1.5 million Armenian men, women, and children were deported, forced into slave labor, tortured, and exterminated.

The Armenian genocide was the model for subsequent efforts of religious and ethnic annihilation. The infamous quote by Hitler—"Who, after all, remembers the extermination of the Armenians?"—which is prominently displayed in the U.S. Holocaust Memorial Museum, serves as chilling affirmation of this fact.

I am a proud cosponsor of House Concurrent Resolution 55, a resolution honoring the memory of the victims of the Armenian genocide. As we reflect on the past, we must also take positive steps for the future of the men, women, and children of Armenia.

Therefore, I am currently circulating for signature a letter to President Clinton to express Congress' grave concerns regarding U.S. efforts to mediate a settlement in the conflict between Nagorno-Karabagh and Azerbaijan—to finally bring peace to that war-torn region.

This letter stresses that all U.S. humanitarian assistance should be provided to all people in the Caucasus region who need it, irrespective of ethnicity. To date over \$100 million in U.S. humanitarian assistance has been provided to Azerbaijan, despite that country's blockade of Armenia and Nagorno-Karabagh. But U.S. policy prohibits direct U.S. humanitarian assistance to the people of Nagorno-Karabagh, a discriminatory practice which must be stopped.

Finally, the letter protests the President's recent decision to waive the Humanitarian Aid Corridor Act. Last year, I worked hard with my colleagues to pass an amendment to the Foreign Operations Appropriations bill which would restrict the President's authority to waive the Humanitarian Aid Corridor Act—a measure which I co-authored.

Last year the amendment passed in the House but was not signed into law. This year we must pass legislation to ensure that the President's ability to waive this measure is restricted, and we must ensure that this language is signed into law.

Mr. BILIRAKIS. Mr. Speaker, I rise today to share my thoughts on one of the most appalling events in human history—the genocide of the Armenian people. I would like to thank Mr. PORTER of Illinois and Mr. PALLONE of New Jersey, the cochairs of the congressional caucus on Armenian issues, for holding this special order.

It shames and saddens me to say that the human race is no stranger to genocide—the great purges in Russia, during which Stalin methodically killed millions of Russians; the Holocaust, in which 6 million Jews were systematically slaughtered by the Nazis; and less well known, but certainly just as significant, the Armenian genocide in which 1.5 million Armenians were exterminated by the Ottoman Turks. The number of people who died during this tragedy was almost equal to the entire population of Nevada.

I feel a special kinship to the Armenian people. As many of you know, I am a Greek-American, and my ancestors, too, suffered at the hands of the Ottoman Turks.

In fact, every March, I conduct a special order in this Chamber to commemorate Greek Independence Day. On that day, 176 years ago, the Greeks mounted a revolution which eventually freed them from the tyranny of the Ottoman Empire.

Unfortunately, the Armenians were not as fortunate as their Greek brothers and sisters. Between 1915 and 1923, 1½ million Armenians were murdered and hundreds of thousands were driven from their homes by the Ottoman Turks. They were people like you and me. People with families and friends, hopes and dreams and they were all destroyed by the Ottoman Turks.

Today, I want to acknowledge this dark moment in history and remember the Armenian people who tragically lost their lives. We in Congress must always remember tumultuous moments in history where people suffered because they were different. Of course, we all want to forget these horrific tragedies in our history and bury them in the past. However, it is only through the painful process of acknowledging and remembering that we can keep similar dark moments from happening in the future. In closing, I want to share a passage inscribed in the stone of Israel's National Holocaust Museum. "Forgetfulness leads to exile, while remembrance is the secret of redemption." We must never forget these words.

Mr. Speaker, this Sunday is Easter for the Christian orthodox faiths. It is a time for us to reflect on and to celebrate the glory of redemption. Hopefully, tonight many will hear our speeches and will take the time to remember those who lost their lives during the Armenian tragedy. By reflecting tonight on this sad event in history, I am hopeful that we are preventing similar tragedies from occurring in the future.

Mr. PORTER. Mr. Speaker, on April 24, 1915, 200 American political and intellectual leaders from Istanbul were arrested and exiled. This action had the effect of silencing the leading voices of the American community in the Ottoman capital, and it is considered the symbolic beginning of the genocide. Over the years from 1915 to 1923, 1.5 million men, women, and children were deported, forced into slave labor, tortured and exterminated by the government of the Young Turk Committee. During this dark time, the Turks of the Ottoman Empire carried out a systematic policy of eliminating the Christian Armenian minority within its bounds. The deportations and killings finally ended with the establishment of the Republic of Turkey in 1923, although efforts to erase all traces of the Armenian presence in the area continued.

What happened in the Ottoman Empire during 1915 until 1923 was more than a series of massacres in a time of instability, revolution, and war. It was the first example of genocide in the 20th century, a precursor to the Nazi Holocaust, and other cases of ethnic cleansing and mass exterminations in our own time, and we must never ever forget it. To forget history not only dishonors the victims and survivors—it encourages other tyrants to believe that they can commit such heinous acts with impunity.

Mr. Speaker, this is a time for solemn reflection. But this act of remembrance also affords us the opportunity to celebrate the incredible

resilience of the human spirit when faced with the most horrendous disasters and challenges. Armenia itself and the Armenian diaspora have managed to rebuild their shattered, destroyed communities. This determination to overcome such an atrocious past is written clearly in the faces of those of Armenian descent. On a national level, the struggle for existence and a better future is an everyday fact of life for the young independent, democratic, Republic of Armenia. The successes that so many Armenian-Americans have found in this country also peaks volumes on this subject.

Despite the incontrovertible evidence of the historical fact of the Armenian genocide, modern Turkey continues to deny that this horrific event ever happened. While various Turkish sources express the view that certain unfortunate incidents took place, there is an overall denial that there was ever a systematic, ethnically based policy targeting the Armenian people. There are those who say we should not offend our Turkish allies by using the word "genocide", but friendship takes no refuge in relationship based upon dishonesty. There was a genocide in which over 1.5 million people, including women and children, lost their lives and over 500,000 Armenians were exiled, eradicating the historic Armenian homeland in Anatolia—a community which had existed there since the time of Christ.

Let us remind ourselves that the United States, and the rest of the world, we did little to prevent these crimes against humanity, despite the frequent and detailed reports that Ambassador Morgenthau sent back to Washington from his post in Istanbul. Turkey's historic difficulties in respecting minority rights have not gone away, and they are continuing now in a different form against another minority people. Today in Turkey, another campaign of ethnic dissolution is being waged by the Turkish Government against yet another minority, the Kurdish people. For years now, Turkish troops have pursued a scorched Earth policy in southeastern Turkey—burning and tearing down over 2,000 Kurdish villages, and displacing over 2 million innocent civilians. Turkey has also crossed into the border in Iraq to launch attacks on Kurdish refugee camps. Our Government has stood idly and allowed this to happen and, moreover, has defended Turkey's actions against innocent civilians by cloaking them in the guise of antiterrorism. Once again, our Embassy has provided comprehensive reports of what is occurring in Turkey, and once again, we are ignoring these reports. As we stand here once again to commemorate this sad day in the long history of the Armenian people, we should realize that we are our brother's keeper, and we do have a responsibility to stand up and be honest about both the past and the present. History ignored is history repeated.

We have made great progress in helping to establish a new Armenia, an Armenia that is free and democratic, and forging ahead to provide, through economic and political freedom, a better life for its people and greater stability for its future. Armenia is a struggling young country that does reflect the values that we stand for and believe in, and by supporting Armenia we will extend those values across the world.

Mr. Speaker, we also want to support Turkey and have a strong relationship with this important ally. We understand the importance of a free and democratic Turkey. But we also

understand that it is important for Turkey to look honestly at its past, and acknowledge what the world knows to be true. It is time that Turkey reexamine its military campaign against its Kurdish minority. Now is the time for Turkey to join the community of Western nations, but that means that they must stop committing human rights abuses against their own people and build better relationships with their neighbors. We can and should be a strong supporter of Turkey's efforts to move in this direction.

Unfortunately, I believe that our administration continues to send the wrong signals to Turkey in this regard. In the fiscal year 1997 omnibus appropriations bill, the Humanitarian Aid Corridor Act was made permanent law, barring the provision of U.S. assistance to any country which blockades U.S. assistance to another country. Last week, however, President Clinton again waived this provision for Turkey in spite of her continuing blockade of U.S. assistance to Armenia. By doing so, he is telling Turkey that the United States does not really care whether they lift the blockade or not, and that we would rather waste U.S. tax dollars than stand on our principles. I firmly believe that this is not the message we should be sending.

This observance of the 82d anniversary of the Armenian genocide is an important acknowledgment of the past, and an important inducement to take action in the present. I thank my colleagues for joining me and the cochairman of the Armenian issues caucus, the Honorable FRANK PALLONE of New Jersey, in this most worthwhile endeavor.

Mr. BONIOR. Mr. Speaker, beginning on the night of April 24 in 1915, the religious and intellectual leaders of the Armenian community of Constantinople were taken from their beds, imprisoned, tortured, and killed.

In the days that followed, the remaining males over 15 years of age were gathered in cities, towns and villages throughout Ottoman Turkey, roped together, marched to nearby uninhabited areas, and killed.

Innocent women and children were forced to march through barren wastelands—urged on by whips and clubs—denied food and water.

And when they dared to step out of line, they were repeatedly attacked, robbed, raped \* \* \* and ultimately killed.

One and one-half million Armenians lay dead, and a homeland which had stood for 3,000 years was destroyed.

Mr. Speaker, we come to the floor this evening to remember the victims—and the survivors—of the Armenian Genocide.

As we come to this floor, we do so with the knowledge that all of us have a responsibility to remember the victims, to speak out and to make sure that tragedies like this are never allowed to happen again.

Now more than ever, those of us who embrace democracy have a responsibility to speak out for all those who live under tyranny.

Mr. Speaker, we must pause today and say "Never again."

We can never forget that in 1939, another leader used the Armenian genocide as justification for his own genocide.

This leader said, and I quote: "I have given orders to my Death Units to exterminate without mercy or pity men, women, and children belonging to the Polish-speaking race. After all," Adolf Hitler asked, "who today remembers the extermination of the Armenians?"

Mr. Speaker, it is up to all of us to remember.

For centuries, the Armenian people have shown great courage and great strength.

The least we can do is match their courage with our commitment.

Because in the end, we are their voices and we must do all we can to remember.

Because if we don't, nobody else will.

Mr. FRELINGHUYSEN. Mr. Speaker, tomorrow marks the 82nd anniversary of the Armenian Genocide. As Armenians gather around the world to commemorate the anniversary of this event, it is important for all of us to remember the significance of this tragedy. For, it is only by remembering past horrors that we will not allow them to be repeated.

As many of my colleagues know, 1.5 million Armenians were subjected to this century's first systematic extermination based on their ethnicity, something we know all too commonly now as genocide. Between 1915 and 1923, the Ottoman empire implemented a deliberate policy of deporting, torturing, starving and massacring Armenians throughout the lands under their rule. Many of the Armenian survivors and those deported emigrated to the United States. At that time, the United States condemned the brutal acts of the Ottoman Empire and even provided humanitarian assistance to survivors, in the largest relief effort ever organized by our country.

Today, there are those that refuse to recognize the sins of the past—despite the overwhelming evidence of the Armenian Genocide. We must stare history in the face no matter how terrible. The cost of not being honest about the past threatens our future. That is why I urge the President, the Senate, and every Member of this body to send a unified message to the world that we do remember the victims of the Armenian Genocide. Let us not allow any nation to forget or disavow that this tragedy ever happened.

Finally, Mr. Speaker, I would like to commend Armenian-Americans, who continue their vigilance on the issue of the Armenian Genocide and who continue to make invaluable contributions to our shared American culture. I would also like to take this opportunity to commend the Republic of Armenia, a fledgling democracy of 3.3 million people, for working to enact economic and democratic reforms while developing important ties to the United States. We welcome Armenia into our growing assembly of free nations and look forward to working with the Armenian people to insure that they realize the fruits of liberty and democracy.

Ms. ESHOO. Mr. Speaker, let me begin by thanking Representatives Pallone and Porter for their work on behalf of Armenia, and in particular for organizing this special order in remembrance of the Armenian Genocide.

Today marks the 82nd anniversary of the beginning of the Armenian Genocide, an event that foreshadowed many dark moments to come in this century.

In its final days, the Ottoman Empire systematically exterminated 1.5 million Armenians, and the forcibly deported 500,000 more. These tragic events began on April 24, 1915 when leaders of the Armenian community living in Constantinople were arrested and killed.

Tragically the genocide lasted for eight years until 1923 and the international community never mounted any serious effort to bring it to an end. Armenians were deprived of their homes and businesses. Families were torn

apart and individuals were robbed of their freedom and dignity. Hundreds of thousands of Armenians were forced to flee their homeland or risk death, and 1.5 million people lost their lives.

As the only Member of Congress of Armenian descent, I believe what we are doing here tonight is important, not only because we honor the memory of the men, women and children who lost their lives, but also the millions of those who survived and have contributed to our nation.

We cannot lapse in our efforts to speak out and teach about the atrocities of the past. When the international community stands silent, as they did in 1915, we allow the evil to flourish. When we commemorate the Armenian Genocide we fight not only against forgetting, but also against tolerating a future that brings misery to vulnerable people wherever they may live.

We must continue to fight against those who want to obscure, minimize or even deny that the Armenian Genocide occurred, and memory is our weapon, the memory of survivors, victims, and their relatives. The memory is also alive in modern Armenia, where in the wake of the Soviet Union's collapse, fledgling democracy is taking hold.

It is my hope that as we come together tonight to remember the past, we also renew our commitment to a secure and prosperous Armenia. This will only come through full enforcement of the Humanitarian Corridor Act, and a peaceful resolution of the conflict in Nagorno-Karabagh based upon self-determination.

As an Armenian-American I am grateful so many of my colleagues have participated in this remembrance of the 82nd anniversary of the Armenian Genocide. I am also proud of the contributions so many Armenians have made to our nation. Their legacy ensures that we will never forget this tragic chapter in history.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in remembering the 82nd anniversary of the Armenian Genocide. I especially want to thank Congressman FRANK PALLONE and Congressman JOHN PORTER for arranging this important special order in observance of this tragic event in world history.

Beginning with the arrests of hundreds of intellectual and political leaders in 1915, the Ottoman Turkish Empire began the systematic process of genocide against the Armenian people. In addition to the blatant killings of millions of innocent people, there were works of deportation, rape, slavery and other unspeakable acts.

The persecution and mistreatment of the Armenian peoples continues today through the conflict regarding Nagorno-Karabagh. Since 1988, this contentious situation has left more than 1,500 Armenians dead and uprooted hundreds of families, forcing them to flee to other parts of this unstable region. However, I believe hope is on the horizon with the recent induction of Robert Kocharian as the new Prime Minister of Armenia. I am confident his courage and leadership will play an important role in bringing this conflict to an end.

Mr. Speaker, this historic event can no longer be denied. Vast amounts of documentation exist in the United States' Archives and in the U.S. Embassy in Istanbul, as well as in the public domain, which lend proof that the horrific events surrounding this tragic pe-

riod took place. It is important that we as Members of Congress continue to officially recognize the Genocide because it is a part of our world history, just as historically important as World War II, and just as tragic as the Holocaust. However, it is a shame and an outrage that the Genocide is still not recognized by many nations.

It is also important that we continue to mark this event on an annual basis. Although most of the survivors of the Genocide are, unfortunately, no longer with us, their relatives continue to remember and mourn the loss of life. I am proud that New York State is one of the few states which has offered a human rights/genocide curricula for teachers to use at their discretion, including the story of the Armenian Genocide. Education programs such as this allow our children to learn about the unfortunate and sad aspects of our world's history, such as the tragic past in Armenian history, hopefully ensuring a peaceful existence for future generations. A wise man once said that those who do not learn history are doomed to repeat it.

Mr. Speaker, as a member of the Congressional Armenia Caucus, I urge my colleagues in joining me as a member of this bipartisan organization dedicated to ensuring a strong U.S.-Armenia relationship and lending our support for issues affecting Armenians and Armenian-Americans. In addition, I urge them to join me as cosponsors of two pieces of legislation on this important issue: H.R. 500 would provide additional assistance to Armenia in FY 1997; and H.J. Res. 55, honors the memory of the victims of the Armenian genocide.

Mr. Speaker, I commend the people of Armenia and Nagorno-Karabagh for their courage, and wish them well in their struggle to strengthen their democracy. I will continue to support their efforts to ensure a stable future for their people.

Mr. LEVIN. Mr. Speaker, I rise today to recognize the 82nd anniversary of the Armenian genocide and urge an end to the denial of this atrocity by the government of Turkey. Denial of an event which cost the lives of one and a half million human beings should not and must not be allowed to continue.

Throughout 1915 and 1916, the "Young Turk" government of the Ottoman Empire conducted a systematic campaign of murder and oppression against the Armenian minority throughout the country; first, rounding up and killing all Armenian political, military, and intellectual leaders, and then, by forcing the remaining Armenians from their homes and "relocating" them to camps in the desert where they died from thirst and starvation.

At the time, the Armenian genocide was condemned by nearly all European powers. The United States, while neutral at this stage of the war, condemned the massacres and acted as the chief spokesman of behalf of the Armenians and issued strong protests against the reprehensible actions of the Ottoman government.

Diplomatic dispatches and newspaper reports tell of deportations, beatings, and mass killing. Our own Ambassador, Henry Morgenthau Sr. wrote in 1915, " \* \* \* it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion." Numerous articles appeared in the New York Times throughout August, September, and October of 1915. The articles cite eyewitness accounts from American, Greek,

Bulgarian, Turkish, German, and British citizens as well as those from Armenians themselves which tell of widespread atrocities including forced deportations, mass starvation, deliberate drowning, and the sale of women and girls into slavery.

Throughout the "relocation," American missionaries and relief workers in Turkey risked their lives to save as many people as possible, namely orphaned children, and brought them to the United States which formed the foundation of today's Armenian-American community. At home in the United States, Americans collected and donated millions of dollars to help feed the survivors of this human tragedy.

Following the war, the post-war government of Turkey held war crime trials and sentenced to death the major leaders responsible for the atrocity calling the fact "proven and verified" and describing the decision to eradicate the Armenians "the result of extensive and profound deliberations." Repentance soon gave way to denial, as Turkey's post-war government was replaced by Nationalists who made war criminals into national heroes.

Today, despite all the facts, eyewitness accounts, recognition by countries throughout the world, and the findings of their own post-war courts, the government of Turkey still refuses to acknowledge the genocide ever occurred. Instead, they claim, as did the Ottoman Empire before them, that they only "relocated" the Armenians from the eastern "war zone" to a more secure location and that the deaths were caused by the "brutalities of war."

Indeed, the government of Turkey goes one step further calling the Armenians "traitors" who collaborated with the enemies of the Ottoman Empire during war. The government of Turkey even claims that 2.5 million widely disbursed Armenian men, women, and children were a direct threat militarily to the 17 million and mobilized Turks. As evidence they cite a few scattered incidents of self-defense by Armenians against Turkish death squads.

We cannot allow such blatant disregard and denial to go on. Genocide is genocide, no matter how, when, or where it happens. To deny is to accept.

We need to remember and commemorate this horrible chapter in human history not only for the survivors and their families, but for ourselves. Respect for human rights and individual diversity are the cornerstones of our society. We cannot afford to forget the past, lest we doom the world to a similar such fate in the future.

To me, and to my constituents, the Armenian genocide is not just a footnote in history. In Detroit and its surrounding suburbs lives the third largest Armenian-American community in the United States many of whom are the children and grandchildren of genocide survivors or actual survivors themselves.

Mr. Speaker, for myself and my constituents, I rise today to urge the government of Turkey to end its denial and accept its past, no matter how painful. Only then can we all move forward to the future and stop these atrocities from repeating themselves over and over again.

Ms. PELOSI. Mr. Speaker, I would like to thank my colleagues, Mr. PALLONE and Mr. PORTER, for giving us this opportunity to remind the world that we will never forget the

Armenian genocide even when the descendants of the Ottoman Empire refuse to accept responsibility for this crime against humanity.

In 1944, noted jurist and scholar, Raphael Lemkin looked to a previous generation when he coined the word "genocide" to describe the systematic annihilation of the Jewish people by the Nazis. Lemkin was thinking of the Turkish attempt in 1915 to extinguish from this earth the ancient community of Armenians living within the Ottoman Empire. Ironically, Hitler had also referred to the extermination of the Armenians when he spoke of his plans for the Jewish people in 1939: "Who, after all, speaks today of the Armenians," Hitler said.

During World War I, Turkish rulers tried to eradicate all traces of this culturally rich and historic people. At least one and a half million Armenians were massacred and 500 thousand deported. We owe it to the survivors and their descendants to remind the world of this tragic event. We owe it to Turkey and to the Turkish people who face continued recriminations in this chamber and throughout the civilized world for as long as the Ankara government stonewalls and rejects historical fact. We owe it to the Bosnians and Rwandans who wonder if the perpetrators of modern day atrocities will be brought to justice. The stench of genocide must not be allowed to waft over future generations.

In 1991, following the collapse of the Soviet Union, a free Armenia emerged. This tiny, landlocked nation is attempting to embrace democratic ideals as it struggles to gain its footing amidst hostile neighbors. These proud people are defying the odds to retake their place among the community of nations.

I must also express my deep gratitude to the survivors of the Armenian genocide who sought refuge in the United States and to their descendants. As someone who represents a city rich in cultural diversity, I can say without reservation that the Armenian people have enriched San Francisco, the State of California, and this nation with their splendid heritage, their commitment to family values, their work ethic, and their contributions to their communities in their adopted homeland.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in commemorating the 82d anniversary of the Armenian genocide.

We observe the Armenian genocide today so as not to forget. We remember the horrific conflagration that engulfed the lives of 1.5 million innocent Armenian men, women, and children so that governments around the world will know that they will be held accountable for their bloody deeds by the consciousness of mankind. In one of the darkest chapters of the 21st century, the Government of the Ottoman Empire systematically implemented a policy of extermination against its Armenian population through ruthless marches of forced starvation and endless waves of bloody massacres.

Eight decades have now come and gone since the tragic event unfolded and, yet, the Turkish Government continues to deny the undeniable. The Armenian genocide is a historical fact that has been indelibly etched in the annals of history. It cannot be erased from our collective memory.

To heal the open wounds of the past, the Turkish Government has a moral obligation to acknowledge and recognize the Armenian genocide. Turkey must come to terms with its past. It must also come to terms with its present actions against the Republic of Armenia.

The Government of Turkey should immediately lift its illegal blockade of Armenia, which it has had in place since 1993. Turkey must also stop obstructing the delivery of United States humanitarian assistance to Armenia. This is not only unconscionable but it also damages American-Turkish relations. Turkey is indeed an important ally of the United States. However, until Turkey faces up to its past and stops its silent but destructive campaign against the Republic of Armenia, American-Turkish relations will continue to be strained.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today we in Congress are solemnly observing the tragedy of the Armenian genocide.

We honor the bravery and courage of those who survived and we honor the memory of those who perished.

We speak out so that future generations of Americans will know the story of the first genocide of this century.

Over 6 million people of Armenian descent live in this country. Many of them can still recount the persecution they faced during the Ottoman Empire and the stories of the night of April 24, 1915.

That night must be remembered, not only for the atrocities which took place, but because we must never forget our duty to fight against human rights abuses, ethnic cleansings, genocides, and other atrocities.

Unfortunately, we see the atrocities of the past being replayed today. In the former Yugoslavia, the terrors of the past have recently been replayed.

By observing the Armenian genocide we make a strong statement. A statement that the atrocities of the past are not acceptable. They were not acceptable then and they are not acceptable today.

It has been said many times that those who forget history are doomed to repeat it. Let us never repeat this history. We must all work to always remember and never forget the genocide, to cherish and preserve the Armenian culture, and to fight for human rights in this region.

We owe that to those we honor today and to our Nation's Armenian-Americans.

Thank you.

Mr. ROTHMAN. Mr. Speaker, today I join with my colleagues in commemorating the 82d anniversary of the Armenian genocide. Along with the Armenian-American community in my district and with people of goodwill throughout the country, Congress today is observing the death of 1.5 million Armenians from the years 1915-1923.

As we gather today, many of my constituents over the weekend participated in solemn requiem services held at their respective places of worship in the memory of the martyrs, consecrated a genocide monument in Ridgefield, NJ, held an observance ceremony in front of the Bergen County Court House in Hackensack, NJ, and attended a series of other events commemorating the Armenian genocide.

And so let me offer my solidarity with those remembering the Armenian genocide today. And let me also emphasize that we should today not only remember the martyred, but as well, the survivors of the Armenian genocide. Those few survivors of the Armenian genocide are still living today, those who endured the horrors of 1915, are heroes for all time.

Today, the people of Armenia and her Diaspora are proudly looking to rebuild their coun-

try. From the ashes of despair born of the genocide, and from the ravages of seven decades of Communist rule, Armenians the world over are striving to secure a safe and prosperous future for Armenian and Nagorno-Karabagh.

As Armenian-Americans rebuild their homeland, and as they seek to secure an economically prosperous state, founded on firm democratic principles, I will stand by them.

Let me conclude my brief remarks today by encouraging the young people of America to never forget the tragedy and lessons of 1915. Because as George Santayana once remarked, "Those who forget history are condemned to repeat it." And if no clearer evidence of these prescient words are necessary let us remind one another today that before commencing the Holocaust, Hitler himself stated, "Who today remembers the Armenians?"

As a Jewish-American and being ever mindful of the Holocaust, I join with my colleagues today in observing the Armenian genocide. And I promise to stand firm against the shameful efforts of those who would rewrite the facts as it pertains to the Armenian genocide.

Mr. RADANOVICH. Mr. Speaker, today, April 23rd, 1997, the House of Representatives commemorates a bleak chapter in world history: the Armenian genocide of 1915-1923. To overlook or deny its existence is not only irresponsible, but also provides incentive to despots who have it within their evil designs to commit similar atrocities. Civilization and peaceful nations, like the United States, can ill afford failures of justice, let alone tolerate breakdowns of the magnitude of the Armenian genocide.

On March 21, 1997, I introduced, along with Rep. DAVID BONIOR, H. Con. Res. 55, the Armenian genocide Resolution. This measure honors the memory of the victims of the Armenian genocide. As with similar resolutions in the past, this measure enjoys widespread bipartisan support. I believe the time has long since passed for all governments to publicly acknowledge and rebuke this fatal chapter in the history of human events.

Mr. Speaker, the 1.5 million Armenians who lost their lives during the genocide deserve our utmost respect. The highest honor this House can bestow on the victims is to secure a formal recognition from the Turkish government that the genocide indeed occurred. It is for their honor that we must wage this principled fight.

Mr. HUNTER. Mr. Speaker, today I rise to bring attention to the 81st anniversary of the genocide of the Armenian people. On April 24, 1915 some 200 Armenian religious, political and intellectual leaders were arrested and exiled from Istanbul, Turkey. Over the next eight years, 1.5 million men, women, and children were forced into slave labor, tortured, exterminated, and deported by the government of the "Young Turk Committee."

For more than 15 years the U.S. State Department has refrained from referring to the tragic period between 1915-1923 as "genocide." Several former Presidents have issued proclamations on the anniversary of this event, expressing deep sorrow for the massacres, yet stopping short of declaring the tragedy as genocide. The U.S. should, in conjunction with the state of California and some 30 other nations, go on record to clearly and unambiguously recognize the Armenian massacres as

genocide, and set aside April 24th as a day of remembrance.

Remembering the Armenian genocide is important not only for the Armenian people, but for the future generations of our global society. We must not forget and we must not repeat such tragic history.

Mr. Speaker, what happened in the Ottoman Turkish Empire during the years of 1915–1923 was more than a series of massacres in a time of instability, revolution, and war. It was the first example of genocide in the 20th century. Calling this by its proper name is extremely important, both from the standpoint of the historical accuracy, and respect for the victims and survivors. Given the alarming number of conflicts in today's world that often verge on genocide, stating the truth about what happened in the history of the Armenian people, including commemorating this anniversary, can help strengthen our determination to prevent genocide from occurring again.

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 82nd Anniversary of the Armenian genocide. On April 24th, 1915, the people of Armenia were subjected to long-term, organized deprivation and relocation. Eighty-two years later, we mark this date to remember the beginning of this systematic elimination of Armenian civilians, which lasted for over seven years. By 1923, 1.5 million Armenians had been massacred and 500,000 more deported.

Many Armenian-Americans reside in my congressional district, and each year they mark this date with solemn commemoration. It is a day to reflect on the loss of property, freedom and dignity of those Armenians who were deported or killed under the Ottoman empire. We honor their memory and vow that such deprivation will never happen again.

Mr. Speaker, we also mark this date to celebrate the contributions of millions of Armenians and Armenian-Americans since that awful time. As we continue to strengthen our bonds with the Armenian people, we must continue to be vigilant about remaining a strong friend of Armenian democracy through U.S. foreign policy. The Clinton Administration's recent decision to waive the Humanitarian Aid Corridor Act does not bode well for long-term stabilization in this region. It is important for those of us in the Congress to continue to speak out in favor of Armenian human rights and free trade.

I urge my colleagues to join me in commemorating this solemn anniversary.

[Armenia This Week, April 18, 1997]

#### CLINTON WAIVES CORRIDOR ACT PROHIBITION ON AID TO TURKEY

For the second consecutive year the Clinton administration waived the prohibition of aid to Turkey for violating the Humanitarian Aid Corridor Act. The legislation mandates the suspension of aid to any nation that bars the transshipment of U.S. humanitarian assistance to a third party. However, the president can waive the halt in aid if the national security interests of the United States are deemed to be damaged by such an action.

The Clinton administration expressed its rationale for the waiver in a memorandum of justification, saying, "It is very much in our national security interests not to terminate U.S. assistance programs for Turkey. Such a termination would create significant difficulties in our bilateral relations, affecting a broad range of national security interests. Such a termination would also reduce pros-

pects for the successful resolution of the Nagorno Karabakh conflict." The statement cites the rationale for Ankara to close its border with Armenia, explaining that the action was taken, "when local Armenian forces seized large areas of Azerbaijan despite UN Security Council resolutions calling for the withdrawal of all occupying forces and the cessation of hostilities." It also praised Turkey for opening an air corridor to Armenia in 1995 and for its promise to open the land border "once Armenia and Azerbaijan agree on a statement of principles for a settlement of the [Karabagh] conflict."

Congressional and Armenian community reaction to the Clinton waiver decision was quick and critical. Congressman John Porter, a Republican from Illinois issued a sharp rebuttal to the Clinton waiver action. He said, "It is unconscionable that the president continues to defend Turkey's ongoing four-year blockade of Armenia." He noted that a bipartisan decision was made by Congress to enact the Humanitarian Aid Corridor Act. He added, "The United States must not tolerate countries blockading the delivery of humanitarian aid to alleviate hunger and suffering to those who need it." Congressman Frank Pallone, Democrat from New Jersey, speaking on the floor of the House of Representatives, noted, "Maintaining good relations should not entail turning a blind eye to the outrageous actions committed by Turkey."

In the United States Senate, Rhode Island Democrat Jack Reed criticized the Clinton waiver. He said, "The administration's decision is troubling. U.S. humanitarian aid should not be held hostage by any country to further its own political ends."

In Washington, the Armenian Assembly of America and the Armenian National Committee issued statements criticizing the administration action. The Assembly's Executive Director, Ross Vartian, said: "The president's use of the national security waiver is outrageous. The administration's expressed rationale not only justifies Turkey's blockade, it demonstrates that they have not encouraged Turkey to lift the embargo." Vartian also questioned the administration's praise of Turkey's role in the Karabagh conflict negotiations. He said, "Turkey has discredited itself as a neutral party by supplying arms and military training to Azerbaijan." [Sources: *State Department text, Armenian Assembly press release 4-16*]

#### AZERI SAYS ARMENIA HAS NO ALTERNATIVE IN KARABAGH SETTLEMENT

Vafa Gulizade, special adviser to Azerbaijan's president Heidar Aliyev, declared that Armenia has no alternative except to agree to autonomy of Nagorno Karabagh within Azerbaijan. Gulizade denied the OSCE peace process was "stuck." He said, "The ice has begun to melt and certain changes are evident." [Source: *Azg 4-16*]

#### BORDER TENSIONS REMAIN HIGH AS INCIDENTS INCREASE IN FREQUENCY

Incidents along the Armenian-Azerbaijan borders have increased in frequency in recent weeks and tensions remain high on the northeastern sector of the border. On April 16 three separate exchanges of fire took place in the area. No casualties were reported. [Source: *Noyan Tapan 4-17*]

#### AZERBAIJAN VIOLATES CONVENTIONAL FORCES IN EUROPE TREATY

On the heels of a campaign charging that Armenia has received Russian arms illegally, Baku itself was accused by a representative of the International Human Rights Congress (IHRG), Vitaly Danilov, of violating the Conventional Forces in Europe (CFE) Treaty. IHRG operates within the framework of the OSCE. At a press conference in Yerevan,

Danilov said that an April 10 analysis by IHRG showed that between 1992 and 1996, Azerbaijan purchased a volume of offensive armaments that exceeded CFE quotes. In contrast, Danilov declared that neither Armenia nor Georgia are in violation of the CFE treaty. He said, "it is only Azerbaijan that is violating the treaty." According to the analysis, IHRG asserts that Baku's allegations of illegal arms deliveries to Armenia "are motivated by efforts to reinforce Azerbaijan's military superiority over its neighbors." The report also suggests that Baku's most recent accusations against Russian arms to Armenia, "were aimed to impede the OSCE Minsk negotiations on the Karabakh problem that were in progress in Moscow, thus disturbing peace in the region." The IHRG report listed, by category, statistics covering arms deliveries to Azerbaijan by the Russian Federation. The document concludes with an appeal to OSCE members to take diplomatic steps to compel Azerbaijan to comply by the CFE treaty. [Source: *Noyan Tapan 4-14*]

#### ARARKTSIAN ADDRESSES RUSSIA'S UPPER HOUSE OF PARLIAMENT

Babken Ararktsian, chairman of Armenia's National Assembly, reviewed Armeno-Russian relations in an address to Russia's upper house of parliament. Ararktsian asserted that the twin blockades of Armenia by Turkey and Azerbaijan coupled with the after effects of the 1988 earthquake in Armenia created a major energy crisis in Armenia. This, in turn, caused an abrupt decline in economic production, which has been overcome largely by international assistance. He said that close Armeno-Russia relations and the economic integration of the CIS were of importance to Armenia. Ararktsian expressed concern about the eastward expansion of NATO. He also noted the importance to Armenia's security of the Russian military bases in Armenia. The visiting Chairman of the Armenian National Assembly also praised Russia's peacekeeping role in the Nagorno Karabagh crisis, especially for Moscow's initiative in establishing the present cease-fire. [Source: *Noyan Tapan 4-17*]

#### EBRD CALLS ECONOMIC GROWTH IN ARMENIA 'REMARKABLE'

A report by the European Bank for Reconstruction and Development (EBRD), says that the Armenian economy has been growing at a brisk pace since 1994, despite border closures and interruptions in the supply of energy. The report adds, "Armenia's success in achieving positive results is remarkable in view of the deadlock caused by the long-running dispute with Azerbaijan over the Nagorno Karabagh enclave." The report cites a 5.8 percent growth in GDP in 1996 and predicts 6 percent for 1997. Inflation in 1996 was set at 18.8 percent but EBRD expects it to fall by half in 1997. The report advises that Armenia will continue to require large capital inflows and that a vigorous response from the private sector is needed "if Armenia is to reap the benefits of its courageous reforms." [Source: *RFE/RL London report 4-16*]

#### REGIONAL TRILATERAL AGREEMENT SIGNED IN YEREVAN

Armenia's Foreign Minister Alexander Arzoumanian signed a mutual cooperation agreement in Yerevan with his counterparts from Iran and Turkmenistan. The accord covers cooperation in the spheres of trade, economic development, transportation, energy, banking, and tourism." Meanwhile it was reported that Armenia will begin receiving electrical energy from Iran beginning May 1. Also, the possibility of natural gas imports from Turkmenistan through Iran starting in 1998 depends on the completion of

pipeline links between Turkmenistan and Iran by the end of 1997. [Source: Azg 4-17]

Mr. DREIER. Mr. Speaker, once again I am proud today to raise and join my colleagues to honor the lives of the 1.5 million men, women, and children who were brutally murdered in the inaugural genocide of the 20th century.

Each year, Members of Congress come together to do more than simply remember that the Armenians were the first victims of what is sadly man's bloodiest century. Rather, we are dedicated to the fervent hope that raising the consciousness of past atrocities, such as those which befell the Armenian people, will help prevent similar tragedies in the future.

It is often said that before embarking on his planned final solution to the "Jewish problem," Adolph Hitler was heard to say "Who remembers the Armenians?" Elie Wiesel, a Holocaust survivor and 1986 Nobel Peace Prize recipient, has said, "He was right. No one remembered them." The Nazi Holocaust, the murder of millions of Russians and Ukrainians by the Soviet Government, and the bloody rampage of Pol Pot and the Khmer Rouge in Cambodia, all had their seeds in Anatolia. Each of the murderous regimes depended upon people not remembering or caring.

The collapse of the Soviet empire and the independence of Armenia have been important milestones on the road toward freedom for the Armenian people. While very serious conflicts remain to be resolved in the Caucasus region, April 24 will remain an important day for Armenians and Armenian-Americans, who are equally dedicated to remembering the past and working for a brighter future.

Mr. FARR of California. Mr. Speaker, 82 years ago there began one of the most tragic events in modern history: the persecution of the Armenian population of Ottoman Turkey, which led to the death or deportation of some 2 million men, women, and children—solely because of their ethnicity.

Over a 10 year period, Turkish Armenians were subjected to arbitrary execution, torture, and forced labor. Armenian women were raped or forced into prostitution, and tens of thousands of men, women, and children were forced onto death marches that claimed their lives. When this horrified tragedy ended, as many as 1.5 million Armenians were dead, and hundreds of thousands of others became refugees. The Armenian genocide decimated the Armenian community in Turkey, reducing its size by some 90 percent.

Many years have passed since these events, but we must never forget what happened to the Armenians of Ottoman Turkey solely because of their ethnicity. First and foremost, it is a lesson in the terrible tragedy that can so easily result from hatred and bigotry—especially when a country sees political gain in supporting ethnic persecution.

Sadly, our modern world is no stranger to events of ethnic atrocity. More recently, Bosnia and Rwanda have been scenes of massacres and human brutality caused by ethnic hatred and prejudice. It is for this reason that we must remember and commemorate the Armenian genocide of 1915–23, to remind ourselves of how prejudice can lead to acts of great evil.

Let us join Armenian-Americans and others in commemorating the terrible events of 82 years ago, working to protect the human rights of all people around the world, and preventing such a tragedy from happening again.

Mrs. KENNELLY of Connecticut. Mr. Speaker, tomorrow, we mark the 82d anniversary of the Armenian Genocide. I rise to commemorate the lives of the 1.5 million Armenians who were enslaved, tortured, and exterminated from 1915 to 1923 by the Ottoman Empire.

On April 24, 1915, Armenian intellectuals, clergy, and leaders were rounded up and taken to their deaths. What was to follow was the ethnic cleansing of the native homeland of the Armenian people. Over a period of 8 years, 1.5 million Armenians were murdered and another 500,000 were deported. Before World War I, over 2 million Armenians lived in the Ottoman empire. By 1923, the entire population of Anatolia and Western Armenia had been killed or deported.

This was the first genocide of the 20th century, but, tragically, it was not the last. Prior to the invasion of Poland, Adolf Hitler asked, "Who today remembers the extermination of the Armenians?" In a climate where no one remembered, the death camps became a reality.

Today, as nations around the world continue to struggle for peace, it is more important than ever to remember—and to stand up to oppose genocide, systematic extermination, or ethnic cleansing. I have cosponsored House Concurrent Resolution 55, a resolution commemorating the Armenian genocide, because of my belief that we must never forget the victims of this terrible act, and that we must always be prepared to prevent further crimes against humanity.

Mr. WELDON of Pennsylvania. On April 24, we commemorate the 82d anniversary of the Armenian genocide, a tragic passage in our world history which observed the systematic murder and relocation of 1.5 million Armenians living in the Ottoman Empire. This tragedy, the first genocide of the 20th century, included the torture, starvation, and butchering of peaceful Armenians was a horrid example and foreshadowing of the race extermination of which politically and religiously intolerant regimes are capable.

The Ottoman Turks decapitated the Armenian population by removing their religious, political, and intellectual leaders and placing them in exile to later be murdered. With their leadership removed, the Turks next deprived Armenians of 250,000 of their young, able-bodied men who were serving in the Ottoman army at the time. These men were disarmed, placed in forced labor battalions, and either starved or executed. Severed from their leadership and physical protection, the remaining Armenian population were deported from every city, town, and village in Asia Minor and Turkish Armenia. The ensuing march saw the torture, rape, and mutilation of defenseless women, children, and elderly before their subsequent death in the Syrian desert.

The Armenian genocide was a carefully executed government plan which effectively eliminated the Armenian population of the Ottoman Empire. I recommend that in commemoration of this tragedy, we remember not only the many lives lost, but the spirit that lives on in the Armenian people. I have seen this fervor in the many Armenian-Americans that live in my congressional district today and I commend the countless contributions that they have made to America from the national level all the way down to local communities.

Although the Ottoman Empire may have successfully executed their sinister plan to

eliminate the presence of the Armenian population, they certainly failed to kill the cohesive Armenian community or their spirit with which they continue to bless the United States and other nations fortunate to have their presence.

Mr. DOOLEY. Mr. Speaker, I rise today to join my colleagues in commemorating the 82d anniversary of the Armenian Genocide.

This terrible human tragedy must not and will not be forgotten. Like the Holocaust, the Armenian Genocide stands as an historical example of the human suffering that results from hatred and intolerance.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However great the loss of human life and homeland that occurred during the genocide, a greater tragedy would be to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolph Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish Government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

This 82d anniversary also brings to mind the current suffering of the Armenian people, who are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. Now numbering nearly 1 million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, "Who remembers the Armenians?"

Our commemoration of the Armenian Genocide speaks directly to that, and I answer—We do.

Mr. KNOLLENBERG. Mr. Speaker, thank you for taking this time tonight to speak about this important topic to many people in this country, including many in my district in Michigan.

Recently, our Armenian-American community lost a great hero, Alex Manoogian. A penniless Armenian immigrant who came to America in 1924, Manoogian was a kind benefactor, gentle-hearted leader, a talented inventor and a perfect model of the American dream.

He was one of the most important and influential leaders in the Armenian-American Community over the last century. As we commemorate the 82d anniversary of the genocide of millions of Armenians at the hands of the Turkish Ottoman Empire, I want to remember a bright light who this community misses dearly.

And if he were here today he would be telling the story of his heritage. It is a story of sorrow, followed by a story of triumph. It is a story we must always remember so that this dark period can never happen again.

I rise today to commemorate this dark period in history—those 8 years starting in 1915 when over a million and a half of Armenian men, women and children were murdered by the Turkish Ottoman Empire.

While everyone has heard the story of Hitler and his systematic extermination of the Jewish people during World War II, the story of Armenian Genocide remains unknown to many.

The Ottoman Turks were every bit as systematic as Adolph Hitler. After eliminating the Armenian leadership—most of which was done on 1 day, April 24th, 1915—they then went after the male population. The Turks took their guns and put them into work camps where they labored until they died or were killed. Finally, the surviving women, children and elderly were marched out into the desert, where they were starved, raped, and tortured.

Very few who left ever came back. They were stripped of their homes, property, freedom, dignity, and ultimately, their lives. By 1923, 1.5 million Armenians had been massacred and 500,000 more had been deported.

The mental images are nothing less than horrifying. The ghost-like silhouette of an Armenian man after weeks and months of starvation and torture in a labor camp. Women, children, and the elderly, forcibly marched into a wasteland, left to die.

These images should be etched in the collective memory of every citizen of every country in the world.

Unfortunately, there was no CNN to beam disturbing pictures into the world's living rooms to galvanize international opinion. There were no U.N. convoys to bring food for the hungry and medical treatment for the injured. There was only blood, hunger, and dust as thousands upon thousands of innocent victims died in agonizing obscurity.

What troubles me most, beyond the scale of the atrocities, is that you can ask 10 people on the street what they know of the Armenian Genocide, and most will likely respond with silence.

Most people are unaware that the Armenian Genocide ever happened.

It wasn't until the 1980's that the world community officially recognized the genocide. And to this day, there are still some who dispute that classification.

It is time for the world to remember the Armenian Genocide and give it its rightful place in history.

If not for justice's sake, then for the important and painful lessons it lends to today's events.

We in America have a special responsibility to remember those who died in those dark days. Our country was built with the sweat of millions of persecuted refugees, who came here from many places and at great risk, to simply embrace a better life and to be judged only by the excellence of their endeavors.

Alex Manoogian is an example of this attitude.

Sometimes, while we have enjoyed the fruits of freedom, democracy, and basic human rights for so long, we tend to take them for granted.

This complacency sometimes allows us to forget that there are places where people have been systematically murdered because of who they are.

So let us pay homage to those who fell victim to their Ottoman oppressors, but let us also go forth and tell the story of the forgotten holocaust to everyone we know.

For the sake of the Armenian heritage, it is a story that must continue to be told.

Mr. TORRES. Mr. Speaker, each year, for the past 5 or 6 years of my memory, my colleagues, Mr. PALLONE and Mr. PORTER, have organized this special congressional opportunity for this body to pause to honor the memory of the 1½ million Armenians who were killed between 1915 and 1923 by agents of the Turkish Ottoman Empire in what is known in infamy as the Armenian Genocide. In essence, we retell a story of a moment in history, an event which began some 82 years ago. I have notices that each year, I find myself using the same words to tell this story, and I realize that this process of retelling the facts of genocide, committed against the people of Armenia is in itself a very important event. For in retelling this story of the horror which was perpetuated, we remember to be vigilant against the planting of the seeds of future atrocities.

I would like to add that my district, the 34<sup>th</sup> Congressional District of California, has what I believe is the only monument in the United States which commemorates and records the genocide against the Armenian people. The citizens of the 34<sup>th</sup> Congressional District have strong feelings about today's commemoration, and on their behalf I am here today to share with you this retelling of an old and difficult story.

Some would claim that our remembrance today fans the flames of atavistic hatred and that the issue of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. For whatever ambiguities may be invoked in the historic record of these events, one fact remains undeniable: the death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

This solemn occasion permits us to join in remembrance with the many Americans of Armenian ancestry, to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty, and freedom.

Today, I rise, with my colleagues, to recall and remember one of the most tragic events in history and through this act of remembrance, to make public and vivid the memory of the ultimate price paid by the Armenian community by this blot against human civility.

We come together each year with this act of commemoration, this year being the 82d anniversary of this genocide, to tell the stories of this atrocity so that we will not sink into ignorance of our capacity to taint human progress with acts of mass murder.

The Armenian genocide was a deliberate act to kill, or deport, all Armenians from Asia Minor, and takes its place in history with other acts of genocide such as Stalin's destruction

of the Kulaks, Hitler's calculated wrath on the Jews, Poles, and Romany Gypsy community in Central Europe, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of 15, and more recently, the ethnic cleansing atrocities in Bosnia and Ruanda.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could have prevented the murders of millions of men, women and children.

We can, however, do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors and keep alive the memories of those who died.

I encourage everyone to use this moment to think about the tragedy which was the Armenian genocide, to contemplate the massive loss of lives, and to ponder the loss of the human contributions which might have been.

Although, the massacre we depict and describe started 82 years ago, the Armenian people continue to fight for their freedom and independence today, in Nagorno Karabakh.

Again, this year, I would like to close my remarks with an urgent plea that we use this moment as an occasion to recommit ourselves to the spirit of human understanding, compassion, patience, and love.

For these alone are the tools for overcoming our tragic, and uniquely human proclivity for resolving differences and conflicts by acts of violence.

This century has been characterized as one of the bloodiest in our archives of human history. Certainly, the genocide perpetuated against the Armenian peoples has been a factor in this dismal record.

The dawning of a new millennium offers our human race two paths. One continues along a road of destruction, distrust, and despair. Those who travel this path have lost their connection to the primal directives, which permit us as a society to maintain balance, continuity, and harmony.

I would ask my colleagues, on this 82d anniversary of one of history's bloodiest massacres of human beings—and during a time of history when violent solutions to problems between peoples continue to hold sway—to contemplate the second path. The map to this path exists within the guiding teachings of all major world religions and are encapsulated in what Christians refer to as the 10 Commandments. I would ask my colleagues, no matter their religious or political persuasions and beliefs, to revisit these core teachings which form a common bond between all peoples. To use these common beliefs as the basis for action and understanding in these trying times. The surface differences between peoples, offer only an exciting diversity in form. At the core all peoples are united by common dreams, aspirations, and beliefs in a desire for harmony, decency, and peace with justice.

Let these testimonies of the atrocities perpetuated against the Armenian people serve as a reminder that as a human race we can, and must, do better. It takes strength and wisdom to understand that the sword of compassion is indeed mightier than the sword of steel.

Certainly, as we reflect over the conflicts of this closing century, we can only come to the conclusion that violence begets violence, hatred begets hatred and that only understanding, patience, compassion, and love can open

the door to the realization of the dreams which we all hold for our children and for their children.

Let our statements today, remembering and openly condemning the atrocity committed against the Armenians, help renew a commitment of the American people to oppose any and all instances of genocide. As we enter the new millennium let us commit ourselves to finding new and peaceful paths for resolving differences which inevitably arise.

I thank you for the honor of sharing these thoughts and words with you today.

Mr. ACKERMAN. Mr. Speaker, I rise today, together with my colleagues, to commemorate the Armenian Genocide of 1915–23. On this day, in 1915, over 200 Armenian leaders were systematically massacred by the Turkish Government. Yet these horrific murders were only a precursor to the brutality and aggressiveness that would follow. In just 8 years, over 1.5 million Armenian men, women, and children were murdered and an entire population was faced with annihilation. I stand today, not only to acknowledge and remember the horrors of this tragic event but to denounce the government of Turkey for their denial of these historically documented truths. The official position of the Turkish Government is that, during World War I, a series of internal conflicts contributed to the unfortunate deaths of many Armenians. This claim shamefully ignores the premeditated murder of these people. As Members of Congress and as human beings, it is our responsibility to defend the memories of those who needlessly suffered. We must preserve the dignity of lives destroyed by the cruelty of a government. Their plight deserves remembrance and the world deserves the truth. The Turkish Government's refusal to acknowledge the Armenian genocide is disgraceful and I find it to be an injustice, which should not be tolerated under any circumstances. It is essential to recognize the devastation that was incurred by ignoring the Armenian genocide and allowing such horrors to reoccur through the Holocaust. We remember the trauma befallen upon the Jews and we must now stand up for the suffering forced upon millions of Armenians. The world can no longer refute history. Instead we must come together as Armenians, as Jews and as human beings to guarantee that no person shall ever endure such pain again. I thank my colleagues, Congressman JOHN PORTER and Congressman FRANK PALLONE, for leading this effort in the House of Representatives, and am proud to be a member of the Armenian Issues Caucus in order to work on this issue of concern to all human beings.

Mr. FRANK of Massachusetts. Mr. Speaker, I am appreciative of the efforts of my colleagues in taking out this special order and making it possible for us to reaffirm our absolute determination that the Armenian genocide will not go unnoticed. The world made a terrible mistake, with disastrous consequences, when it ignored the terrible crime committed by Turkey against the Armenian people 80 years and more ago. I continue to be baffled by the unwillingness of the current Turkish Government to acknowledge this horrible crime. I do not blame the current inhabitants of Turkey for the sins of their ancestors, but their refusal to acknowledge these terrible actions do them no credit.

As do many of my colleagues, I greatly admire the fierce commitment of the current gen-

eration of Armenians to honor the memory of the innocent people who were slaughtered simply because they were Armenian. They do a great service for the world by not only commemorating their own ancestors, but by focusing world attention on the terrible consequences of allowing crimes like this to go unopposed and unnoticed. Remembering the Armenian genocide is both an important tribute to those who were slaughtered and one step in making sure that this does not happen again.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order on the Armenian genocide.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, if the gentleman from California has nothing else, I would thank him for participating with me.

#### TWO GREAT AMERICANS: BOB DORNAN AND BILL BLAKEMORE

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

Mr. HUNTER. Mr. Speaker, I thank my friend, the gentleman from Georgia, JACK KINGSTON, for giving me some time here ahead of his 1 hour.

Mr. Speaker, I rise to say a few things about two great Americans. One of them is my good friend Bob Dornan, who is no longer with us, but may be back soon depending on the outcome of the election challenge that he has offered; and the other one is Bill Blakemore, a private American citizen who right now is in the hospital, the Methodist Hospital in Houston, TX, who is in pretty serious condition, but who was very, very important to this country in the 1980's when he helped to put together a group of Texas conservatives who rallied the country behind the idea that Central America was worth saving, and particularly that we needed to support the Contras, the freedom fighters who were fighting the Communist-backed, Soviet-backed insurgents or Soviet backed Sandinistas in Nicaragua, and also that we needed to protect the very fragile government of El Salvador, the government of Jose Duarte, which at that time was holding off the Soviet-backed FMLN.

□ 2015

When Ronald Reagan came into office in 1980, and I was lucky to be one of the people that came in with him as one of the 54 Republican Congressmen who were elected that year, Honduras, Guatemala, El Salvador and Nicaragua were all under some sort of a military dictatorship. Today all those nations have fragile democracies, imperfect, certainly not totally cast in the image of democracy that we have in the Unit-

ed States, but represented I think by a determination that was manifested in one of those voting lines in the 1980's, when one woman who had been ordered by the FMLN Communists not to go to the polls that day was standing in a voting line with a bullet wound in her shoulder and was asked by one of the reporters if she was not going to leave the line and she said "no". Essentially she said "We fought for a long time to get to this point, I'm going to vote." And they had a great turnout that year.

Jose Duarte remained the leader of El Salvador and, because of the steadfastness of Ronald Reagan a lot of his supporters and guys like Bill Blakemore of Texas, who was a real leader of the business community, we have a chance for real democracy in our own hemisphere.

Let me say just a word, Mr. Speaker, about my great friend Bob Dornan. There will never be another one like him. He was of great value to this House, and I think there is a good chance he will be of great value to this House again. I am just reminded when they had the incident in Somalia and those Americans were killed, Bob Dornan was the only Member of the National Security Committee who went over, flew that long distance, some 40 hours in the air, to Somalia, went over the event in detail, and came back and contacted the family of every member of that Ranger unit who were killed in that debacle.

That was Bob Dornan. A heart as big as all outdoors, a keen intellect, a great ability to speak. He has still got it. Obviously we have heard from him across the airwaves lately, but I just wanted to say that Bob Dornan was a great, great asset to the National Security Committee, flew all of the aircraft, knew all of the countries with whom we had treaty relations and knew what the treaty relations were and was a real expert in national security. God bless you, Bob. I hope to see you back soon.

#### MEDICARE

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

Mr. KINGSTON. Before he leaves the Chamber, I want to say to the gentleman from California that many, many Members and in fact I am sure most Members of this Chamber agree with him in his comments about Representative, the Honorable Bob Dornan, because he was such a viable part of this body for many years. He is an extremely dedicated patriotic American of great intellect and energy, and I hope that the years are as good to me as they have been to Bob Dornan in terms of getting the job done.

Mr. Speaker, tonight is the eve of the trustees report on Medicare. Each year

the trustees who are appointed, three of them by the President of the United States, give a state of affairs on Medicare, how it is doing, how much money it is bringing in, how many people are participating, what works and what does not work. We all remember on April 3, 1995, when those Clinton-appointed Medicare trustees gave us the very sad news that Medicare was going broke and if we did not act and act quickly to protect and preserve Medicare, that it would not be there for our grandparents and for future generations.

I think what the Republican Party has tried to do since April 1995 is work to solve Medicare on a bipartisan basis, because, Mr. Speaker, my mother and dad depend on it. My great grandmother depends on it. My wife depends on it. My wife's grandmother depends on it. It is something we believe deeply as Americans that we need to protect and preserve.

I have tonight joining me in this special order the gentleman from Florida [Mr. MILLER], who has led that fight. The gentleman from Florida [Mr. MILLER] has, and he may have the need to correct me, more seniors in his district than any other district in the United States of America. It is not only very personal with him, but it is certainly political. So he has had to do everything he can to help it.

I am going to yield the floor to the gentleman from Florida [Mr. MILLER], but before I do I want to also say that I have the gentleman from Washington [Mr. METCALF] with us, who is part of the freshman class in the 104th Congress who also has worked very closely and very energetically to protect Medicare. The gentleman from California [Mr. HUNTER] is welcome to join us if he chooses to.

Let me yield to the gentleman from Florida [Mr. MILLER]. Tomorrow we get the report. What is it going to tell us?

Mr. MILLER of Florida. The Medicare report is probably going to tell us essentially the same thing we have been hearing the past couple of years, that Medicare is going to be bankrupt in 4 more years. This report coming out from the administration includes people like the Secretary of HHS, Donna Shalala, the Secretary of Treasury, Robert Rubin, the Secretary of Labor, which we do not have one right now, and few other appointees. It is not in dispute what the facts are going to be in the report. The report is going to say that Medicare is going to be bankrupt sometime probably in 2002. That is only 4 years away. It may be a couple of months different from what it was last year, but the bottom line is Medicare part A is going to be totally out of money, because we started back in 1995 where the money flowing into the Medicare part A fund is less than the amount of money going out. Up until 1995, we had more money flowing in from the payroll tax, that is how we fund the Medicare part A program, we had more money going in than going

out. It changed in 1995 and all the reserves will be totally exhausted by 2002.

The gentleman is right. My congressional district in Florida is a beautiful area, southwest Florida, with lots of senior citizens. It has more senior citizens than any congressional district in the country. It is important for the people in my district because of the seniors in the district. It is important as a jobs issue. My economy is very dependent on Medicare because I have got more hospitals and doctors and nursing homes and home health agencies that employ people. That is the largest employer in my district. So it is a jobs issue. It is not just for the senior citizens.

Mr. KINGSTON. If the gentleman will yield, it is a jobs issue, but also as part of it, there are some inefficiencies in there and one of the results of that inefficiency is that Medicare inflation has been around 11 percent. Regular medical inflation has been in the 4 to 6 percent range, depending on the year and so forth.

Would the gentleman care to comment on that?

Mr. MILLER of Florida. What we find is that in the private sector, we found health care costs really being very manageable the past several years. Actually for larger businesses with over 100 employees, health care costs have even been going down for some of these companies. So what we should do is let us look at what the private sector is doing. That has been true in everything. Just look at what the private sector is doing and apply it to Medicare.

Mr. KINGSTON. Is the gentleman meaning to tell me that Ford Motor Co. or IBM or Wal-Mart, their health care has not been going up as much as Government-run health care?

Mr. MILLER of Florida. In some years it has been going down. That is how successful they have been to help control costs. Under the Medicare plan that we are proposing, this is a bipartisan issue as the gentleman said. This is something that we have got to work together with the Democrats and Republicans, because the Democrats, despite what they said during the campaign last year, are just as committed as we are to save this program. We have got to save it. We have got to work together. Actually I have to commend the President. He has moved in our direction since the election, despite all the rhetoric last fall. Hopefully we are going to be able to work out something together. It is something that is absolutely essential to this country and we need to work together.

But the gentleman is right. Big companies have actually had their costs go down for some years. What they have done is give people choices, instead of having one size fits all as we have in Medicare. Medicare is not a great program. My mother is on Medicare. She is 87 years old, in a nursing home. It is

very important obviously to my mother. But it is very complicated. She has to have a part A program, she has to have a part B program and she has to have a supplemental and it still does not pay that much. It does not pay any drug coverage.

Mr. KINGSTON. Would the gentleman care to describe those briefly?

Mr. MILLER of Florida. Of course Medicare part A is paid for by payroll tax. That is the part that is going bankrupt. The part A program pays hospitalization costs. When you go in the hospital, that is what it pays for is the doctor, the surgeon, the hospital bills. There is some nursing home coverage and a little bit of home health coverage there. Part B is outpatient coverage. Part B pays for home health and doctor bills. But part B unlike part A is paid mainly out of the Federal treasury. Twenty-five percent of it is paid by the senior citizens, about \$46 a month. Whereas the other 75 percent comes right out of our Federal treasury. No one pays a penny into it. It is a pay-as-you-go type plan.

Supplemental, the senior citizens pay the full costs of it. They have a choice of about 10 plans. They pick the one they want. If they want a Cadillac plan, they pay a very expensive bill. If they want to take a lesser expensive version, they do not have to pay as much. But it is very complicated. No one in the private sector has to live with three insurance plans. Basically you just only have one plan. When I was in the private sector I had one plan. As a Federal employee I have one plan. That is the way it works. But not for senior citizens. We have created this very difficult plan. The benefits are not even that great sometimes. As I say, most of them do not get drug coverage. They do not have all the choices they want. It is a very paperwork, bureaucratic type plan. Everybody has been afraid to talk about Medicare. But the one thing right now at stake, we brought up the issue 2 years ago when the trustees' report came out, is this is something we have got to work together on. It is not sustainable continuing to grow at 10, 11, 12 percent a year. It is going bankrupt. Looking at the numbers, going further off into the future, it is even worse.

We have a two-part problem here, a short-term problem and a long-term problem. The short-term problem is bankrupt in 4 years, so we have got to act now. We have got to act this year, with the President, with the Democrats and Republicans, we have got to have a plan that saves it at least to 2010.

Then we have a long-term problem, and that is what I call the 2010 problem. 2010 is 65 years after the end of World War II. That is when the baby boomers were born, right at the end of World War II, so starting in the late 1940's. Those people are going to start retiring in 2010. The demographics really explode starting then. That is, the number of retirees is going to increase

very fast, from 2010 on. And the number of people working to support them on Medicare is going to be going down. So we are going to have fewer people working, paying payroll taxes to support retirees after 2010.

Mr. KINGSTON. What the gentleman is saying is it is our jobs working with the Medicare trustees on a bipartisan basis to act like fiduciaries and protect and preserve Medicare not just for the next election, not just for the term of our tenure in public office but for the next generations, so that it will be there tomorrow.

As I understand the gentleman, the private sector health care inflation has been flat largely because the private sector has gotten out there and looked at different types of delivery systems, different alternatives. In our Medicare plan, we had some options for seniors. If you want to stay in traditional Medicare, you may, it is no problem if you want to just continue. In fact, if you do not elect to take an option you are automatically enrolled in traditional Medicare. But if you want a managed care plan, because as the gentleman has pointed out, it could give you free prescription drugs as part of the monthly premium. If you want a medical savings account, which is a deductible type plan, you could take that. At one time I know we talked about enrolling in the Federal employee health care plan or something like that, very close to it. Another option I remember was if you are, say, a retiree of General Motors and as part of your job description, your perk, if you will, was to be covered under health care the rest of your life, you could just elect that and not participate in any kind of Government-offered health care. In giving seniors these choices, which are the same choices, Mr. Speaker, that everybody has in America today and frankly I think I would like to upgrade my mother from a 1964 Blue Cross/Blue Shield plan. I do not expect her to drive the same 1964 Chevrolet Biscayne that we had, actually a Ford Falcon, so why should she be confined by the same health care policy? Let us let seniors get the benefits of the 1990s. But by offering those things, we can bring down medical inflation as respects Medicare and not cut Medicare one dime. In fact, I remember last year, and the gentleman can correct me, but approximately the numbers were \$190 billion, increased to \$270 billion, which is not a cut even if you do live at 1600 Pennsylvania Avenue.

Mr. MILLER of Florida. We are going to spend more money every year per person on Medicare. Medicare spending is going to go up every year. It is just that we need to slow down the rate of growth in spending, slow it down just a little bit but spend more money every year. As the gentleman said earlier, we need to look at this waste and fraud. Because when you have a government bureaucracy, there is so much waste. When I have town meetings and I have seniors talk about the waste in the sys-

tem, there are some absolutely amazing stories. One of the stories, and actually this was covered, by the way. The Tom Brokaw news people had TV cameras at this town meeting.

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And a lady stood up. It was in a mobile home park in Palmetto, Florida, and explained about, you know, this is a classic one of waste and fraud. It is she got a bill from the hospital. She had been in the hospital, and she was billed for her own autopsy, and so she calls up the hospital and said, "You know, you did not do an autopsy on me, I'm still alive," and tried to explain to him that, you know, you cannot do an autopsy, I am still alive, and they came back and the hospital:

"Well, let me check the records first"; then came back and said "Oh, I'm sorry. That was a mistake. We did an EKG on you."

And she said, "You didn't do one of those either."

And so it is amazing the number of little mistakes like that. I mean that was, might have been a billing-type mistake.

Mr. KINGSTON. You know, though, I hear this in our town meetings on Medicare with seniors all the time is that the fraud and abuse, the sloppiness in billing is just unbelievable.

My dad has diabetes, and he has macular degeneration, so he is legally blind. You know, diabetics have to check their blood sugar level all the time, and so in the condominium complex that he lives in Athens, GA the seniors all kind of help each other out. So one of his things is he gives advice to lots of his neighbors, and he says over and over again somebody goes to the doctor, the hospital, on Medicare for a head cold, they are billed for x-rays or whatever, it is just. And you do not know.

There is another story of a woman just outside of Brunswick, GA, who instead of going to have stitches removed in Brunswick, the ambulance drove her to Jacksonville because it is legal under Medicare, and the Jacksonville trip allowed the ambulance company to charge \$1,200 whereas, had they just gone to Brunswick, it would have only been \$200 or \$300.

So legally they can be very, very aggressive on their delivery service just to get the higher amount. You never see that in the private sector. That was one of the reasons that health care inflation skyrocketed in the 1980's, but in the private sector, companies started getting aggressive about it and they brought that down.

Now the gentleman from Colorado [Mr. SCHAFFER] is here, and I know he is a freshman. He has already expressed interest in working on Medicare, and he has been waiting for tomorrow and the trustees' report, too.

Mr. BOB SCHAFFER of Colorado. Well, thank you very much for yielding. This is truly a critical issue for us, and this report that is coming out to-

morrow is a landmark report that I think the American public ought to pay close attention to, and we expect that we will mirror closely the last trustees' report that was released, and this notion of the bipartisan aspect of our concern about Medicare and our need to save and preserve the Medicare program is a very real aspect of our deliberation. And when you start with the very basis of the debate that exists on Medicare, I think you see that.

This report is not a Republican report. In fact it is not really a Democrat report, although the trustees, the Medicare trust fund, are appointees of our President, Bill Clinton, and please help me with some of these names, Robert Reich, the Labor Secretary; it includes Donna Shalala as well. Maybe you can help me. Who else?

Mr. MILLER of Florida. Robert Rubin, Secretary of Treasury, and the head of the Social Security Administration is on that. There is about 8 or 9, I think, total.

Mr. BOB SCHAFFER of Colorado. You know, and if you think about how many debates we have here where the basis for the debate is often the subject of disagreement on this particular issue, there is no denying, from either party or anybody involved, that this Medicare program is undeniably going to go bankrupt within 4 years. In fact, it is a fact that the Medicare program spends approximately \$40 million every day. Every day; that is something that is very difficult for people to fathom, but I have to say, and I appreciate the chance to participate in this discussion tonight because when I, as a new Member here in Washington, have been on the job for about 4 months and running for Congress was an eye-opening experience for me. My grandmother, who lives out in Colorado Springs, told me; she said whatever you do back there in Washington, you have to save the Medicare program, and I assured her that we would, that that is our goal and our objective and that we would do whatever it takes to accomplish that.

And you mentioned a few minutes earlier just about we certainly have the financial side of maintaining solvency of the fund. But there is also the behavioral side of Medicare itself, and what I mean by that is we have to change the system in a way that restores the patient-physician relationship that we once had; this whole notion of a government third-party payer that will pay the bills with little questions asked, in many cases, causes, for a significant amount of fraud in many cases, for overtreatment and other examples of where questions that are just not asked as a consumer would perhaps. And you know the Medicare Plus program that the Republicans had proposed 2 years ago and was eventually thwarted here in Washington involved those very opportunities for patients to have choice within the Medicare program and to be treated like real customers, real consumers of health care

to provide the consumer-driven accountability that you have in so many private aspects as well.

So certainly we have to look at the financial side of increasing spending at a responsible rate so that we do not bankrupt the program as others have proposed to increase more than that; in fact, drain the account and result in ultimate bankruptcy, but we also have to look at the behavioral reforms to the program that allow us to be treated like real customers, like real consumers, and to restore that relationship which is so vital in the health care delivery system.

Mr. KINGSTON. Well, the gentleman who has worked so hard on it, the gentleman from Florida [Mr. MILLER] do you believe you had mentioned that the President is a lot closer now? It is not an election year, we do not hear the demagoguery. Are we in the United States Congress going to put our seniors first this year, get a bill passed in the House and Senate and signed by the President?

Mr. MILLER of Florida. Well, I certainly hope so. We have to. I mean 4 years is not very long. I mean when we started this, it was 7 years before bankruptcy. Now it is just 4 years. So we have to do something, the President realizes it. And you know what we are hearing is that he wants to work out an agreement.

You know, one thing has been interesting in the past few weeks back in my district and even up here: some of the frustrations with the bureaucracy. Let me tell you a couple of the situations, and that is what people get mad about with Medicare because it is, you know, the big bureaucracy in Washington makes the decisions, and these doctors are just saying they have never had it worse in Medicare. I mean they are getting more letters saying denied, denied, denied, and then the doctor just has to spend all this effort documenting why he did this procedure. And they said, "I'm all ready to give up on the whole thing." I mean there are some doctors that are more senior. They are saying, "Hey, I'm not ready to quit the whole practice of medicine. I cannot tolerate it any more."

Give you one other illustration. I had the deans of the medical schools in the State of Florida. We have, I think, four or five medical schools in the State all came to see me one day; the dean of the University of Florida, the University of South Florida, University of Miami and Nova actually.

Mr. KINGSTON. Were their any Gators in the room? I am a Georgia Bulldog.

Mr. MILLER of Florida. I am a Gator now.

Mr. KINGSTON. And the Seminoles, but the Gators, you are really pushing it even in the name of grandma.

Mr. MILLER of Florida. When I was in Florida the guy named Dooley that was there coaching, and we were not too fond of him, but now we like our plan. You know, Super Steve was play-

ing when I was there, and so now he has brought us to great fame.

But it was the frustration of the deans of the medical school because Medicare had come up with a ruling that was a retroactive ruling of how they are going to pay for medical school residents.

Now I do not necessarily disagree with the details of what they are talking about doing, but the problem is they are going to go retroactive back to 1992 or so. That was it could bankrupt our medical schools; it was unbelievable. I hate anything retroactive. We have retroactive death taxes here, a couple of years ago President Clinton's bill, but the thing is when you go retroactive, and they feel so helpless down there, the deans of the medical schools; we cannot afford these millions of dollars retroactively. We have got to pay back.

If you are going to change the policy, fine, change it, give us the right notice. We will work under whatever rules Washington's bureaucracy decides. And that is the problem. One size fits all, whether it is my local. The dermatologists in the State of Florida have had a certain procedure on treating skin cancer. Well, maybe there is an abuse of it by Medicare, but only in the State of Florida. So the State of Florida Blue Cross in effect banned it for all the doctors, and the dermatologists are saying wait a minute; you know, you could do it in Arizona, you can do it in Georgia, but the dermatologists now across the board, all of them, cannot use this procedure unless you have got great documentation. I mean it is unbelievable.

You know, there was an abuse, but when you have a government-run system, one size fits all, you set it up to try to figure a way around the system.

Mr. KINGSTON. Well, it is interesting. You mentioned that a friend of mine sells bandages to Medicare suppliers, and it is kind of a cross between the regular bandage and a gauze bandage, and it is more sophisticated than an ordinary bandage but is no big deal. He says that they can be made for \$3. Under Medicare you can legally bill up to \$29 on there.

So he comes to a town meeting, and he and I make a big deal about this bandage, and I show it up, and, you know, of course it is the kind of poster child you look for; you know, public officials and so forth. And so I showed it. The only time he has ever been audited by the Federal Government was after he put this, after he basically blew the whistle on this crazy bandage.

And it is the same thing, only the government would come up with such weird rules and regulations and then appear to be a little bit punitive when somebody blows the whistle on it, and I hope that it works out.

Mr. MILLER of Florida. I mean, as you were saying, the gentleman from Colorado, somebody, you got to be concerned about the patient-doctor relationship, and I mean just kind of like the dermatologist situation in Florida.

For all the dermatologists in Florida, only Florida, they came up with a new set of rules, and that, you know, says I mean maybe there is a problem there, but, you know, to come up with a blanket rule is interfering with that patient-doctor relationship, and there is a great deal of frustration, more frustration with our doctors and my doctors in my area than I have seen in my 4 years here in Congress talking about that issue so. And it is the bureaucracy, and they say, oh well, we have got to save money, and so there is a problem here. We will write some new rules. Well, you know that is what we need to do is open up the marketplace.

You know one of the options we have talked about by the way in the bill last year, and hopefully it will be included in it this time around, is something called provider service organizations, which is really a great opportunity for local communities to provide their own health care. Most people get their health care in the local community, and what we want to do is give the opportunity for the local hospital and doctors to go together and offer a package or plan to the seniors.

Now insurance companies are not too keen on this, admittedly, but the hospitals and doctors say, hey, we can compete with them because they feel frustrated that the Blue Cross or Travelers are going to beat up on them. What we want to do is, hey, if Sarasota Hospital and their doctors want to do one, if Savannah Memorial Hospital or whatever the name of the hospital is in Savannah, wants to get together with their doctors and offer one, if they want to get together in Denver or whatever city and let the doctor and hospital work together to compete with a Blue Cross plan or a Travelers plan or the traditional Medicare, which, you know, should continue, that is the type of pressures that will give flexibility to a system, market pressures, just what is happening in the private sector can really slow down the rate of growth in spending because we are going to spend more money in the system as long as the amount of money is still growing. I think we can preserve and protect it and save it for our seniors and strengthen it at the same time, because we need to strengthen Medicare not just for the long term.

Mr. BOB SCHAFFER of Colorado. If the gentleman will yield, you know the strengthening is precisely how we pay for our program to maintain the solvency of the Medicare trust fund, and the programming, the \$30 bandage example, is one that I hear a lot, not bandages per se in my town meetings, but I hear a lot of examples just like that. And what I hope people will realize is that those kinds of occasions that occur every day in America in fact rob and steal medical opportunities for the millions of Americans who receive health care and benefits through the Medicare Program. And without a doubt, these different options and examples that you mention of various

service delivery systems and networks that we would hope recipients would be able to choose among and be a part would end the example of the \$30 bandage, will put an end to the example of the \$200 splinter removal, as I had heard out in Colorado, examples like this that you just routinely hear, and it is just remarkable.

I would like you, though, to speak to just one more time. I do not think we can say it often enough that our plan actually envisions spending more money per recipient over the next 5 to 6 years than certainly what we are spending today. Many people think that the only way you can save Medicare is to somehow cut spending or cut funding for the program. We are not talking about that at all. In fact, we are talking about increasing the per-capita benefit to somewhere around \$6,700 per recipient. Today I think we are around \$5,000 per recipient, somewhere around that neighborhood.

But by increasing the spending at a responsible rate and at the same time putting the patients and giving them some real incentive in the accountability side of this delivery system, that is how we are going to save the program, that is how we are going to maintain solvency, and hopefully that is what is going to ultimately earn the bipartisan support here in the House and the Senate and over at the President's office as well to sign Medicare reform in a program that will save the program.

Mr. KINGSTON. It is too bad that in Washington you can always demagog out of fear and you can get reelected through race-baiting or scaring seniors or saying that children are going to be starved on the streets. It is an old tactic.

Last year, before the gentleman was here, Haley Barbour, the chairman of the Republican Committee, offered \$1 million to any Democrat or any person who could show where Medicare was being cut in the bill. Now do you not know the pressure that partisans were under to try to prove that the Republicans were, in fact, cutting Medicare? I mean they would have loved to collect that million dollars because in addition to being millionaires, they could have been heroes, huge heroes.

Not one person was able to do that. Medicare was not cut. Yet unfortunately, in Washington we have a few demagogos who like to scare seniors and so forth, but the gentleman has raised a good point. Per recipient, it went from approximately 5,200 to about 7,100, and we are going to continue to work, and the doors are wide open in the discussions and the dialogs and the committee rooms. Democrats and Republicans, come on in, let us do what is responsible. Tomorrow we will get the report, and we are going to have to continue addressing this.

□ 2045

One of the things we need in Medicare policy is common sense. One of the things that we have tried since we

have become the majority of Congress is bring common sense, Republican, American ideas to the streets of America. Common sense is at a premium in Washington. It is just such a scarcity.

But the gentleman from Washington [Mr. JACK METCALF] is one of the Members who has been working very, very hard in the Housing Opportunity Caucus to make homeownership and that part of the American dream real to millions of more Americans than have houses right now. So I am proud to yield to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. I thank the gentleman for yielding.

Mr. Speaker, it is absolutely critical to protect and preserve Medicare. We cannot allow it to continue toward bankruptcy. It will be very difficult, but I will tell you, we will succeed in keeping Medicare so people can stay in their own homes.

Homeownership is something I am critically interested in. I will briefly comment on this as related to Medicare. Very important, really critical, and that is homeownership.

As chairman of the Republican Opportunity Caucus, I can sincerely speak on one of the most important issues facing our Nation, the ability of our people to realize the American dream and participate in one of our greatest opportunities, homeownership, and the right of the Medicare recipients to stay as long as possible in their own homes.

While there is no magic silver bullet in finding ways to increase homeownership, we can find solutions by working together. In some cases, Federal programs such as the low income housing tax credit, FHA, HUD or the Federal Home Loan Bank have been the catalyst for developing homeownership.

Clearly, Mr. Speaker, these important programs I have mentioned, and important ownership encouragements, such as maintaining the home mortgage deduction, have brought people from renting to owning, fulfilling the dream of so many Americans.

Not only does homeownership benefit the individual home buyer, but the spin-off of the home building industry is the catalyst for our national economy. Rightly so, new housing starts are always one of the first indicators we look for in an ever-growing and expanding economy.

Mr. Speaker, the Republican Housing Opportunity Caucus is committed to identifying models that work for housing and homeownership. It is often the case that partnerships fostered between nonprofit organizations, lenders, government and builders are needed to solve the ownership problem. This is the goal of our caucus.

The mission of this caucus is to give Members of Congress, who are interested in housing policies, an opportunity to discuss their concerns and coordinate a response. A symposium that we will soon sponsor will bring in people with hands-on experience in providing affordable housing. We want their

ideas and creative suggestions to implement and expand homeownership, especially for first-time home buyers.

Housing is not just a roof over your head but a place you can call home, a place you own. Thus far, over 30 of my colleagues have joined this caucus. We remain committed to expanding homeownership and opportunities for everyone, and protecting Medicare so seniors, like me, can stay in their homes as long as possible.

I personally invite Members to join the caucus and look forward to working together to find solutions that will expand homeownership and fulfill the homeownership American dream.

Mr. KINGSTON. I thank the gentleman for discussing what he is up to in the homeownership conference, because another thing that will bring about homeownership, as much as anything else, is balancing the budget, and we are going to be talking about that, because, as the gentleman knows, Alan Greenspan has said that balancing the budget could reduce interest rates on home mortgages as much as 2 percent, and that would be significant towards everybody participating in the American dream.

There are a lot of quirky things that we are trying to bring common sense policy to. One of them is in the subject of sugar, and, Mr. Speaker, we are not going to get back to the Hershey's bipartisan hugs and kisses dialogue when we talk about sugar. But the gentleman from Florida [Mr. MILLER] has a program that eliminates the sugar program. So I wanted to yield to him and ask him what is the sugar program and why should we eliminate it?

Mr. MILLER of Florida. I thank the gentleman.

Last year we worked very hard, and the gentleman worked very closely with me and with the gentleman from New York [Mr. SCHUMER], a Democrat, to do away with the sugar program. We are going to try to have a 5-year phase-out.

I look at the sugar program as one of the most egregious examples of corporate welfare that we have here in Washington. Anybody who believes in reducing the size and scope of government has to believe in getting rid of this program, phasing out this program, because the sugar program is big government at its worst.

What the sugar program does is it is a cartel. I think the gentleman from Texas [Mr. ARMEY] says it is the worst cartel we have had since OPEC. It is the cartel that controls the amount of sugar available in the United States, and it does this by restricting imports in such that the price of sugar is kept almost at twice the world price. If the world price is 12 or 13 cents, in the United States we pay 22 or 23 cents a pound for sugar. It costs the American consumer \$1.4 billion a year.

Mr. KINGSTON. Let me ask the gentleman, it costs the American consumers the difference in the world price versus the domestic price, but does it cost you in taxes?

Mr. MILLER of Florida. It costs in several areas in taxes. Because, first of all, the American consumer is the American taxpayer. So I am not sure of the distinction. When the American consumer pays \$1.4 billion more for sugar than they need to, it costs the American taxpayer, too.

But it costs the taxpayer in other ways we don't realize. For example the sugar program is bad for the environment. It really is bad for the Everglades. There was an editorial in the New York Times on Sunday talking about the Everglades problem and sugar's contribution to it.

Now sugar is not the only problem to the Everglades. It is a major contributor to the destruction of the Everglades and the Florida Bay. The problem with it, for example, is to solve the Everglades problem, part of the solution is to buy 100,000 acres of land in the Everglades' agricultural area. Last year, we put \$2 million in the farm bill to help buy that land.

We are going to buy 100,000 acres, most of it in sugar, but because of the sugar program, we are going to pay an inflated price for the land. It is going to cost us probably \$100 million more to buy this land from the sugar farmers because of the sugar program. It is crazy.

Mr. KINGSTON. Because the Government is the reason that land is higher, and yet the Government is going to pay the higher cost, which it costs.

Mr. MILLER of Florida. Right. That is what makes it so crazy is that we are, in effect, subsidizing sugar again; we are buying that land.

Another little interesting subsidy about the sugar program is we cannot grow enough sugar in the United States to satisfy demands, so there is no choice about the fact whether we do not import or not. We have to import sugar.

Mr. KINGSTON. Is it not true that we import 100 percent or 99 percent of our tea, which is true, we do not grow tea domestically? Many people have said we have to preserve the American supplier because we cannot be dependent. But I think the reality is the dependency is overseas to those markets to make sure that America continues to buy their sugar.

So to say that there is going to be a sugar shortage because of the change in the sugar domestic policy is ridiculous because we never had a tea shortage, or at least none in recent memory that I can recall.

Mr. MILLER of Florida. We have to be proud of American agriculture. It is the most efficient and productive in the world. We are the major exporter of agriculture products. I do not know the number, but that is one of our largest trade surpluses we have.

I have a lot of citrus in the State of Florida, of course. We cannot consume all of the citrus we grow in the State of Florida. We have to export. Tropicana is my largest employer in my district. Twenty-eight percent of the juice they

produce there in my area goes outside the United States. Fifty percent of the fresh grapefruits in the State of Florida are shipped outside the United States.

So we have to export some products and some products we have to import. I mean, that is just a fact. Sugar, we just do not have the land.

Mr. KINGSTON. Let me ask my colleague on the subject of imports, so not only are we subsidizing large, corporate American sugar growers, but we are also, if I hear the gentleman correct, subsidizing foreign sugar growers; is that correct?

Mr. MILLER of Florida. That is right.

Mr. KINGSTON. And then let me ask the gentleman this question, are there non-American citizens participating in the sugar program, and are they getting paid to do that?

Mr. MILLER of Florida. The gentleman asked a couple questions. One is, one reason we call it corporate welfare is that there are at least 33 farms that benefit by a million dollars a year. Most of the benefits go to big sugar farmers, sugar plantations in the State of Florida. The largest one, as a matter of fact, is controlled by a family who are not U.S. citizens.

But the interesting point on this, and it really makes me bothered by this whole thing about importing sugar, Australia has a free market for sugar. We should be able to compete with Australia. They sell sugar to anybody in the world 12 or 13 cents a pound, but not to the United States. We do not want to pay 12 or 13 cents. We insist on paying the full price; the United States insists on 22 or 23 cents a pound.

Mr. KINGSTON. Even though we can get it for about half that price.

Mr. MILLER of Florida. Not just half price, but, no, we insist we will pay our price for it whether it is coming from the Dominican Republic or what have you.

This is a bad jobs issue, too. The sugar program is killing jobs in the United States. Let me give a couple of illustrations.

First of all, we have sugar refineries that are going out of business. We have closed 40 percent of the sugar refinery production in the United States since this sugar program came into existence in 1981, 40 percent. These are good-paying jobs.

I had a press conference last week, and I had these members of the AFL-CIO surrounding me coming down from New York City and Baltimore saying, "Hey, we are going to lose our jobs, this is my career, and we are going to have to shut down because there is not enough sugar in the United States to keep these mills open."

But the other issue why we are losing jobs is, because of the high price of sugar, we are driving jobs outside the United States. Canada. Canada, you can buy sugar for about half the price that we do here.

Why would a candy company that uses a lot of sugar continue producing

in the United States when they could shift the production to Canada, produce the candy there and send it back to the United States? And that is exactly what is happening.

Mr. KINGSTON. In fact, there is a candy cane company in Georgia who tells me that the biggest competitor is not in the candy cane business, the biggest competitor is the U.S. Government, who makes it so that they have to buy sugar at an inflated price, and because of that, Canadian candy cane manufacturers can come in there. And he can beat the Canadian candy cane manufacturer any day of the week on a one-on-one basis, but when the Government is also on the team of the Canadian folks, the American guy loses.

Mr. MILLER of Florida. Right. It is just not fair. We should be proud of a lot we did with this farm bill last year. We made some historic changes with farm programs that went back all the way to the 1930s. It was a really historic change.

Unfortunately, the only program that was not changed, basically, was sugar. All the other products, whether it is peanuts or dairy, had some really major changes. But not sugar. And it was unfortunate.

So, hopefully, we are going to continue to address that issue in this Congress and see some results, maybe.

Mr. KINGSTON. The interesting thing about the sugar program is that changes in compromises transitioning the sugar program to a free market program and protecting whatever very small farmers are out there. But as was said, most of the bulk of it, the benefits go to the large corporate farmers anyhow, but giving the programs the benefit of the doubt, compromises were offered. They were all rejected.

The Miller-Schumer bill, which the gentleman has introduced, actually eliminates the programs and takes the American consumer out from the shackles of a Government cartel.

Mr. MILLER of Florida. It was actually the Miller-Schumer-Kingston bill last year. Right. It was a 5-year phase-out. So it was not something that was going to happen immediately. I am a big believer that we need to phase these programs out so we do not really punish people unfairly on this.

We have to be fair to the American consumer, who is the American taxpayer. We are losing these jobs. It is just not the right way of having a big government program. It no longer needs to continue to exist in this country.

Mr. KINGSTON. It is interesting as we look at these things. I want to talk to the gentleman about the budget. When he says the taxpayers are paying, one of the things that they have to pay for is the administration of this ridiculous program.

Another thing taxpayers are paying for is AmeriCorps. AmeriCorps takes kids who are volunteering and pays them. Now it is interesting. The President has this volunteer summit going

on this week in Washington. And Americans are great volunteers. I believe the statistic that I read, 90 million Americans volunteer 4 hours a week each and every week, and that includes people who make and bill out \$4 or \$5 an hour to people would bill out \$300 or \$400 an hour.

Everyone likes to volunteer in America and participate, and it is one of the great things about our country. Yet, the President's main program has been to take young children and start paying them to do what their older brothers and sisters and parents have been volunteering to do.

Now the cost for that and the President's justification is that it is an idea to get them interested in participating; it helps them with student loans and so forth. And yet, the cost per student is \$26,000, Mr. Speaker, for volunteers; and the student only gets \$1,500 of that. Where is the difference? The bureaucracy.

□ 2100

Once again, we have a program that is doing nothing but growing the bureaucracy. So the Congress goes Republican, the Republicans go in there and say, let us audit AmeriCorps and see how it is that the program that pays volunteers \$1,500 costs \$26,000 per volunteer. We found, after ordering this audit, that the books were in such bad shape that they could not be audited. Our budget is full of ridiculous and archaic things like that. As the President stands in the well of the House of Representatives and says, the era of big government is over with, in fact, his budget insists on increasing the size of big government.

Let me show the gentleman this chart, Mr. Speaker. This is the Clinton budget which he says will reduce spending and balance the budget by the year 2002. In fact, in the year 2002, the Clinton budget proposal has a \$69 billion deficit.

Now, if we say an increase in Medicare is a cut, maybe we can call a \$69 billion deficit an even budget, I don't know, a zero balance. But it is not true.

Here is what is even worse than that, 98 percent of the deficit reduction in the Clinton budget comes within the last 2 years. That is the equivalent of me saying I am going to lose 30 pounds over the next 10 months, and not losing anything for the first 9 months and then that last month go on a starvation diet, like anybody thinks I am going to make the goal. It does not even happen.

Then, in the year 1998, which is a year away, it increases the deficit by \$24 billion compared to not even passing his budget. Clearly, Mr. Speaker, we cannot be playing games like this. The time has come to balance the budget.

My friend, Michael Quido, who is an evangelist, I do not know if the gentleman gets him in Florida or not, tells the story about a frog that got caught

in the road, got caught in a pothole in the road. People in Florida have all of these sink holes, so they can identify with this. The frog gets caught, his buddy frog comes over there and tries to pull him out. He pulls and pulls and pulls and cannot get the frog out of the pothole.

So his buddy says: I will try to come back to get you tomorrow. Just hang in there. So he goes back home and has dinner, a couple of flies and grub worms with the family. The next thing you know, the frog that was in the road caught in the pothole comes through the door. He said, how did you get out of the pothole? We tried and tried and tried and we could not get you out of the pothole. How did you get out? He said: When you were trying I just wanted to get out because I knew I needed to get out. But after you left a truck was coming, and I had to get out.

Now, that is the position of the U.S. Congress right now. We are stuck in the pothole. We would like to balance the budget, but in reality, we can go home and tell everybody it is somebody else's problem. We can portray ourselves as a solution and say that we really cannot do it now, but we are trying, and we can talk this good game.

The fact is, we cannot defy gravity much longer, Mr. Speaker. It is time to admit a truck is coming down the road to smash all of us politically, nationally, economically. It is time to balance the budget, and it is time to quit fooling around about it.

I know the gentleman from Florida has worked very hard as a member of the Committee on the Budget to try to come up with some programs that the Clinton administration will agree to eliminate and that we can move toward balancing the budget. I know the gentleman from Ohio [Mr. KASICH] has worked very hard with the White House since January trying to negotiate. Are my colleagues getting anywhere?

Mr. MILLER of Florida. Mr. Speaker, balancing the budget is very, very hard work. It is not easy, because a lot of the programs are good programs in the government. The problem is whether the Federal Government should really be doing them.

My colleague mentioned AmeriCorps. I am sure there is some good work being done by AmeriCorps "volunteers" in this country, and I am sure they can show us some of the programs that they are helping with. And I think we could say, well, that is fine.

The question is, first of all, it is not a volunteer program. I mean, it is a paid-work program. It is a make-work program. And for someone who is a big believer in volunteer work, I never was in politics before and my background is volunteer work. I had my kids volunteer, my wife volunteers, we have done everything. In terms of helping with arts organizations or mental health organizations or day care programs, we are strong supporters of helping the community. That is what makes the

backbone of a great community where we live now.

So I am a big believer in volunteer work. But when you get paid, that is a job. So let us stop calling AmeriCorps a volunteer program. It is a jobs program.

Why do we need a new jobs program? We want to have college kids; well, let us help work study. That is a good program. It helps kids work for the university or do different jobs and get paid for it. But it is a jobs program. So it really bothers me when you say it is volunteer. Oh, well, we have a volunteer army. It is volunteer to get in, but one is a paid soldier, and it is a career when one gets in. So we have to differentiate. But we can go program after program; and sitting on the Committee on Appropriations as we both do, we have to make these tough choices. They are not always bad programs, someone is always there to defend them.

But I am more optimistic now. We start with the ideas, the rhetoric is very different. When we first came here in 1993, talking about balancing the budget was not talked about. We were the only ones talking about it. We were just talking on this side of the aisle. At least now, everybody is talking about it, assuming we are going to balance the budget in the year 2002. So at least we are starting with the premise that we are going to reach a goal. That was not true 4 years ago, so we have come a long way. Unfortunately, I am not sure the facts will back up the rhetoric. The rhetoric is there, but at least we have accomplished the rhetoric.

Mr. Speaker, the negotiations are going on, as the gentleman said, between Senator DOMENICI and the gentleman from Ohio, Mr. KASICH, from the House Committee on the Budget. We are at a critical juncture right now because, if we cannot get something to work with the administration on, we are going to have to proceed on our own to present a budget. We are prepared to move very quickly, because time is running out. I mean our fiscal year ends on September 30, so we have to have a budget and get moving on the appropriation process and all that.

The President said he presented a balanced budget. And as the gentleman said, it is smoke and mirrors, and the gentleman from Ohio [Mr. KASICH] uses phrase, it gives smoke and mirrors a bad name because of the games they played with the issue.

But there are serious negotiations going on. I think it is very difficult for the President, Dick Morris' theory, and the triangulation is separating us from the liberal wing of the Democratic Party. If he is willing to sacrifice the liberal wing, the party who say they are for a balanced budget, but I do not think really mean it, we have a chance to get a deal.

Mr. KINGSTON. Let me ask the gentleman, the gentleman from Ohio [Mr. KASICH] has been negotiating with the

White House in good faith since January. And his analogy is, it is like selling a house to somebody. They say I like your floor plan, I like your shrubbery, I like your neighborhood, I like your price, but they keep coming and coming with everything but a contract. At this point, my colleague says it is time to fish or cut bait, and they are not doing that.

So here is my question. Say the White House is up to its usual tricks and they will say one thing publicly but behind the scenes not agree to a budget. What do we do in the House? Can we go ahead without a budget and pass our appropriations bills and avoid a government shutdown, or does Clinton want to have another government shutdown?

Mr. MILLER of Florida. Actually I think the President really wants a balanced budget, but we will see. We are at a critical juncture over the next couple of weeks. We will know whether we can work out an arrangement so that we can have a balanced budget with the President over the next couple of weeks. If we do not, we are going to find the Budget Committee moving very fast forward and presenting the budget that we will vote on here in the House certainly before the Memorial Day break. And then the Committee on Appropriations can move ahead with all 13 of their appropriations bills.

So we had a meeting in the Committee on the Budget this afternoon, and I do not want to be optimistic or pessimistic. We are at a very critical point right now, and we just do not know what we are going to come forward with over the next few days.

Mr. KINGSTON. Mr. Speaker, here is a budget that has been proposed from the gentleman from Wisconsin [Mr. NEUMANN], one of the members of the committee. His budget excludes Social Security revenue and, as the gentleman knows, Mr. Speaker, Social Security is mixed in with the general budget. What his does is actually protect Social Security by putting it on a separate line and then, in addition to balancing the budget by the year 2002, one thing the Neumann budget has that I really think is very important, and I do not think this can be picked up by a camera, Mr. Speaker, but this is a schedule for balancing the budget and zeroing out the national debt. And in the Neumann budget, by the year 2023, my children and grandchildren, your children and grandchildren, can wake up and say the national debt is gone. The \$6 trillion national debt, that generation of Americans, can live without having that dark cloud hanging over them.

Mr. MILLER of Florida. Mr. Speaker, the gentleman mentioned Social Security. Social Security generates approximately \$75 billion more in revenue a year than it pays out. So actually, our deficit is worse than we realize, because Social Security is counted in there.

What is really good about the Neumann budget is it takes care of the na-

tional debt issue and it gets Social Security on a sound basis.

We have talked about Medicare earlier, we have to talk about Social Security. It does not go bankrupt for another 20 years, so we have a little bit of time. But the fact is it is hiding how bad the deficit is today; \$75 billion of our deficit, it should be higher by \$75 billion, because Social Security is where that money is.

Mr. KINGSTON. Essentially, when we talk about Social Security, is what seniors are saying, is protect it from general highway appropriations, or AmeriCorps, or the NEA, or whatever the folks want to spend money on; just use the Social Security money only for Social Security. That is what seniors say.

What the younger folks say is, put me in a private program; the existing program is not going to be there when I retire. So the great beauty of this Neumann budget is he calls it a Social Security preservation budget. I call it the grandma and the grandbabies' budget, because it looks at both spectrums of our population, the demographics, which I think is extremely important.

Let me read the gentleman some statistics that were given to me by a man named Pete Davies of Sun City, AZ. It says, prior to 1929 it was a disgrace for an administration to run a deficit. Out of the 140 years between the year 1790 and 1929, there were 87 years in the history of the United States when there was a surplus, and that resulted in a reduction of whatever debt had been out there. There were four periods, from 1801 to 1811, 1922 to 1934, 1879 to 1892, and 1919 to 1929 where the Nation operated for a decade or more with a surplus every year, and that was considered a responsible government. The longest period prior to 1929 in which there was a deficit every year were the 8 years of 1857 to 1864, which included the Civil War. So there was a reason, a viable reason to have a deficit.

Mr. Speaker, the longest period with a deficit without a war was the 5 years of 1846 to 1850. Then of course there was a deficit between 1930 and 1945, 16 years, but that was right after World War I and during World War II.

But during this last period when we have had deficits since 1969, or actually since 1970, 1969 was the last time we had a balanced budget, we have not had a major war, certainly a civil war or of World War II proportions. So it is absolutely time that we got this under control and do what is responsible.

Mr. MILLER of Florida. Sun City, AZ. I have a Sun City in my district in Florida.

One thing I think for senior citizens, and I meet with them all the time, most senior citizens, they lived through the Great Depression and World War II. They want to do what is right for this country. In fact, a lot of them resent the fact that most Americans think all seniors want is more, more, more. That is not necessarily

true. Some of their organizations that, so called, represent them up here say that, but the seniors back home do not always feel that way.

I had an interesting conversation on the phone last week with a constituent who lives in a very, very large mobile home park, these are not wealthy retirees. This lady was from Indianapolis. He was in fact leaving this Saturday to go back to Indianapolis, 84 years old, lost her husband recently. She is getting this extra money from Social Security. I do not need it. This debt is bad. How can I get my check, give it back, and have it applied to the debt. I do not want to just give it to the government to spend more money.

She wanted to give it back to the government to pay down its debt. I thought that was very noble of her, and I called and we chatted on the phone the other day. That makes me feel so good. They know there is a problem there. They know it is not right for their grandchildren and this country and future generations, they are willing to do their share. I do not need this COLA or this increase, I do not think we should stop that at all. The seniors are willing to do their fair share, they just want to make sure that everybody contributes to it, the farmers and the military, everybody.

Mr. KINGSTON. So are farmers, so are veterans and so are business people. Somehow, Washington does not get the message. Sometimes they get beat around up here, as you do, people come to the office, you have to vote, and you are darned if you do and darned if you do not on an issue.

□ 2115

You go home and you realize that the guy in the morning who wakes up at the crack of dawn, who puts his lunch together and eats it out of a lunch pail, drives maybe 20 miles to work, and comes home late at night after putting in a full day, he is tired, his kids are there and his wife has had a full day at her job, they are not disappointed in the vote that we may have cast because they want a government that works. They just want good, common-sense policies, a balanced budget. They want an American dream they can pass on to their children and grandchildren, they want a good future that they can retire with a health care program that is there and a neighborhood that is safe.

If they can have that, that is what they want. I think what they are asking from you and me as their representatives in Washington is just to do what is right, to do what is good for America. If you do that, do not worry about lobbyists and the big government crowd, and then the day is a good day.

I go home and think about those folks, because often they do not write. Many times they do not have business cards, they do not have titles and so forth, but that is whose interests we really have to look out for. That is who we have to make more of a priority.

Mr. MILLER of Florida. Exactly. As Ronald Reagan said, this is a great country filled with good people. There are so many good people, it makes you feel good to be in America. Especially senior citizens, they want to do what is right in this country. They recognize we have problems in this country. They are willing to make their contribution, but as the gentleman says, we have talked to veterans groups. It is not always me, me, me, and that is too bad that some organizations here advocate that.

We are moving in the right direction. The rudder is right, we are all talking about balance the budget, balancing the budget and getting fiscal responsibility back in Washington. Now is a chance, the best chance ever in our lifetimes, to really bring that fiscal sanity back here and get a balanced budget by the year 2002. I am more optimistic today, whether we deal with the administration or we just do it on our own.

Mr. KINGSTON. I am glad to hear that. I thank the gentleman for being with us tonight in this special order.

#### OUR RIGHT TO SAFETY AND FREEDOM FROM FEAR

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes.

Mr. HULSHOF. Mr. Speaker, once again the 32 newly-elected Republican Members of this body have sought a special order of this House to focus on issues that affect the lives of Americans all across this great land.

We have, as Members know, in the past explored positive solutions to problems that affect American communities. We have addressed the issues and concerns of working men and women as they struggle to juggle family commitments along with their careers. We have spoken, I think last week it was, about enacting real tax relief.

Mr. Speaker, tonight we want to train the spotlight of this House and focus on an issue of concern to every man and every woman and every child in this great land. What I am speaking about is the most basic civil right that each of us possesses: the right to be free from fear, the right to be able to drive to a convenience store in safety, the right to take a leisurely stroll through our neighborhoods, holding hands with our spouses, without concern; the right to let our kids play outside in the front yard without having to constantly keep watch over them.

Mr. Speaker, before joining this body after the November election, I worked for a little over 10 years as a criminal prosecutor in the State of Missouri. Along with many hardworking law enforcement officials from our great State, I had the opportunity to work on the front lines, dealing with crime and crime victims. I have cried with

family members as they have had to deal with the horrific tragedy visited upon them by some violent criminal. We have held hands as we have waited for the verdict of 12 impartial people.

I have relived with those victims of violent crime some pretty horrific tragedies, like the young father who was murdered in front of his two young children. In one of the most selfless acts that I can think of, he was begging not for his life, not for his own safety, but for the lives of his two kids. Yet his pleas fell on the deaf ears of the murderer, who was ultimately convicted.

Or there were the two juveniles who were on a crime spree, and chose to murder the two security guards that came down to investigate this routine theft. The stories and tragedies across this country are too many to mention. I do not need to mention, Mr. Speaker, how strongly I feel for the victims of violent crime.

Of course, last week we had the opportunity to visit back in our districts and promote National Victims' Rights Week. Fortunately, I think in the last Congress, in earlier Congresses, we have done some things to begin making some inroads, to make sure that victims are equal partners in the criminal justice system along with those who are accused of these heinous crimes.

For instance, in the last Congress, restitution for victims was required in Federal courts. In fact, earlier in this Congress we passed a law to help protect crime victims' rights to attend the trial of their assailants and to provide victim impact testimony, which passed this House by a large, overwhelming number. In fact, I am told that the President has signed that measure into law, and it is now the current law of this land.

We have much work to do, however. What we hope to do, Mr. Speaker, is focus a few minutes this evening on this issue. Particularly, I know that there are members of the Republican freshman class who have been champions in the area of victims' rights. I know there are others of us who wish to speak tonight about a specific problem dealing with drugs in our communities, as well as violent juvenile offenders.

In fact, I see that my friend, the gentleman from New Jersey, joins me here in the well of the House. Mr. Speaker, I am happy to yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding to me, and I want to thank him once again for organizing this special order that we are doing each week that we are in session, to highlight an area of public policy that is of concern to you and to many of us here, and to talk about some of the experiences that we have had in our own respective districts and States.

The debate here this evening, or the discussion here this evening, is really aimed at trying to create a better

America, and to help many families within our districts and certainly within our country. For many of us, it is obvious that if we do not pay some attention to this, the future for many people in our country is not going to be what it certainly should be. The young people of our Nation are the future. They are the future doctors, teachers, businessmen and businesswomen, and yes, even future Members of this Congress.

Juvenile crime for many people is the result of substance abuse. In speaking to teachers, youth group leaders from various religious institutions throughout my State and district, that has been confirmed for me.

I recently saw a study that had gotten the opinion of police chiefs around the country, and they believed, or 31 percent of them believe, that reducing substance abuse, specifically narcotic abuse, would be a very positive step in reducing the crime rate. For many of these police chiefs, reducing drug abuse was three times as crucial as putting more police officers on the street. That that was certainly something that raised my eyebrows.

I know that many of our colleagues here probably saw an article in many of the newspapers, even here in Washington, DC, within the last couple of days, in which two teenagers from my State in Sussex County, the northern part of New Jersey, lured and then killed two pizza delivery people.

I just read an article today in one of our major newspapers in our State, in the Star Ledger, that both suspects in this slaying had a history of drug abuse, and perhaps this brutal crime could have been prevented if these two people had not begun using drugs.

I would like to quote from the Star Ledger article. One of the alleged perpetrators' grandmother was interviewed, and she said, and I will quote in part, "This young man was transformed in the past 2 months through drug use." This change was radical, and she was speaking of his demeanor, how it changed, and that he had, among other things, tremendous mood swings. Obviously she is very upset about not just what took place to these two young people who were killed, but also what drugs did in changing her grandson.

In New Jersey, though, for several years our Governor has established the Council on Alcoholism and Drug Abuse, and we have really seen it make a difference. What it does is it establishes in each of our 21 counties in our State an alliance which is made up of people from county government, municipal government, people from the religious community, youth organizations, education, labor, business, many non-profit, volunteer organizations.

What they have done, which is somewhat unique even for New Jersey, is meet to determine what is their need in their respective community, and how can that need best be addressed. There is some government funding that

is provided, but there is also a requirement that there be some fund-raising at the local level to help pay for these, which in most instances are education and prevention programs.

Some of the programs that have been sponsored include drug-free graduation parties or proms, poster contests, in-school training sessions on the danger of drugs, and preventative programs for all age categories. I might say that some of the communities have even selected programs to target senior citizens, because in many people's view there are many senior citizens in our country that have substance abuse problems.

The focus of this particular program is in education and prevention, not so much on treatment, not that that is not an appropriate avenue for funding, but there are many detoxification services and halfway houses that are already in existence and are funded in many instances from other avenues.

Over the course of our Gov. Christy Whitman's first term in office, juvenile arrests in New Jersey have actually declined overall by 5 percent, and juvenile arrests for violent crimes have dropped by 7 percent. I believe that these community-based organizations that I have spoken about here are an important reason for this drop in crime.

Another exciting initiative that was very successful in my home county of Somerset in New Jersey was the formation of the Somerset County Youth Council, which, when I was on our county board, asked principals, high school principals, private, parochial, as well as public, to recommend young people to come together, to meet maybe 4 times a year, to advise the county government officials on programs they feel need to be addressed from the young people's perspective.

That strategy has been very enthusiastically responded to by both the educational community as well as the young people. They have become involved in a wide variety of efforts, undertaken projects, such as trying to raise the consciousness of their peers to not even start to smoke, let alone get involved in alcohol and narcotics, and it has really been something that has been very, very positive.

These young people have been asked to serve, and they have really stepped forward and run this program, which really is growing in its scope and in its breadth of involvement from people from all segments and all economic situations.

Mr. HULSHOF. Mr. Speaker, the gentleman mentioned these young groups, and I would ask the gentleman, what age groups is he talking about that the coalition is reaching out to?

Mr. PAPPAS. Junior high, middle schools, and up to high school.

Mr. HULSHOF. It seems that especially the earlier that the education process can begin, once that foundation begins, you can really begin to build that foundation.

I know recently just going back, I have had a chance to visit with the local elementary school in Missouri, the Luray Elementary School, very small, K through 8, with about 45 students, and yet they are very aware. In fact, when you walk into the school, the doorman there says "Don't do drugs."

□ 2130

This constant educational process that helps young people realize that with every choice there comes a responsibility, it sounds like this is also working in your home district.

Mr. PAPPAS. In conclusion, if the gentleman will continue to yield, I think what I spoke about, what we have done in New Jersey and what we did in my county, is to illustrate how one-size-fits-all approaches that too often Washington, DC, folks have felt is the way to go does not always work. It is not always the answer to all of the needs of the communities throughout our great country.

I hope that initiatives that we have had, not just in New Jersey but really in many of our districts that are represented here tonight, will be reflected upon. I talk about some of the success stories that we have been involved with in central New Jersey, with the hope of encouraging other people to not necessarily feel they have to reinvent the wheel.

I certainly look forward to learning of what positive things may have taken place in your district and in others and certainly take those ideas back home.

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

Mr. HULSHOF. Mr. Speaker, I applaud the gentleman for his efforts. Hopefully his constituents know how hard he is working up here and that he is providing some great examples and success stories in central New Jersey.

I see the gentleman from Colorado has joined us in the Chamber, and I yield to the gentleman from Colorado [Mr. BOB SCHAFFER].

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for yielding to me.

I wanted to talk about a couple things that I think raise this issue and tell us why it is important this week and why we ought to focus on juvenile crime and the importance of this topic.

There was a subcommittee hearing that just took place this last week, and some of the stories that that subcommittee had heard are some sobering facts. I want to go through a couple of those. There were a number of personal stories, just tragic, similar to the one that you mentioned just a few moments ago, but also just some numbers that I think really put this into perspective.

First of all, when you realize that with the experts are telling us right now about the effect of what they call the echo boomers, the children of baby boomers that will be leaving their diapers behind and becoming teenagers

very shortly, the experts tell us that nationwide we are likely to experience a 31 percent increase in juvenile crime by the year 2010. In that climate, the FBI predicts and has told us that juvenile arrests for murder will increase 145 percent over the 1992 level, juvenile arrests for forcible rape by 66 percent, and juvenile arrests for aggravated assaulted by 129 percent.

Those are estimates based on today's trends, but I know like you and the rest of the Members of this freshman class who are dedicated to changing those numbers and using the power of these podiums and our offices to try to give a new direction to these numbers and offer a brighter picture.

Let me tell you about some of the problems that we face in America right now, why juvenile crime is something that is on increase. I would submit that it has an awful lot to do with the callous disregard for the issue that we see people in government and people in this Congress, I hate to admit, take toward juvenile crime and hopefully we can change that.

The question is, what happens to juveniles once they are caught? What does the Government do at the State and local and Federal level as well to remedy the situation? Juvenile courts have seen their case load of violent juvenile offenders increase 98 percent between 1985 and 1994. The number of juvenile murders has actually tripled during that same time period. Juveniles 15 years and younger were responsible for 64 percent of the violent offenses handled by juvenile courts in 1994. Almost half of all juveniles arrested for violent offenses received either probation or fine, restitution or community service. And nearly 40 percent of those offenders who come in contact with the court system have their cases dismissed.

These young children are not stupid. They may be foolish with respect to the crimes that they commit. I do not want to deny that. But when it comes to the odds of getting caught and getting prosecuted and strenuously so in this court system, these young children have figured out that the odds are in fact on their side and that we as Americans have tolerated far too much in the way of unruly behavior and discipline problems throughout the country and so on.

Let me tell you a couple more disturbing statistics. The average length of institutionalization for a juvenile who has committed a violent crime is only 353 days. In other words, a juvenile who commits cold-blooded murder can be back on the streets in less than 1 year in many cases.

According to the Justice Department, of those juveniles who actually make it to a State institution, 43 percent have had more than 5 prior arrests and 20 percent have been arrested more than 10 times. Approximately four-fifths of those offenders have previously been on probation and three-

fifths have been committed to a correctional facility at least once in the past.

The next question obviously is, what can we do? What can we do to turn these terrifying numbers around? That is the job that is in front of us. That is something that I believe if we have the tenacity that brought us all here to Washington we can turn those numbers around.

I would suggest that in many respects what we ought to do is not look to more and more government programs as the answer to preventing juvenile crime. Sometimes that is effective. But as the research begins to pile up and mount, it confronts us with the undeniable truth that spending millions and millions more of Federal and State and local funds on various youth related programs has not managed to turn these statistics around, not at all.

I would suggest that just as the previous gentleman had mentioned that in some ways we need to look back to the future, programs that have worked well. It was Alexis de Tocqueville, the great observer of American democracy back in the earliest days, who observed that in America it was the private associations, the private institutions, the private charities and religious organizations that in fact had more to do with America's greatness than anything that the government was able to put together.

Just a few examples, and I want to finish with just a brief comment about what is happening here in the District of Columbia.

Look at these examples and I think it is our challenge to try to see what has worked and try to duplicate these examples.

The Young Men's Christian Association, the YMCA, was established to combat urban crime. Seeing its mission as molding the moral character of the young, the YMCA successfully undertook a struggle to win the hearts and minds of inner city youth, leading to a major drop in juvenile crime.

In founding Georgetown University in 1792, Bishop John Carroll argued for the necessity of, "a pious and Catholic education for the young." Carroll hoped that Georgetown's graduates would supply a pool of teachers for the Catholic schools of local parishes. Today those schools provide superior education, not only to the children of Catholic faith but to all faiths, and it has had just a tremendously important role to play in poor inner city parents seeking an alternative to public education.

The Young Women's Christian Association gave a chaperoned place to live to young women migrating to the cities from rural areas. That stability immediately became available to those young women, permitting them to gradually find the community life in which they felt comfortable and safe fellowship after leaving their families and original communities.

The Red Cross is another good example, a massive private sector organiza-

tion which runs the world's largest blood collection and distribution systems as just one of its projects. The temperance movement in the mid-1800's, a response to the growing alcohol addiction of the time, resulted in massive reductions in alcohol consumption and a change of attitudes about alcohol abuse.

I mention some of those examples because these were not inspired by government. They were inspired by private citizens, private associations who realize that the answer to crime and to just sad economic conditions for many millions of our youth at that point in time was not found in the halls of government but it was found in the halls of churches and schools and charitable organizations.

I want to finish with one more sad story unfortunately. It is an event that took place right here in Washington, DC last week, and I mention this today because it does relate to this issue of juvenile crime and it is a topic that I hope to speak to in more detail next week.

That is an event that took place a little over a week ago here in the District schools. In a fourth grade classroom here in Washington, an elementary school, nine fourth graders were allowed to be unobserved or unattended by their teacher in a holding room off to the side of the school room. These children engaged in some kind of sex game known as freaky Friday, as the Washington Post described the event, eventually were disrobed and engaged in sexual activity in a school building, a classroom in the District of Columbia. This is an important item to note for us here because the Constitution puts this Congress in charge of the District of Columbia.

But at a time when we are wondering and in disbelief in many cases as to how young children in America can behave in many cases the way they do, we need to look no further than the examples that occur right here in Washington, DC, a good place to start, I would suggest, and as I mentioned, I hope to have a chance to discuss this a little more next week because we certainly have to focus on improving the quality of our public education system if we ever hope to get at a point where we really are challenging these young children, giving them real hope and opportunity.

Let me finish just by saying this. By far the greater example is found within the many children and young people we have seen throughout the country who are achieving noble things, who are working hard, earning good grades, finding ways to be young entrepreneurs and being successful in their home towns.

We see these examples all the time. They really do need to be celebrated. They need to be a component part to any solution that we try to craft here in Washington or policy direction that we pursue, and it is really those young children, who are on their ways to be-

coming worthwhile productive leaders and citizens in our country, that we need to embrace and that we need to celebrate and really look to them. I think they really are going to be the answer to the solutions that we are hunting for in reducing juvenile violence.

Mr. HULSHOF. Mr. Speaker, I always appreciate the gentleman from Colorado gracing us with his presence. I did not see any photographs tonight. I was waiting for the family portraits.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, no juvenile offenders at home.

Mr. HULSHOF. Mr. Speaker, the gentleman mentioned a good point. He started talking about statistics and what unfortunately we had to look forward to.

In fact, I know that some who say that crime is not that much of a problem and that the statistics say that violent crime is going down, and they talk about government programs having worked, and yet why is it that none of us at least who work in this city, why do we not feel safe when we walk down the street?

You mentioned another good point about the violent nature of the offenses being committed by younger and younger offenders. I have had a chance, again in my career as a prosecutor, I have had occasion in the last couple of years to visit with some of the older criminals in the prisons who are actually serving substantial sentences and visiting with them about why they are there and trying to find some solutions.

One of the things that rang out was that these men and some women with extensive criminal resumes were most fearful of the youthful offenders who were just now being sentenced that they were having to be incarcerated with, that these were the ones that had a callous disregard for the difference between right and wrong.

It was just extraordinary to hear these very grizzled criminals that expressed some concern and fear about the youthful offenders that they were having to share cells with.

I know, as the gentleman has worked on the subcommittee, in the old days in, 1950's and 1960's, when our juvenile laws were first crafted and created across the country, a truancy was the most violent or aberrant behavior that we had to deal with. Now rape and murders and assaults and all other types of violent offenses.

I know in the State of Missouri we have been very proactive, that we have held accountable those youthful offenders that commit adult crimes and holding them accountable as adults, while at the same time, as I hear folks argue on the other side of it, we are not throwing away the key on youthful offenders, but there are ways to reach out to those that have not had discipline in their lives, like boot camps or institutional type settings that provide them training and skills that they have not had.

You mentioned some of these volunteer organizations. I think the list goes on and on, things like even scouting, Boy Scouts and Girl Scouts or 4-H, Big Brothers and Big Sisters, which provide adult mentors for adolescents.

I think this is a problem that really hopefully the American people realize is not a governmental problem with governmental solutions but really does require all of us to take a little bit of a load and some of the responsibility. I thank the gentleman.

I see my good friend from Kansas, my neighboring State, is also now in the well. I yield to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Speaker, if I could, I would like to kind of broaden the discussion a little bit tonight. We have talked a lot about juvenile crime. That is an important part of the discussion of crime altogether. But I think it may have escaped our attention. Last week was victims rights week.

□ 2145

Last week was Victims' Rights Week, but our memories of the victims of crime should not be restricted to a single week of the year, nor should our determination to deal appropriately with violent criminals be limited to lofty speeches and tough resolutions.

The American people know, and they make it clear in survey after survey, that violent crime is a national crisis. And at a time in history when the world was never safer for a democracy, the streets of our country have become even more dangerous. We have largely won what President Kennedy called the long twilight struggle against Communist totalitarianism, but the war against crime goes on in our cities. It is a war we must fight with the same resolve, determination, patience and vigor with which we waged the cold war of the last past half century.

I feel we should take the same approach to crime, particularly juvenile crime, that we have taken to welfare. Congress should permit the States to experiment with different methods for controlling crime rather than impose a one size fits all solution from Washington. It would be foolish to believe that Congress knows better how to fight crime in Kansas City, Kansas than the city council or the Kansas legislature does. It would be equally foolish to suggest that the same crime fighting strategies are equally effective in Los Angeles, California, and Lawrence, Kansas.

However, there are some things that can and should be done by Washington to assist the States in fighting crime. For example, the Clinton administration should be moving more swiftly to create a computerized instant check system to prevent criminals are from purchasing guns. The White House promised that such a system would be in place long ago, and it is time they turned their overheated election year rhetoric on this issue into concrete results.

The administration likes to cite statistics showing that the rate of violent crime is falling, but these figures fail to convey the increasing sense of the coarsening of our culture in which once unspeakable crimes lead the news on a nightly basis. Nor do they convey the preciousness of a loved one so senselessly taken away and the rage that come from the knowledge that it was preventable.

Many Members of this body have, over the last several years, become familiar with the name Stephanie Schmidt. Her parents, Gene and Peggy, are constituents of mine and have lobbied tirelessly for tougher sentences for sex offenders.

Unfortunately, none of us in this body will ever have the pleasure of knowing Stephanie. Three and a half years ago a convicted rapist, who had just served half his sentence before being paroled, kidnapped, raped and murdered the 20 year old college student.

Gene and Peggy, two exceptionally courageous people, turned their grief into action by asking all of us to speak out for Stephanie, as my lapel pin indicates. Along with the parents of other murdered children, they have asked us to look more realistically at the problem of repeat offenders.

The Schmidts have proposed a series of measures that I fully endorse and will be working to enact into law. They are designed to extend reach of what has become known as "Megan's Law". These proposals, which could appropriately be called "Stephanie's Law", are as follows:

First, we should expand the current law requiring all convicted sex offenders to register in the state in which they resides to apply to all violent felony offenders.

Second, the FBI in conjunction with the Justice Department and the Attorney General's office should complete a registry of violent felony offenders from all 50 States. Under current law the FBI is exploring establishing such a list. Congress should require it. We should examine the feasibility of disseminating information in a central registry through avenues such as public libraries or perhaps a 900 phone number, the proceeds from which could finance the registry.

Third, any Federal legislative changes should include a public policy statements urging States to reform their laws dealing with licensing boards and agencies. State boards and agencies should not feel compelled to license or certify any violent felon who is on post release supervision.

Laws by themselves cannot prevent crimes nor can anyone law protect all people from the particular crime it addresses, but that is no excuse for failing to enact the law when its need is so clear.

I will be asking this Congress to speak out for Stephanie, for other victims of violent crime, and for the millions of Americans who live daily in

terror of what awaits them outside their front door.

I appreciate the gentleman's yielding the time.

Mr. HULSHOF. I appreciate that. I notice the gentleman is wearing a particular pin on his lapel. Would he mind sharing with us what that signifies?

Mr. SNOWBARGER. Again this was a pin distributed back in my district by the "Speak Out For Stephanie Foundation" in honor of Crime Victims' Week last week, again we were so focused on taxes that last week, I am not sure if there is any connection here between being victims of crime and talking about taxes, but in any event, we did not give it the attention we needed to last week, and I felt compelled tonight to raise the issue of the victims of violent crime and indicate that Congress does have a role to play in that.

Other areas of criminal law, I prefer to leave to the States.

Mr. HULSHOF. If I could prevail upon the gentleman a little further, I appreciate his comments, and I know before joining this body that he was a leader in the Kansas legislature for a number of years.

What did the State of Kansas do either on crime victim legislation or perhaps dealing with juvenile offenders.

Mr. SNOWBARGER. I will talk specifically about juvenile offenders, because it is amazing to me that Washington is just now catching on to get tough on juvenile crime laws. We did that in Kansas last year.

We often think Washington has the answers to all these questions. They do not. A lot of States out there were before Kansas in submitting and passing legislation that would again treat juvenile offenders as adults when they commit adult crimes, extending the sentences for juveniles, again treating them as adults if they choose to commit crimes like adults would commit.

In the area of victims rights, we passed a constitutional amendment to the State constitution that guaranteed certain rights to victims. I know one of our colleagues from Texas is going to be talking about that same kind of proposal for the U.S. Constitution.

Again, States are already acting on those things, and sometimes I think if we do not understand that States can act more quickly and sometimes in a much more responsive fashion, then we are going to fall into the same trap I think our colleagues in the past have, thinking Washington is the repository of all wisdom.

Mr. HULSHOF. I appreciate the gentleman, especially for his very eloquent voice, and he is right, last week we were focused on our pocketbooks, unfortunately. And National Victims' Rights Week, while it was something we celebrated and recognized back in my home district in Missouri, in fact, while we were in session last week I was told that Fred Goldman, who of course has become a very vocal advocate for the rights of victims actually came to Missouri to champion and to

remind us that the system, the criminal justice system, while it is not perfect, is the best system known in modern civilization.

At the same time that we focus on the rights of the accused, certainly we do not want that system to victimize family a second time after having experienced a very tragic type of crime.

So I appreciate the gentleman joining us tonight. He mentioned the State of Texas, and I see my friend from Texas has joined us, and I would be happy to yield to him, Mr. BRADY.

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

I want to follow on the comments of our colleague from Kansas about the week that we just passed and some of the issues that were raised.

During National Crime Victims' Rights Week, House Joint Resolution 71 was introduced. I am proud to be an original cosponsor of this proposed constitutional amendment which would provide rights for victims of crime, victims of juvenile crime, of State and of Federal crimes.

House Joint Resolution 71 is important to me because, as my friends know, my father was murdered when I was young, when I was 12 years old, leaving my mom to raise five of us by herself. Our family has been through the trial, through a conviction, through sentencing, and even though dad's killer received life in prison without parole, like a lot of families we found ourselves before the parole board fighting to keep him in prison. Unlike a lot of families, we succeeded, but only because this killer happened to be a little built elderly at the time he committed the crime.

House Joint Resolution 71 is important to America because we are a country with two classes of citizens, of those who have been touched by violent crime and those who someday will be. In this House Joint Resolution, in this constitutional amendment, we seek to provide some basic rights that, with the exception of a few enlightened States, are not available today.

We are seeking the right to be included in public proceedings; for victims to know in advance the court proceedings that affect their case; to have the simple right to sit in the courtroom to lend their family support to the victim and, in some cases, to the prosecution, which is the same right that we accord the family of the accused.

The O.J. Simpson trial, which caught much of the world's attention, featured the families of the victims in the courtroom. That is the exception rather than the rule. Today, in most States, clever defense lawyers routinely list and identify the family of victims as potential witnesses only to ensure that they are kept out of the courtroom as a means to isolate the victim's family.

It is a cruel courtroom tactic that features, for the jury's sake, the family

of the accused while isolating the family of the victim. The tactic is routine, it is wrong, and it is a tactic that ought not be tolerated any longer in this country.

As important as presence in these proceedings are, House Joint Resolution 71 guarantees that victims are heard in these public proceedings. It gives us the opportunity to tell the prosecution, the judge, the jury, the parole board members how our family feels about having a criminal released from custody, often only hours after they have committed the crime; how appropriate is a plea bargain; how just is a sentence; and how safe our families will feel when the killer of a child or the rapist of one's wife walks free again in their neighborhood as a result of some parole board's action.

We all agree, clearly, that justice must be sure and must be swift. Unfortunately, our criminal justice system is rarely either. This measure, House Joint Resolution 71, allows victims of crime to seek relief from unreasonable delays in criminal proceedings, which is a key advantage and benefit to those who are in a situation that they never thought imaginable, and hoping that the system will work on their behalf and often finds themselves years and years beyond the offense before any measure of justice is ever served.

We are also seeking the right for victims to seek restitution for crime victims. It permits these families to seek some financial help, to help replace the financial support that literally was stolen from them. For many families these dollars, if they are ever paid, go for basic needs, like health care for their children, clothing, the cost of higher education.

We are providing in House Joint Resolution 71 the right to know when the person who took a child's life or a family member's life, when they escape from prison, the right to know when they are proposed for release from prison. This is such a commonsense basic right to have our safety considered when determining a release for the criminal.

Finally, in House Joint Resolution 71, we want to make sure that victims are made aware of these rights early in the process so that they can take full advantage of these basic, basic rights.

In closing, we pursue the rights in House Joint Resolution 71, the Crime Victims Constitutional Amendment, so that someday in the future, somewhere in America, when a family finds themselves in a situation they never thought could happen to them, that we are able to give them the one thing they most desperately need, which is justice.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman's joining us and especially for his eloquence in speaking on behalf of crime victims. I know certainly he raises a number of good points, particularly about parole.

I know that this body has, on occasion, encouraged States to enact

tougher sentencing laws, truth in sentencing, so that when that collective voice of a jury pronounces a sentence on one they have found guilty, that that sentence, a large percentage of that sentence, will actually be served.

I learned this week, in fact, that a man that I helped convict of a crime of murder in Missouri 4 short years ago was up for his first parole hearing this week. I wish that this was an exception to the rule, but, unfortunately, this is all too common.

What has been the gentleman's experience in Texas?

Mr. BRADY. As a prosecutor, the gentleman knows firsthand how frustrating it is to have that revolving door. And even though the States have put tremendous resources into prosecution and law enforcement into their prison systems, expensive prison systems, that is still unfortunately a common occurrence today.

It is devastating to the family, to the victims of these crimes, to have this criminal walk free on the streets after such a short time, in some cases where the trial, in the time it took to receive a sentence, is longer than the sentence that they actually serve.

□ 2200

It is indefensible within our system. The good news is I think Congress has absolutely the will to make these changes and I think we have the ability to do so. I appreciate the gentleman's leadership as President of the Republican freshman class in guiding us, in focusing us on issues of quality of life, not just through the economy and through our society but making sure we have a criminal justice system that from your experience works as well for the victims as it does for the accused.

Mr. HULSHOF. I thank the gentleman for his words. He is exactly right. There is no easy solution to this very difficult problem. But I think we can make some strides and provide some meaningful changes. We have begun that, even in the last Congress, giving credit to the 104th Congress that did provide that victims receive some restitution from those that took something from them, whether it was monetarily or in other ways that sometimes money could not replace but at least providing that right of restitution. But building on that, even as we did earlier in this Congress with providing the right of allocation of victims to attend these hearings, these parole hearings and sentencing hearings and the right to be heard at trial, but there is much more to be done.

I know as the gentleman mentioned, House Joint Resolution 71 that we will be debating in the weeks and months ahead, that we need to continue to focus on the rights of the innocent. We continue to focus, Mr. Speaker, all too often, and rightly so in some instances, the right of those that are accused and certainly those due process rights are there and they should be there but at the same time we believe and I think

we have heard tonight very forcefully spoken by other Republican freshmen Members that the rights of the victims should also be heard as well in court-rooms across this land.

Mr. Speaker, I see that our time is drawing to a close. As a simple comment to sort of bring closure to this discussion, the Founding Fathers recognized that each of us has been given a God-given right, the right to life and to liberty and to the pursuit of happiness. Violent acts that are committed by unrepentant criminals directly violate these God-given inalienable rights. I think it is good of us to take a moment as we did in this last week to focus on the innocent victims of crime and I think we need to continue to speak out not just tonight in a special order but we need to speak out all across this country and not just those of us in this body or not just those back in State legislatures or State senate chambers, or not only in the Governor's mansions around this country but I think it is incumbent on each of us to do our part, whether it is part of a neighborhood watch program or whether it is marching for the victims of crime, for their rights, or in any of these volunteer organizations that we talked about tonight, whatever we can do to help promote and restore the fabric of our society and our community. It is a problem that there is no easy answer to but one that I think we need to continually focus on.

Again I thank the Speaker for allowing us, the 32 Members on the GOP side of this body, to bring to light this problem and some solutions that have worked.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT) for today, on account of family illness.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of back pain.

Mr. RUSH (at the request of Mr. GEPHARDT) for today, on account of personal business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. SCHIFF (at the request of Mr. ARMEY) for today and the balance of the week, on account of medical reasons.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) for today, on account of weather-related transportation problems.

Mr. HOEKSTRA (at the request of Mr. ARMEY) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SUNUNU) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, on April 24.

Mrs. KELLY, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. JONES, for 5 minutes, on April 24.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, 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 Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. WEYGAND.

Mr. MANTON.

Mr. MOAKLEY.

Mr. FRANK of Massachusetts.

Mr. HAMILTON.

Mr. DAVIS of Illinois.

Mr. KUCINICH.

Mr. KLECZKA.

Ms. FURSE.

Mr. ACKERMAN.

Mr. STARK.

Ms. LOFGREN.

Mr. FOGLIETTA.

Mrs. KENNELLY of Connecticut.

Ms. SANCHEZ.

Mr. LANTOS.

Mrs. MEEK of Florida.

Mr. DICKS.

(The following Members (at the request of Mr. SUNUNU) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. SOLOMON.

Mr. FRELINGHUYSEN.

Mr. FORBES.

Mr. HAMILTON.

Mr. ROGAN.

Mr. BEREUTER.

Mr. MCINTOSH.

Mr. HYDE.

Mr. DUNCAN.

Mr. GILMAN, in two instances.

Mr. HORN.

(The following Members (at the request of Mr. HULSHOF) and to include extraneous matter:)

Mr. FLAKE.

Mr. UPTON.

Mrs. EMERSON.

Mr. PACKARD.

Ms. SANCHEZ.

Mr. DREIER.

Mr. CASTLE.

Mr. SHERMAN.

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 April 18, 1997:

H.R. 1003. An act to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide.

ADJOURNMENT

Mr. HULSHOF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, April 24, 1997, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees, House of Representatives, during the 1st quarter of 1997, a consolidated report of foreign currencies and U.S. dollars utilized for Speaker authorized trips during the 4th quarter of 1996 and 1st quarter of 1997, pursuant to Public Law 95-384, as well as reports concerning the foreign currencies and U.S. dollars utilized by various miscellaneous groups in connection with official foreign travel during the calendar year 1996 and the 1st quarter of 1997, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. F. James Sensenbrenner	2/16	2/24	Germany		496.00		4,508.05		1,078.17		6,082.22
			Russia		690.00						690.00
			France		648.00						648.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Dana Rohrabacher	2/16	2/24	Germany		496.00		4,508.05				5,004.05
			Russia		690.00						690.00
			France		648.00						648.00
Hon. Dave Weldon	2/16	2/21	Germany		496.00		4,771.45				5,267.45
			Russia		690.00						690.00
			France		324.00						324.00
Todd R. Schultz	2/16	2/24	Germany		496.00		4,508.05				5,004.05
			Russia		690.00						690.00
			France		648.00						648.00
Richard Obermann	2/16	2/24	Germany		496.00		4,508.05				5,004.05
			Russia		690.00						690.00
			France		648.00						648.00
Committee total					8,846.00		22,803.65		1,078.17		32,727.82

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, Apr. 10, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Philip Eskeland	2/19	2/23	Belgium		921.00						921.00
Commercial airfare							498.18				498.18
Committee total					921.00		498.18				1,419.18

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES TALENT, Chairman, Apr. 7, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. John S. Tanner	3/25	3/28	Estonia		612.00		(3)				612.00
	3/28	3/29	Latvia		245.00		(3)				245.00
	3/29	3/31	Poland		422.00		(3)				422.00
	3/31	4/2	Poland		526.00		(3)				526.00
	4/2	4/4	Czech Republic		564.00		(3)				564.00
Hon. Mac Collins	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Committee total					4,285.00						4,285.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

BILL ARCHER, Chairman, Apr. 10, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 18, 1996

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. David McIntosh	12/13	1/1	United Kingdom								
Hon. Mark Foley	12/15	12/20	United Kingdom				1,061.45				1,061.45
Hon. Lindsey Graham	12/16	12/18	United Kingdom				4,266.45				4,266.45
Hon. Bob Barr	12/16	12/19	United Kingdom				5,038.56				5,038.56
John Steele	12/15	12/23	United Kingdom								
Committee total							10,366.46				10,366.46

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID McINTOSH, Jan. 17, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 21, 1996

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Scott Klug	12/16	12/21	United Kingdom				885.75				885.75
Hon. Jay Dickey	12/16	12/20	United Kingdom				5,603.75				5,603.75
Joyce Yamat	12/16	12/21	United Kingdom				599.75				599.75
Committee total							7,089.25				7,089.25

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SCOTT KLUG, Jan. 14, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BANGKOK, INDONESIA, AND HONG KONG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 17, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Frank R. Wolf	1/9	1/9	United States								
	1/11	1/11	Thailand				5,096.57				5,096.57
	1/12	1/16	Indonesia		1,081.00					115.00	115.00
	1/16	1/17	Hong Kong		394.00						
	1/17	1/17	United States								
					3 — 489.00						
Charles E. White	1/9	1/9	United States				5,096.57				986.00
	1/11	1/11	Thailand							115.00	5,096.57
	1/12	1/16	Indonesia		1,081.00						115.00
	1/16	1/17	Hong Kong		394.00						
	1/17	1/17	United States								
					3 — 280.00						1,195.00
Committee total					2,181.00		10,193.14		230.00		12,604.14

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Unused per diem returned to the State Department.

FRANK R. WOLF, ———, ———, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 17, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jim Kolbe	1/9	1/10	Japan					(3)			
Hon. Cliff Stearns	1/9	1/10	Japan					(3)			
Hon. Nathan Deal	1/9	1/10	Japan					(3)			
Hon. James Greenwood	1/9	1/10	Japan					(3)			
Hon. Ron Lewis	1/9	1/10	Japan					(3)			
Hon. Thomas Davis	1/9	1/10	Japan					(3)			
Hon. Robert Ehrlich	1/9	1/10	Japan					(3)			
Hon. Mark Foley	1/9	1/10	Japan					(3)			
Hon. Sue Kelly	1/9	1/10	Japan					(3)			
Hon. Robert Ney	1/9	1/10	Japan					(3)			
Hon. John LaFalce	1/9	1/10	Japan					(3)			
Hon. Barbara Kennelly	1/9	1/10	Japan					(3)			
Hon. Sander Levin	1/9	1/10	Japan					(3)			
Hon. Louise Slaughter	1/9	1/10	Japan					(3)			
Hon. Collin Peterson	1/9	1/10	Japan					(3)			
Hon. Stanford Bishop	1/9	1/10	Japan					(3)			
Hon. Pat Danner	1/9	1/10	Japan					(3)			
Hon. Alcee Hastings	1/9	1/10	Japan					(3)			
Hon. Tim Holden	1/9	1/10	Japan					(3)			
Hon. Paul McHale	1/9	1/10	Japan					(3)			
Hon. Cynthia McKinney	1/9	1/10	Japan					(3)			
Everett Eisenstatt	1/9	1/10	Japan					(3)			
Angela Ellard	1/9	1/10	Japan					(3)			
Robert Hathaway	1/9	1/10	Japan					(3)			
Gregory Van Tatenhoue	1/9	1/10	Japan					(3)			
Hon. Xavier Becerra	1/9	1/10	Japan					(3)			
Hon. Jim Kolbe	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Cliff Stearns	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Nathan Deal	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. James Greenwood	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Ron Lewis	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Thomas Davis	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Robert Ehrlich	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Mark Foley	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Sue Kelly	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Robert Ney	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. John LaFalce	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Barbara Kennelly	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Sander Levin	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Louis Slaughter	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Collin Peterson	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Stanford Bishop	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Pat Danner	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Alice Hastings	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Tim Holden	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Paul McHale	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Cynthia McKinney	1/10	1/12	Hong Kong		788.00			(3)			788.00
Everett Eisenstatt	1/10	1/12	Hong Kong		788.00			(3)			788.00
Angela Ellard	1/10	1/12	Hong Kong		788.00			(3)			788.00
Robert Hathaway	1/10	1/12	Hong Kong		788.00			(3)			788.00
Gregory Van Tatenhoue	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Xavier Becerra	1/10	1/12	Hong Kong		788.00			(3)			788.00
Hon. Jim Kolbe	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Cliff Stearns	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Nathan Deal	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. James Greenwood	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Ron Lewis	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Thomas Davis	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Robert Ehrlich	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Mark Foley	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Sue Kelly	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Robert Ney	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. John LaFalce	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Barbara Kennelly	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Sander Levin	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Louis Slaughter	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Collin Peterson	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Stanford Bishop	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Pat Danner	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Alcee Hastings	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Tim Holden	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Paul McHale	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Cynthia McKinney	1/12	1/15	Beijing, China		702.00			(3)			702.00
Hon. Everett Eisenstatt	1/12	1/15	Beijing, China		702.00			(3)			702.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 17, 1997—

Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Angela Ellard	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Robert Hathaway	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Gregory Van Tatenhove	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Xavier Becerra	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Jim Kolbe	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Cliff Stearns	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Nathan Deal	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. James Greenwood	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Ron Lewis	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Thomas Davis	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Robert Ehrlich	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Mark Foley	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Sue Kelly	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Robert Ney	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. John LaFalce	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Barbara Kennelly	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Sander Levin	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Louise Slaughter	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Collin Peterson	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Sanford Bishop	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Pat Danner	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Alcee Hastings	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Tim Holden	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Paul McHale	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Cynthia McKinney	1/15	1/16	Xian, China		169.00		(3)				169.00
Everett Eisenstatt	1/15	1/16	Xian, China		169.00		(3)				169.00
Angela Ellard	1/15	1/16	Xian, China		169.00		(3)				169.00
Robert Hathaway	1/15	1/16	Xian, China		169.00		(3)				169.00
Gregory Van Tatenhove	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Xavier Becerra	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Jim Kolbe	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Cliff Stearns	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Nathan Deal	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. James Greenwood	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Ron Lewis	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Thomas Davis	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Robert Ehrlich	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Mark Foley	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Sue Kelly	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Robert Ney	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. John LaFalce	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Barbara Kennelly	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Sander Levin	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Louis Slaughter	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Collin Peterson	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Stanford Bishop	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Pat Danner	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Alcee Hastings	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Tim Holden	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Cynthia McKinney	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Everett Eisenstatt	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Angela Ellard	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Robert Hathaway	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Gregory Van Tatenhove	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Xavier Becerra	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Committee total					57,486.00						57,486.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

JIM KOLBE, Feb. 13, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE EUROPEAN PARLIAMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 23, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Benjamin A. Gilman	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Tom Lantos	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Illeana Ros-Lehtinen	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Michael McNulty	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Jim Moran	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Pat Danner	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Lincoln Diaz-Balart	2/14	2/15	Ireland		543.00						543.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE EUROPEAN PARLIAMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 23, 1997—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Sue Myrick	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
Hon. Robert W. Ney	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
Hon. Sheila Jackson-Lee	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
David Jung	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
Laura Rush	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
Paker Brent	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
Robert King	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
Peter Davidson	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00
Committee total	2/15	2/18	England		43,666.00						43,666.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
	2/14	2/15	Ireland		543.00						543.00

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 17 AND FEB. 20, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
David V. Marventano	2/17	2/18	Italy	400.510	242.00		(3)			400.510	242.00
	2/18	2/20	Germany	900.90	546.00		(3)			900.90	546.00
Kerry Knott	2/17	2/18	Italy	400.510	242.00		(3)			400.510	242.00
	2/18	2/20	Germany	900.90	546.00		(3)			900.90	546.00
Committee total					\$1,576.00						1,576.00

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
<sup>3</sup> Military air transportation.

March 18, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 11, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Robert W. Van Wicklin	1/8	1/11	Canada	1,139.40	844.00		1,062.70			1,139.40	1,906.70
Committee total					844.00		1,062.70				1,906.70

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 29, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO FRANCE AND SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 26 AND FEB. 3, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Gardner G. Peckham	1/26	1/30	France	7,128	1,296.00					7,128	1,296.00
Commercial airfare	1/30	2/3	Switzerland		705.00						705.00
							3,206.05				3,206.05
Committee total											775.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
<sup>3</sup> Unused per diem returned.

GARDNER G. PECKHAM, Mar. 16, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 11 AND FEB. 17, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Monica Azare .....	2/11	2/17	Switzerland .....	1,950.47							1,950.47
Committee total .....											1,950.47

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MONICA AZARE, Mar. 19, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 23, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Gerald Solomon .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Hon. Tom Bliley .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Hon. Porter Goss .....	2/15	2/17	Belgium .....		684.00						684.00
	2/17	2/19	France .....		508.00						508.00
	2/19	2/21	Ukraine .....		644.00						644.00
	2/21	2/23	Belgium .....		579.00						579.00
Hon. Paul Gillmor .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Hon. Scott McInnis .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Hon. Owen Pickett .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
John Herzberg .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Jo Weber .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Mark Gage .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Ed Timperlake .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Linda Pedigo .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Ron Lasch .....	2/15	2/17	Belgium .....		759.00						759.00
	2/17	2/19	France .....		548.00						548.00
	2/19	2/21	Ukraine .....		819.00						819.00
	2/21	2/23	Belgium .....		614.00						614.00
Committee total .....					32,555.00						32,555.00

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Apr. 20, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CANADA-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Pat Danner .....	5/10	5/14	United States .....		821.01						821.01
Hon. E. (Kika) De la Garza .....	5/10	5/14	United States .....		821.01						821.01
Hon. David Dreier .....	5/10	5/14	United States .....		821.01						821.01
Hon. Victor Frazer .....	5/10	5/14	United States .....		821.01						821.01
Hon. Sam Gibbons .....	5/10	5/14	United States .....		821.01						821.01
Hon. Amo Houghton (Co-Chair) .....	5/10	5/14	United States .....		821.01						821.01
Hon. Harry Johnston .....	5/10	5/14	United States .....		821.01						821.01
Hon. James Oberstar .....	5/10	5/14	United States .....		821.01						821.01
Hon. Collin Peterson .....	5/10	5/14	United States .....		821.01						821.01
Hon. Robert Underwood .....	5/10	5/14	United States .....		821.01						821.01
Hon. Fred Upton .....	5/10	5/14	United States .....		821.01						821.01
Tracy Hart .....	5/10	5/14	United States .....		821.01						821.01
Ken Nelson .....	5/10	5/14	United States .....		821.01						821.01
Frank Record .....	5/10	5/14	United States .....		821.01						821.01
Bob Van Wicklin .....	5/10	5/14	United States .....		821.01						821.01
Delegation Expenses:											
Miscellaneous .....									4,055.74		4,055.74

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CANADA-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Representational .....											15,697.11
Committee total .....					11,494.07		( <sup>3</sup> )				19,752.85

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
<sup>3</sup> Military air transportation.

AMO HOUGHTON, Apr. 4, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH-AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Delegation Expenses:											
Transportation—Ground .....											3,618.65
Representational .....											31,642.12
Committee total .....											35,260.77

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, Mar. 20, 1997

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2931. A letter from the Administrator, Agricultural Market Service, transmitting the Service's final rule—Egg, Poultry, and Rabbit Grading Increase in Fees and Charges [Docket No. PY-97-001] received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2932. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2933. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's interim report pursuant to section 1234 of the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

2934. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's report pursuant to section 1233 of the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

2935. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the U.S. participation in an increase in authorized capital stock of the European Bank for Reconstruction and Development, and to authorize appropriations to pay for the increase in the U.S. subscription; to the Committee on Banking and Financial Services.

2936. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's "Major" final rule—Interim Rules for Health Insurance Portability for Group Health Plans (Pension and Welfare Benefits Administration) (RIN: 1210-AA54) received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2937. A letter from the Nuclear Waste Technical Review Board, transmitting the Board's report entitled "Report to the U.S. Congress and the Secretary of Energy—1996

Finding and Recommendations," pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

2938. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report on the practice of preferencing, pursuant to section 510(c) of the National Securities Markets Improvement Act of 1996; to the Committee on Commerce.

2939. A letter from the President, Inter-American Foundation, transmitting the fiscal year 1996 audited financial statements, pursuant to 22 U.S.C. 283j-1(c); to the Committee on International Relations.

2940. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the Commission's annual report, 1997, pursuant to 16 U.S.C. 469j(h); to the Committee on International Relations.

2941. A letter from the Secretary of Defense, transmitting the Department's report pursuant to section 1432 of the National Defense Authorization Act for fiscal year 1997; to the Committee on International Relations.

2942. A letter from the Attorney General of the United States, transmitting the Federal Prison Industries, Inc. annual management report for fiscal year 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

2943. 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 [I.D. 97-009] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2944. 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 Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 041197C] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2945. 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 Ocean Perch in the Aleutian Islands Subarea [Docket No. 961107312-7021-02; I.D. 041197B] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2946. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery [Docket No. 960614176-7081-02; I.D. 030797A] (RIN: 0648-A119) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2947. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Establishment of Pre-enrolled Access Lane (PAL) Program at Immigration and Naturalization Service Checkpoints [INS No. 1830-97] (RIN: 1115-AE80) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2948. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions (Research and Special Programs Administration) [Docket No. HM-215B; Amtd. Nos. 171-153, 172-152, 173-261, 175-86, 176-43, 178-119] (RIN: 2137-AC82) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2949. A letter from the Chairman, Inter-agency Coordinating Committee on Oil Pollution Research, U.S. Coast Guard, transmitting the Department's oil pollution research and technology plan, pursuant to Public Law 101-380, section 7001(b)(2)(B) (104 Stat. 560); to the Committee on Science.

2950. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's "Major" final rule—Interim Rules for Health Insurance Portability for Group Health Plans [TD 8716] (RIN: 1545-AV05) received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2951. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Organizations Organized and Operated for Religious, Charitable, Scientific, Testing for Public Safety, Literary or Educational Purposes, or for the Prevention of Cruelty to Children or Animals [Rev. Rul. 97-21] received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2952. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Method of Valuing Farm Real Property [Rev. Rul. 97-13] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2953. 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. 97-19] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2954. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors and Disability Insurance; Report of Earnings under the Social Security Earnings Test [Regulations No. 4] (RIN: 0960-AE44) received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2955. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education (RIN: 0790-AG42) received April 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on National Security and Appropriations.

2956. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation to amend the Panama Canal Act of 1979, and for other purposes; jointly, to the Committees on National Security, Government Reform and Oversight, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Pursuant to the order of the House on April 21, 1997 the following report was filed on April 22, 1997]*

Mr. SENSENBRENNER: Committee on Science. H.R. 1278. A bill to authorize appropriations for the activities of the National Oceanic and Atmospheric Administration for fiscal years 1998 and 1999, and for other purposes; with an amendment (Rept. 105-66 Pt. 1). Ordered to be printed.

*[Submitted April 23, 1997]*

Mr. YOUNG of Alaska: Committee on Resources. H.R. 449. A bill to provide for the orderly disposal of certain Federal lands in Clark County, NV, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada; with an amendment (Rept. 105-68). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 8. Resolution expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems; with amendments (Rept. 105-69). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 125. Resolution providing for con-

sideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes (Rept. 105-70). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 126. Resolution providing for consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes (Rept. 105-71). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 127. Resolution providing for consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes (Rept. 105-72). Referred to the House Calendar.

Mr. MCINNIS: Committee on Rules. House Resolution 128. Resolution providing for consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes (Rept. 105-73). Referred to the House Calendar.

#### REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

*[Pursuant to the order of the House on April 21, 1997 the following report was filed on April 22, 1997]*

Mr. SENSENBRENNER: Committee on Science. H.R. 1277. A bill to authorize appropriations for fiscal year 1998 and fiscal year 1999 for the civilian research, development, demonstration, and commercial application activities of the Department of Energy, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than June 6, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 105-67, Pt. 1). Ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

*[The following action occurred on April 22, 1997]*

H.R. 1278. Referral to the Committee on Resources extended for a period ending not later than June 20, 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. STUMP (for himself and Mr. EVANS) (both by request):

H.R. 1406. A bill to provide that the Disabled American Veterans corporation may sue or be sued in the Federal courts; to the Committee on the Judiciary.

By Mr. STUMP (for himself, Mr. SPENCE, Mr. DAVIS of Virginia, Mr. FARR of California, Mr. RIGGS, Mr. GOODE, and Mr. HILL):

H.R. 1407. A bill to amend title 10, United States Code, to provide that the decoration known as the Purple Heart may only be

awarded to members of the Armed Forces, and for other purposes; to the Committee on National Security.

By Mr. STUMP (for himself and Mr. EVANS):

H.R. 1408. A bill to amend the Internal Revenue Code of 1986 to provide that the statute of limitations shall not bar a claim for credit or refund based on a retroactive determination of an entitlement to receive military disability benefits; to the Committee on Ways and Means.

H.R. 1409. A bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from gross income for veterans' benefits; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. SOLOMON, Mr. LATOURETTE, Mr. BACHUS, Mr. NEY, Mr. EHRLICH, Mr. SESSIONS, Mr. JONES, Mrs. CHENOWETH, Mr. FOX of Pennsylvania, Mr. COBLE, Mr. CHABOT, Mr. GRAHAM, Mr. GUTKNECHT, and Mr. CHAMBLISS):

H.R. 1410. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. BURR of North Carolina (for himself, Mr. GREENWOOD, Mr. BARTON of Texas, Mr. KLUG, Mr. COBURN, and Mr. DEAL of Georgia):

H.R. 1411. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biological products, and for other purposes; to the Committee on Commerce.

By Mr. DUNCAN:

H.R. 1412. A bill to amend the Internal Revenue Code of 1986 to require that envelopes provided by the Internal Revenue Service with the instructions for filing income tax returns be postage paid envelopes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. PAYNE, Mr. PAPPAS, Mr. ROTHMAN, and Mr. PASCRELL):

H.R. 1413. A bill to provide for expanded research concerning the environmental and genetic susceptibilities for breast cancer; to the Committee on Commerce, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself and Mr. HINCHEY):

H.R. 1414. A bill to recognize the organization known as the Ukrainian-American Veterans, Inc.; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself, Mr. BACHUS, Mr. BAKER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BROWN of Ohio, Mr. CANADY of Florida, Mr. CHAMBLISS, Mr. COBLE, Mr. COBURN, Mr. COMBEST, Mr. COOKSEY, Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFazio, Mr. DICKEY, Mr. DUNCAN, Mr. FILNER, Mr. FOLEY, Mr. FOX of Pennsylvania, Mr. FROST, Mr. GILMAN, Mr. GRAHAM, Mr. HALL of Ohio, Mr. HILLEARY, Mr. HILLIARD, Mr. HINCHEY, Mr. JENKINS, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KIND of Wisconsin, Mr. LAHOOD, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mrs. MALONEY of New York, Mr. MCHALE, Mr. MCHUGH, Mrs. MORELLA, Mrs. MYRICK, Mr. NETHERCUTT, Mr.

PALLONE, Mr. PICKERING, Mr. RANGEL, Mr. RIGGS, Mrs. ROUKEMA, Mr. SANDERS, Mr. SCARBOROUGH, Mr. SENBRENNER, Mr. SHADEGG, Mr. SOLOMON, Mr. SPENCE, Mr. STRICKLAND, Mr. TOWNS, Mr. WALSH, Mr. WICKER, Mr. WISE, Ms. WOOLSEY, Mr. WEYGAND, Mr. CHRISTENSEN, Mr. COLLINS, and Mr. WAMP):

H.R. 1415. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 1416. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 restricting welfare and public benefits for aliens to provide an exception to limited eligibility for SSI and food stamps programs for permanent resident aliens who are applicants for naturalization; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, 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. KENNEDY of Massachusetts:

H.R. 1417. A bill to amend title 18, United States Code, to provide penalties for those who, under color of Government authority, teach or distribute materials encouraging the use of torture; to the Committee on the Judiciary.

By Mr. KING of New York (for himself,

Mrs. MCCARTHY of New York, Mr. LAZIO of New York, Mr. ACKERMAN, Mr. GILMAN, Mr. TOWNS, Mrs. KELLY, Mrs. LOWEY, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. FLAKE, Mr. NADLER, Mr. SERRANO, Mr. MANTON, Mr. SHAYS, Mr. McNULTY, Mr. SCHUMER, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. PASCRELL, Mr. RANGEL, and Mr. OWENS):

H.R. 1418. A bill to extend the transition period for aliens receiving supplemental security income or food stamp benefits as of August 22, 1996; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOLINARI (for herself, Mr.

GINGRICH, Mr. PAXON, Mr. BILBRAY, Mr. WALSH, Mr. FROST, Mr. FOX of Pennsylvania, Mr. GREENWOOD, Mr. EWING, Mrs. KELLY, Mr. DELAY, Mr. PETRI, Ms. PRYCE of Ohio, Mr. HASTERT, Mr. BURR of North Carolina, Mr. BRADY, Mr. SHAYS, Mr. SOLOMON, Mr. KING of New York, Mr. CRAPO, Mr. FRELINGHUYSEN, Mr. BURTON of Indiana, and Mr. COBURN):

H.R. 1419. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. SAXTON, Mr. TANNER, and Mr. CUNNINGHAM):

H.R. 1420. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Resources.

By Mr. NUSSLE (for himself and Mr. STARK):

H.R. 1421. A bill to amend title XVIII of the Social Security Act to apply standards to outpatient physical therapy provided as an incident to a physician's professional services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER:

H.R. 1422. A bill to amend the Federal Election Campaign Act of 1971 to encourage compliance with spending limits on elections for the House of Representatives and enhance the importance of individual contributions and contributions originating within congressional districts; to the Committee on House Oversight.

By Mr. ROEMER (for himself, Mr. GANSKE, Mr. SHAYS, Mr. MEEHAN, Mr. UPTON, Mr. YATES, Mr. RAMSTAD, Mrs. MALONEY of New York, Mr. OBERSTAR, Mr. CHRISTENSEN, Mrs. MYRICK, Mr. MINGE, Mr. KLUG, Mr. STARK, Mr. KILDEE, Mr. BEREUER, Ms. SLAUGHTER, Mr. BARRETT of Wisconsin, Mr. KIND of Wisconsin, Mr. DEFAZIO, Ms. RIVERS, Mr. CAMP, Mr. LAFALCE, Mr. SCHUMER, Ms. DANNER, Mr. LUTHER, Mr. KLECZKA, Mr. EVANS, Mr. VENTO, Mr. INGLIS of South Carolina, Mrs. ROUKEMA, Mrs. LOWEY, and Mr. LOBIONDO):

H.R. 1423. A bill to cancel the space station project; to the Committee on Science.

By Mr. SCHIFF (for himself and Mr. SKEEN):

H.R. 1424. A bill to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument, and for other purposes; to the Committee on Resources.

By Mr. SHAYS (for himself, Mrs. MALONEY of New York, Mr. BARRETT of Wisconsin, Mr. BLUMENAUER, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CONYERS, Mr. COSTELLO, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Ms. FURSE, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LIPINSKI, Mrs. LOWEY, Mr. MEEHAN, Mr. NADLER, Ms. NORTON, Ms. RIVERS, Mr. SANDERS, Mr. SMITH of New Jersey, and Mr. TOWNS):

H.R. 1425. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself and Mr. SAXTON):

H.R. 1426. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. WALSH (for himself, Mr. HALL of Ohio, Mr. HOUGHTON, Mr. OBERSTAR, Mr. BOEHLERT, Ms. SLAUGHTER, Mr. McDERMOTT, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mrs. MECK of Florida, Mr. BARRETT of Wisconsin, Mr. FILNER, Ms. PRYCE of Ohio, Ms. LOFGREN, Mr. GREEN, Mr.

JEFFERSON, Mr. TORRES, Mr. ABERCROMBIE, Mr. DAVIS of Illinois, Mr. ANDREWS, Mr. DELLUMS, Ms. RIVERS, Mr. LEVIN, Mr. MCGOVERN, Mr. BROWN of Ohio, Mrs. MALONEY of New York, Mr. NADLER, Mr. CAPPAS, Mr. LEWIS of Georgia, Mrs. TAUSCHER, Ms. DEGETTE, and Mr. YOUNG of Alaska)

H.R. 1427. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on International Relations.

By Mr. MOAKLEY (for himself, Mr. SOLOMON, Mr. ABERCROMBIE, Mr. OBEY, Mr. MURTHA, Mr. MCGOVERN, Ms. HARMAN, Mr. RAHALL, Mr. OBERSTAR, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. YOUNG of Alaska, Mr. CLEMENT, Mr. LIVINGSTON, Mr. BORSKI, and Mr. HUNTER):

H. Con. Res. 65. Concurrent resolution expressing the sense of the Congress that section 27 of the Merchant Marine Act, 1920, popularly known as the Jones Act, and related statutes are critically important components of our Nation's economic and military security and should be fully and strongly supported; to the Committee on National Security.

By Mr. LANTOS (for himself and Mr. PORTER):

H. Res. 124. Resolution expressing the sense of the Congress welcoming His Holiness the XIV Dalai Lama of Tibet to the United States; to the Committee on International Relations.

## MEMORIALS

Under clause 4 of rule XXII,

52. The SPEAKER presented a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 228 memorializing the Congress of the United States to enact legislation that would require Congress to cite the constitutional authority for all proposed laws; 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. 7: Mr. BURTON of Indiana, Mrs. CUBIN, Mr. COBLE, Mrs. EMERSON, Mr. LARGENT, Mr. HALL of Texas, and Mr. KLUG.

H.R. 58: Mr. HANSEN, Mr. COSTELLO, Mr. FORBES, Mr. MORAN of Virginia, Mr. JACKSON, Mr. HOBSON, and Mr. BLUNT.

H.R. 74: Mr. ROMERO-BARCELO, Mr. MCGOVERN, Mr. HINCHEY, and Mr. DAVIS of Illinois.  
H.R. 127: Mr. ENGEL, Mr. RUSH, and Mr. HINCHEY.

H.R. 202: Mrs. JOHNSON of Connecticut.

H.R. 209: Mr. RAMSTAD, Mr. ACKERMAN, Mr. SANDERS, Mrs. KELLY, Mr. TOWNS, and Mr. RANGEL.

H.R. 216: Ms. CHRISTIAN-GREEN.

H.R. 228: Mr. METCALF.

H.R. 235: Mr. FROST, Mr. LANTOS, Mr. MEEHAN, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. LAMPSON, and Mr. FILNER.

H.R. 279: Ms. WOOLSEY, Mr. KIND of Wisconsin, Mr. JOHN, Mr. SPRATT, Mr. LOBIONDO, Mr. BOEHLERT, and Mr. GOODE.

H.R. 292: Mr. SANFORD.

H.R. 347: Mr. SPENCE.

H.R. 399: Mr. KIND of Wisconsin and Mr. MCINTOSH.

H.R. 407: Mr. DOOLITTLE, Mr. MILLER of California, Ms. CHRISTIAN-GREEN, Mr. CAMP, Mr. WELLER, Mr. MEEHAN, Mr. ROMERO-BARCELO, Mr. MINGE, Mr. CALLAHAN, Mr.

DEUTSCH, Mr. BALDACCI, Mr. FORD, Ms. MCKINNEY, Mr. RANGEL, and Mr. BURR of North Carolina.

H.R. 409: Mr. HOLDEN, Mr. DAVIS of Virginia, Mr. YOUNG of Alaska, Mr. FROST, Mr. McNULTY, Mr. ACKERMAN, Mr. WHITFIELD, Mrs. THURMAN, Mrs. CUBIN, Ms. KAPTUR, Mr. KLUG, Mr. BACHUS, Mr. BILIRAKIS, Mr. CALVERT, Mr. NORWOOD, Mr. MCINNIS, Mr. BARRETT of Nebraska, Mr. UNDERWOOD, Mr. WOLF, Mrs. MYRICK, Mr. KENNEDY of Rhode Island, and Mr. NEY.

H.R. 418: Ms. DEGETTE.

H.R. 444: Ms. PELOSI and Mr. WEXLER.

H.R. 446: Mr. RIGGS and Mr. CRAMER.

H.R. 476: Mr. RUSH, Ms. MILLENDER-McDONALD, and Ms. BROWN of Florida.

H.R. 500: Mr. DOOLEY of California, Mr. MENENDEZ, Mr. BROWN of California, and Mr. KENNEDY of Massachusetts.

H.R. 511: Mr. RADANOVICH and Mr. HOBSON.

H.R. 512: Mr. RADANOVICH.

H.R. 521: Mr. MORAN of Virginia and Mr. DELLUMS.

H.R. 526: Mr. SKEEN.

H.R. 551: Mr. CUMMINGS.

H.R. 552: Mr. PASCARELL and Mr. CAPPAS.

H.R. 577: Mr. HINCHEY.

H.R. 598: Mr. NEY.

H.R. 612: Mr. DEFazio, Mr. BENTSEN, Mr. CUMMINGS, Mr. WYNN, and Mr. NADLER.

H.R. 619: Mr. ACKERMAN, Mr. MORAN of Virginia, and Mrs. NORTHP.

H.R. 621: Mr. DELLUMS, Ms. NORTON, Mr. KUCINICH, Mr. LEWIS of Georgia, and Mr. OLVER.

H.R. 630: Ms. HARMAN.

H.R. 641: Mr. SHIMKUS.

H.R. 656: Mr. EVERETT.

H.R. 659: Mr. HOBSON, Mr. NETHERCUTT, Mr. GREENWOOD, Mr. PAXON, and Mr. HILLEARY.

H.R. 664: Mr. NEAL of Massachusetts.

H.R. 684: MCDERMOTT.

H.R. 707: Mr. McNULTY.

H.R. 716: Mr. WELDON of Florida, Mr. FORBES, and Mr. JOHN.

H.R. 726: Mr. BROWN of California, Mr. DAVIS of Illinois, Mr. FILNER, and Mr. PAYNE.

H.R. 755: Mr. CONDIT.

H.R. 769: Mr. CAMPBELL.

H.R. 770: Mr. CAMPBELL.

H.R. 771: Mr. CAMPBELL.

H.R. 778: Mr. EVANS.

H.R. 779: Mr. EVANS.

H.R. 780: Mr. EVANS.

H.R. 789: Mr. RAMSTAD, Mr. KIND of Wisconsin, and Mr. SPENCE.

H.R. 802: Mr. GRAHAM.

H.R. 810: Mr. LIPINSKI.

H.R. 815: Mr. RUSH, Mr. PALLONE, Mr. COOK, Ms. ESHOO, and Mr. CRAMER.

H.R. 836: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BORSKI, Mr. CLAY, Mr. CUNNINGHAM, Mr. DOOLEY of California, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FAZIO of California, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HINCHEY, Mr. LANTOS, Ms. LOFGREN, Mr. MANTON, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MENENDEZ, Ms. MILLENDER-McDONALD, Mrs. MINK of Hawaii, Mr. OWENS, Ms. PELOSI, Ms. RIVERS, Mr. SCOTT, Mr. STUPAK, Mr. THOMPSON, Mr. TORRES, Mr. UNDERWOOD, Ms. WATERS, and Mr. MILLER of California.

H.R. 873: Mr. HOLDEN.

H.R. 875: Mr. FOGLIETTA.

H.R. 880: Mr. TALENT, Mr. BACHUS, Mr. BATEMAN, Mr. MCINNIS, and Mr. RILEY.

H.R. 897: Mr. LEWIS of Georgia.

H.R. 901: Mr. BOB SCHAFFER, Mr. MORAN of Kansas, Mr. BURTON of Indiana, Mr. CRAMER, Mr. NEY, and Mr. SMITH of New Jersey.

H.R. 911: Mr. SHIMKUS, Mr. CRAMER, Mr. CAMP, Mr. SOUDER, Mr. DOOLEY of California, Mr. CONDIT, and Mr. BONIOR.

H.R. 920: Mrs. THURMAN.

H.R. 925: Ms. RIVERS.

H.R. 931: Mrs. JOHNSON of Connecticut, Mrs. TAUSCHER, Mrs. MORELLA, Ms. HARMAN, and Mr. MEEHAN.

H.R. 956: Mr. RUSH, Mr. TOWNS, Mr. CANADY of Florida, and Mr. KASICH.

H.R. 957: Mr. TAYLOR of Mississippi.

H.R. 965: Mr. DAN SCHAEFER of Colorado, Mr. CALVERT, and Mr. DICKEY.

H.R. 971: Mr. HOBSON and Mr. MCGOVERN.

H.R. 977: Mr. SHIMKUS, Mr. REGULA, Mr. POMBO, Mr. PICKETT, Mr. BATEMAN, and Mr. STOKES.

H.R. 978: Mr. YATES, Mr. POSHARD, Mr. TAYLOR of Mississippi, and Mr. FOLEY.

H.R. 979: Mr. LIPINSKI, Mr. BALDACCI, Mr. MCINTYRE, Mr. DOOLEY of California, Mr. DELLUMS, and Mr. CLYBURN.

H.R. 983: Mr. WATT of North Carolina and Mr. YATES.

H.R. 991: Mr. JOHNSON of Wisconsin.

H.R. 1002: Mr. CANADY of Florida, Mr. DIXON, Ms. WOOLSEY, Mr. HOUGHTON, Mr. FAZIO of California, Mr. LEACH, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. OLVER, and Mr. DELLUMS.

H.R. 1005: Mr. SALMON.

H.R. 1010: Mr. ROYCE, Mr. LOBIONDO, Mr. NEY, and Mr. STUMP.

H.R. 1016: Mr. TOWNS and Mr. BROWN of California.

H.R. 1026: Mr. CUNNINGHAM, Mr. HORN, Mr. MCCOLLUM, Mr. SOUDER, and Mr. METCALF.

H.R. 1046: Mr. FORD.

H.R. 1047: Mr. ACKERMAN, Mr. BERMAN, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mrs. CLAYTON, Ms. FURSE, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. ROTHMAN, and Mr. VENTO.

H.R. 1053: Mr. CAMPBELL, Mr. SUNUNU, and Mr. SISISKY.

H.R. 1072: Ms. JACKSON-LEE, Mr. RANGEL, Mrs. LOWEY, and Ms. SLAUGHTER.

H.R. 1080: Mr. PAPPAS and Mr. PASCARELL.

H.R. 1107: Mr. ROTHMAN.

H.R. 1108: Mr. CAMPBELL, Mrs. MYRICK, and Mr. BAKER.

H.R. 1126: Mr. RUSH.

H.R. 1130: Mr. JACKSON, Mr. KANJORSKI, Mr. YATES, and Mr. SANDERS.

H.R. 1134: Ms. MCCARTHY of Missouri.

H.R. 1151: Mr. ROTHMAN, Ms. ESHOO, Mr. BONIOR, Mrs. MINK of Hawaii, Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. LIPINSKI, Mr. GONZALEZ, Ms. NORTON, Mr. LEWIS of Georgia, Mr. STUPAK, Mr. WELDON of Pennsylvania, Mr. SABO, Mrs. KENNELLY of Connecticut, Mr. GIBBONS, Mr. STARK, Mr. TOWNS, Mr. BOEHLERT, and Mr. DELLUMS.

H.R. 1159: Mr. SABO.

H.R. 1161: Mr. CUNNINGHAM, Mr. MCHALE, Mr. FILNER, Mr. BLUMENAUER, Mr. MANTON, Mr. BURR of North Carolina, and Mr. SHIMKUS.

H.R. 1245: Mr. DELLUMS, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. RANGEL, and Mr. TOWNS.

H.R. 1246: Ms. DELAURO and Mr. RANGEL.

H.R. 1251: Mr. GILCHREST.

H.R. 1252: Mr. RIGGS.

H.R. 1260: Mr. ANDREWS, Mr. BENTSEN, Mr. BERRY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DICKS, Mr. DOYLE, Mr. ENSIGN, Mr. GEJDENSON, Mr. HAYWORTH, Mr. HOBSON, Ms. HOOLEY of Oregon, Mrs. KELLY, Mr. LEWIS of California, Mr. MARKEY, Mr. MCGOVERN, Ms. MILLENDER-McDONALD, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. PORTMAN, Mr. ROEMER, Mr. RUSH, Mr. SAWYER, Mr. SCHUMER, Mrs. SLAUGHTER, Mr. SNYDER, Mr. STARK, Mr. STUPAK, Mr. TIERNEY, Mr. WEXLER, and Mr. WEYGAND.

H.R. 1270: Mr. MICA, Mr. SISISKY, Mr. WICKER, Mrs. CUBIN, Mr. LOBIONDO, Mr. SPENCE, Mr. WELDON of Florida, Mr. PICKETT, Mr. BOUCHER, and Mr. SCARBOROUGH.

H.R. 1276: Mr. BROWN of California, Ms. JACKSON-LEE, and Mr. EHLERS.

H.R. 1277: Mr. BROWN of California, Ms. JACKSON-LEE, and Mr. FOLEY.

H.R. 1278: Mr. BROWN of California, Ms. JACKSON-LEE, Mr. FOLEY, and Mr. EHLERS.

H.R. 1302: Mr. ENGEL, Ms. STABENOW, Mr. JACKSON, Mr. KIND of Wisconsin, and Mr. RANGEL.

H.R. 1320: Mr. CAMPBELL.

H.R. 1323: Mr. VENTO.

H.R. 1330: Mr. POSHARD, Mrs. EMERSON, Mrs. MALONEY of New York, and Mr. NEY.

H.R. 1332: Mr. OWENS, Ms. WATERS, and Mr. ACKERMAN.

H.R. 1350: Mr. ENSIGN, Mr. THOMAS, and Mr. BLILEY.

H.R. 1360: Mr. KING of New York, Mr. FROST, Mr. DELLUMS, Mr. HINOJOSA, Mr. WAXMAN, Mr. BERMAN, and Mr. ACKERMAN.

H.R. 1371: Mr. HILL.

H.R. 1373: Mr. GEPHARDT.

H.R. 1375: Mr. RANGEL, Mr. FAWELL, and Mr. OWENS.

H.R. 1383: Mr. BERMAN, Mrs. CLAYTON, Mr. DELLUMS, Mr. DEFazio, Mr. KIND of Wisconsin, and Mr. LAFALCE.

H.R. 1398: Mr. CAMP and Mr. RILEY.

H.R. 1401: Mr. BONO.

H.J. Res. 37: Mr. STUMP.

H.J. Res. 65: Mr. ENGEL, Ms. STABENOW, and Mr. KUCINICH.

H.J. Res. 67: Mr. EHRlich, Mr. HUTCHINSON, Mr. CALLAHAN, and Mr. SPENCE.

H. Con. Res. 10: Mr. HYDE, Mr. POSHARD, and Mrs. KELLY.

H. Con. Res. 13: Mr. PASTOR, Mr. JOHNSON of Wisconsin, and Mr. NETHERCUTT.

H. Con. Res. 49: Mr. WYNN, Mrs. MORELLA, Mr. MORAN of Virginia, Ms. NORTON, and Mr. WOLF.

H. Con. Res. 52: Mr. POMEROY, Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. ALLEN.

H. Con. Res. 55: Mr. ROGERS, Mr. McNULTY, Mr. MILLER of Rhode Island, Mr. ENSIGN, Mr. MCKEON, Mrs. KENNELLY of Connecticut, Mr. MANTON, Mr. SHERMAN, Mrs. KELLY, Ms. ESHOO, Mr. OLIVER, Mr. DELLUMS, Mr. KENNEDY of Massachusetts, and Mr. FILNER.

H. Res. 53: Mr. DELLUMS, Mr. FALEOMAVAEGA, and Mr. LIPINSKI.

H. Res. 103: Mr. HAMILTON and Mr. COX of California.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1031: Mr. KUCINICH.

H.R. 1062: Mr. GIBBONS.

## AMENDMENTS

Under clause 6 of the rule XXIII, proposed amendments were submitted as follows:

H.R. 1271,

OFFERED BY: Ms. JACKSON-LEE

AMENDMENT No. 1: Page 5, line 11, after "institutions" insert ", including Historical Black Colleges and Universities,".

H.R. 1271,

OFFERED BY: Ms. JACKSON-LEE

(Striking Section 3)

AMENDMENT No. 2: Page 3, strike line 15 and all that follows through line 10 on page 4 and redesignate sections 4 through 9 as sections 3 through 8, respectively.

H.R. 1271,

OFFERED BY: Ms. JACKSON-LEE

(Striking Section 6(a))

AMENDMENT No. 3: Page 7, strike lines 8 through 17 and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

H.R. 1271,

OFFERED BY: MS. JACKSON-LEE

(Striking Section 6(b))

AMENDMENT No. 4: Page 7, strike lines 18 through 24 and redesignate subsection (c) as subsection (b).

H.R. 1273,

OFFERED BY: MR. COBURN

AMENDMENT No. 1: Page 6, after line 11, insert the following new section:

**SEC. 104. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.**

No funds appropriated pursuant to this Act shall be used for the United States Man and Biosphere Program, or related projects.

H.R. 1273,

OFFERED BY: MS. JACKSON-LEE

AMENDMENT No. 2: Page 20, insert after line 18 the following:

**SEC. 213. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.**

The Director, in consultation with the Administrator of General Services, shall establish a directory of all laboratories of the Federal Government and research programs funded by the Federal Government which have surplus equipment which may be donated to elementary and secondary education schools to enhance their science and mathematics programs and shall take such action as may be appropriate to enable the donation of such equipment.

H.R. 1275,

OFFERED BY: MS. JACKSON-LEE

AMENDMENT No. 1: Page 75, after line 12, insert the following new section:

**SEC. 323. TREATMENT OF EMPLOYEES IN CASE OF LAPSE OF APPROPRIATIONS.**

In any case in which the Congress fails to make appropriations for the National Aeronautics and Space Administration for a fiscal year in advance of the fiscal year, every employee of the National Aeronautics and Space Administration shall be considered as essential, and no such employee shall be furloughed or cease to be paid for any period of time as an employee of the National Aeronautics and Space Administration as a result of the failure by Congress to make appropriations in advance of the fiscal year.

Page 3, in the table of contents, after the item relating to section 322, insert the following:

“Sec. 323. Treatment of employees in case of lapse of appropriations.”.

H.R. 1275,

OFFERED BY: MS. JACKSON-LEE

AMENDMENT No. 2: Page 31, strike lines 8 through 12 and insert the following:

**SEC. 129. INTERNATIONAL SPACE UNIVERSITY.**

Funds appropriated pursuant to this Act may be used by the National Aeronautics

and Space Administration to pay the tuition expenses of any National Aeronautics and Space Administration employee attending programs of the International Space University held in the United States. The National Aeronautics and Space Administration shall obtain all tuition costs for employees attending programs of the International Space University outside of the United States from the International Space University.

H.R. 1275,

OFFERED BY: MS. JACKSON-LEE

AMENDMENT No. 3:

Page 17, line 22, strike “\$102,200,000” and insert “\$110,300,000”.

Page 18, line 4, strike “\$46,700,000” and insert “\$54,800,000”.

Page 18, line 8, strike “\$108,000,000” and insert “\$116,100,000”.

Page 18, line 9, strike “\$51,700,000” and insert “\$59,800,000”.

H.R. 1275,

OFFERED BY: MR. ROEMER

AMENDMENT No. 4: Page 40, after line 3, insert the following new section:

**SEC. 206. CANCELLATION OF RUSSIAN PARTNERSHIP.**

Not later than 90 days after the date of the enactment of this Act, the Administrator shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis as provided in section 202. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

Page 2, in the table of contents, after the item relating to section 205, insert the following:

“Sec. 206. Cancellation of Russian partnership.”.

H.R. 1275,

OFFERED BY: MR. ROEMER

AMENDMENT No. 5: Page 9, line 12, through page 10, line 6, amend paragraph (1) to read as follows:

(1) For the Space Station, for expenses necessary to terminate the program, for fiscal year 1998, \$500,000,000.

Page 13, line 9, strike “308(a)” and insert in lieu thereof “208(a)”.

Page 14, line 3, strike “308(a)” and insert in lieu thereof “208(a)”.

Page 21, line 6, strike “\$13,881,800,000” and insert in lieu thereof “\$12,260,500,000”.

Page 21, line 7, strike “\$13,925,800,000” and insert in lieu thereof “\$11,816,600,000”.

Page 21, line 18, strike “303” and insert in lieu thereof “203”.

Page 23, line 21, strike “(1) through (4)” and insert in lieu thereof “(2) through (4)”.

Page 30, line 6, strike “308(a)” and insert in lieu thereof “208(a)”.

Page 31, lines 13 through 18, strike section 130.

Page 31, line 19, through page 40, line 3, strike title II.

Page 40, line 4, redesignate title III as title II.

Page 40, line 6, through page 74, line 17, redesignate sections 301 through 322 as sections 201 through 222, respectively.

Page 2, in the table of contents, strike the item relating to section 130.

Page 2, in the table of contents, strike the items relating to title II.

Page 3, in the table of contents, redesignate title III and sections 301 through 322, as title II and sections 201 through 222, respectively.

H.R. 1275,

OFFERED BY: MR. ROHRBACHER

AMENDMENT No. 6: Page 31, lines 13 through 18, strike section 130.

Page 2, in the table of contents, strike the item relating to section 130.

Page 62, lines 11 and 12, strike “moon and the planets” and insert “moon, asteroids, planets and their moons, and comets”.

Page 75, after line 12, insert the following new section:

**SEC. 323. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.**

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking “transsonic and supersonic” and inserting in lieu thereof “transsonic, supersonic, and hypersonic”; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking “laboratories” in subsection (a) and inserting in lieu thereof “laboratories and centers”;

(B) by striking “supersonic” in subsection (a) and inserting in lieu thereof “transsonic, supersonic, and hypersonic”; and

(C) by striking “laboratory” in subsection (c) and inserting in lieu thereof “facility”.

Page 3, in the table of contents, after the item relating to section 322, insert the following:

“Sec. 323. Unitary Wind Tunnel Plan Act of 1949 amendments.”.