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House of Representatives

The House met at 9 a.m.

The Reverend Bruce Mackenzie, First Congregational Church, Boulder, CO, offered the following prayer:

Oh God of a thousand names and faces, give light to our minds and hearts, fill our inmost depths with Your healing presence, wash what is soiled, heal what is painful, bend what is rigid, and lead us to fullness of life.

Today we offer special gratitude for our Nation: for its freedoms that allow each of us to express our faith in varieties of ways and yet encourages respect for those who express their faith in different ways, and for its continuing concern for our whole Earth and the sharing with equity the resources of the world.

Oh God with the vision of Your future, break us open to new ways of loving and caring for all Your children, so that Your kingdom may come on Earth. Amen.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will note that today is the Chaplain's birthday and everyone in the House should offer him a happy birthday.

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 Florida [Mr. DIAZ-BALART] come forward and lead the House in the Pledge of Allegiance.

Mr. DIAZ-BALART 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches from each side.

WELCOMING THE REVEREND BRUCE MACKENZIE, GUEST CHAPLAIN

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

Mr. SKAGGS. Mr. Speaker, it is my personal privilege and honor to welcome this morning to the House of Representatives my pastor from Boulder, CO, the Reverend Bruce Mackenzie who just delivered the opening prayer. He is the senior minister at the First Congregational Church in Boulder. He is my pastor and my friend; he married me and my wife Laura some years ago. He has led our congregation in Boulder, CO now for 27 years and will be retiring from that post next month, leaving a grateful, if grieving, congregation.

He certainly exemplifies the kind of inspirational leadership that we wish for in our religious as well as our civic life. His entire congregation shares in this honor this morning and wishes him well in his retirement. We have all been the beneficiaries of his caring and joyful leadership.

A WARNING TO JAILERS OF CUBAN PRISONERS: THEY CAN RUN BUT THEY CANNOT HIDE

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

Mr. DIAZ-BALART. Madam Speaker, the Cuban tyrant is engaged in a Stalinist crackdown which is pretty typical of him, but it is nevertheless extraordinarily brutal. I have at this point six pages in my hands of names of opposition leaders and independent press people who have been arrested in the last 4 months alone, renowned leaders such as Vladimiro Roca, Marta Beatriz Roque, Felix Bonne Carcasses, and Rene Gomez Manzano have been arrested; youth leaders such as Nestor Rodriguez Lobaina, Heriberto Leyva Rodriguez, and Rafael Fonseca Ochsa.

As I say, I have six pages and they are growing the list by the day.

I just want to send a word to the jailers of these prisoners. To each of them who go so far as to lay a hand on any political prisoner in Cuba, take note: It does not matter how long it takes, it does not matter how many times they say that they are following orders, it does not matter where they go, the Cuban people will make certain that they will be found, and they will be taken to justice.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1585. An act to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps, and for other purposes.

TAX RELIEF FOR THE WEALTHY CONTRIBUTORS WHO HELPED THE REPUBLICANS WIN CONTROL OF CONGRESS

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

Mr. PALLONE. Madam Speaker, Republicans have manipulated their tax bill to deliver as many tax breaks to the wealthy as possible, a new analysis

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shows. The Treasury Department this week released an analysis demonstrating that Republican tax breaks for the wealthy explode in cost in the outyears, posing a serious threat to the balanced budget which Republicans pretend to care so much about. The Treasury analysis found that the GOP tax package doubles in cost in the second 10 years to a staggering $790 billion, with nearly three-quarters of the tax cuts going to the wealthy.

It is time, Madam Speaker, for Republicans in Congress to come clean with the American people about their priorities and admit that their plan delivers tax relief not to the hard-working middle-income families who deserve it, but to the wealthy contributors who helped them win control of this Congress.

LONGSTANDING CAMPAIGN DEBTS REASON FOR MISTRUST OF MEMBERS OF CONGRESS

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

Mr. COBLE. Madam Speaker, it has recently been reported that a former Presidential candidate still has a campaign debt that was incurred in the 1980's, years ago.

At the conclusion of my first campaign for a seat in the Congress, I was saddled with a campaign debt. I promptly borrowed money and paid those to whom my campaign was indebted. To have done less, Madam Speaker, would have been inexcusable and without defense. Responsible people simply do not casually ignore debts.

Campaign reform is consistently discussed on Capitol Hill. Perhaps the time has come to direct attention to the propriety of paying off campaign debts rather than ignoring them.

Frequently we ask incredulously why the American people do not trust Members of Congress. Longstanding campaign debts that remain unpaid and ignored is one glaring reason.

ALBANIA COULD BECOME THE NEXT BOSNIA

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

Mr. TRAFICANT. Madam Speaker, the former Yugoslav Republic of Macedonia is in turmoil. A new law limits the flying of the Albanian national flag. Infuriated Albanians gathered by the thousands in protest. In Macedonia police opened fire on their crowds, killing 4, wounding 70, and they have locked up 400 Albanians that have yet to be accounted for. Macedonia's actions are a clear violation of international law, and after all this the State Department has turned and looked the other way.

Shame on the State Department.

Albanians are being systematically persecuted. Albanians are subject to the next possible killing fields of the world. Madam Speaker, Albania needs help. Albania could become the next Bosnia.

The State Department should do its job, and I urge Congress to pass House Concurrent Resolution 36 sponsored by the gentleman from New York [Mr. GILMAN].

STOP TWISTING THE TRUTH ABOUT TAX RELIEF

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

Mr. GUTKNECHT. Madam Speaker, David Gergen writing in this week's U.S. News & World Report says, and I quote, and David Gergen is a former Clinton administration adviser, he says it is time for the left to stop twisting the truth about tax relief.

Why is that important and why do we agree? And let me explain, because seniors in my district are starting to become confused because our liberal friends are talking about this imputed income scheme where we can take people with one income level and impute their income up to a different level.

Let me give my colleagues an example of a couple in my district. Their real income is $8,700 a year, but their home is paid for; of course they could rent that home out. They also have accrued value and some pension plans and other things, but they are living on $8,700 a year. Using the imputed income scheme of the Democrats we can take their income up to about $40,000 a year. So the question they have is if the Democrat tax plan passes, will they pay taxes on $40,000 a year or will they pay on $8,700 a year?

Madam Speaker, there is a big difference. Seniors are confused. We owe them the truth. I hope that we can pass our plan.

CAUSAL CONNECTION BETWEEN NO ACTION ON CAMPAIGN FINANCE REFORM AND FAST ACTION ON TAX BREAKS FOR THE WEALTHY

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

Mr. FARR of California. Madam Speaker, I rise today to point out something that I think is pretty obvious around here, and that is the President was here earlier this year asking that this House deliver a campaign finance reform bill to him by July 4. We did not do it. We have had no hearings, we have had no votes, we have had no discussion; we have had a lot of effort to try to get a campaign bill on the floor.

Yet at the same time the tax bill, which gives incredible breaks to very wealthy people, moves through here like a knife through butter. Why is that? Why do we not move for campaign reform for the people but we can move very quickly for tax breaks for the rich? I think there is a causal connection.

Madam Speaker, just wait and see this next election period why we have not passed campaign reform under the Republican leadership and why there are big tax breaks for the rich under the Republican leadership.

THOSE WHO PAY 80 PERCENT OF THE TAX BURDEN SHOULD GET SOME TAX RELIEF

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

Mr. HEFLEY. Madam Speaker, when was the last time that we heard a liberal talk about who pays what share of the tax burden?

Now let us think about that for just a minute. I am very curious to know if anyone can think of a single instance in the past 84 years where a liberal Democrat has talked about who pays what share of the tax burden.

According to the IRS, and C-SPAN viewers can check these figures for themselves, the top 1 percent of income earners in this country pay 29 percent of the income taxes. Again, the top 1 percent pay 29 percent of the income tax burden.

How about this one? The top 25 percent of income earners pay 80 percent of the income taxes.

Madam Speaker, I leave it to my colleagues to decide. Are the wealthiest Americans paying their share? And do my colleagues think that maybe those who pay 80 percent of the tax burden ought to get some of the tax relief? My colleagues should decide.

□ 0915

WORKING AMERICANS DESERVE THE CHILD TAX CREDIT

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

Mr. STUPAK. Madam Speaker, the other day I talked to a hard-working woman in my district. Sue has two children under the age of 18. Unfortunately, she is divorced and her ex-husband is not too reliable on his child support payments. Sue is a hard-working woman with a full-time job. She made $200 a week on her first job, and then got a better job that paid her $7 an hour, where she grosses $14,500 a year.

Every payday Sue pays her State taxes, Federal taxes, and her Social Security, FICA. When she filed her taxes, she received the earned income tax credit. She said the EITC helped her get caught up on her bills. It also in 1 year allowed her to buy tires so she could drive back and forth to work.

Sue has never received public assistance. Because Sue received the earned

income tax credit, and would receive the $500-per-child credit under the Democratic tax cut plan, Republicans say she is looking for welfare. Republicans say she should not receive the $500-per-child tax credit. Democrats see Sue as a hard-working American, and we will stand with her and her two children and give her the $500-per-child tax credit.

A STIFLING TAX BURDEN

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

Mr. RYUN. Madam Speaker, the great historian, Will Durant, wrote, and I quote,

> A great civilization is not conquered from without until it has destroyed itself within. The essential causes of Rome's decline lay in her people, her morals, her class struggle, her failing trade. . . her stifling taxes.

Madam Speaker, as in ancient Rome, our tax burden is stifling, and instead of working to reduce taxes, just as Members have heard, the Democrats are trying to promote class warfare. We should not be arguing over who is rich in this country; we should provide a $500-per-child tax credit for all Americans who honestly pay an income tax.

There are more than 130,000 children in my second district of Kansas whose families need this tax cut. These Kansans deserve relief from a crushing tax burden and an oppressive government that undermines the family unit.

Madam Speaker, when we balance the budget for the first time in 30 years and cut taxes for the first time in 16 years, we will come a step closer to the America envisioned by our Founding Fathers, where we have freedom, faith, and families that prosper.

A REPUBLICAN CONGRESS THAT HAS COMPASSION FOR BILLIONAIRES

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

Mr. GEJDENSON. Madam Speaker, I must be missing something. One of the great things about this country was that we have been a compassionate country. My Republican friends seem to have incredible compassion for billionaires.

Let me explain the difference to Members about the concerns. When we cut taxes for the top 1 and 2 percent, yes, they can get their new Mercedes a couple of months earlier. They have to make choices. When we cut their taxes, they are able to make choices about yachts and trips and Mercedes.

When we talk about the people who work for a living and are at the bottom of the economic ladder, those people who we deprive of the $500-per-child tax credit because they pay other taxes, not just income taxes, these are people who are making decisions about putting clothes on their children's backs, feeding them nutritious meals, keeping the family together under a roof, and staying warm in the winter.

So it seems to me the compassion ought to start with those with the greatest need, not with the greatest greed.

PROVIDING FOR THE CONSIDERATION OF H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Ms. PRYCE of Ohio. Madam Speaker, by direction of the Committee on Rules I call up House Resolution 197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 197

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302 or 308 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business: *Provided*, That the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore [Mrs. MORELLA]. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution, and that I may be permitted to insert extraneous material into the RECORD following my remarks.

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

There was no objection.

Ms. PRYCE of Ohio. Madam Speaker, House Resolution 197 makes in order the bill H.R. 2209, the fiscal year 1998 legislative branch appropriations bill, under a modified closed rule.

At the outset I would like to commend the chairman, the gentleman from New York, Mr. WALSH, and the ranking member, the gentleman from New York, Mr. JOSÉ SERRANO, and the rest of my colleagues on the Subcommittee on Legislative of the Committee on Appropriations for their hard work in bringing what has historically been a difficult bill to the floor.

During this year's bill, we will not be free of controversy, I am afraid. I am sure we will hear from our friends in the minority about their concerns. Unfortunately, the bill has been hampered by issues that are outside the control of the Committee on Rules. But given that there may be some folks who would go so far as to recommend zero funding for the legislative branch and send us all home to get jobs in the real world, I believe this is a very responsible rule for a responsible bill.

As the Reading Clerk has described for us, the rule waives a limited number of points of order against the consideration of the bill to permit timely consideration and to address some technical requirements with regard to the Congressional Budget Act, and transfers of funds within the bill.

The rule makes in order four amendments printed in the Committee on Rules' report to accompany this resolution, to be offered only in the order printed in the report, by the Member specified, and debatable for the time specified in the report. The amendments are to be considered as read and are not subject to amendment or to a demand for a division of the question in either the House or in the Committee of the Whole. In addition, all points of order against the amendments are waived.

Furthermore, the rule provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on a postponed question to 5 minutes, provided that the vote immediately follows another recorded vote, and that the voting time

on the first in a series of votes is not less than 15 minutes.

Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority.

Madam Speaker, while the annual funding bill for the operations of the House, the Senate, and various congressional agencies is often a lightning rod for partisan conflict, we should not forget that the legislative branch appropriations bill has also been a prime vehicle for reforming this institution from within to make it more open, more effective, and more accountable to the people we serve. By adopting this fair rule, we continue those important reforms while further streamlining and updating the operations of this unique and historic institution.

As most of my colleagues know, this Congress has consistently emphasized the need to have a balanced Federal budget, and I am pleased to note that under this year's legislation funding for congressional operations will be $10 million less than last year's enacted level.

Now, that may not be a great amount of money, but it is important for our constituents back home to know that we are taking the task of cutting government very seriously here. We are looking at our own backyard. We are doing our part to contribute to the larger deficit reduction effort, and we have saved nearly $400 million since fiscal year 1996, the first year of the Republican majority.

This year, for example, H.R. 2209 cuts a total of 316 positions throughout the legislative branch, and since 1994 nearly 4,000 positions have been cut. The bill saves $1.6 million in House Information Resources by cutting funding for 20 unused positions, reducing costs for equipment replacement and generating greater savings from increased competition for telecommunications services.

It also funds the Joint Committee on Taxation at a level lower than was originally requested. I am also pleased to note that this year's bill includes funding for a modest cost-of-living increase for congressional staff. I commend the subcommittee for including this COLA, because in so many ways we are indebted to the hard work, dedication, and commitment of our staffs, who are dedicated public servants.

Finally, let me say a word or two about the amending process of this bill. The rule makes in order four amendments, two by Republican sponsors and two by Democrat sponsors. In addition to considering those amendments, any Member who is still opposed to the bill can offer a final amendment through the customary motion to recommit with instructions.

Madam Speaker, this resolution is the traditional structured rule that we have used in the past to debate funding for the legislative branch. We should keep in mind that the bill which this rule makes in order is about more than just appropriations. It is also about protecting the integrity of this institution, ensuring that we have the proper resources to legislate responsibly and efficiently, and to preserve the Capitol and its grounds for Americans and visitors to see and to enjoy.

Summer is the time when the Capitol Building plays host to thousands of vacation visitors who have come to see firsthand this hallowed shrine of history, democracy, and freedom. Throughout the year, these Halls of democracy echo with the sounds of adults, children, and youth alike who want nothing more than a front row seat to watch the democratic process in action. It is for their sake and for future generations of Americans who will want to experience their democratic heritage that we are considering this very important funding legislation today.

While a completely open rule may seem appealing, the operations of the Congress and the organizations that support our work are extremely vital, Madam Speaker. We should consider floor amendments in a very, very careful, measured way, something which is less likely to happen under an open rule. In other words, I believe it is beneficial to ourselves and to the people who sent us here to consider this bill in a disciplined manner.

Madam Speaker, this is a responsible rule for a very responsible and reasonable legislative branch spending bill that maintains our commitment to fiscal responsibility and to doing more with less.

Madam Speaker, I urge a ''yes'' vote, and I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Madam Speaker, this resolution is a modified closed rule. It allows for the consideration of H.R. 2209, the legislative branch appropriations bill for fiscal 1998. This bill funds the activities of Congress and other agencies in the legislative branch.

I will oppose the rule, Madam Speaker, and ask to defeat the previous question because it fails to make in order an amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to prohibit the use of $7.9 million previously set aside in a contingency fund for use by House committees.

□ 0930

I am reluctant to oppose this rule because the bill which funds the Congress is critical for operating our national Government. Furthermore, I am reluctant on the grounds that just a single amendment has been denied. However, that single amendment is so important to the integrity of this institution that my side has no choice but to force a debate on the issue.

Madam Speaker, I believe that a woeful and gross violation of the House rules may have occurred in connection with the approval of $1.4 million out of the committee reserve fund for an investigation into labor laws and union activity. Even if such a violation did not occur, there has been an unmistakable breach in the commitments made on this House floor and a demonstration of contempt for the American taxpayers who will foot the bill for this unnecessary investigation.

On January 7, 1997, the House adopted an amendment to rule XI authorizing the creation of a reserve fund expressly for the use of unanticipated expenses of committees. There is no ambiguity in this language. The rules explicitly state that the expenses must be unanticipated.

On February 13, 1997, the Committee on Education and the Workforce adopted an oversight plan which included a project called the American Worker and the Department of Labor.

Four months later, the chairman of the Committee on Education and the Workforce submitted a similar proposal to the Committee on House Oversight and requested $1.4 million from the contingency funds. This time the proposal was called a continuation of the Education at a Crossroads project.

Let me quote from the original proposal, the American Worker and the Department of Labor, written February 13, and this is available on the Internet for all Americans to read: ''The committee intends to initiate a systematic and comprehensive review of the Department of Labor, its programs and activities.''

Let me read from the alleged unanticipated, emergency proposal, Education at a Crossroads project, 4 months later: ''This will include a review of the Department of Labor and its programs, activities, and spending habits.''

Now, quoting from the first proposal: ''Among other things, the Committee hopes to review the DOL's activities in response to the Government Performance and Review Act.''

Quoting from the so-called unanticipated, emergency proposal 4 months later: ''The project, in particular, will examine agency submissions under the newly implemented Government Performance and Review Act.''

If this is not a violation of the House rule, it certainly violates the spirit of the rule and the repeated assurances House Members were given when the contingency fund was established.

A statement by the chairman of the Committee on Rules from the CONGRESSIONAL RECORD when the rule was adopted on January 7 stated that the reserve fund is expected to be for use only in extraordinary emergency or high priority circumstances.

That statement was read back to the House by the vice chairman of the Committee on Rules on March 20 when the House took up a measure to put $7.9 million into that fund: ''extraordinary, emergency, or high priority circumstances.''

Again, on March 21, he reassured the House that the reserve fund would be fully accounted for and open to public scrutiny to cover unexpected funding emergencies.

The decision to spend $1.4 million of taxpayer money from the contingency fund was made by the House Committee on House Oversight. It was made at a stealth meeting on the evening of July 8 for which notice was given only the day before. The committee denied a request to postpone the meeting so that the ranking minority member who at the time was on official business with the President could attend. Of course details of the emergency funding request, such as they were, were provided barely 24 hours before the start of the meeting. The promised opportunity for public scrutiny never happened.

Now it is time to shed some sunshine on this decision.

Just what is the American taxpayer getting for this $1.4 million? Details are sketchy but one member on the Republican leadership team told the newspaper Roll Call the study will look at the ways labor leaders are not representing workers and this will include using dues for political purposes.

I challenge any Member to come to this House floor and tell his colleagues that this funding request complies with the House rules because the project was unanticipated.

I challenge any Member to say with a straight face that the need to investigate the Labor Department is extraordinary or emergency. I challenge any Member to tell the American people that this $1.4 million boondoggle that they are paying for is a high priority circumstance.

If the previous question is defeated, I will offer an amendment to the rule-making and order the Gejdenson amendment to put an end to the contingency fund and the wasteful spending it represents. A vote to defeat the previous question is a vote against spending millions of dollars on yet more endless investigations that no one really cares about. Cutting unnecessary spending is what our constituents elect us to do, so this is what we should do now. I would say oppose the rule, defeat the previous question.

Madam Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I yield such time as he may consume the distinguished gentleman from New York [Mr. WALSH], the subcommittee chairman.

Mr. WALSH. Madam Speaker, I would like to thank the gentlewoman from Ohio for yielding me time.

I would like to thank very much the Committee on Rules for the good solid rule that they provided us for consideration of this bill. Let me begin by stating that the Subcommittee on Legislative worked in a very bipartisan manner to produce this bill. My colleague, the gentleman from New York [Mr. SERRANO], was extremely thoughtful and helpful throughout the process, as was his staff.

The rule that was provided by the Committee on Rules is a modified closed rule. This is the traditional approach to the legislative branch, the reason being this is the budget that we use to govern and to fulfill our responsibilities as legislators. This is always an opportunity for mischief. I am sure that we will hear from a number of Members from the other side who are disappointed that certain amendments were not granted, but those amendments, Madam Speaker, had absolutely nothing to do with this bill. This bill funds the legislative branch. It also funds the other aspects of the legislative branch other than the House, which would include the Library of Congress, the Architect, Government Printing Office, General Accounting Office, Capitol Police, Botanic Garden, et cetera. It is important that we stick to those issues as laid out by the subcommittee.

We had a good solid bipartisan approach all the way along on this bill. And unfortunately, as we came through subcommittee to full committee, outside issues, as they have on other appropriations bills, have entered in and sort of poisoned the well somewhat.

I do think we have a good bill here. I think it is something that we can support on both sides of the aisle. But we will hear some weeping and gnashing of teeth about the amendments that were not allowed, and I would submit to my colleagues that they do not belong on this bill. I think the Committee on Rules exercised good judgment in providing us with a rule that allows for two amendments from Democrats, two amendments from Republicans.

I think every Member of the House should take a moment and look around at our complex, at this campus where we work and remind themselves of how fortunate we are to be working here. The bill that we will be debating later provides the needed funds to maintain this vast campus and the wonderful people who work here on a daily basis. It is not just our personal or committee staffs who make up the House. There are Capitol Hill Police, maintenance personnel, cafeteria workers, clerks, and a variety of services, elevator operators, countless people, the sea of faces that we see every day who make this place work. We have a responsibility to them also, not just to each other as legislators but to the people who work here and make this place work. We are very, very fortunate to have the degree of professionalism that we have.

We are also responsible for other offices I mentioned, General Accounting Office, Congressional Budget Office, Library of Congress, the greatest repository of information on Earth, Madam Speaker. We have a huge responsibility to make sure that not only we take care of the physical structure but also the wonderful, intelligent, thoughtful people who work in these institutions.

This bill continues a trend that was begun under the leadership of my predecessor, the gentleman from California [Mr. PACKARD] to downsize, to right size the legislative branch. The Federal Government has grown like Topsy over the past 20 or 25 years. The legislative branch since the gentleman from California [Mr. PACKARD] became chairman 2 years ago has exercised tremendous restraint.

We are leading the Federal Government in the effort to downsize Government. In fact, we have reduced staff on the legislative branch by almost 14 percent. No other branch of the Federal Government has done nearly as well, as the gentlewoman from Ohio [Ms. PRYCE] mentioned.

If this budget is adopted over these 3 years, we will have reduced Federal spending just in the legislative branch by almost $400 million. If every branch, if every bureau of the Federal Government did what the legislative branch has done, we would have a Federal Government surplus in the year 1998. We would not have to wait for a 5-year budget deal. We would not have a balanced budget. We would have a budget surplus of $183 billion, if we did what the legislative branch has done.

Madam Speaker, I am very proud of this bill. I am very proud of the way that we arrived at this bill. Unfortunately, there will be some carping today about the rule and about the bill, but overall I think in their heart of hearts everybody can agree that we did our best. This is the best bill we could bring forward. There is something here that we can all support.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Speaker, I cannot believe we are here again with this kind of a rule. We have just gone through a very frustrating and acrimonious period because the Committee on Rules chose to turn previously bipartisan bills reported out of the Committee on Appropriations into partisan war zones by the nature of amendments which they did and did not allow on appropriation bills.

It took us a long time to work out the arrangement last night on the foreign operations bill which ended that controversy, I had hoped.

Now apparently we are right back at it. It is important for the majority to understand that we have our responsibilities to manage these bills just as they have their responsibilities. And it is disruptive of the legislative process when on a routine basis the request of our party's bill managers on these bills is ignored and frustrated. We asked—and we gave them their choice—we asked that they make any one of three amendments in order which would allow us to eliminate or reduce the expenditure of public money under the Speaker's slush fund. And we were denied the opportunity to reach that problem with any of the amendments that we had before us.

I think that is a very basic mistake. The fundamental job of this House—we can argue about taxes, we can argue about all other authorizations—the fundamental job of this House, after all, is to get the basic work of the Government done through the appropriations process. Rules like this get in the way of that obligation. They extend the acrimony rather than shorten it. They extend the debate rather than shorten it. They make it more difficult for the House to complete its work in a timely fashion.

Most of all, with this rule the House has a clever way to sneak around the staff cuts which were provided in committees 2 years ago under the Republican contract and now under this, committees are able to get large amounts of additional funding for large amounts of additional staff without ever having taken a vote on that on the House floor. That is just plain wrong. They ought not to do this. They ought to listen to what witnesses before their committee said last night. I would hope that this episode will not be repeated on future appropriation bills or, again, the House will not be providing the leadership to this country that it ought to provide.

□ 0945

Ms. PRYCE of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, the last speaker is the ranking member of the Committee on Appropriations. It is a very important position in this body, and I personally have a great deal of respect for him.

But the gentleman used to be the chairman of the Committee on Appropriations, and when I hear statements like those just mentioned in the well a few minutes ago, it really disturbs me because we always have to be consistent.

I made a pledge when I became chairman of the Committee on Rules 3 years ago that we would be fair and open as much as possible, and at all times at least as fair and more fair than the Democrats treated us when we were in the minority.

And the gentleman comes to the well and he says that the majority, when he was chairman, never shut out the ranking members when they wanted to offer an amendment because, as the ranking member of the committee, they ought to have that opportunity. And I believe the gentleman is right. But the truth is, we have an example right now, we have the gentleman from New York [Mr. WALSH], who now is chairman of the Appropriations Subcommittee on Legislative, but he used to be the chairman of the Subcommittee on the District of Columbia, of which Madam Speaker has a lot of interest in.

And just in the last Congress, in other words the Congress that the Democrats controlled, on the bill that the gentleman from New York [Mr. WALSH] brought to the floor as the ranking member at that time, he requested at that time three amendments to be made in order. And the gentleman from Wisconsin [Mr. OBEY], who was chairman of the committee, recommended to the Committee on Rules they make none of those amendments in order. Yet he was the ranking member at the time and they shut him out.

I just saw the gentleman from Kentucky [Mr. ROGERS] walk through, who is chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, and he had requested in that 103d Congress that he have amendments made in order, too, as the ranking member, and they just arbitrarily shut him out.

So let us be consistent around here. We are at all times trying to be fair. This rule that is on the floor now, because it does deal with our funding for the legislature, should be fair. And of the 8 or 9 or 10 amendments that were offered, we tried to consider all of the Democrat amendments that we could, and we ended up making in order 2 Democrat amendments and 2 Republican amendments. Yet we are in the majority. Now, how much more fair can we be than that?

And when we talk about closing down the rules, we have come under great criticism for putting out so many open rules. And we have heard Members on that side of the aisle and Members on our side of the aisle complain about all these open rules. They cannot get their planes, they cannot go home on Friday afternoon to be with their constituents and their families.

In the 103d Congress, the last time that the Democrats controlled this House, they had open rules about 40 percent of the time. Yet when we took over in the 104th Congress, we opened those rules up to 60 percent of the time. So when we talk about this, let us try to get some comity in the House.

We solved a big problem last night, tried to bring a compromise so that we could move the legislation which is so vital to the American people, and so let us not come down here and be critical of something that does not exist. We are here to try to move this legislation. We are under great deadlines because we do not want to get into a situation where we close down the Government because this Congress could not get together.

So let us move these appropriation bills. They have to be dealt with by September 30. We are going to be off for 3½ weeks in August for constituent work periods back home. There are very few legislative days left until September 30. It is imperative we move the legislation. So let us work together and let us move the legislation and have a free and fair and open debate on it.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Speaker, I want to correct the comments of the previous speaker.

If he will go back and review the history of the D.C. bill, what happened on that bill, and on several other occasions, is that the gentleman in question asked that the Committee on Rules make in order amendments which would otherwise not have been allowed under the rules. It would have been nongermane under House rules, and we asked under those circumstances to deny them.

I never said that there were not occasions when the wishes of the ranking minority member were not granted. Go back and read what I said. I never described that in any way. What I urged my colleagues to do was not on a routine basis turn down the request of ranking members.

I do not expect the committee to grant all of them, but I do expect them to grant a reasonable number. And the fact is that this year the Committee on Rules has routinely turned down the requests of the ranking minority members, and the record demonstrates that.

Ms. PRYCE of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, the gentleman has just made my point. He has mentioned that the gentleman from New York [Mr. WALSH], the chairman, at the time the ranking member, wanted to offer amendments that would not otherwise have been in order unless he received a waiver.

And that is really what this whole argument started from at the beginning from our very good friend, the gentleman from Illinois [Mr. YATES], who I greatly admire and respect, he has been around here for so many years, on the NEA issue. Whether we are for or against it, the gentleman from Illinois wanted to offer an amendment that would otherwise not be allowed without waivers because the program had not been authorized, the same thing as was the situation with the gentleman from New York [Mr. WALSH].

So let us, again, put this aside, let us get down and really debate the issues. That is what is important. That is what all the American people watching us today want us to do.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Madam Speaker, the Gingrich Republicans have done it again. They have launched another sneak attack in their campaign to undermine the rights of working families, and this time they are using taxpayer dollars to do it.

I am talking about the Speaker's allocation of $1.4 million to investigate, intimidate, and to harass people and organizations that are standing up for fair wages, worker safety, decent pensions, and the freedom of speech. This partisan slush fund, which was rushed

through the committee without any notice, without any substantive debate, is part of a broad Republican effort to silence the voices of anybody who disagrees with them on working issues. It is an effort to stifle the opposition, to muffle the ideas they do not like, to stuff a rag down liberty's throat.

And why would Republicans try to silence the voice of America's working families? Because they do not like what they are saying. They do not like what they are saying and they do not like the fact that these families, through their membership in unions, are able to speak with force and passion and clarity about their vision for a better America.

Madam Speaker, our parents and our grandparents fought, went to jail, were beaten, sometimes even died for basic rights that millions of working Americans now enjoy and, unfortunately, take for granted: The 40-hour workweek, the 8-hour day, maternity leave, paid sick leave, the weekend, secured pensions, safety laws in this country. They did not just happen. They happened because someone stood up and struggled and fought for them.

Now, the Speaker and his Republican colleagues are trying to take those basic rights away from us and they are trying to give big corporations unprecedented powers over our lives. All we have to do is look at the tax bill. The corporate minimum tax. They want to basically forgive corporations from paying Federal taxes. They have a $22 billion giveaway in their proposal to the large corporations, to go back to the 1980's when companies like AT&T and Boeing paid no Federal income tax and the rest of us picked it up. Their tax bill? Five percent of Americans, the richest 5 percent, get 60 percent of the benefits.

And, of course, they have made an all-out assault on the minimum wage in their bill through independent contracting, which would allow people to be paid below the minimum wage, would allow health benefits and pension benefits to be taken away.

So what they are doing with this slush fund, to silence workers and their unions as a voice to stand up for worker rights, is a pattern of attack on working families' basic rights. It fits this pattern they have been about. It is intending to intimidate and undermine labor's voice in the political process.

Vote ''no'' on the previous question, vote ''no'' on the rule, and let us make in order the Gejdenson amendment so we can get some justice in this institution. This is the wrong way to treat working people.

Mr. HALL of Ohio. Madam Speaker, I yield 2½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Madam Speaker, I have never voted against a rule on legislative branch before in all the years I have been a Member, and I have only voted against the conference report on one legislative branch bill because of the removal of the Office of Technology Assessment in that conference after this floor sustained it.

But I rise today in opposition to this rule and of this bill, and I do so ruefully because I have great respect for the gentlemen from New York, [Mr. WALSH] and [Mr. SERRANO]. I think they are going to make the institution proud. I think they will do an excellent job of taking one of the more important roles that we have, and that is to protect this institution and, by doing so, the rights of all Americans.

But what we are talking about today is a gag rule that does not permit this House to discuss the problems that are eating us alive, and I mean problems that are attendant to investigations, as the gentleman from Michigan [Mr. BONIOR] said, of labor, that are not voted by Members here on the floor but done in a back-room deal using a cookie jar fund that was put aside for the fun and pleasure of the Republican leadership.

More important, we are engaged in an investigation, supposedly of campaign finance violations, by another committee which is being run in the most partisan manner anyone has ever recognized in Washington. The similar investigation on the other side puts us to shame because of the bipartisan manner in which it is being conducted.

But we are also in the midst of another investigation that I think we all have to focus on, and that is a concerted effort to prolong the agony of one of our Members. The gentlewoman from California, Ms. LORETTA SANCHEZ, won, and has been certified as the winner by the California Secretary of State, a close race in what had been totally Republican Orange County. Today, we continue to prolong her agony by preventing her from being made a permanent Member of this institution.

I think we have to be very sensitive to what has been going on in this investigation. If her name were Smith and not Sanchez, we would not be investigating the Browns and the Joneses and the Littles, we would be investigating people who may have, perhaps, made some inappropriate decision about voting. But we would not be doing it by investigating the Rodriguezes and the Ortizes, because they happen to be Hispanic.

In my view, this investigation is out of bounds and over the line and ought to be ended. And we have no chance here today to express our frustration during the course of this debate. We should have and, therefore, we should defeat this rule.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

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

I am pleased to follow my colleague from California. I do not know that there are any two more stronger supporters of the institution than the gentleman from California [Mr. FAZIO] and I. There are strong supporters on that side of the aisle as well, in particular the chairman of this committee. I believe and agree with the gentleman from California that he is going to be a strong supporter, and that he and the gentleman from New York [Mr. SERRANO] are going to make a team that will stand up for honest debate and honest policies with respect to the administration of the House of Representatives, the people's House.

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But I wanted to follow the gentleman from California [Mr. FAZIO] and I wanted to follow him with respect to this investigation that is going on with respect to one of our Members, an investigation that has now been going on for 8 months that is unprecedented.

First of all, it is the first time in history, the first time in history, under the Federal Contested Election Act, where a Member has ever been allowed to have subpoena power to subpoena organizations like Catholic Charities and ask for all their financial records. It is the first time in history that we have not disposed of a Federal Contested Election Act case either because it was withdrawn or because in a preliminary fashion we decided there was not sufficient evidence to move forward.

The gentlewoman from California [Ms. SANCHEZ]. It is the first time in history in any district in America that INS has been asked to compare the names of the voters with their lists. My colleagues, think of the message that we are sending. Think of the message that we are sending to those Americans; Americans, I stress, of Hispanic background.

I am a Danish-American. Never in history has anybody asked that we check on Danish-Americans through the INS. That is why I am against this rule, because they did not allow debate on this critical issue and recompense of $150,000 to the INS, as they should do.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WALSH], chairman of the subcommittee.

Mr. WALSH. Mr. Speaker, I thank the gentlewoman for yielding. This debate really is disintegrating, and it is really unfortunate. To wave the bloody shirt of ethnicity on a debate on the rule really demeans all of us. It really does.

I am chairman of the subcommittee. The gentleman from New York [Mr. SERRANO], the ranking member, is Hispanic. I do not think there is a Member in this body who I respect more than that gentleman. The points that were made I do not think reflect well on this body. They certainly do not reflect well on this rule.

To get back to the specifics of the request, $150,000 out of the legislative branch to give the Immigration Naturalization Service. They did not ask for

this money. It takes money out of the operations of the legislative branch, which, as we all know, we have reduced 3 years in a row.

This amendment does not have anything to do with the legislative branch. It is an opportunity for the minority to vent. They are frustrated. We were frustrated when we were in the minority, too. It goes with the turf. But we have tried to be fair. This rule allows for amendments for Democrats and Republicans, but they have got to be germane to the bill. They should be fair. I think we have been fair. Fairness, obviously, is in the eyes of the beholder. But we really have done our best to give everybody their opportunity on this bill. And this idea of ethnicity really has absolutely nothing to do with this bill.

I am Irish-American. The gentleman from Maryland [Mr. HOYER] is Danish-American. There is room in this bill, in this Nation, for all of us.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to express my deep concern about the subject being discussed and how some of the moneys in this bill could be appropriated.

Since the polls closed in November, one of our colleagues, the gentlewoman from California [Ms. SANCHEZ], has been subjected to unprecedented harassment. Her defeated opponent has been given subpoena power. He has used this power to harass not only the gentlewoman from California [Ms. SANCHEZ] and her family, but Catholic nuns, college students, and many others.

We are now 9 months into this ludicrous tantrum by this poor, disappointed man who lost. We have expended hundreds of thousands of dollars in this assault, and it is time for it to stop. I say to my colleagues in the majority, accept the word of the voters, cease this constant undermining of this Member, the gentlewoman from California [Ms. SANCHEZ]. Let her do what she came to Washington to do, to vote all her considerable intelligence, energy, judgment to the constituents who have sent her here.

I urge my colleagues, in the name of the gentlewoman from California [Ms. SANCHEZ], to oppose this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding. I will be relatively brief. Actually, I am one who presented three amendments, which were turned down. But I rise in support of the rule.

My concern is, as it has been for some time, and this raises bipartisan hackles, I might add, is the use of the franking privilege. I believe that sometimes it is used in a political context, which concerns me a great deal. And I presented three amendments to address this.

But I must say that this Congress and this Committee on Rules, and particularly the gentleman from California [Mr. THOMAS], have really started to address these issues. And for this I have tremendous praise for them.

For example, we have gone from a high in 1988 of $113.4 million for frank mail to free mail, which is sometimes used for political reasons, to a low of $30 million in fiscal year 1995. I am convinced, after discussing this with the gentleman from California [Mr. THOMAS], chairman of the House Committee on Government Reform and Oversight, that we are going to try to address even additional areas with respect to this to make sure that our mail is used for the purposes of responding to our constituents and not for mass mail used in a political sense.

For that reason, I am here to report that even though my particular amendments, which I do not think we need to discuss now, are not being considered on the floor, the direction is good, the effort is good, the focus is there, Congress is going in the right direction. I just hope we can continue to do this.

Mr. Speaker, I am here today because I'd like you to make in order three amendments to the legislative branch appropriations bill. These amendments build upon the progress Congress has made in recent years to reduce the cost to taxpayers of the congressional franking privilege.

During the last decade, Congress spent from a high of $113.4 million in fiscal year 1988 to a low of $30 million in fiscal year 1995 on franked mail. This is an impressive reduction. Nevertheless, I believe improvements can still be made, notwithstanding the legitimate need Members have to respond to the inquiries and concerns of their constituents.

My first amendment will ban mass mailings during election years up to the general election. Use of the frank increases cyclically during every election year. During the 103d Congress, the House spent $24 million in 1993, and $42 million in 1994. During the 104th Congress, the House spent $24.5 million in 1995 and $27 million in 1996.

Currently, Members cannot send franked mass mail 90 days before a primary or general election. Since primaries occur on different dates in different States, Members are held to different mass mail standards depending on the dates of their primaries. My amendment will simplify the issue by banning all mass mailings prior to election day in election years. It will prevent House Members facing tough reelection campaigns from tapping into their official office accounts to flood constituents with self-promoting newsletters and mailings.

My second amendment addresses a relatively new issue, raised by changes in House rules which permit Members to use their Members Representational Allowance [MRA] to pay for radio advertisements. The cost of these advertisements are not counted against a Members's Official Mail Allowance, even though these radio advertisements are generally substituted for town meeting notices sent by mail. This oversight frees up additional funds for a Member to spend on unsolicited mass mailings. I believe that these advertisements should be counted against a Member's Official Mail Allowance to avoid this substitution affect and my second amendment does this.

My third amendment reduces the MRA by $5,674,000, the amount that the Appropriations Committee recommends as an increase in the Official Mail Allowance. This 27 percent increase over fiscal year 1997 funding is completely unjustifiable. Given the excellent work the Appropriations Committee has done in recent years to reduce taxpayer funding of franked mail, I believe this is the wrong approach to take.

I know that it is impossible to serve constituents well while spending relatively little on franked mail, because I represent the third largest congressional district in the country, and yet I am consistently among the lowest franked mail spenders. We are diligent, however, at responding to letters and phone calls from constituents, and we have a very organized, computerized system of tracking the mail we receive and send out. The way I accomplish this is by refusing to send my constituents unsolicited newsletters, questionnaires, or postcards using the franked mail privilege.

Last year, the Rules Committee made in order two franking disclosure amendments I offered, which were adopted on the floor and have been made permanent. Those were good reforms, and I appreciate your making the amendments in order. I believe that these amendments also make important reforms, and hope you will give them every consideration.

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

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

Mr. THOMAS. Mr. Speaker, I want to thank the gentleman from Delaware [Mr. CASTLE] for his continued vigilance. Amendments made in the last Congress have moved us much along the path of making sure that the former tactic of having a sawed-tooth pattern of mail, oddly enough, the greatest expense during election years, has been smoothed out significantly. No longer is the old partisan pattern being followed. It is largely due to the continued vigilance of the gentleman from Delaware [Mr. CASTLE].

Mr. HALL of Ohio. Mr. Speaker, how much time does my side remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Ohio [Mr. HALL] has 11 minutes. The gentlewoman from Ohio [Ms. PRYCE] has 10 minutes.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, 3 weeks ago, Republicans met behind closed doors and hatched a devious partisan political campaign with $1.4 million in public funds to harass and intimidate workers, union leaders, and the Department of Labor. Now under this rule, which prohibits amendments, Republicans want to deny Members of this House a vote to eliminate their $7.9 million slush fund from which this $1.4 million

boondoggle was withdrawn. The Republican slush fund was supposed to be used, and I quote, for unanticipated expenses of committees.

Well, if there is one thing in this Congress that was not unanticipated, it is the continued Republican assault on the rights of working men and women. Time and time again, the leadership of this House attacks the rights of workers and then abuses House procedures to choke off dissent against their extremist agenda. By denying the vote on the Gejdenson amendment, the Republican majority is striking another blow against democracy.

Mr. Speaker, we should reject this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time. I think we only have two speakers remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Michigan [Ms. KILPATRICK].

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for allowing me the opportunity to speak.

As a member of the House Committee on Government Reform and Oversight and a new Member of this Congress, as many Members and people of America may remember, on January 7 this Congress adopted budgets for the various committees of the Congress; and in that adoption, after some dismay, there was set aside a $7.9 million reserve fund, more commonly known as slush fund, that was supposed to be used for three purposes: high priority, emergencies, and extraordinary circumstances.

On July 8, with less than 24-hour notice, as the rules require, the House Committee on Government Reform and Oversight was called together and a $1.4 million deduction from that slush fund was had for an investigation of the Labor and Education Department. As a member of the House Committee on Government Reform and Oversight, I felt then, as I do now, that the rules had not been followed, that we did not have proper notice, that we were again going to spend another $1 million of the American people's money on another investigation.

Since 1996, over $10 million have been spent on investigations. Over the last 18 months, over $30 million has been spent on investigations.

I rise to oppose the rule. I rise to defeat the previous question, because I believe the American people want us to have the input and the exchange. That is why they sent us here. I believe the American people want us to debate the issues. And, therefore, because the Gejdenson amendments were not adopted yesterday, it would allow that opportunity. That is why we put it on the table, why this $1.4 was deducted, why the slush fund initially was incorporated, and why today we have before us another investigation.

The Labor Department is a fine department, and its employees do good work. It is unfortunate that we are here today to oppose the rule. It is unfortunate that we as elected representatives of the people cannot debate the question. Why? America, speak out. Do not let this Congress get away with again going after investigation and investigation. Let us get back to the people's work.

Mr. Speaker, oppose the rule, oppose the previous question.

Ms. PRYCE of Ohio. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding.

I rise today in opposition to this rule because I believe when this House debates the legislative appropriations bill, each Member has a right to question the expenditures of this House. I believe that the prolonged investigation of the election of our colleague, the gentlewoman from California [Ms. SANCHEZ] is an issue that confronts the integrity of this House.

For the first time in the history of this Nation, voters, legitimate voters, have been put on a list and run through the INS register simply because they have ethnic last names, Hispanic, Asian. I think that is an affront. And that practice has been more or less authorized by this House if we do not inquire into it. It is a very, very specious way to conduct an investigation. And I believe the House has a right to go into it, inquire on the practice of this committee, and root out those that are beginning this kind of racist inquiry.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me offer my respect for the respective chairman and ranking member of this committee. Many of us hate to have to come before this body and oppose the rule and oppose the bill. Primarily we think that it is a question of dignity and respect. Already we understand that many of our Members on the side of the minority have not been allowed to address the attack on one of our Members, a Member who has been duly elected by her constituents, the gentlewoman from California [Ms. SANCHEZ].

In an instance where it was one of the largest victories that the Federal Election Contest Act has ever had to review, where a task force looking into it has said Dornan, who lost, really has no credible evidence that there has been any violations.

Independent scholars have already challenged Mr. Dornan on the constitutionality of his subpoenas. And, yes, a Los Angeles newspaper, the Los Angeles Times, said, ''Yet a close review of Dornan's contentions shows them to be overstated and riddled with uncertainties.''

What do we do in this House? Continue to comfort and pamper Mr. Dornan, while a working Member, a Hispanic woman, is attacked by the Republicans. I wish we would vote against this rule and vote against this bill.

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Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

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

Mr. DREIER. Mr. Speaker, I would like to get back onto the issue here if I could. I rise in very strong support of this rule. The gentleman from Maryland [Mr. HOYER] was talking a few minutes ago about the number of people here who have a great deal of pride and reverence for this institution. I clearly consider myself to be among them. I am very proud of the work that the gentleman from California [Mr. THOMAS] has done to try and deal with reform of an institution which spent most of its time on legislative branch work simply trying to ensure the reelection of its Members. I am very proud of the work of the gentleman from New York [Mr. WALSH] and of so many others who have focused on ensuring that this institution expands the deliberative nature and that we are in fact accountable to the people who sent us here. I am very saddened to see this debate deteriorate to, as the gentleman from New York [Mr. WALSH] has said, a case of waving the bloody shirt of racism. I happen to like the gentlewoman from California [Ms. SANCHEZ]. She agrees with me on a number of issues like cutting the capital gains tax rate. I think she is a very decent, hardworking person. And I am very concerned about the prospect of seeing us in any way discriminate against Hispanic-Americans. I come from Los Angeles, CA. I am very sensitive to this issue. But the fact of the matter is there are many Hispanic Americans in my State who have said to me, we have to ensure that that very precious franchise, the right to vote, is not in any way jeopardized.

And so, Mr. Speaker, I think that the work that is being done to ensure that every single vote counts is correct work, and I believe that this rule is a very fair and balanced rule. As the gentleman from New York [Mr. WALSH] has said, it ensures that the consideration of both Democrats and Republicans is brought into the mix here. Let us support the previous question, let us support the rule, and let us support what I am convinced will be a very, very good legislative branch appropriations product that will emerge from this House.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong opposition to the rule. The Republican leadership is trying to fund its own partisan attack on their enemies while they are trying to deny Democrats the right to bring amendments to the floor. The Republicans are using the Committee on House Oversight to fund an unprecedented attack on the election of the gentlewoman from California [Ms. SANCHEZ]. They have spent over $300,000 of taxpayer money to attack a Hispanic woman and to intimidate Hispanic voters.

This is a clear attack on the voting rights of minorities and an utter abuse of power. The Republicans have even subpoenaed the INS to try to dig up dirt on immigrants.

Mr. Speaker, the Republican leadership must not be allowed to trample the rights of Latinos. They must not be allowed to use their power to prevent Democrats from bringing important amendments to a vote. Vote ''no'' on the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, what has developed here over a number of years is class warfare. It is exhibited in almost every action taken by the Republican majority on the Sanchez matter. It did not start with SANCHEZ. In 1980, we watched men wearing black armbands descend upon polling places that have large minority populations trying to dissuade them from voting.

Any of us who are immigrants, who come here without all the guarantees of freedom and protection of law, know how easy it is to intimidate the poor and the new Americans from participating, how they can easily remember the fears of the countries they fled. The Republican majority opposes motor-voter and particularly opposes poor people having systems where the poor can get registered.

One of the members of the Committee on Appropriations in a discussion last week said that the real motive behind the Sanchez contest was not simply SANCHEZ, the reason for pursuing it was to get motor-voter. We have a right and an obligation to review elections. But the extent, the lack of due process that has occurred in this review is outrageous.

On the money side, $30 to $50 million of investigations have been initiated by those who claim to be careful with dollars. The outrageous slush fund and its use, to add over $1 million, $1.4 million to the Committee on Education and the Workforce is as if we have an in-house counsel, we had a lawyer that worked for our company and then when the lawyer actually did something, he said, ''Wait, I've got to be paid again, I'm a lawyer.''

The Committee on Education and the Workforce, all of what they have asked for is in their original jurisdiction. But it is one more attempt to get labor, to politicize the legislative process. We have a responsibility here to do our work, to try to stay in budget, but to make sure that what we do here really serves the best interests of the American people.

We have had sufficient funds appropriated to that committee so that we do not need to dip into this slush fund. This slush fund ought to be abandoned. It is a political tool directed by the Speaker to get people that are in his way.

When we take a look at what this committee has been doing, it has left the minority without rights. But we are not going to argue process. It has held meeting after meeting without notice. Let me tell my colleagues when I was a committee chair, my ranking Republican TOBY ROTH, we gave him everything as soon as we had it. We notified meetings weeks in advance.

When we take a look at what has happened here, we walk in, we do not see the language until we sit down to vote. But all that is secondary. The issues that are here and outrageous are the continued harassment of the gentlewoman from California [Ms. SANCHEZ] and the continued use of funds for political purposes out of this slush fund.

The Speaker basically gets to decide who he is going to go after by tapping into $7.9 million. The House does not get to look at those funds. You snuck that through early, got a nice party line vote to make sure you could have a slush fund to continue your political and partisan wars.

We are here today to say that is enough. Let us join together and reject this rule and go forward with a process that gives every Member of this House the right to cleanse the funding of that slush fund.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, millions of dollars for a partisan investigation into campaign finance abuses, millions of dollars for an investigation intended to intimidate organized labor, hundreds of thousands of dollars to harass and intimidate a Hispanic woman Member of Congress.

It is not right, it is not fair, it is a shame and a disgrace. Defeat the previous question and defeat this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I think the Republicans are trying to do their very best job here. We heard a lot of screaming and yelling. I do not know if my colleagues remember exactly what happened, but when the Democrats were in charge, they were not exactly perfect. We had a lot of complaints, too. I think some of the complaints that we had were very legitimate. When I first came here, Jim Wright was the Speaker and Jim Wright had to leave and there were some problems there. We had a House bank scandal. We had a House post office scandal. We had all kinds of things going on. Republicans were screaming and yelling about it.

Today I have to tell my colleagues, after all these years, and with all due respect to my colleagues, I think we are working better together right now than we were back in those days. I will have to admit I was frustrated in those days. I was very frustrated and I was probably screaming. In fact most of my colleagues can remember me screaming and yelling in those days. But I think that we are actually working better now than we did when I first became a Member of the House. There is always room for improvement and I hope we will.

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

Mr. Speaker, I urge my colleagues to join me in defeating the previous question to make in order the amendment by the gentleman from Connecticut [Mr. GEJDENSON] which was defeated in the Committee on Rules yesterday. The amendment would cap funds for committee expenses at the level identified for them in the committee funding resolution for the 105th Congress.

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I include the following material for the RECORD:

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's ''Precedents of the House of Representatives,'' (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership ''Manual on the Legislative Process in the United States House of Representatives,'' (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's ''Procedure in the U.S. House of Representatives,'' the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Ms. PRYCE of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Bakersfield, CA [Mr. THOMAS], the chairman of the Committee of House Oversight.

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

Mr. THOMAS. Mr. Speaker, I thank the gentlewoman from Ohio very much for yielding me this time. I want to start by complimenting the gentleman from New York [Mr. WALSH]. As the new chairman of the Appropriations Subcommittee on the Legislative Branch, he is, in this proposal, building on the excellent record laid down by the gentleman from California [Mr. PACKARD], which showed between the Democratically controlled 103d Congress and the Republican-controlled 104th a dramatic reduction in expenses. After the dramatic work of Mr. PACKARD, the gentleman from New York, Mr. WALSH, follows him by additional reductions.

Anyone who needs to know what the Democrats did when they ran this place simply has to go out and look at the Botanical Gardens. It was falling apart for years. They would not fix things. What we have done is come in and in a businesslike way know that deferred maintenance is going to eventually cost us. It cost us. There is no roof on the Botanical Gardens. They were here for 40 years and the building collapsed. Come back in 3 years and under Republican control, you will see a rebuilt Botanical Gardens. We go to the foundation and build it back up. I want to compliment the gentleman from New York for doing that.

In terms of amendments, first of all, let me say that I am very, very saddened by the comments of the gentleman from California [Mr. FAZIO]. He has an amendment that has been made in order by the Committee on Rules. The gentleman's amendment seeks to cut staff. I will have to tell Members that in the years the gentleman from California was chairman of the Subcommittee on the Legislative Branch, he never ever offered an amendment to cut staff. In fact, he is known as a champion of making sure that there are enough helping hands around here to do the job. His amendment clearly is out of character. The reason, of course, is because his status changed from majority to minority. But I cannot understand, unless it is the demands of leadership and the pressure put on him by the outrageous elements within his party for him to come to this well and use the ethnic card, to try to argue that the gentlewoman from California [Ms. SANCHEZ] and her election is being investigated because her name is Sanchez.

I would ask my colleagues to reflect on the fact that the gentlewoman from California [Ms. SANCHEZ] is a Member of the House of Representatives. She had a certificate of election. When the Democrats ran the place, if your name was McIntyre and you had a certificate of election, you were not allowed to be seated.

□ 1030

What the Democrats did was go in, set up a phony way of counting votes and then did not even follow the way they said they were going to count the votes to make sure that they stole that election.

What are we doing right now in the contested election? My colleagues heard all the racist comments from the Democratic side of the aisle. I will tell my colleagues what is going on. In Orange County today the District Attorney of Orange County is carrying out a criminal investigation preparatory to a trial against an organization called Hermandad Nacional because these people abused and misused Americans who wanted to become citizens. Legal aliens were used in illegal activities. That is the basis for our requiring by subpoena the Immigration and Naturalization Service to take those core names that Hermandad used for illegal purposes and put on the voter rolls without complying with the law.

The labor card was played once again. I just find it ironic that if one's party affiliation is Democrat, somehow you are with working people. Contrarily, if one's label is ''R'' you are somehow against working people.

My father, his lifetime job was a plumber. He belonged to Local 582, Plumbers and Pipefitters, and he went out and worked as a plumber his entire life. I was the first member of my family to complete college.

My colleagues should look at some of their backgrounds. What they do is exploit the labor union movement. These people never belonged to labor unions. All they do is play that cheap labor card over and over again.

Let me tell my colleagues about this investigation, this oversight vote that we are looking at. It was voted in committee. We have a 2-year budgetary process. When needs come up, we will vote the money, this time, $1.4 million. They get $433,000 out of that money. They have not mentioned that. We play a fair share game, $2 on our side, $1 on their side.

Mr. Speaker, they get $1 for every $2 that we have. When they ran the place, we got 10 cents on the dollar. But what they need to do is to hide behind racial epitaphs and abuse-of-class arguments to try to carry the day.

I know those people are upset they are not the majority anymore, but come on, grow up. More important, do not let the American people think that the way we are supposed to win is to not deal with facts, not face reality, but hide behind scapegoats and epitaphs which may allow them to get elected when they can sway people in their district but should not be allowed to be the basis for discussion on the floor of the House of Representatives.

So I would tell my colleagues as we examine this rule and the vote for the legislative branch appropriation that the work that the new majority is doing to continue to build to make sure that roofs are on buildings, that people who obtain the franchise illegally are not able to use it. Black, white, red, yellow, Hispanic, Welsh; illegal voters should not be on the rolls. If illegal voters participate in an election, the American people have a right to know that their legal vote counts and illegal votes have to be removed from the rolls.

Support the rule, support the legislation.

Mr. HALL of Ohio. Mr. Speaker, I submit for the RECORD the following proposed amendment:

At the end of the resolution, add the following new section.

Section 2. Notwithstanding any other provision of the resolution, it shall be in order without intervention of any point of order to consider the following amendment by Mr. Gejdenson.

Page 8, insert after line 5 the following new section:

SEC. 106. None of the funds made available in this Act may be used for the expenses of any committee of the House of Representatives during any session of the One Hundred Fifth Congress in excess of the amounts specifically identified for and allocated to such committee under primary and supplemental expense resolutions, or to pay the salary of any officer or employee of the House of Representatives who certifies, approves, or processes any disbursement of funds from any reserve fund for unanticipated expenses of committees established pursuant to clause

5(a) of rule XI of the Rules of the House of Representatives.

Ms. HARMAN. Mr. Speaker, I rise in opposition to a rule and an appropriations bill which permits continued funding for a wasteful, spiteful, and pointless challenge to the duly-certified election of our colleague, LORETTA SANCHEZ.

I faced a similar challenge in the last Congress. After 9 months and taxpayer expenditures of approximately $100,000, that challenge was finally withdrawn.

The Sanchez challenge should be ended now before more taxpayer money and more Members' time is wasted. Moreover, Mr. Speaker, those of us from California—a State where a majority of our population will soon be Hispanic—should condemn the effort to intimidate legal Hispanic voters which is, in my view, a central goal of the ongoing Sanchez challenge.

The right way to challenge LORETTA SANCHEZ is the 1998 election. The wrong way is to use funding in this bill.

The SPEAKER pro tempore. All time for debate has expired.

Ms. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

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

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

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 5 (b)(1) of rule XV the Chair may reduce to a minimum of 5 minutes the time for any electronic vote on the question of passage of the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 201, not voting 11, as follows:

[Roll No. 324]

YEAS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Blumenauer
Crane
Gonzalez
Martinez
Miller (CA)
Molinari
Nussle
Schiff
Smith (NJ)
Stark
Young (AK)

□ 1053

Mr. HASTINGS of Florida and Mr. CLEMENT changed their vote from ''aye'' to ''no.''

Mrs. CUBIN changed her vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HALL of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the Chair's previous announcement, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 203, not voting 13, as follows:

[Roll No. 325]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette

Lazio
Leach
Lewis (CA)
Lewis (KY)
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Blumenauer
Crane
Gonzalez
Johnson, E.B.
Linder
Martinez
Miller (CA)
Molinari
Schiff
Smith (NJ)
Stark
Taylor (NC)
Young (AK)

□ 1106

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 325, I was detained by constituents in my office. Had I been present, I would have voted "no."

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 194 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. 2203

□ 1107

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. 2203] making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 24, 1997, the bill was open for amendment at any point.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to divide the 5 minutes between myself and the gentleman from Oregon [Mr. DEFAZIO] in order to briefly discuss the amendment that is about to be voted on.

Mr. Chairman, I yield to the gentleman from Oregon [Mr. DEFAZIO].

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

Members will want to listen. This debate occurred late last night. It is confusing and they need to know what is happening. The gentleman from California [Mr. FAZIO] offered an amendment to the DeFazio-Petri amendment, which on its face would seem to restrict the expenditure of funds on the Animas-La Plata project, which a majority in this House voted last year to not fund.

The Animas-La Plata project, and many of my colleagues have heard of it, is a proposed $400 million plus water project with a .36 to 1 cost-benefit ratio. It is purported to provide a settlement to tribes. It does not. It is purported to do many other things it does not. But it does spend a lot of money.

What we did, Petri-DeFazio, last night was offered an amendment to say, no more funds should be expended on this project which has even been abandoned by its proponents. Its proponents have offered an alternative. The alternative has not had any hearings. It is not authorized. It has not been reviewed by the Bureau of Reclamation. That is progress. They have admitted this $440 million boondoggle should not go forward.

What the Fazio amendment actually does is require that that project go forward. If read carefully, it starts out with a limitation, but what it does is limit funds to be expended for current authorized purposes, which is the $440 million Animas-La Plata project, which even the proponents now admit should not go forward. There is almost $9 million unspent at the Bureau of Reclamation, more than enough to go forward with the planning process, more than enough to develop an alternative.

Surely it cannot cost more than $8 or $9 million to have a planning process and develop an alternative to this project that will meet the obligations to the tribes and be more responsible.

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

Mr. FAZIO of California. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, just to summarize, the issue that we will be voting on is whether we should continue to spend money on this project pending an agreement on a new scaled back project, or whether we should suspend acquisition and just have money for planning until the new project is agreed on.

If Members do not want to spend money until we have a new project, vote against Fazio and then vote for the underlying amendment, Petri-DeFazio. If they want to keep spending money, even though we do not have agreement and negotiations are going on, then vote for the substitute.

I urge Members to vote against the substitute and for the underlying amendment.

Mr. DEFAZIO. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct. Anybody who last year voted in the majority to not appropriate further funds for Animas-La Plata will want to vote against Fazio, I know this is a little confusing, and then vote for DeFazio-Petri, Petri-DeFazio.

This obfuscation, the wording of the Fazio amendment is obfuscation. It starts out with a limitation but it limits nothing. Having the gentleman from California [Mr. FAZIO] be the principal sponsor is even more confusing, and Members should in principle vote ''no'' on the Fazio amendment.

Mr. FAZIO of California. Mr. Chairman, I think this debate will once and for all, contrary to a rumor circulating on the floor, this amendment is not an attempt to clarify the pronunciation of the gentleman's name and mine, but it is the Fazio substitute to the DeFazio-Petri amendment that we are about to vote on.

I am offering this on behalf of the gentleman from Pennsylvania [Mr. MCDADE] and on behalf of the gentleman from Colorado [Mr. SKAGGS] and the gentleman from Colorado [Mr. MCINNIS].

This is an attempt to allow a process undergoing success in Colorado, the so-called Roemer-Shoettler process, to downsize and change the Animas-La Plata water project. It will assuredly reduce the cost of this project by over $400 million. But we have ongoing responsibilities to the Ute and Mountain Ute Indian tribes.

□ 1115

Those tribal water rights need to be honored. We need to complete this process. We need to have a bill that can be supported broadly on this floor.

The gentlemen from Colorado, Mr. MCINNIS and Mr. SKAGGS, would not be supporting this if they did not believe this process was working to the benefit of their constituents.

My view is that this amendment, offered by the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Oregon [Mr. DEFAZIO], will interfere with that process and not allow us to accept the results of it and move to completion of an endless legal hassle which has kept these native Americans from getting their water rights.

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

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding to me, and I want to clear up the confusion between the two names and ask the gentleman a question.

If our side of the aisle wanted to help our newest Member from New Mexico, Mr. BILL REDMOND, we should vote for the Fazio substitute to the DeFazio amendment.

Mr. FAZIO of California. Reclaiming my time, Mr. Chairman, I think the gentleman from Colorado [Mr. MCINNIS] would agree with that.

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

Mr. FAZIO of California. I yield to the gentleman from Colorado.

Mr. MCINNIS. Mr. Chairman, that is absolutely correct. Vote ''yes'' on the Fazio amendment.

Mr. HEFLEY. Mr. Chairman, I rise in strong opposition to this amendment.

This project seems to have become the poster child for all those who wish to show that they're environmentally sensitive though fiscally prudent. That though they're willing to make tough choices on spending, they still are moved by the sight of a tree or free-flowing water. In short, it is offered by people who have never been the Four Corners area of the Southwest and are not willing to know the history involved there.

This project is intended to deliver water to the Ute Mountain Ute Tribe and fulfill a treaty obligation between this country and that tribe.

Now it had been charged that the A–LP project would deliver more water to non-Indians than Indians and that this was all a smoke screen. So the people in that area changed the project. They cut the project's cost by $400 million. Two-thirds of the water will go to Indians. it will satisfy tribal water rights claims.

Naturally, A–LP opponents still don't like the project. They say they want more time to study the new plan but environmentalists have already criticized it. They can't see why the Indians can't buy water elsewhere and not build a project at all. Sure, let 'em buy Evian water.

Lt. Gov. Gail Shoettler has been trying to broker a compromise on the A–LP since January. This amendment would essentially block that from going forward. Which is what opponents want; they certainly don't want a settlement. Instead, they can say they've killed a water project.

But lost in all of this will be the Ute Mountain Utes. Their reservation is located in one of the most arid areas of the country. Mesa Verde National Park commemorates the ancient inhabitants of that site. Those inhabitants disappeared, probably because they ran out of water.

The Utes now live there and, I think, their tribal unemployment rate is 40 percent. They'd like this water to develop agriculture and improve their standard of living. So, basically this amendment says they should do without this water, just like their predecessors. It says they should be satisfied with tourism and handouts.

This amendment's supporters will say they want the Shoettler negotiations to go forward. But don't kid yourself; next year, we'll be back here for another amendment to kill what's left of this project. And its supporters can pat themselves on the back and say they've saved money.

But the reality is we'll have broken yet another promise to these Indians and, I suspect, left ourselves open to a lawsuit somewhere down the road.

Therefore, I strongly urge your opposition to this amendment.

Mr. FAZIO of California. Mr. Chairman, reclaiming my time, I urge Members to support the chairman, the gentleman from Pennsylvania [Mr. MCDADE], and myself.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 194, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Wisconsin [Mr. KLUG], the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], and the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. PETRI].

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

AMENDMENT OFFERED BY MR. KLUG

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG:

Page 29, line 20, after the dollar amount, insert ''(reduced by $90,000,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 328, not voting 9, as follows:

[Roll No. 326]

AYES—97

Andrews
Archer
Armey
Barcia
Bass
Bereuter
Blagojevich
Camp
Campbell
Cannon
Castle
Chabot
Christensen
Coble
Coburn
Condit
Cox
Crane
Cunningham
Davis (FL)
DeGette
Delahunt
DeLay
Doggett
Dunn
Ehlers
Ehrlich
Ensign
Foley
Furse
Ganske
Goss
Hall (TX)
Harman
Hayworth
Hefley
Hill
Hooley
Hostettler
Hulshof
Inglis
Istook
Johnson, Sam
Kasich
Kennedy (MA)
Kind (WI)
Kingston
Kleczka
Klug
Largent
Luther
Maloney (CT)
Manzullo
Markey
McCarthy (MO)
McCollum
McIntosh
McKeon
Meehan
Miller (FL)
Minge
Morella
Neumann
Nussle
Oxley
Pappas
Paul
Paxon
Peterson (MN)
Porter
Ramstad
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Skaggs
Smith (MI)
Smith, Linda
Souder
Stearns
Sununu
Talent
Thune
Tiahrt
Upton
White
Wolf

NOES—328

Abercrombie
Ackerman
Aderholt
Allen
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Capps
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly

Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Serrano
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stump
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Blumenauer
Gonzalez
Martinez
Miller (CA)
Molinari
Schiff
Smith (NJ)
Stark
Young (AK)

□ 1134

Messrs. NETHERCUTT, BALDACCI, HOEKSTRA, and OLVER changed their vote from ''aye'' to ''no.''

Messrs. WOLF, SHERMAN, and MARKEY 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

The CHAIRMAN. Pursuant to House Resolution 194, the Chair announces that he will reduce to a minimum of 5 minutes the period within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Insert at the end before the short title the following:

SEC. 502. (a) LIMITATION.—No funds shall be made available under this Act for—

(1) nuclear technology research and development programs to continue the study of treating spent nuclear fuel using electrometallurgical technology; or

(2) the demonstration of the electrometallurgical technology at the Fuel Conditioning Facility.

(b) REDUCTION.—Under the heading ''Department of Energy-Energy Programs-Energy Supply'' insert after the dollar figure the following ''(reduced by $33,000,000)'' and under the heading ''Department of Energy-Atomic Energy Defense Activities-Other Defense Activities'' insert after the dollar figure the following: ''(reduced by $12,000,000)''.

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 134, noes 290, not voting 10, as follows:

[Roll No. 327]

AYES—134

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Blunt
Boehlert
Bonior
Borski
Boswell
Brown (OH)
Capps
Cardin
Castle
Chabot
Coble
Condit
Conyers
Coyne
Cunningham
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Duncan
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foglietta
Foley
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gejdenson
Gephardt
Hall (OH)
Hefner
Hinchey
Hooley
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klug
Kucinich
LaFalce
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Menendez
Miller (FL)
Minge
Mink
Moakley
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Royce
Sabo
Sanchez
Sanders
Sanford
Scarborough
Schumer
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Sununu
Tierney
Velazquez
Vento
Walsh
Waxman
Wexler
Weygand
Woolsey

NOES—290

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Flake
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kelly
Kim
King (NY)
Klink
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Millender-McDonald
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Poshard
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryun
Salmon
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Visclosky

Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—10

Blumenauer
Gonzalez
Kaptur
Martinez
Miller (CA)
Molinari
Schiff
Smith (MI)
Stark
Young (AK)

□ 1144

Messrs. CUMMINGS, NEUMANN, FORBES, and MORAN of Virginia changed their vote from ''aye'' to ''no.''

Mr. MATSUI, Mr. WALSH and Ms. STABENOW changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PETRI

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. PETRI] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FAZIO of California as a substitute for the amendment offered by Mr. PETRI:

At the end of the bill, insert after the last section (preceding the short title the following new section:

None of the funds made available in this act to pay the salary of any officer or employee of the Department of Interior may be used for the Animas-La Plata Project, in Colorado and New Mexico, except for (1) activities required to comply with the applicable provisions of current law; and (2) continuation of activities pursuant to the Colorado Ute Indian Water Rights settlement Act of 1988 (Pub L. 100–585).

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 10, as follows:

[Roll No. 328]

AYES—223

Abercrombie
Ackerman
Aderholt
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Carson
Chenoweth
Christensen
Combest
Conyers
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
English
Ensign
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foglietta
Ford
Fowler
Frelinghuysen
Frost
Furse
Gallegly
Gekas
Gibbons
Gillmor
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Holden
Hostettler
Hoyer
Hunter
Hyde
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Mascara
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stenholm
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Wynn
Young (FL)

NOES—201

Allen
Andrews
Bachus
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Blagojevich
Boehlert
Bonior
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Duncan
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Foley
Forbes
Fox
Frank (MA)
Franks (NJ)
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Goode
Goodlatte
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hobson
Hoekstra
Hooley
Horn
Houghton
Hulshof
Hutchinson
Inglis
Jackson (IL)
Johnson (CT)
Johnson (WI)
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
Kind (WI)
Kleczka
Klug
Kucinich
Lantos
Largent
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Morella
Nadler
Neal
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Portman
Poshard
Price (NC)
Ramstad
Rangel
Riggs
Rivers
Roemer
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sanford
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Souder
Stabenow
Stearns
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Whitfield
Woolsey
Yates

NOT VOTING—10

Blumenauer
Buyer
Gonzalez
Kaptur
Martinez
Miller (CA)
Molinari
Schiff
Stark
Young (AK)

□ 1153

Messrs. SMITH of Michigan, CLYBURN, FOX of Pennsylvania, and SMITH of New Jersey changed their vote from ''aye'' to ''no.''

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

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. PETRI], as amended.

The amendment, as amended, was agreed to.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this important legislation and want to take this opportunity to thank Chairman MCDADE for his continued support for projects like the Ramapo River at Oakland Flood project and the tritium production program that are so important to the residents of New Jersey.

As a long-time supporter of the U.S. Army Corps of Engineers' Oakland Flood Protection Project, I am committed to seeing that this project becomes a reality. Flooding along the Ramapo River has occurred 15 times in the past 24 years. The 330 families that live along the 3.3-mile stretch cannot continue to endure the repeated hardship and personal turmoil that the flood waters bring.

The principal problems along the Ramapo River are flooding caused by the backwater effect produced by the Pompton Lake Dam, the hydraulic constrictions produced by bridges crossing the river, and insufficient channel capacity.

The project is now ready to move into the construction stage. The overall cost of the project through construction is estimated at $12.2 million. This cost is shared by the Federal Government, 75 percent and the State, 25 percent.

Last year, $250,000 was included in the fiscal year 1997 appropriations bill to complete the planning phase of this project. But we now face the battle of getting past a project on paper and putting shovels into the ground.

The Army Corps of Engineers has indicated that it could use $3.5 million in fiscal year 1998. This capability would allow construction to advance by one year and substantially complete the first piece of the project. The completion of the first piece, the channel widening, would provide immediate flood reduction benefits to Oakland.

Flood protection is about more than money. The emotional price of being forced from your home by raging flood waters and returning only to find your most prized possessions ruined with mud and water goes far beyond the economic price.

I am acutely aware of how difficult it is to craft a balanced fair bill that meets not only the national needs but addresses various parochial demands. That is why I am so grateful for the $1.5 million included in the bill for my Oakland residents.

Finally, as we work with the other body to prepare a final bill for the President's signature, I would ask the chairman to support efforts to secure additional funds for this project. We must take the necessary steps to complete this project before the residents in Oakland are forced to endure yet another flood.

Mrs. MORELLA. Mr. Chairman, although I am very sensitive to the economic needs of our neighbors who live in the Appalachian corridor of Maryland, West Virginia, Virginia, and adjacent States, I support the Klug amendment to delete the money, $90 million, specifically targeted for highway construction in the Appalachian corridor. This program is duplicative, and it is more appropriately addressed when the House considers ISTEA funding.

In addition, there is convincing evidence that a highway corridor could have very severe environmental consequences to the region. A 100-mile corridor through the sparsely populated mountains in West Virginia would cross 41 streams, go through two national forests, impact two Civil War battlefields, and take some of the State's best farmland for sprawl development. This is not a wise investment.

I thank Congressman KLUG for offering this amendment and urge my colleagues to join me in support of it.

Mr. SABO. Mr. Chairman, I would like to bring to the attention of the House a matter that was not included in the energy and water appropriations bill, but which I believe deserves further consideration, perhaps in conference.

Our Nation's electrical transmission grid is strained to the point where blackouts and brownouts are occurring at critical times. This is a matter of life and death for older people and those in poor health, whose life can be threatened when faced with high temperatures and a lack of air-conditioning.

There is a potential solution to this transmission problem. A consortium of utilities and high technology companies have developed new transmission cables that can carry twice the electricity of today's cables, thereby alleviating the overload problem without having to install new rights-of-ways. The technology is called aluminum matrix composites, and I hope that the final bill will give the Department of Energy enough flexibility to consider funding this project.

Mr. OLVER. Mr. Chairman, I rise in support of the bill.

I congratulate the chairman and ranking member and their staffs for producing a solid bipartisan bill.

I would also like to thank the chairman and ranking member for the report language directing FERC [Federal Energy Regulatory Commission] to give priority to the processing of hydroelectric licenses for which there are compelling applications.

This language is important to the city of Holyoke to prevent any delay in FERC's review of competing dam license applications. Such a delay may place an undue burden on the city of Holyoke.

I would also ask that the chairman hold the House language in conference, as it is more precise then the language in the Senate bill.

Again, I thank the chairman for his assistance and I look forward to supporting the bill.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. OXLEY, 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. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 194, he reported the bill back to the House with sundry amendments 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? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 9, as follows:

[Roll No. 329]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu

Talent	Towns	Weldon (FL)
Tanner	Traficant	Weldon (PA)
Tauscher	Turner	Weller
Tauzin	Upton	Wexler
Taylor (MS)	Velazquez	Weygand
Taylor (NC)	Vento	White
Thomas	Visclosky	Whitfield
Thompson	Walsh	Wicker
Thornberry	Wamp	Wise
Thune	Waters	Wolf
Thurman	Watkins	Woolsey
Tiahrt	Watt (NC)	Wynn
Tierney	Watts (OK)	Yates
Torres	Waxman	Young (FL)

NAYS—7

Ensign	Paul	Smith (MI)
Gibbons	Royce	
Klug	Sensenbrenner	

NOT VOTING—9

Blumenauer	Meek	Schiff
Gonzalez	Miller (CA)	Stark
Martinez	Molinari	Young (AK)

□ 1213

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 2203, and that I may include tabular and extraneous material.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE SUNDRY PRIVILEGED REPORTS

Mr. MCDADE. Mr. Speaker, having cleared this with the minority, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, July 25, 1997, to file three privileged reports on bills making appropriations for the Department of Defense for fiscal year 1998; the Departments of Labor, Health, and Human Services, and Education, and related agencies for fiscal year 1998; and the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year 1998.

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

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bills.

APPOINTMENT OF CONFEREES ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. DELLUMS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1119 be instructed to insist upon the provisions contained in section 1207 of the House bill relating to limitation on payments for cost of NATO expansion.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] will each be recognized for 30 minutes.

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

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

During the House's deliberation on the bill, Mr. Speaker, H.R. 1119, the Defense Authorization Act for Fiscal Years 1998 and 1999, the House adopted an amendment offered by my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK]. That amendment now embodies the provisions contained in section 1207 of the bill.

Very briefly, let me describe that amendment and now the provisions of section 1207. It would place a limit on U.S. costs for handling the expansion of NATO to 10 percent of the total cost, or $2 billion, whichever is lesser, for fiscal years 1998 through 2010.

With respect to background, Mr. Speaker, Congress, the House especially, has for a long time expressed concern regarding the relative shares of meeting the burden of providing European and transatlantic security. It has passed provisions on several occasions to secure increases in European support for U.S. troop nonpersonnel costs, and has a provision, adopted again by overwhelming support on the floor in the House version of the 1998 Defense authorization act, the Frank amendment that I have alluded to earlier.

With NATO expansion looming on the horizon, concern exists regarding the understanding of both the scale of the costs associated with expansion and the distribution of those costs across new and current members of NATO, including the United States.

Let me quickly reiterate, Mr. Speaker, arguments in support of the provisions contained in section 1207, the subject of this motion to recommit conferees.

First, the United States provides disproportionate support for NATO in many capacities, making available naval forces as well as communications, transportation, and logistics capabilities, and strategic nuclear forces. As a result, it pays a substantially larger portion of its GDP on its military account than our European allies.

Second, several of our European allies are wealthy nations and can contribute more to the burdens of the alliance than they currently do.

Third, new members of NATO should be expected to contribute along the terms of existing members, and should not be admitted without the capabilities to contribute across the panorama of dimensions, that would include financial, military, political, and foreign policy, of current members of the alliance.

Fourth, the amounts contained in the amendment do indeed reflect the administration's current estimates of the probable U.S. share. The provisions contained in section 1207 would establish that in law for the period through the year 2010, after which a review can be made of the continuing appropriateness of that level of commitment or restraint.

Finally, Mr. Speaker, legislative initiatives have in the past provided important leverage, as it were, to the U.S. Government in negotiations with NATO partners on burdensharing arrangements.

Mr. Speaker, with those opening and explanatory remarks, I reserve the balance of my time.

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

Mr. Speaker, I rise in support of the motion to instruct conferees of the gentleman from California [Mr. DELLUMS], the distinguished ranking member of the committee. This motion expresses support for section 1207 of H.R. 1119, a provision offered by the gentleman from Massachusetts [Mr. FRANK] that would ensure that the United States' share of the costs associated with the proposed expansion of NATO does not exceed the administration's projected estimates.

While I believe we want to closely examine the precise wording of this provision, I support its intent, as it addresses a very important aspect of the administration's NATO expansion policy: How much will this policy cost, and who will pick up the cost?

On this point, a recent letter from President Clinton to the committee states that ''all NATO members will share in the cost of NATO enlargement, and the distribution of costs will be in accordance with long-standing financial principles.''

However, at the recent NATO summit in Madrid, French President Chirac declared, and I quote, ''France does not intend to raise its contribution to NATO because of the cost of enlargement.'' At a minimum, this development raises important questions that deserve continued attention and scrutiny by the Congress.

Mr. Speaker, regardless of where one might stand on the broader question of NATO expansion, I agree that the question of cost, how much, who pays, and by when, should be of universal concern. Therefore, I join the gentleman from California in supporting this motion, and look forward to working with him and the Members on all sides of the NATO expansion issue as we arrive at a proper statement of congressional policy on questions of cost.

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

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the gentleman's remarks, the chairman of our Committee on National Security.

Mr. Speaker, I took part in a NATO summit meeting. We certainly are in support of NATO expansion, but I think burdensharing is an extremely important aspect of all of this. We want to make certain that the Congress and the American people fully understand what the burden of costs will be with regard to NATO expansion.

I am pleased to rise with the gentleman in support of the amendment of the gentleman from Massachusetts [Mr. FRANK].

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

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

Mr. Speaker, first I would like to thank my distinguished colleagues, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from New York [Mr. GILMAN] for their support of this motion to instruct conferees. It certainly gives this gentleman confidence that we will stand firmly and strongly in the context of the conference to bring this provision back.

I in a moment will yield to one of my distinguished colleagues from Massachusetts, the author of the amendment that is now the subject matter of section 1207, but I would first like to say, Mr. Speaker, that over the years there have been several Members very keenly interested in the issue of burdensharing. One of them who has loomed large in the context of our deliberations here in the Congress on the matter of burdensharing has been the distinguished gentleman from Massachusetts [Mr. FRANK], who has been unwavering and unrelenting in his concern about burdensharing.

I think it is a tribute to the gentleman that the Congress on more than one occasion has embraced the wisdom of my distinguished colleague, and that his work is now the subject matter of the motion to recommit conferees today.

Mr. Speaker, I yield such time as he may consume my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I am deeply grateful, Mr. Speaker, for the ranking minority member's words of praise, because he is among the most consistently thoughtful and serious Members of this body, and praise from him in this area means a great deal to me.

I am also grateful to the two chairmen who have spoken, the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, and the gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security.

It is appropriate that we be speaking out with virtual unanimity, certainly great consensus. We are not here debating whether or not America ought to join NATO. Indeed, in its specific form, that will not come before us. It will come before the other body as a ratification of a treaty. This House voted on a resolution, a sense of Congress, in favor of the expansion of NATO. That is not at issue. There is a large majority in favor, although some may have questions.

The issue is what is an equitable sharing of the costs. I think it is important to note the history here. Fifty-two years ago, at the close of World War II, this Nation undertook as generous an approach to foreign nations as we have seen in the history of the world. From the Marshall plan through a whole range of other activities, the people of the United States went to the aid in particular of people in Europe who had been devastated by the war, in what is really quite an extraordinary example of national generosity and good sense. It was done in a bipartisan way by President Truman and a Republican Congress that came into power in 1946.

This country not only went to the aid of its former allies, but in what is really an example of the importance of a generosity of spirit and an appreciation of the value of reconciliation, we went to the aid of our former enemies. This country by the late 1940's was a partner in the rebuilding economically and politically of Germany and Japan. Germany and Japan today and for decades have been functioning democracies, and that is something about which we can be proud, our part in having that reaction.

I say that because no one can accuse this country of a lack of appreciation for international responsibilities when we say at this point, dealing with allies that are our equals in wealth, that an element of subsidy from us to them is no longer appropriate. That is what this amendment says.

This amendment says that when it comes to the expansion of NATO, which is, after all, primarily about Europe, although it is obviously going to benefit us as well, the wealthy European nations, and this is not an effort to impose more money on the Czech Republic or the people of Hungary or the people of Poland, but we are talking here about our wealthy European allies.

The chairman of the Committee on National Security correctly noted, I believe, the quotation from President Chirac of France. Remember, the French have two positions. One, more countries ought to be invited into NATO; two, they should not contribute a franc to that.

□ 1230

That is obviously an untenable position. I regard this as strengthening the hands of the administration. The number we have here, $2 billion, is the upper end of the range that the President has told us this will cost. This is not an effort to force the administration to do with less than they have asked for. The President has said over this 12-year period it will cost $1.5 to $2 billion. We say $2 billion.

We realize he has got to be negotiating with our allies, allies who have refused to bear a common part of the burden, and questions have legitimately been raised. Why is that important? It is important because if they do too much or we get forced to do too much at the expense of other things, we are about to adopt, not with my vote, but it is going to be adopted, a budget agreement. It will very tightly constrain for the next 5 years at least both domestic and international spending, both military and civilian spending, the military spending itself will be tight according to those in charge of it. And it cannot, I think, sustain additional billions for NATO expansion without taking away from important categories that we need to worry about. So this simply takes the President at his word.

I would also point out two things: The chairman of the committee said quite correctly that he, and I appreciated this, agreed in concept but we would work on the wording. Of course, an instruction motion does not tie the hands of our conferees. It does not require them to vote ad infinitum for every word. It, I hope, will send them into negotiation with the other body with a powerful statement that some concern about cost has to be written in.

Second, what we are talking about people will say, suppose something unforeseen comes up there 4 or 5 years from now. The answer under the American Constitution is not that the President should have a blank check to deal with that but where we are talking about the spending power, the President should be required to return to the Congress of the United States and say, this has happened. There is this emergency. This threat has turned out to be worse than we thought. This expense is greater than we thought. There has been a collapse in one of our allies and we understand that they cannot bear the strain of that cost.

This House and the other body will certainly listen to that. This is not an absolute forever limitation. It is saying to the administration, this is what you say you need now and this is what we

are going to give you. If circumstances arise which should require more, then under our Constitution you come back and ask because what we fear, many of us, is that our allies will cheer us on, urge us to expand to even more countries and continue the pattern of refusing to cooperate.

I include for the RECORD, Mr. Speaker, an article which was published in yesterday's Washington Post by two distinguished Republican Members of the other body:

[From the Washington Post, July 24, 1997]

THE MISSING NATO DEBATE

(By John Warner and Kay Bailey Hutchison)

Going into the NATO summit in Madrid, conventional wisdom had it that expanding the Alliance would be easy. We believe this perception is changing with the realization of what expansion will entail.

The plan—which would have Poland, the Czech Republic and Hungary come under the American security umbrella in just two years—seems to contradict the reality of declining defense budgets and general post-Cold War retrenchment that is taking place in all of the Western democracies. French President Jacques Chirac admitted as much at the recent NATO summit in Madrid, when he flatly declared that ''France does not intend to raise its contribution to NATO because of the cost of enlargement.''

One indication of this intensified scrutiny is the recent letter from 20 senators to the president outlining those areas that will be debated prior to NATO expansion. Signatories include senators from every region of the country and from across the political spectrum, from Jesse Helms (R–N.C.) to Paul Wellstone (D–Minn.).

These members have differing views of NATO expansion, from support to skepticism to outright opposition. But they share one concern: The decision to enter into a mutual defense treaty with three additional countries deserves more debate and inspection than it has thus far received.

Under Article 5 of the NATO Charter, the members make a commitment to treat an attack on one member as an attack on all. Are the American people willing to make that same commitment to the three countries in Central Europe being identified for NATO membership, and possibly more in the future? And at what price?

The cost of adding at least three members to NATO will entail increased training for the new members, enhanced command and control capabilities, communications and intelligence-gathering improvements, upgrading of facilities and the purchase of weapons that will bring the new members up to NATO standards.

The wide variations in the estimates for these improvements are of concern. The independent and respected Rand Corp. in 1995 fixed the cost of NATO expansion at $1 billion to $5 billion a year over 10 years, soaring as high as $10 billion or more should a strong threat to NATO reemerge.

The nonpartisan Congressional Budget Office has estimated that expanding the alliance (to the three plus Slovakia) would lead to U.S. costs ranging from $5 billion to $19 billion over 15 years. The CBO estimates the total cost of expansion at as much as $125 billion. The cost to the United States assumes, questionably, that the new members of the alliance would increase their own defense spending by 60 percent over the same period.

In stark contrast to these staggering cost assessments are the Clinton administration's rather modest estimates for adding three to five unnamed members to the alliance. In a February 1997 report to Congress, the administration concluded that the cost to the United States over 12 years would be just $150 million to $200 million a year, at best only one-fifth of the next highest estimate from an independent source. The same administration estimated the costs of the current U.S. operation in Bosnia at less than $2 billion. The actual cost will be $6.5 billion through June 1998, with that withdrawal date now in question.

The administration's February report is further troubling because of its assumptions about burden-sharing, or how much of the total cost of NATO enlargement will be borne by our European allies. According to the administration, the United States will pay just 15 percent or so of the direct enlargement costs. Other members will pay 50 percent, and the new members 35 percent.

The recent statement by President Chirac would seem to call this assumption into question. His statement is consistent with the trends of the last several years. Despite cuts in U.S. defense spending since the end of the Cold War, we still spend nearly 4 percent of our total wealth (gross domestic product) on defense. By comparison, France spends just 2.5 percent, Germany 1.5 percent and Poland 2.4 percent. It seems unlikely that these current and future allies will pay proportionately two or three times more than the United States for the costs of NATO expansion when they spend just half of what we do on general defense.

NATO expansion may well be a good idea, but the plan to bring it about must be based on hard realities, not feel-good perceptions. A heavy burden falls upon elected leaders to make a convincing argument to the American people that changes we make to the alliance are in our national interest and will strengthen the organization.

I cite this because it is, I will tell the Parliamentarian, directly relevant to the legislation under consideration. Under our rules we cannot just idly comment on the other body, but we can talk about things that are relevant. Two Members of the Senate, the Senator from Virginia, who is a senior member of their Committee on Armed Services, and the junior Senator from Texas have an interesting article about this problem. They talk about, for instance, when they list what the President of the United States has said this will cost us, the recent statement by President Chirac of France would seem to call this assumption into question.

His statement is consistent with the trends of the last several years. Despite cuts in U.S. defense spending since the end of the cold war, we still spend nearly 4 percent of our total wealth on defense. By comparison France spends just 2.5 percent; Germany, 1.5 percent. It seems unlikely that these current and future allies will pay two or three times more than the United States for the cost of NATO expansion when they spend just half of what we do on general defense.

There is one thing we can do about that. We can have this Congress say, yes, the great majority here in this House voted to support the concept of NATO expansion but not in a context in which the U.S. taxpayer has to reduce our contribution. Remember, the European nations have imposed on themselves, the leading NATO European nations are also the leading nations in the European Union. They have impressed on themselves the requirement that they get their budget deficits down to 3 percent of gross domestic product, far higher than ours. They are under pressure to make cuts and their military budgets are going to be cut.

Great Britain, another very important NATO member not in the EU currency union, just announced, under the new government, that they would be cutting defense. It is important for us to have a large vote for this so that our administration understands and is strengthened in negotiations with our allies and in insisting that the American taxpayer not be given an open-ended budgetary problem with the expansion of NATO.

Therefore, I am very grateful to my friend from California, my friend from South Carolina, the gentleman from New York and the others who I think are strengthening the hand of the U.S. Government in this negotiation.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I rise in support of the Frank motion. Let me stipulate, I am an internationalist. I for 10 years chaired the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations. In that capacity, I worked with many Members in this institution in initiating and then expanding American assistance to eastern Europe after the fall of the Berlin Wall and the collapse of the Soviet Union. I was deeply involved in ensuring that we had major debt relief for Poland without which Poland would not, in my view, have been able to make the transition from a captive Communist country to a now economically thriving incipient democracy.

I believe deeply in engagement with countries around the world, including those in Central Europe. But I think the gentleman from Massachusetts [Mr. FRANK] is absolutely correct. Uncle Sam cannot be Uncle Sucker. I think frankly, while the gentleman from Massachusetts [Mr. FRANK] said this debate is not about the expansion of NATO, I wish it were because frankly we have never really had a debate in this country about expansion of NATO. We have had a very lightly once over discussion in this House last year encouraging the administration to pursue the possibilities of expansion, something which no reasonable Member could oppose; but I do not believe that the expansion of NATO has occurred in the right way. I think that what the West has done and the way it has done it in expanding NATO has been one of the most culturally and politically, internationally politically arrogant acts that the West has undertaken.

I am concerned it will lead to some long-term problems because, first of all, I do not like the fact that, if you expand NATO selectively, we then

leave the Baltic States exposed in a no-man's land. I think if we add three or four countries to NATO, we increase the vulnerability to the countries closest to Russia, Ukraine, Balkans, countries like that.

Second, we had in this country our own debate about who lost China more than a generation ago. It was not a healthy debate. I am concerned that the way in which we approach the expansion of NATO will add fuel to the fire and add to the capacity of the most hard-line rejectionist elements within Russia to some year down the road, when the economy starts to slide again, encourage them in their own who-lost-Eastern-Europe debate. I think that would operate to the disadvantage of democratic forces in Russia.

Last, and I think most importantly, as stewards of the taxpayers money, it is our obligation both to know and to be frank with the American people about the cost that will be associated with NATO expansion. I do not think that we have had that frankness and that openness. I doubt very much that, if the country knew that we are going to commit ourselves to the concept that an attack on, say, Budapest would be treated as an attack upon Washington, DC, I think the country would want a whole lot more debate about that than it has had to this point. And certainly it would want to know what that could cost us in this era of competing forces and scarce budgets.

So I wish we had had a more full debate on that subject, but given the fact that we have not, at least I believe that we certainly ought to do what the Frank amendment does, which is to take at their word what they say the cost to us of NATO expansion will be and to see to it that it does not rise above that ceiling because I believe that will at least force a stronger debate on the issue. If we are going to make this decision, it ought to be made with everybody's eyes open, after a full debate. That is the only way to strengthen rather than weaken the commitment of our society to involvement in international affairs. That is the only way that we can discourage rather than encourage isolationism.

That is why I think that the Frank amendment, while it does not come soon enough to generate a full-blown debate on what is happening in NATO, at least gives us an opportunity to be more frank about what it is we are doing, not meaning a pun there. I congratulate the gentleman and support his motion.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

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

At the outset let me just sing the praises of the chairman, the gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS], ranking member and their staffs for the great job that they do on the most important committee in the entire Congress, even more important than our Committee on Rules. That takes a little bit for me to say that.

Let me also just point out that I rise in support of the concept of this amendment, if not the specifics. I am a little concerned about placing a percentage or a dollar figure in an amendment like this. But if we look at the Constitution of the United States, the primary purpose for forming this Republic of States into the United States of America was to provide for a common defense. And in providing for a common defense, that means in being able to have the capability of defending America's interests anywhere in the world in order to prevent an eventual attack on our sovereignty and our way of life and our democracy.

In doing that, we have responsibilities as leaders of the world. We have to look at the fact that twice we have been called into battle in the European continent. It has cost millions and millions and millions and millions of dollars and a million American lives during those two world wars. Then the cold war erupted when the Soviet Union became an entity and tried to force their atheistic philosophy down the throats of the entire world, and it became necessary to engage in that cold war at great financial expense to the American taxpayer. But it was money well spent because today instead of communism breaking out all over the world we now have democracy, the kind that we enjoy so much breaking out all over this world.

But that is a very, very fragile peace that we have today. The NATO alliance was the greatest defense alliance in the history of this world because, all during that cold war, it kept the peace. It kept this country and others from being annihilated from nuclear attack. And the way to keep that peace for the future is to expand NATO. We have an obligation in America to do that because we are the leader of the free world. We are the beacon of hope for all people throughout this world. We cannot just sit back and say, Europe, that is your responsibility because down the road it then could reflect back on us as a nation.

Therefore, we have to say to the rest of the world, and let me heap praise on the President of the United States of America, Bill Clinton, because before he went to Helsinki he met with me for an hour and discussed his philosophy and our Republican philosophy to make sure they were on line, that we were speaking the same philosophy; and that was that there would be an open door to all of those people who had been deprived of this thing we love so much, our sovereignty, and Bill Clinton lived up to his word.

I went to Madrid with the President and with others and we sat down. And over the objections of Jacques Chirac and even Helmut Kohl and many others, President Clinton stuck to his guns, and he said we will have an open door policy.

□ 1245

And, yes, we will bring in Poland and the Czech Republic and Hungary. And then tomorrow it will be Slovenia and Romania. And the next day or the next year or the year after it will be the Baltic States. And we wrote that into the communique. I actually had the opportunity to write it in, which included the Baltic States.

That means that all countries, regardless of size, regardless of geographic location, regardless of political problems that might affect Russia, that that door will be kept open. And that is why we must be a part of NATO.

And, yes, over the years the gentleman from South Carolina, Mr. FLOYD SPENCE and myself, and the gentleman from Nebraska, Mr. DOUG BEREUTER, representatives to NATO, to the North Atlantic Assembly, along with Pat Schroeder, a former colleague of ours on the other side of the aisle, fought for burden sharing to make sure the other countries paid their fair share.

And, yes, we must do that today, but let us not be foolhardy in thinking that when we bring in a country like Slovenia, that has suffered so much, or Romania or the Baltics, who do not have the wherewithal, we must remember we have to help them in order to prepare for this, for an irreversible democracy.

These are the criteria for bringing these countries in: They must have moved to an irreversible democracy; they must believe in the free market system; they must believe in human rights for their own people within their boundaries and those without their boundaries as well; and then they must be able to participate militarily.

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

Mr. SOLOMON. I yield to the gentleman from Nebraska, who has been so active in this over the years, and I am sorry to take so much time.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding to me and commend him for his remarks.

The gentleman, of course, is currently serving as one of the vice presidents of the North Atlantic Assembly. The gentleman from South Carolina [Mr. SPENCE], the gentleman from California [Mr. DELLUMS], and myself, we have all been involved, with others, for quite some period of time.

I recall my earliest involvement in this particular issue was back in 1982 or 1984, and it seems to me we have been pushing for burden sharing arrangements since that time, both on infrastructure and every other way. So before it became popular, we had been pushing for that, just as I continue to push for reasonable burden sharing on the United Nations.

But I do think we need to keep in mind, regardless of our support for the Frank amendment, that the overriding

consideration for us being in NATO is because it is in our national interest. And the overriding reason for us encouraging and participating and actually providing the leadership for expansion of NATO into the Czech Republic and Hungary and Poland, and thereafter, as the gentleman said, to other countries, including Slovenia, Romania, and the Baltic States, is because of our national interest. And that ought to be the overriding factor.

We will push hard for burden sharing in every way. We expect the Europeans and Canada to bear their share of the cost, and especially the new countries, but I also think we need to be careful that we do not fall for the exaggerated cost. It is no longer reasonable for us to consider the full infrastructure we have in the front line states in NATO today, like we have in Germany, and these new states.

So inheriting the infrastructure in places like Hungary, some of which I have seen in good shape, we can have a dramatic improvement and a protected environment for the citizens of these three countries without extraordinary costs.

The defense industry, the opponents of NATO expansion, they put out some extraordinary costs that are not reasonable. But I do think that we need to take this step to try to push the Europeans to pay their share along with the Canadians, but I want to commend the gentleman for his statement and the chairman and the senior Democrat on the Committee on National Security for their comments here today, as well as the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to stress a couple of points of agreement between us.

First, I very much have in mind trying to get France and Germany and England and Belgium and Denmark and Norway, quite wealthy countries, to contribute. I agree with the gentleman that we should not be trying to get more out of Hungary and Poland and the Czech Republic.

Indeed, I think it is essential for these newer democracies, newer recently, not to put themselves at risk with their own people in terms of excessive demands here. So I am not trying to get more money out of the new members. I believe the problem is with the existing NATO members who have been doing so very well for so long. And that is the key point.

The second thing I would say, in agreement with the gentleman from Nebraska, I hope that those figures we have seen are exaggerated. That is why what this says is we will take the administration's figures at its word. And we always have the constitutional right as Congress, if it turns out there is some unforeseen problems, the way this works is we come back here and nobody doubts they would get very rapid consideration.

So I am not in dispute with the gentleman's views on the costs. Indeed, it is precisely those more moderate costs he described that are the fundamental premise of this amendment.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I thank the gentlemen, and let me thank also the gentleman from Nebraska [Mr. BEREUTER], who is a former vice president of the North Atlantic Assembly and has done such a great job representing us in that body over these many, many years. He has summed up my debate, so I will not have to go further other than to tell my good friend, the gentleman from Massachusetts [Mr. FRANK], he is absolutely on line and we are all in agreement.

As a matter of fact, we should be telling certain people like Jacques Chirac of France, who have done all they can to disrupt NATO over the years, they should either participate or get out. And having said that, I thank the gentleman, and I will be supporting his amendment.

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

First, I want to say to my distinguished colleague, the chairman of the committee, that I plan to make just a very few brief remarks. This will be the concluding comments on this side of the aisle, and then I will be more than happy then to yield back the balance of my time. I would also indicate that we will be asking for a rollcall vote.

Just in summary, let me conclude and underscore for emphasis a comment that the gentleman from Massachusetts made. First, what we are about here today is a motion to instruct conferees. That motion to instruct conferees simply says they should work as diligently as they can to preserve the integrity of section 1207, which places a limitation on the resources to be made available for the purposes of expansion of NATO to $2 billion or 10 percent, whichever is the lesser amount, between the fiscal year 1998 to the year 2010.

My distinguished colleague from New York clearly recognizes that if we are confronted with extraordinary extenuating circumstances, the Congress of the United States, in this Congress next year or new Congresses down the road, new administrations can revisit this matter. We can act. But what we are saying is at this particular moment this is the most prudent thing to do.

Finally, I would like to say when we listen to the comments offered by the gentleman from Massachusetts, Mr. FRANK, the gentleman from Wisconsin, Mr. OBEY, the gentleman from Nebraska, Mr. BEREUTER, and the gentlemen from New York, Mr. GILMAN and Mr. SOLOMON, it points out that this ought to be a beginning point for a debate that has not occurred in this country, a discussion that has not occurred in this country, and that is the efficacy and the appropriateness and the direction of NATO expansion.

In the context of this Republic, there ought to be an informed and enlightened discussion in America. There ought to be an informed and enlightened debate in the context of the Congress. And the comments that the gentlemen have made, to take the opportunity on this motion to instruct to discuss the merit or the lack thereof of the need for expansion, simply underscores the comments that many of us have made, that there ought to be a significant discussion and debate in America on this issue.

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

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume, and will only add to this that the gentleman from California and myself, as chairman and ranking member of the Committee on National Security, wrote to our President raising some of these concerns that have been talked about here today and had a full, lengthy letter back from him explaining these different positions. We also had a hearing in our committee and we discussed these same matters today.

Mr. GILMAN. Mr. Speaker, I have been one of the strongest supporters in this House of the concept of NATO enlargement. I believe that it is only as a result of our efforts in the Congress that the Clinton administration and our NATO Allies came to the momentous decision earlier this month in Madrid to invite Poland, Hungary, and the Czech Republic to join NATO. And our efforts—most recently in the form of the European Security Act, passed by this House last month—helped make certain that NATO would keep the door open to other countries such as Slovenia, Romania, the Baltic States, and Bulgaria, that will want to join NATO in the future.

The amendment offered by Mr. FRANK, which now appears as section 1207 of the bill, was not offered in an effort to block NATO enlargement. Rather, it was offered in an effort to signal our continued concern about the issue of burdensharing within NATO. For this reason, I do not oppose the motion by Mr. FRANK to instruct our conferees on section 1207.

I am pleased to join Chairman SPENCE, however, in pointing out that there are very serious problems with section 1207 the way it is currently drafted. It would be most unwise to impose an inflexible, binding cap on the amount that the United States will pay for NATO enlargement. At this point, no one knows for certain just how much NATO enlargement will cost. But one thing is absolutely clear: We must make certain that the NATO security guarantee that we are about to extend to Poland, Hungary, and the Czech Republic is not any hollow guarantee. It must be a serious guarantee, one that we and our NATO Allies can back up in a crisis. Therefore it cannot be subject to any arbitrary cost ceiling.

I would also point out the limitation contained in section 1207 is not consistent with the administration's cost estimates for NATO enlargement. The administration's February 1997 cost study projected that our share of enlargement costs would be approximately 15 percent of the total, not 10 percent as provided in section 1207.

I am assured that the Committee of Conference will correct these defects in section

1207. With that understanding, I join Chairman SPENCE in urging my colleague to support the motion.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. DELLUMS].

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

Mr. DELLUMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 330]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—20

Baker
Blumenauer
Buyer
Davis (VA)
Doggett
Gonzalez
Lipinski
Martinez
Meek
Miller (CA)
Molinari
Pelosi
Rogan
Ros-Lehtinen
Schiff
Snowbarger
Stark
Torres
Watkins
Young (AK)

□ 1312

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

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I regret that due to unforeseen circumstances I was unable to vote on H.R. 1119, Rollcall No. 330, and H.R. 1119, Rollcall call No. 331. If I had been present I would have voted ''aye.''

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the Chair appoints the following conferees:

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON of Pennsylvania, HEFLEY, SAXTON, BUYER, Mrs. FOWLER, and Messrs. MCHUGH, TALENT, EVERETT, BARTLETT of Maryland, LEWIS of Kentucky, WATTS of Oklahoma, CHAMBLISS, RILEY, DELLUMS, SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, Ms. HARMAN, and Messrs. MCHALE, KENNEDY of Rhode Island, BLAGOJEVICH, SNYDER, and RODRIQUEZ.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVII:

Messrs. GOSS, LEWIS of California, and DICKS.

As additional conferees from the Committee on Commerce, for consideration of sections 344, 601, 654, 735, 1021, 3143, 3144, 3201, 3202, 3402, and 3404 of the House bill, and sections 338, 601, 663, 706, 1064, 2823, 3136, 3140, 3151, 3160, 3201, and 3402 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, DAN SCHAEFER of Colorado, and DINGELL.

Provided that Mr. OXLEY is appointed in lieu of Mr. DAN SCHAEFER of Colorado for consideration of sections 344 and 1021 of the House bill and section 2823 of the Senate amendment.

Provided that Mr. BILIRAKIS is appointed in lieu of Mr. DAN SCHAEFER of Colorado for consideration of sections 601, 654, and 735 of the House bill, and sections 338, 601, 663, and 706 of the Senate amendment.

Provided that Mr. TAUZIN is appointed in lieu of Mr. DAN SCHAEFER of Colorado for consideration of section 1064 of the Senate amendment.

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 374, 658, and 3143 of the House bill, and section 664 of the Senate amendment, and modifications committed to conference:

Mr. GOODLING, Mr. FAWELL, and Ms. SANCHEZ.

Provided that Mr. RIGGS is appointed in lieu of Mr. FAWELL for consideration of section 658 of the House bill and section 664 of the Senate amendment.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 322 and 3527 of the House bill, and sections 1068, 1107, 2811, and 3527 of the Senate amendment, and modifications committed to conference:

Messrs. BURTON of Indiana, HORN, and WAXMAN.

As additional conferees from the Committee on House Oversight, for consideration of section 543 of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, NEY, and GEJDENSON.

As additional conferees from the Committee on International Relations, for consideration of sections 1101–1111, 1202, 1204, 1205, 1207, 1210, and 1231–1234 of the House bill, and sections 1009, 1013, 1021, 1022, 1056, 1057, 1082, and 1085 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, BEREUTER, and HAMILTON.

As additional conferees from the Committee on the Judiciary, for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill and sections 831, 1073, 1075, 1106, and 1201–1216 of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SMITH of Texas, and CONYERS.

As additional conferees from the Committee on Resources, for consideration of sections 214, 601, 653, 1021, 2835, 2901–2914 and 3404 of the House bill, and sections 234, 381–392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, TAUZIN, and MILLER of California.

Provided that Mr. HEFLEY is appointed in lieu of Mr. SAXTON for consideration of section 3404 of the House bill.

Provided that Mr. DELAHUNT is appointed in lieu of Mr. MILLER of California for consideration of sections 2901–2914 of the House bill, and sections 381–392 of the Senate amendment.

As additional conferees from the Committee on Science, for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, CALVERT, and BROWN of California.

Provided that Mr. ROHRABACHER is appointed in lieu of Mr. CALVERT for consideration of section 1064 of the Senate amendment.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, GILCHREST, and BORSKI.

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 751, 752 and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference:

Messrs. SMITH of New Jersey, BILIRAKIS, and KENNEDY of Massachusetts.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. SPENCE. Mr. Speaker, pursuant to rule XXVIII, clause 6(a), I move that the conference committee meetings on the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE].

Pursuant to clause 6(a) of rule XXVIII, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 409, nays 1, not voting 24, as follows:

[Roll No. 331]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—1

DeFazio

NOT VOTING—24

Baker	Gonzalez	Neumann
Blumenauer	Gordon	Pelosi
Boehner	Herger	Ros-Lehtinen
Burton	Lipinski	Schiff
Buyer	Martinez	Snowbarger
Chenoweth	Meek	Stark
Cubin	Miller (CA)	Watkins
Gallegly	Molinari	Young (AK)

□ 1335

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise to inquire of the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], of the schedule for the remainder of the week and next week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that we have had our last vote for the week. The House will next meet on Monday July 28 at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that there will be no recorded votes before 5 p.m. next Monday evening.

On Monday the House will consider the following 11 suspensions:

H.R. 1855, establishing a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries;

Sense of Congress regarding acts of illegal aggression by Canadian fishermen with respect to Pacific Salmon Fishery;

House Concurrent Resolution 98, Authorizing the Use of the Capitol for the Safe Kids Buckle Up Car Seat Safety Check;

H.R. 2005, Death on the High Seas Act;

H.R. 1596, Bankruptcy Judgeship Act of 1997;

H.R. 1953, To clarify State Authority to Tax Compensation Paid to Certain Employees;

House Concurrent Resolution 75, Sense of Congress that States Should Work More Aggressively to Attack the Problem of Repeat Criminals;

H.R. 103, the Private Security Officer Quality Assurance Act of 1997;

H.R. 1109, Regarding Citizenship for Children of U.S. Citizens Born Abroad;

H.R. 1348, Expanded War Crimes Act of 1997; and

We expect to concur to the Senate amendment to H.R. 1866, the Charitable Donation Antitrust Immunity Act.

The House will then resume consideration of H.R. 2209, the Legislative Branch Appropriations Act for Fiscal Year 1998, under a modified closed rule.

On Tuesday, July 29 and the remainder of the week, the House will consider the following bills all of which will be subject to rules:

The Department of Defense Appropriations Act for Fiscal Year 1998;

The Labor, Health and Human Services Appropriation Act for Fiscal Year 1998;

H.R. 2159, the Foreign Operations Appropriations Act for Fiscal Year 1998;

Commerce, Justice, State Appropriations Act for Fiscal Year 1998;

H.R. 2015, the Balanced Budget Act of 1997 Conference Report; and

H.R. 2014, the Taxpayer Relief Act of 1997 Conference Report.

Mr. Speaker, meeting times for next week are as follows:

On Tuesday, July 29, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business.

On Wednesday, July 30, and Thursday, July 31, the House will meet at 10 a.m; and at 9 a.m. on Friday, August 1.

As Members may know, the annual bipartisan congressional baseball game will be held Tuesday night. I know that our stellar athletes, it says here, Mr. Speaker, stellar athletes, on this side of the aisle have been rising early in the morning to practice. We very much look forward to a victory on the diamond next week, and we will end voting early Tuesday evening in order to ensure adequate batting practice. However, as the August district work period approaches, we are faced with the usual legislative crush. As this is the case, it is difficult to predict with any certainty the get-away time for next Friday, August 1. Members should be prepared for votes throughout all of that day, and I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, I would say to my friend from Texas, ''If you want to ensure adequate batting practice, you're going to have to get us out of here a lot earlier than early Tuesday evening.''

I would ask my friend from Texas, ''Do you expect the House to complete its business by next Friday, and my sense is that you do from the schedule, and to begin the August recess as scheduled after Friday?''

Mr. ARMEY. If the gentleman will continue to yield, it is our expectation, as he knows, and as a longstanding tradition in the House that when we have important business, as it were, on the eve of the commencement of an extended recess period, that it is very difficult to predict the get-away time. But I would predict that some time Friday next we will complete that work that requires completion prior to that extended district work recess period.

Mr. BONIOR. And I also noticed in the gentleman's statement that he expects we will finish our conference reports both on the spending and tax reconciliation bills; is that correct? Does the gentleman expect we will finish those conference reports next week?

Mr. ARMEY. Again, if the gentleman would yield, that is our expectation. Conferees are meeting now. There is consultation with the White House that I think is progressing with general enthusiasm on the part of all parties. And so we have, I think, good reason to expect that we could complete that work and have it acted on by the House before we leave on Friday next.

Mr. BONIOR. I would also just thank the gentleman for accommodating the bipartisan events that are scheduled next week, the baseball game; as well, I think, the gym dinner is on Wednesday, and that does not pose too much of a problem to work through; but the baseball game is one that traditionally we have been able to work together on, and I thank the gentleman for his concerns there.

And one final question. Well, actually two. How late on Monday night? And the second question is, do we expect a motion to go to conference on the State Department authorization bill next week; and what day if we do?

Mr. ARMEY. Mr. Speaker, I thank the gentleman again for the inquiry, and if the gentleman would yield, we would hope to be able to go to conference on State Department Monday evening, and we would expect that probably, depending on how our work goes, we would complete work between 9 and 10 o'clock in the evening.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I wish him a good weekend.

Mr. Speaker, I yield to my friend, the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding. May I please respectfully request of the distinguished majority leader that he consider, although I know he cannot answer me now, that on Tuesday next it is anticipated that Justice Brennan's funeral will be held and several, indeed a considerable number of our colleagues, are desirous of attending that funeral; and if it will be possible to roll votes in the event votes are being had, I would ask the majority leader to please consider that.

Mr. ARMEY. Mr. Speaker, if the gentleman from Michigan will continue to yield, let me just say to the gentleman from Florida, perhaps after this colloquy we could talk a little bit about times and hours and see to what extent that is something we can accommodate, too, in the way we manage the floor on that day.

Mr. BONIOR. It is my understanding the funeral will be held in Washington, DC, so hopefully we can work something out.

Mr. ARMEY. Mr. Speaker, I would be happy to work with the gentleman and I appreciate the gentleman calling it to my attention.

AUTHORIZING USE OF CATAFALQUE IN U.S. CAPITOL IN CONNECTION WITH MEMORIAL SERVICES FOR THE LATE HONORABLE WILLIAM J. BRENNAN

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged

from further consideration of the concurrent resolution (H. Con. Res 123) providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

□ 1345

The SPEAKER pro tempore [Mr. LATOURETTE]. Is there objection to the request of the gentleman from California?

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, though obviously I will not object, I yield to the gentleman from California [Mr. THOMAS] to explain his request.

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

Mr. Speaker, apropos the gentleman's earlier comments to the majority leader, it is unfortunate that Associate Justice Brennan has passed on. The administrative assistant to the Chief Justice has asked the Architect of the Capitol, as they did with former Chief Justice Warren Burger, if they might use the catafalque in the basement for memorial services over at the Supreme Court building.

It is entirely appropriate, given the former career of the gentleman from Florida, because he fully appreciates the focus of the Lincoln catafalque for an Associate Justice of the U.S. Supreme Court, and especially a Justice like William J. Brennan, appointed by a Republican President, with a very distinguished career in first amendment freedom protection.

Mr. HASTINGS of Florida. Reclaiming my time, Mr. Speaker, I fully concur with the gentleman's resolution and am entirely in support of same, reminding all of us that the Lincoln catafalque is reserved for giants in our history, as it was for former Chief Justice Warren Burger, retired, on June 28, 1995.

We anticipate that Justice Brennan will lie in repose at the family's request possibly for 24 hours, beginning on Monday, July 28, 1997. As we have indicated, the majority leader, working with the minority leader, we are hopeful that they will make arrangements for those of us desirous of attending the funeral.

One final thing is to join my colleague in saying that our Nation has lost a great leader, one who wrote over 1,200 opinions and shaped a large portion of the history of this country in the 1960's, particularly the one-person, one-vote decision of Justice Brennan.

On Monday night the Congressional Black Caucus and other interested Members are going to hold a special order, and I would ask all our colleagues to support the concurrent resolution and to participate in the special order, and as many as possible to attend the funeral.

Mr. THOMAS. If the gentleman will continue to yield, Mr. Speaker, the gentleman has eloquently indicated the reason why with pleasure, although with sadness, we will allow the Supreme Court to utilize the Lincoln catafalque.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 123

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Chief Justice of the United States the catafalque which is presently situated in the crypt beneath the rotunda of the Capitol so that such catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO FILE REPORT ON H.R. 695, AFFIRMING RIGHTS OF U.S. PERSONS TO USE AND SELL ENCRYPTION AND TO RELAX EXPORT CONTROLS ON ENCRYPTION

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that the Committee on International Relations may have until midnight tonight to file a report on H.R. 695.

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

There was no objection.

ADJOURNMENT TO MONDAY, JULY 28, 1997

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, July 28, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

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

HONORING THE LIFE OF TOM ROGERS

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

Mr. DICKEY. Mr. Speaker, today I would like to honor the life of Tom Rogers. He passed away on August 24, 1994, in his hometown of Moline, IL, at the age of 60. He was the son of Howard and Helen Rogers and was survived by his wife Kera, who he married on July 12, 1992, and his brother, John Rogers.

This was all said in his obituary, but more needs to be said about his life and more needs to be said by three of us in this body who will stand on the floor of the House of Representatives today to say good things about Tom Rogers. Why? Because he was a special, special person who touched the lives of so many people and of us, and countless others. He even touched our lives as we watched him touching the lives of others.

He was not an elected official. He never ran for office. He never accomplished what we would call great things. He was not wealthy or rich, but he lived a life that was an example to all who knew him and knew people who knew him.

In September, 1953, at the age of 19 Tom Rogers contracted polio. He was paralyzed from the neck down and had serious respiratory problems. I knew Tom and our families were close. He was a 6 foot 2 strapping guy who had boundless energy, and had just finished his first year at Cornell University.

Since I was 6 years his junior, he was one of my heroes. But I did not know at that time what I would learn later, how brave he was, how determined, and what a great character this man would display in the next 41 years.

He set goals; he organized his life; he prepared for a new career. He adapted his life's philosophy. He signed on as a believer in God's son, Jesus Christ, and generally got on with his life, however bleak it looked back in the 1950's.

In the process he never was tempted to feel sorry for himself, and he could have in the following ways: Just within the next year after his contracting polio, the Salk vaccine was developed, but he never dwelt on ''what if''. He never complained that he could not walk, or talk without great effort, or function without mechanical aids or nurses.

He never talked about his condition, his disability, or his frustration. I

know. I tried several times to get him to talk about those things, but he would not. The comments we made about his disability were deflected ever so graciously.

He was cheerful and inquisitive. As he continually deflected attention away from his condition, he constantly talked to others about what was important to them. Only one other person, in my opinion, was as good as Tom was in this regard, and his name was Sam Walton, a great man, also.

Tom's mind was both like a sponge and a steel trap. He was a person of good humor. As a young boy he came running into the house one day after having heard an orchestra and said to his mother, ''Mom, I just heard a parade sitting down.''

Tom became a successful investment banker, and in the context of the language of his profession, he once said that in the marriage corporation that he bought into with his lovely wife, Kera, that his 50 percent shares were all issued non-voting. In discussing his investment in the racehorse business, he stated once that what he found out early was that slow horses ate as much as fast ones.

He was smart and he loved children. My four kids came into contact with Tom in the summer days when they were little. A special time for them was when Tom came over to eat. After dinner he would line up pennies, nickels, dimes, and quarters, as well as my kids. He would then ask them history question after history question, deciding on the basis of difficulty as against the age of the child what level the rewards for a correct question might be. His knowledge of history was complete and far-ranging, and my children would be riveted on Tom and his command of the facts of history.

Tom built a constituency, which is a good term for politicians to use, with the people who helped him. He was completely paralyzed. Looking back, it was never a factor to us, but he was completely paralyzed. He could not move anything but his head, so he had to depend on people.

A good friend, after his death, started a list of all the people who pushed Tom's wheelchair, drove his van, typed for him, cooked for him, bathed him, combed his hair, placed calls for him, and other things. Seventy-five names went on the first list, each of those people all becoming his friend and admirer. He always left people better off than they were before—it was an incredible skill and gift.

One of his favorites of the pushers, as we called them, was Jim Rosborough, who is now an assistant basketball coach in the fabulously successful University of Arizona basketball program. He loved to see Jim on television, and Tom talked about him constantly. Jim's letter to me and to others after the funeral showed what Jim thought of Tom and how close and sincere that relationship was.

His politics: He seemed to be a Republican, but he was not a fanatic. On a letter 10 years before I entered politics he taped a dime to a sheet of paper and sent it to me as my first campaign contribution. He was always giving me advice, and reminding me that he had also elected to the House his close boyhood friend, Tom Railsback.

He was a bumper sticker lover, on his wheelchair, no less, first with mine, but after my election he put Representative RICHARD BURR's bumper sticker on top of mine, never getting my permission, of course. RICHARD was then elected, so Tom could say he elected two of his friends to the House.

He could also lay claim to electing the Honorable JIM LEACH of Iowa to the House. He spoke of JIM in the most respectful terms, and in some of the papers they found after his death this sentence was set out. ''Had lunch with JIM LEACH, I am impressed. I will stuff ballot boxes for him whenever necessary.'' They say that only happens in the South.

Talking to Tom about his relationship with God was a little like talking to him about his polio. Not much did he say, but he lived a great deal of it.

As already stated, He had a relationship with God's son, Jesus Christ, and though he would never say so about his own life, a casual observer could readily see this in his actions. His life was led exactly as the Bible lays it out.

Now why are the three of us standing up here, taking floor time to speak of this man?

Maybe it's because we need to let Tom's life encourage more people, not only people who are disabled, but all people. If the United States—no, the world—could be inhabited by people like Tom Rogers, we would have less problems, we would have a world full of people who would want to work hard to prepare themselves, no matter what the obstacle, to be better each day. We would have more love, we would have more respect for good manners, and just plain decency. We would have more humor and laughter—much needed qualities in a much too serious world.

There's no way a person could know Tom Rogers and not love him and receive love from him.

Here's what he had to say about his life: ''My life is close to perfection.'' ''I would not have changed my life for anything.''

Reminiscent of Lou Gherig when he stood at Yankee Stadium, his body dying from disease and said, ''I consider myself the luckiest guy on the face of the earth!''

On August 24, 1994, my son Ted and I left a contested campaign to go to Tom's funeral, having been to that same church two year's earlier, also in the midst of a campaign for his wedding. We went to share the joy the first time and to show respect the second time. The people at his funeral were wonderful folks—laughing, telling stories about Tom and sharing the grief. What a tribute—but what was really significant was that inside the church right up front an orchestra was playing—a parade sitting down—only fitting.

A lot of the same people of Moline will gather in their city tomorrow to have a groundbreaking for the Thomas W. Rogers Visitor's Center on Sylvan Island, an island in the waters of the Mississippi. We hope today to add a little to their tribute and maybe bring a little to the expression of love for Tom that is wrapped up in this event.

Such pleasure in preparing this little talk; it has done me good just to reflect on his life.

The summers will never be the same for me and my family, for we will no longer see Tom on earth, but soon I will see him in Heaven, and he'll look like that strapping 19-year-old that I remember and he will probably say to me, ''Dickey—that's the way they talk to people in the North—come on we got things to get done, don't think for a minute we sit still up here.''

To join me in their remarks are Tom's good friend Representative JIM LEACH of Iowa and Representative RICHARD BURR of North Carolina.

The SPEAKER pro tempore. The time of the gentleman from Arkansas [Mr. DICKEY] has expired.

Mr. DICKEY. I ask unanimous consent for additional time.

The SPEAKER pro tempore. The Chair cannot entertain that request during the 5-minute period, so the gentleman's time has expired.

ORDER OF BUSINESS

Mr. BONIOR. Mr. Speaker, if the three gentlemen present are going to speak about the same gentleman during special orders, I do not have any objection that they can finish their remarks, and then we can come back. I ask unanimous consent that they be allowed to proceed.

The SPEAKER pro tempore. Without objection, the gentlemen speaking on the same subject may speak consecutively.

There was no objection.

TRIBUTE TO TOM ROGERS

Mr. BURR of North Carolina. Mr. Speaker, I think what the gentleman from Arkansas, Mr. DICKEY, was about to say, the reason that himself, the gentleman from Iowa, Mr. JIM LEACH, and myself, the gentleman from North Carolina, Mr. RICHARD BURR, are here is to talk about a dear friend, to talk about somebody that touched the lives of not only the three of us, but who touched the lives of every person he met.

Mr. Speaker, I did not grow up with Tom Rogers and I was not a peer of Tom Rogers. I was a friend of Tom Rogers. Tom Rogers never met a person, though, that was not a friend. Tom was a unique individual. Tom had a love for life, but he also became friends with every individual he met. Tom loved children. He was fascinated by children and the time they would spend with him as an individual confined to a wheelchair, but that was what was so great about Tom Rogers.

□ 1400

Tom never saw himself confined to a wheelchair. He saw himself as an integral part of everybody's life, an integral part of his community, a family member, somebody who looked at what God had bestowed him with as only another challenge in life and not as a hurdle in life, and Tom was there to overcome that hurdle.

You see, he was a historian. He was not only a successful broker. Tom was one that loved to read. I can imagine every night what Tom must have gone through just to be moved from a wheelchair to a bed. What would be so tiring for most of us was an everyday occurrence for Tom Rogers. Just the thought that with his mouth and with a wand he could operate a computer and run the finances of many people in the community and across this country who he represented is just an amazing feat in itself.

I remember the story that, when Tom first went to the hospital, after polio, went into the ward where the iron lungs were and where many were stricken with polio, the first thing his mother said was that she was not going to let Tom Rogers die. Tom was also committed that he was not going to let polio change his life significantly, that he would be successful, he would win in the end. Tom was known for saying his greatest success was helping others see how lucky we all are, not just him.

In this day and age all too often we hurry through life without stopping to realize the gifts that we have all been given. Well, Tom Rogers knew the gift he had been given and more. He knew how to use these gifts to enjoy his life and to help others see their importance. Though obstacles were in his way, Tom gained more knowledge and love of life than most of us dream about.

Tom was successful in many ways. But he overcame every adversity, everything thrown at him, to truly teach so many so much.

Tom Rogers had the ability to take a stranger and treat him like family. He had the ability to take family and make them think that they were the most special thing in the world. Tom Rogers gave us a vision to take risks and to go out on a limb, encouraged us to test our outer limits. By following Tom's way of life, we learned more about ourselves and we gained more than we ever thought possible. There are few people who are able to accomplish so much while still having an intense love of life. I can truly say that Thomas Wallace Rogers saw life in a hopeful light with sincere friends and true leaders.

Mr. Speaker, it is an honor for me to be here as a tribute to Thomas Wallace Will Rogers, a man that lived life to its fullest with every obstacle in his way and shared so much with so many across this country.

IN HONOR OF TOM ROGERS OF MOLINE, IL

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I want to thank my good friends, the gentleman from North Carolina [Mr. BURR] and the gentleman from Arkansas [Mr. DICKEY], for their wonderful accolades and the minority leader for agreeing to let the three of us without request speak in order.

Mr. Speaker, if ever an individual personified the ideal that the human condition can overcome any handicap, it was Tom Rogers. Tom was everybody's all-American boy. An active athlete and budding scholar, Tom left Moline in 1952 to attend Cornell University. At the end of his freshman year at the age of 19, just before the widespread introduction of the Salk vaccine, he was struck so severely with polio that he was paralyzed from the neck down. He came to be able to breathe only through the laborious technique of swallowing air. In a circumstance which would have led most of us to give up, to turn inward in bitterness, to be prone to shriveling up and spiritually dying, Tom took the opposite course. He determined that even though he could not move a finger, he would widen his horizons and become a functioning member of society.

Tom studied to become a stock analyst and broker and soon had as dedicated a following as anyone in his profession in the country. Using methods and machines he designed, he came to be able to read stacks of material and spreadsheets placed on a bookstand or reflected in magnification off the ceiling.

Tom's two principal avocations were bridge and travel. One of the most competitive bridge players I have ever known, he would call on his unsorted cards to be played from a specially made wooden tray placed on the table in front of his wheelchair. My mother, who was a life master many times over, used to tell me Tom was her favorite partner. Now and again during high school summers, I was privileged to be able to play against the two of them.

To watch Tom successfully defeat three no trump doubled was to watch the joyful triumph of an engaged mind. Despite his physical paralysis, he could precipitate action and when he won a hand, his eyes would impishly twinkle, causing his opponents to redouble their effort yet never begrudge being thumped by this remarkable soul.

The one Christmas card friends in the Quad cities waited for every year would be one Tom would send showing a cartoon of himself, his wheelchair and generally a reindeer or two boating the Mississippi, playing bridge, or standing against a vista or symbol of whatever State or city he had visited that year. One of my favorite memories was the trip Tom made to Washington in the van he had converted to indulge his love of travel.

I toured the Capitol with him and then we had lunch together in the Members dining room. Everyone who encountered Tom soon forgot the chair and brace, the interruptions in this conversation as he gulped to breathe, and saw and heard only the image and voice of a vibrant and captivating human being. Amelia Earhart once wrote, courage is the price that life exacts for granting peace. The soul that knows it not, knows no release from little things.

The little things we take for granted, even being able to breathe unaided, were very big things to Tom Rogers. But no one handled the big or small challenges of life with greater joy. I recently spoke with a former colleague and one of Tom's boyhood chums, Tom Railsback, and his dear friend and dedicated doctor, Lou Sears. Each could only describe in awe the emancipating cheerfulness of an individual who addressed each new day with such boundless optimism.

I am convinced that God gave us Tom Rogers because he wanted to provide a lesson in the preciousness of life and the need for perspective. There is no single person whoever came into contact with Tom who did not walk away murmuring, my troubles are vastly smaller but I pray to God I can learn to handle them with one hundredth of the courage and good nature as this man from Moline.

Tom's peace has finally been granted. His friends honor him this weekend with a groundbreaking of a nature center to be built in his honor on a beautiful island in the Mississippi. No friend could be more missed than Tom Rogers. He remains an inspiration to us all.

JUSTICE BRENNAN

The SPEAKER pro tempore (Mr. BURR). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I rise this afternoon to read an editorial that I think aptly described the life of Justice William Brennan. It is entitled ''Justice Brennan's Vision'':

William J. Brennan, Jr., who died yesterday at the age of 91 brought to his long and productive career on the U.S. Supreme Court a tenacious commitment to advancing individual rights and the Constitution's promise of fairness and equality. He served for 34 years, a tenure that spanned eight Presidents.

Named to the court in 1956 by Dwight Eisenhower, Justice Brennan saw the law not as an abstraction but as an immensely powerful weapon to improve society and enlarge justice. As such, he was a crucial voice on the Warren Court of the 1960's, a body that boldly expanded the role of the Federal courts and the Constitution itself to protect individual liberties.

Yet even when the Court shifted in a more conservative direction under Chief Justices Warren Burger and, later, William Rehnquist, Justice Brennan was not content to play a marginal role as an eloquent dissenter. Armed with a keen intellect, a forceful personality, and a gift for building coalitions, he had surprising success in mustering

narrow majorities to keep alive the legacy of the Warren Court and its core notion that the Constitution was a living document that could and should be interpreted aggressively.

There is no individual in this country, on or off the Court, who has had a more profound and sustained impact upon public policy in the United States for the past 27 years, said an article in the conservative journal National Review in 1984, and it is hard to disagree with that assessment. Justice Brennan was the author of 1,350 opinions, many of them landmark rulings that altered the political and social landscape.

He left his mark on a wide range of issues. Baker versus Carr, in 1962, asserted the one-person-one-vote doctrine that transformed democracy and, through reapportionment, the composition of the Nation's legislatures. His famous first amendment ruling in New York Times versus Sullivan in 1964 reconfigured the law of libel to give breathing space for free expression and the robust debate of public issues. In Goldberg versus Kelly, a 1970 ruling of which he was particularly proud, Justice Brennan initiated what turned out to be a steady expansion of the 14th amendment's guarantee of due process by ruling that a State could not terminate a welfare recipient's benefits without a hearing.

Over all, Justice Brennan's greatness was rooted in his vision of the law as a moral force and his understanding that the genius of the Constitution would be betrayed if the court insisted on the narrow, static doctrine of original intent, the notion that the Constitution can best be interpreted through the eyes of the Framers. This unique feature of the Constitution, he argued instead, was the adaptability of its great principles to cope with current problems and needs.

That vision and driving passion are not thriving in today's court. Like Justice Brennan himself, they are sorely missed.

I had the occasion, Mr. Speaker, to know Justice Brennan. He was a remarkable man. He will dearly be missed. He is one of the truly great Justices and great people of our times and we send our condolences and our best to his family.

USE OF THE INTERNET

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

Mr. VENTO. Mr. Speaker, today I rise to speak with regard to the matter of personal privacy and the absolute vulnerability and risks and abuses that are taking place with regard to personal privacy. I specifically want to reference the use of the Internet, the Internet system, the online service providers and web sites that exist on the Internet. The Internet, of course, is accessible through our computers and the online services that we purchase.

Earlier this year, in fact last year, in 1996, I first introduced legislation that would require an affirmative action by the individual Internet user, the subscriber, to permit the use of personal information; that is to say, the telephone numbers, the e-mail address, and the profile that is possible. A service provider or for that matter a web site can in fact, through the information and activities that an individual uses on the Internet, can in fact make almost a complete profile of all the web sites that you visit and utilize.

They can do this, quite frankly, without the knowledge of an Internet user; that is, a subscriber or web site can in fact do that. It is as if you are walking down the street with $100 bills sticking out of your pocket and you are not aware of it. That is to say, we as individual Internet users are very vulnerable.

Of course, as I introduced that bill last September and reintroduced it this past January, H.R. 98, I hope some Members will join me in terms of requiring affirmative approval of a service provider or a web site to use personal information about an individual that is using the Internet.

□ 1415

And this had been the subject this past June, and I might commend Commissioner Varney of the Federal Trade Commission for the work she had done at that time, she has since left the FTC, but this June she had a seminar and a series of meetings on, in fact, personal privacy on the Internet.

At that time some of the service providers, namely Netscape, the one that we use, incidentally, in the House of Representatives, and Microsoft pointed out they were going to make efforts to provide for personal privacy and some security. But 7 weeks after that, this week we picked up the paper, the Washington Post here yesterday in Washington, DC, and it says America Online, one of the service subscribers, will share the users' numbers for telemarketing.

Eight and a half million individuals are customers of America Online, and they were going to share their personal telephone numbers, and I assume their E-mail addresses, for sale. They were going to receive money back for this information. They were going to receive $150 million back for sharing the personal information, sharing the privacy, selling for profit the personal privacy of the users to the tune of $150 million.

Well, that is wrong. And the fact was that after this became public, this has been out for some time that they were going to do this but they did not share it, it was like looking for a needle in a haystack trying to discover what America Online was doing, but after that, after this happened, America Online, I am pleased to report, has backed off their plan to give out phone numbers.

I think what this does point out in living color and in graphic detail is the vulnerability, as suggested in the legislation I have introduced, H.R. 98, of individual Internet users to have the abuse, the involuntary sharing, even being unaware sharing of their personal information.

It is really unbelievable, as I said yesterday, that America Online would be cashing in for profit by selling the personal privacy of their users. The fact is that we need to correct this problem. We need to have some standards.

I think most of us are very leery of any type of censorship with regards to information. We do not want to thwart the development and limit the development or the availability of information, or the development for that matter and use of the Internet, but the risk we run here is that the Internet is going to be filled or be a great wasteland in the fact that it will not have any type of security.

There will not be the type of credibility and certainly not the responsibility on the part of the Internet user. We will not know when we purchase something whether we are participating in a transaction, whether, in fact, a communication or message, or just a complete absence of security or personal privacy.

So I urge my colleagues to join in sponsoring H.R. 98 after they have seen this graphic example of abuse by America Online with regards to personal privacy.

Mr. Speaker, I provide for the RECORD two articles covering the issue I have just been discussing.

[From the Washington Post, July 24, 1997]

AOL WILL SHARE USERS' NUMBERS FOR TELEMARKETING: CONSUMER GROUPS, PRIVACY ADVOCATES CALL SUBSCRIBER NOTIFICATION INADEQUATE

(By Rajiv Chandrasekaran)

America Online Inc. plans to disclose the telephone numbers of its 8.5 million subscribers to certain business partners for telemarketing purposes, a decision that industry specialists say could generate a financial windfall for the online service but anger many of its customers.

AOL said it will make the subscriber information available to companies such as consumer-services firm CUC International Inc., which signed a $50 million marketing arrangement with AOL last month. Such agreements, which industry analysts say could become more common because of the telephone list, are an increasingly important source of revenue to AOL as it seeks to reduce its dependence on monthly user fees.

The new policy is outlined in AOL's revised user rules, which were posted online earlier this month and become effective on July 31. The policy allows users to request that their phone numbers not be disclosed to telemarketers.

The company's decision, however, has outraged consumer advocates, who say AOL members have not been adequately informed of the new policy, which as of yesterday evening had not been mentioned on any of the screens a user sees when logging on.

''Their disclosure is not good enough,'' said Jean Ann Fox, the director of consumer protection at the Washington-based Consumer Federation of America. ''This sets a new low in turning subscribers into a commodity.''

Although it is a fairly common practice for companies to sell customer information—

AOL has long offered the names and addresses of its subscribers to direct-mail marketers—disclosing phone numbers is a rarer practice, industry experts said. ''It's not at all common in the online world,'' said Patrick Keane, an analyst at market-research firm Jupiter Communications in New York.

AOL's decision comes just as the company largely has repaired customer relations frayed by widespread busy signals that occurred on the network in the winter and spring because the company failed to anticipate the demand a flat-rate pricing plan would generate. The new policy, some analysts said yesterday, risks re-opening old wounds.

''They're walking a fine line with a customer base that already has been nettled,'' Keane said.

AOL officials played down such concerns, saying they believed most subscribers would welcome the solicitations. ''We're telemarketing to our members goods and services we see as benefits of their AOL membership,'' said spokeswoman Tricia Primrose.

Primrose said AOL does not plan to publicize the new policy before July 31, but will notify members before they begin to receive calls. ''We're going to give them every opportunity to get off this list,'' she said.

Privacy advocates contend, however, that AOL customers should be asked in advance if they want to be on telemarketing lists. The advocates also say that as an online service, AOL should be held to a higher standard in protecting customer information than companies that don't do business in cyberspace.

''Many people who subscribe to AOL like the feature that they have a certain distance between their use of the keyboard and the outside world,'' said Robert Ellis Smith, editor of Privacy Journal in Providence, R.I. ''They don't have to give out a physical address or a home number. Now AOL is suddenly exposing these customers to intrusions at home during the day.''

Initially, AOL plans to offer the phone number to two companies, CUC and Tel-Save Holdings Inc., a long-distance company with which AOL signed a $100 million marketing agreement earlier this year, Primrose said. CUC and Tel-Save do not plan to start telemarketing until later this year, she said.

AOL plans to screen the telemarketers' solicitations, Primrose said. The company now monitors mailings that are sent to its customers by firms who purchase its subscriber mailing lists, she said.

AOL's mailing lists include members' names and addresses, as well as demographic profiles, with information such as household income and past buying habits, that the company says it obtains from outside marketing databases.

[From the New York Times, July 25, 1997]

AMERICA ONLINE BACKS OFF PLAN TO GIVE OUT PHONE NUMBERS

(By Seth Schiesel)

Responding yesterday to consumer outrage and mounting concerns about privacy in cyberspace, America Online, the largest on-line service provider, abandoned its plans to begin providing lists of its customers' telephone numbers to telemarketers and other direct-sales peddlers.

The reversal came less than 24 hours after the plan became widely known through news accounts and on-line postings. America Online drew immediate fire from politicians and privacy-rights groups for the telemarketing venture, in part because the company for years had assured subscribers that it would not release their phone numbers and other personal information to outside parties.

Because America Online's eight million subscribers are already besieged by ''junk'' electronic mail, customers bemoaned the prospect of some of those same advertisers, or different ones, ringing the phone at home.

''That's the most obnoxious form of solicitation,'' said Camilla M. Herlevich, an environmental lawyer in Wilmington, N.C., an America Online subscriber. ''They always call at dinner time. We call it the arsenic hour.''

But the controversy goes beyond telephone numbers—and transcends America Online, for that matter.

For consumer-privacy advocates, the case illustrates the need for increased Government oversight of the buying and selling of the copious consumer information gathered in the course of everyday commerce. Savvy companies already mine the trove of available credit card information to find buying patterns that might lead to one more sale.

But with the advent of cyberspace commerce, marketers are able to track their quarry even more easily—tracking each click of the mouse, in some cases, as a user surfs the World Wide Web. So far, such efforts typically can identify no more than a user's computer, and not the identity of the individual operating the PC.

Experts predict, however, that personal identification will eventually be possible, making privacy difficult to protect—whatever the stated policies of companies collecting such data.

Like magazines and other businesses with valuable subscription lists, America Online has already been selling lists of its subscribers' names and addresses. But those lists do not include the corresponding E-mail addresses or customer phone numbers. A few weeks ago, however, America Online quietly proposed changing its longstanding policy to begin selling its telephone lists.

Privacy advocates said that adding phone numbers to the mix would allow marketers to cross-tabulate with additional sorts of information that people might not be aware they were exposing by simply signing up to an on-line service.

''The phone number is used as an identifier the way that the Social Security number is,'' said Evan Hendricks, the editor of Privacy Times, a privacy-rights newsletter. ''They can use the phone number to look up the name and address and then you can find out about their house and how many kids they have.''

Telemarketers and other direct-sales organizations have resisted Government regulation by agreeing to self-imposed privacy-protection guidelines that typically include provisions allowing consumers to request that their personal data not be sold to third parties. But the America Online episode is certain to raise new questions about whether the industry can continue to police itself.

''It's unbelievable really, that AOL would be cashing in for profit by selling the personal privacy of their users,'' said Representative Bruce F. Vento, Democrat of Minnesota, who has introduced a bill to regulate the use of consumer information on line. ''It just boggles the mind that they would do it quite this boldly.''

America Online would not reveal how many of its members called, faxed or sent electronic mail to the company to vent their displeasure. America Online executives insisted that they did not intend to ''rent'' the phone numbers. Instead, they said, America Online would provide the numbers to companies only as one part of an overall marketing deal.

''The only calls we intended for you to receive would have been from AOL and a limited number of quality-controlled AOL partners,'' said Stephen M. Case, the company's chief executive in a letter to subscribers yesterday.

Those partners would have included Tel-Save Inc., a discount long-distance telephone company that reached a $100 million marketing pact with America Online in February, and CUC International Inc., a telemarketing giant that made a $50 million deal with America Online last month.

America Online officials said yesterday that those pacts were broad based and would not be affected by scrapping the plan to share telephone lists.

''We said, 'It's so insignificant, just drop it,'" said Robert W. Pittman, chief executive of America Online's operating subsidiary. ''For it to get this blown out of proportion says we really screwed up the communication.

''At the end of the day we didn't want to soil our reputation or confuse our members.''

The members were certainly confused, or at least angry. Internet bulletin boards were ablaze with irate missives about the company, some of them profane. Many of the complaints stemmed from the fact that America Online had tucked its only notice of the proposed policy shift in an obscure corner of the service. The notice had been posted on July 1, but did not come to widespread attention until Tuesday.

''Unless you stumbled across it you wouldn't know unless you saw it on the evening news,'' said David Cassel, a freelance writer in Berkeley, Calif., who runs an Internet mailing list about America Online that has 12,000 subscribers. ''People thought it was exploitative, deceptive and instrusive. People were outraged.''

The Federal Trade Commission has been investigating marketing practices in cyberspace since last summer, most recently holding a series of four ''workshops'' with industry groups last month.

Yesterday, noting that credit cared companies often pitch services to their customers based on analysis of spending patterns, Commissioner Christine Varney said: ''The difference in perception is that people believe that AOL knows a whole lot more about them or has the capacity to know a whole lot about them than American Express does. Presumably they can see where you go, what you do, where your email comes from, who you're sending it to.''

Earlier this month the commission's staff sketched the outlines of a regulatory structure for Internet advertising when it determined that a World Wide Web site called KidsCom had probably engaged in deceptive practices when it collected personal information from children and used the data for marketing purposes without the consent of parents.

But the commission has not issued any regulation on Internet marketing aimed at adults, and is still leaning toward allowing the industry to police itself.

''It's about creating a dialogue with industry, and this marketplace is not going to work unless consumers have confidence in it,'' said Victoria Streitfeld, a commission spokeswoman. ''The real effort has been to really not have Government come down on this emerging technology but to raise the issue.''

ON ENERGY AND WATER APPROPRIATIONS BILL AND WHAT IT MEANS TO COMMUNITIES; TRIBUTE TO BISHOP N.H. HENDERSON, SR.; AND SYMPATHY TO FAMILY OF JUDGE NORMAN BLACK

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

Ms. JACKSON–LEE of Texas. Mr. Speaker, I am very delighted today that in an act of positive and effective bipartisanship the energy and water appropriations bill was passed by this body.

Now, many would ask what a technical bill like that has to do with the real nuts and bolts of the quality of life in this Nation. Well, first of all, it has to do with our highways and byways that are water directed. It has to do with protection of our communities against the tragedies of flooding. It has to do with the edification and beautification of our river banks and our bayous and, yes, it has to do with protecting us from the tragedies of the wrong type of disposal of nuclear waste, which in many instances is sometimes used for our medical care.

At the same time, this legislation was particularly special to a group of people in my community in the 18th Congressional District, and I would like to thank some community activists, ministers in and around the Sims Bayou area, particularly around Martin Luther King and Cullen Boulevards, James Brooks a community activist, and Reverend Kyles, along with many other ministers and community leaders who for a long time, and continue to at this time, fought to get some response to the terrible flooding that was going on in their community.

I remember distinctly in 1994, as a city council member, traveling streets by boat that heretofore had not seen any more water than a slight puddle in a yard because it had been watered too much. But unfortunately, in a very heavy rainstorm, many of their homes were flooded out. Now, what I should most compliment is how that community came together, with churches opening their doors and with people gathering clothes and food. They rose up in the time of tragedy and adversity.

Another problem that they faced, however, was, unlike areas that flood regularly, many of those homes did not have flood insurance so many of the people were left devastated. That was 1994. And since that time, we have seen three or more times that that same area has flooded.

With their energy, we took the bull by the horns, and just this past winter, in a terrible flood, we were out there walking those bayous with the Army Corps of Engineers, the Harris County engineering group for flood control, and other local citizens and officials, and we said that this is something that we need to do a lot about.

Those community leaders were undaunted by the task of trying to get Federal funding, more of course, working with local government cooperatively and giving comfort to their citizens who one more time this past winter had been flooded again. Even as I walked the bayou, I could see fences that had been knocked down not by wind but by storm waters.

Now, after working with them and the Army Corps of Engineers, rather than go backward, we are very glad to have gone forward with the $3.5 million added as the completion of what the Army Corps of Engineers asked for to reach the particular area of concern around Cullen and Airport and Martin Luther King Boulevards, in particular in the 18th Congressional District. This $3.5 million will have us going forward and not backward.

But the tribute goes to those citizens who worked very hard. Many times we hear our constituency base ask, ''I send money to Washington and it seems like it takes wings and goes off somewhere.'' Many times they complain about the spending that goes on in this body and elsewhere. The only spending that should go on, we hope, will be to enhance their quality of life.

I am delighted that these citizens maintained the course, and I will continue to work with them so that we can jump-start this project, so that it completes itself way before 2006. We will work with Harris County, we will work with the city of Houston, and we will work with these activists who have not sold their homes in desperation but they have continued to live there. And we will work with FEMA, who still has not been able to consider their claims. But most of all we will congratulate them on their hard work.

I would also at this time, Mr. Speaker, like to acknowledge another activist, but an activist in Christianity, in the Christian experience. Bishop N.H. Henderson, Sr. has served in the ministry for some 50 years, pastoring six churches. He now pastors Law Memorial in Houston.

He has shared his life with his wife, he has shared his life with his family, but most of all he has shared his life with his community. The community of Houston, particularly in the 18th Congressional District, owes Bishop N.H. Henderson, Sr. a great deal of gratitude for the 50 years that he has given to us, for the 77 years that he has lived, for the 60 years of his Christian experience, and for the 50 years of his gospel ministry.

Finally, Mr. Speaker, I would like to very quickly pay a special note of sympathy to the family of Judge Norman Black. We lost him this past week, a cheerful and thoughtful jurist, someone who gave of his life, but most of all treated all mankind and womankind with human dignity. My sympathy to his family and the community who mourn his death.

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

[Mr. COBLE 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 Michigan [Mr. UPTON] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

[Mrs. SMITH of Washington 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 Florida [Mr. FOLEY] is recognized for 5 minutes.

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

ON BALANCING THE BUDGET

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

Mr. NEUMANN. Mr. Speaker, I rise today to talk about a very important issue facing this Nation: It is the growing debt that faces this country. Today our debt stands at $5.3 trillion, $20,000 for every man, woman, and child in the United States of America.

To begin this discussion, I think it is very important that we understand the difference between balancing the budget, that is, reducing the deficit to zero, and paying off the debt. The deficit is the part we talk about out here, and it is important to understand that the deficit is the overdrawn checkbook. When Washington talks about balancing the Federal budget, what they are actually talking about is not overdrawing their checkbook anymore.

What has been going on since 1969 is, every year the Government collects taxes out of the American people's pockets and it puts it in their checkbook and then the Government writes out checks. But it writes out checks for more money than they have in their checkbook. We all know in our houses that would not work and it does not work out here.

So what it is they do when the checkbook is overdrawn, is they go and borrow the amount of money the checkbook is overdrawn. The result of that borrowing is what is shown in this chart. It is the growing debt facing this great Nation that we live in.

From 1960 to 1980 the debt did not grow by very much, but from 1980 forward they started overspending by a lot, and they started borrowing lots of money, and that is why the debt is growing as fast as it is. And we can see it in this chart. As a matter of fact, right now, today, we are at about this point on the chart. And it brings to light how important it is that we deal with not only the deficit but that we

stop the Government from spending more money than it has in its checkbook.

But after the deficit is dealt with we still have the $5.3 trillion debt, and we need to put a plan into place that also deals with that. I have recently introduced legislation called the National Debt Repayment Act. And what the National Debt Repayment Act is, it goes the next step beyond balancing the budget. After the budget is balanced, it says that we must start making payments on reducing the size of this debt.

I am a former home builder, so we set it up very much like we would when we borrow money to buy a house. We pay the loan off over a 30-year period of time. Under the plan, as the surplus is developed, one-third of the surplus would go to additional tax relief for the American people and two-thirds would go to start paying down this Federal debt.

A lot of people might ask, how did we get this debt this big and what is going on out here that would lead us to this size of a debt? I think it is important that we get a handle on what happened in this city before 1995.

Before 1995, this city, the people in Washington, continually made a series of promises to the American people. What I have on this chart is the Gramm-Rudman-Hollings promises of 1985, and then again in 1987. And one can see how they promised, and the blue line shows how the deficit was going to go to zero, they were going to stop overdrawing their checkbook. The red line shows what they actually did with the deficit. They made promises to the American people and they broke those promises.

Again, I would emphasize this is the past. This is pre-1995. Promises were made, the deficits exploded, the promises were broken.

In Washington, they figured out the logical thing to do if they could not keep their word was to make a new set of promises. So they made another set of promises, the Gramm-Rudman-Hollings II, and the blue line shows what they promised in that set. And again the deficit exploded and they did not keep their promises. They could not hit their targets.

The reason we have this debt is because, as these promises were made in the late 1980's and early 1990's, the people representing the United States of America, the people here in Washington, they were not able to keep their commitment to the American people.

In 1993, recognizing that they had broken all their promises, they got serious about this and they said, ''We know what we can do about this, we will raise taxes. We will take more money out of the pockets of the American people. And maybe if we do that, we can stop overdrawing our checkbook.'' Because if they took more money out of the pockets of the American people and they put it in their checkbook out here, they would have more money to spend but they would be closer to a balanced checkbook.

So they raised taxes in 1993, and I would point out the tax increase passed the House of Representatives by a single vote. Not one single Republican voted for it. And it passed the Senate by a single vote.

So we have these broken promises before 1995, we have the tax increase of 1993, and we have the revolt of the American people in 1994. In 1994 the American people said, ''Enough of this stuff, we do not want any more broken promises of a balanced budget, and we do not want these tax increases,'' and they put a new group of people, they put the Republicans in charge of both the House and the Senate.

Now, I think it is reasonable that the American people should ask are they any different. Is there any difference between the Democrats that were here before and this picture of broken promises and higher taxes, and the group of people that is now in Washington, DC, in control in the House and the Senate?

□ 1430

I brought some charts along for that, because I think the answer to that question is very important. It is more than fair that the American people ask are they any different than what has happened since 1995, when we sent a new group there to control. I brought this chart along because this chart shows just how different things really are.

The red columns that one sees on this chart are our plan to balance the budget, too. When we got here in 1995, we made a promise to the American people that we were going to balance the budget too and preserve this Nation for our children. The red column shows the deficit numbers that we promised the American people.

This is very different than those last charts, though, however. Instead of missing the targets, in the first year of our plan, we not only hit the target but were ahead of schedule. The blue column shows what actually happened. So in year one, we were not only successful, but we were ahead of schedule. Along came year two. We were not only successful but we were ahead of schedule. We are now in year three of this plan; and, again, we are not only on schedule, we are ahead of schedule.

It now appears that, because of the success of this group since 1995, along with a strong economy, that we are in a position to balance the budget by next year. So we have not only hit our target of balancing by the year 2002 and keeping our promise, but it now appears that we will have a balanced budget as soon as 1998, 1999 at the latest, and that is great news for the American people.

Why is this happening? What is the message here? What is different? Well, this group curtailed the growth of Government spending to a point where we were able to hit our targets. No raise of taxes. No taking money out the pockets of the American people. Our vision was we should curtail the growth of Washington spending.

When Washington spends less money out of their checkbook, it is no different than in our household, their checkbook was overdrawn by a smaller amount. As a matter of fact, if we look at the year 1997, for example, they overdrew their checkbook by $100 billion less than what was expected. Well, what happened?

When Washington did not go into the private sector and borrow that $100 billion, that left the money available in the private sector. With $100 billion available out there in the private sector, of course that is more availability of money. More availability of money meant the interest rates stayed down. And this is where it now translates out of Washington and into the real world. In the real world, when the interest rates stayed down, it was very predictable what happened next. People started buying more houses and buying more cars.

This was our vision in 1995. If Washington could just stay within their means, could meet their targets and stay ahead of schedule, they would borrow less money out of the private sector. More money available would keep the interest rates down. And with the interest rates down, people would buy more houses and cars and they would do all the things to make this economy work. Because when they bought houses and cars, other people had to go to work. That meant they left the welfare rolls, took less money away from the Government, and started paying taxes in.

That is the working model that has led to this picture. Again, I cannot emphasize enough how different the picture is now than it was before. We are not only on track to balancing the budget, we are ahead of schedule.

I would like to also point out the success that we have had in terms of curtailing the growth of Government spending. This chart shows it the best I can. Before the Republicans got here in 1995, Government spending was going up at an annual rate of 5.2 percent.

We have heard a lot about draconian cuts. I would like to point out that, since the Republicans have been here, spending is still going up, much to the chagrin of some us out here, but it is going up at a much slower rate. What has actually happened is the growth of Government spending, growth of Washington programs has been slowed by about 40 percent.

Since Washington spending is not growing as fast, we are able to both reach a balanced budget and offer tax relief to the American people. What a wonderful situation this is that we have out here right now. We are now in a position because of this success that we can offer the American people both a balanced budget and tax relief, $500 per child; college tuition $1,500 for your kids going to college; capital gains

being reduced from 28 percent to 20 percent; the death taxes, reform; the dream IRA has pulled into place. All of these good things are happening out here because Washington is no longer expanding like it was before. That is good news for the American people.

I had a conversation this morning and the person was talking and he said, ''I have got two kids at home.'' And I said, ''Good. January 1 of next year what you should do is you should walk in the door of your employer and you should tell your employer you wanted to keep $66 more in your paycheck in January that you were sending to Washington before. You just get to keep that money. It is his money anyhow.''

And this person just simply has to walk in the door of his employer on January 1 next year and say, ''I want to keep an extra 66 bucks a month of my own money,'' and he gets a $66 raise in one month simply by walking in and doing it because these tax cuts are put into place. Good news for America.

The logical question is, ''What is next?'' I think the logical question, we look at this picture, we look at the broken promises of the past and the tax increases of 1993 and the American people stepping forward and rejecting those broken promises and the tax increases, and they have now moved to a point where they put a group of people here that are going to both stay on track to balancing the budget and reduce the taxes at the same time, the logical question is, ''Where do we go from here?''

I think the answer to that question goes back to kind of where we started tonight. Even after the budget is balanced, we still have this $5.3 trillion debt hanging over our head. For any of the viewers that have not seen this number, this is what the number looks like. It is staggering. It is $20,000 for every man, woman, and child in the United States of America. It is $100,000 for a family of five like mine. And the kicker is, a family of five pays $580 a month in interest only on the Federal debt.

Now a lot of people say, ''I do not pay that much in taxes.'' Well, the reality is, you pay taxes all over the place. When you walk in the store and buy a loaf of bread and the store owner makes a profit on that loaf of bread, the store owner sends part of that profit to Washington, DC, to help pay the interest on that Federal debt. So they are paying it.

So the logical question is, ''What next?'' The logical answer to that question is after we balance the budget, we should start addressing this national debt. Recently I introduced a bill called the National Debt Repayment Act. And it does this. After the budget is balanced, we cap the growth of Washington spending at a rate 1-percent lower than the rate of revenue growth. That creates a surplus. Two-thirds of the surplus goes to paying down this debt. One-third of the surplus goes to additional tax cuts for the American people. I think it is real important that we point out, as this debt is repaid, the money that has been taken out of the Social Security trust fund by the people in Washington over the last 15 years gets put back into the Social Security trust fund so Social Security once again becomes solvent for our senior citizens. The people that are working today would get additional tax cuts; so for our seniors, solvency in the Social Security trust fund, security in the Social Security system for our seniors. For our working families, for people in the work force today, taxes is part of this bill.

I think most important of all, for future generations, for our children and for our grandchildren, we get to pass this great Nation on to our children debt-free. We pay off the Federal debt by the year 2026 under this bill, and we get to pass this great Nation on to our children debt-free. I think that is the message of the future, and I think that is the message of the Republican Party.

The past, the party that was here before us in control, the broken promises of the late 1980's and the early 1990's and the tax increases of 1993, that is gone. The American people sent a different party here to run Washington, DC. This party is in the third year of a plan to balance the Federal budget. We are on track. We are ahead of schedule. The budget should be balanced in 2002 but probably as early as next year or the year after, on track, ahead of schedule, by curtailing the growth of Washington spending so that we can provide both a balanced budget and lower taxes for the American people.

This vision for the future includes paying off the Federal debt, restoring the Social Security trust fund, and giving this great Nation that we live in to our children absolutely debt-free. I can think of no better vision for the future of our Nation.

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

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. NEUMANN] yields back his time.

Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for the remainder of the majority leader's hour. That time would be 47 minutes.

Mr. GUTKNECHT. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. ETHERIDGE].

REGARDING TAX RELIEF FOR WORKING FARMERS.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Minnesota [Mr. GUTKNECHT] for yielding me the time.

Mr. Speaker, I rise today on behalf of the hard-working farmers of North Carolina. I want to thank my colleagues that voted yesterday to preserve crop insurance for tobacco farmers.

Defeating the amendment this week could not have come more timely. Just this week, rain and wind from Hurricane Danny damaged thousands of tobacco farms in North Carolina as farmers prepared to go to market. As insurance adjusters began to survey the damage, farmers will count on crop insurance to pay the bill as they try to salvage what they can.

If crop insurance were not available to these small farmers, not only would this year's crop be a near total loss for them, but others would be forced off the farm entirely. Many of these very farmers are still repairing the damage to curing barns, irrigation equipment, and other farm equipment received during Hurricane Bertha and Hurricane Fran just last year. Others are just now recovering to pay off farm loans and bank debts that they sustained during that period. And their families also faced damage from blue mold just last year on their tobacco.

Yesterday's vote was a huge victory for small farmers, especially poor, minority, and disadvantaged growers. Tobacco has been in the news a great deal lately. It has been the source of quite a bit of controversy. However, there is one fact about tobacco that is indisputable. The golden leaf has helped build the State of North Carolina, and it has helped transform the Tar Heel State into an international force in business, technology, education, research, medicine, and the arts.

Before the turn of the century, North Carolina was known as the Rip Van Winkle State, devoid of good education, economic wealth, and many other things that others enjoyed. Jobs were hard to come by, and a week's pay at a textile mill never seemed to be quite enough to pay the bills at the town general store.

Education was a privilege only for a very special few people. At the turn of the century, most children left school early to work on the farm or in a textile mill, and only a lucky few graduated from high school, and even less went on to college. Health care was atrocious. But because of the geography and climate, North Carolina farmers found that they could grow a variety of crops and especially one that turned a good crop, flue-cured tobacco.

Tobacco has helped educate our children, help establish our community college system, build our roads, and send thousands of young people to a public university system that is the rival of any in this Nation and around the world. Tobacco and the tax revenues and economic development it has generated has provided the State and local government the resources necessary to foster an environment of technological achievement in our State that would not have been deemed thinkable just a few decades ago.

North Carolina boasts the best research universities that exist anywhere. Our community college system is the model used by States all over the country. North Carolina boasts more

miles of State maintained highways than any State in this Nation. And the Research Triangle Park has become a research technological manufacturing center that has put North Carolina ahead of the pack in the creation of new jobs and economic development opportunities as we look forward to the new millennium.

Just over 50 years ago, tobacco was the economy of North Carolina. And it remains an important part of our State today, but it is a less important part. North Carolina has a well-diversified, multifaceted economy, thanks to the sweat and toil of the farmers all over our State.

But tobacco is extremely vulnerable to the fury of nature. Hurricanes, tornadoes, floods, and other acts of nature that have visited North Carolina in recent years have devastated our family farmers. Crop insurance would have made it more difficult had farmers not had to insure themselves against nature's fury.

So let me thank my colleagues again for casting a vote on behalf of family farmers. I also want to thank my colleagues that voted to preserve the peanut program and the reforms that were made to it in the 1996 farm bill. Because had they not voted against the Neumann-Kanjorski amendment, peanuts would have been in trouble.

Peanuts have also played a big role in the agriculture economy of North Carolina. Before tobacco became the king crop, peanuts sustained the fragile economies in many of our poorest counties in North Carolina, as it still does today. Peanut farmers face many obstacles, as do others. Too much water turns them to mush. Too much drought turns them to dust.

Mr. Speaker, I again want to thank my colleagues for casting their vote to help our farmers yesterday.

The SPEAKER pro tempore [Mr. BURR]. The gentleman from Minnesota [Mr. GUTKNECHT] is recognized and has 42 minutes remaining.

Mr. GUTKNECHT. Mr. Speaker, I would like to talk a little bit about what has been happening over the last 40 years, what is happening in the Congress today, and sort of pursue some of the ideas that our colleague, the gentleman Wisconsin [Mr. NEUMANN], was talking about.

I am pleased to have joining me the gentleman from Florida [Mr. WELDON], who came in with me and the gentleman from Wisconsin [Mr. NEUMANN] in the class of 1994, to talk a little bit about what is happening with this budget, what is happening with taxes.

I want to mention something that our colleague, the gentleman from Wisconsin [Mr. NEUMANN], neglected to mention. I think it is a very important point.

□ 1445

He said that we are ahead of goal, we are under budget, we are closer to a balanced budget today than we have been since I was in high school. I would like to talk a little bit about some of the things that are happening. We have eliminated something like 289 Federal programs. We have cut over $50 billion in discretionary spending. We have the first real welfare reform plan passed literally since 1965.

There is a lot of good news that goes along with this. As a matter of fact, 3 weeks ago when the President did his Saturday radio address, he said that there are 1,023,000 fewer families on welfare today than were on welfare when he signed the Republican welfare reform bill just a little over a year and a half ago. That is good news. It is saving money. But the goal of the welfare reform plan was not to save money. The goal of the welfare reform plan was to save people, and to save families and to save children from one more generation of poverty, dependency, and despair. We are making real progress in the areas of welfare reform, in the areas of Medicare reform, entitlement reform, downsizing the Federal bureaucracy, holding the Federal Government more accountable, squeezing more out of the taxpayers' dollars. We are limiting the growth in spending.

In fact, in 1995, when we passed our first 7-year budget plan in which we said we will balance the budget by 2002 and we will provide tax relief to working families in the United States, when we passed that original blueprint for balancing the budget, when we said in 1995 that in fiscal year 1997 we would spend $1,624 billion, that is how much we would spend in this fiscal year that we are in right now.

The truth of the matter is we are actually going to spend only $1,622 billion. This Congress is actually going to spend less money this year than we said we were going to spend just 2 years ago. That is good news. But I think the news is even better if we stop and analyze it, because in the intervening time because we have had stronger consumer confidence, we have stronger confidence in the business community, we have lower interest rates than even the Treasury estimated just 2 years ago, as a result of all of that, more people are buying homes, more people are buying cars, the economy is stronger, and the revenues coming into the Federal Government have actually increased by more than $100 billion. At the same time revenue has increased by over $100 billion, real spending by this Congress is less than we said it would be just 2 years ago.

I think that is great news for the American people, and it is particularly good news I think for our kids, because we are on the path now toward a balanced budget. There was a published report just a few weeks ago that said if the economy remains even relatively as strong as it is today, even close to where we are today, we could actually balance the budget as early as next year. I think that is great news.

Joining me is the gentleman from Florida [Mr. WELDON]. I welcome any comments he may have.

Mr. WELDON of Florida. I thank the gentleman for yielding. I wanted to rise and talk a little bit with the gentleman today and with the people viewing in the C–SPAN audience a little bit about who this tax cut package is really going to help. It is important for all our colleagues in the House of Representatives and everyone watching to understand exactly what this means for the families and their neighbors' families. Tax relief is about real people, real Americans. If the gentleman would allow me to come down there, I want to put up on that easel next to him a picture of one of those families.

Mr. GUTKNECHT. In fact, while the gentleman is bringing a chart down, I think he has made an excellent point and sometimes we forget because we get so bogged down in $1,624 billion and 2.3 percent and $100 billion and $200 million and all of these numbers. We sometimes talk about these kinds of things as if it were some kind of an accounting exercise when really this in the end is about real people and how it is going to affect their lives.

Mr. WELDON of Florida. Mr. Speaker, this is a picture of a family from my congressional district, specifically the town of Palm Bay, the town that I live in on Florida's east central coast, an area we call the Space Coast because of Kennedy Space Center and Cape Canaveral being there.

This is the Auger family, a middle-class family. Here we have Jim Auger. He is a plumber. We see him there with his wife and his three kids. They have a family income of less than $40,000. Jim juggles his roles as husband and plumber, and his wife, of course, is very busy with the household chores. I believe she also earns some extra income cutting hair. They have 3 kids. I want to talk a little bit about the kids.

The oldest boy is Christopher. There is Christopher there. Then they have Anthony and their daughter Denae. She is 10 years old. Of course also they have the two dogs Bridget and Oreo.

Mr. GUTKNECHT. Which dog is which?

Mr. WELDON of Florida. I think this one is Oreo actually. I think I may have gotten that one wrong.

I want to talk a little bit about what the Republican tax cut package actually means for them and how it will specifically affect this family, because it means a lot to this family. In fact, it means a lot for all families like the Augers, and the importance of this vote cannot be overemphasized. Indeed, I think it may be one of the most important votes that we will cast in this Congress.

It is not always easy for Jim to look out for his family and to make ends meet, especially when so much of his hard earned money goes to the Federal Government. Indeed, like most middle class working American families, Jim sends more to the Federal Government than what he spends on food, clothing, and shelter combined, which is a very significant, important fact for many American families.

What they will receive with this middle-class tax cut package is very important. They will receive $500 for each child.

The gentleman from Minnesota has another picture of the family. I think what they are doing there is playing Pictionary at that particular moment. They are not trying to fill out their IRS forms and figure out how they are going to make ends meet. They are actually enjoying themselves there.

Mr. GUTKNECHT. I want to get back to an important point because I think this sometimes is lost. This typical American family, and this is not all that different from the family I grew up in during the 1950's. In fact, when I was growing up in the 1950's, the average family, the largest single payment that they made was for their house payment. Today the typical family, according to the National Taxpayers Union, pays more in taxes, we are talking about total taxes, they pay more in taxes than they do for food, clothing, and shelter combined. That is why the typical American family is being squeezed so much and why this tax relief package we are talking about is so important.

Mr. WELDON of Florida. The gentleman raises a very good point. The typical American family does not pay more in Federal income tax than they spend on food, shelter, and clothing. But when we add up the FICA, the Medicare tax, when we add up the property taxes, if they own their own home, their sales taxes and all the other taxes the families pay out, the typical American family is spending more money on taxes than anything else, and it is greater than food, clothing, and shelter combined.

This family is going to get the $500 per child tax credit. But because their oldest son is getting close to college age, they can also get a $1,500 a year eligibility for an IRA scholarship deduction which, if we do the math and translate it all out, this family will be saving in excess of $1,500 a year on their income taxes.

Mr. GUTKNECHT. That is money that they get to keep, and sometimes people misunderstand. They confuse credits with deductions. We are talking about $1,500 more that this family will have in their checkbooks to spend as they see fit rather than having that money being sent to Washington to be spent by Members of Congress and bureaucrats as they see fit.

Mr. WELDON of Florida. The gentleman is absolutely correct. An important point here that I would like to make is the Augers are not the only family in my congressional district who are going to benefit from this tax relief package. Indeed, the Heritage Foundation, a think tank here in Washington, DC, did a calculation for me indicating that 84,000 families in my congressional district will see their income taxes go down based on this Republican middle-class tax cut package. That will mean $39 million in the pockets of working families in my congressional district, which includes Brevard County, Indian River County, Osceola County, and portions of Polk County in Florida. I am sure in the gentleman from Minnesota's district, it is ditto. He has got thousands and thousands of families that will benefit from it.

This is a very important point: When we put more money in their pockets, in working families' pockets, it not only makes it easier for them to make ends meet, it not only makes it easier for them to be able to send their kids to college with the tuition tax credits that we are providing, but it is also going to be good for the local economy, it is going to be good for the local businessman. If you are a businessman and you own a hardware store or if you work in a barber shop or a restaurant, you are going to have more families with more spending money in their pocket, and that is going to in turn, well, Jim Auger here in this picture is a perfect example. He is a plumber. There are lots of families that are going to benefit that he does plumbing work for. How many families in my congressional district or in the congressional district of the gentleman from Minnesota [Mr. GUTKNECHT] have a leaking faucet that they would like to get fixed but they do not have the money, the end of the checkbook comes before the end of the month? What is going to happen, people will have more spending money and the spinoff benefit will not only be that it is going to be easier for him to send his kids to college; they are going to have more spending money. But as well, it may actually help his business because it is going to help the families that he does plumbing work for.

This is something that has the potential to help everybody in America. It will create jobs, it will make working families and families with kids better able to make ends meet, and probably most importantly, it is going to make it a lot easier for this mom and dad in this picture to send these three kids to college.

These kids are bright kids and their parents believe they are college material and that they should be able to succeed in college. But as everybody knows, it is not just the tuition. It is the room and the board and the books and paying the medical insurance while the kids are in college. So providing for a kid for another 4 years and seeing him through the process of college is very, very difficult on families. This family is going to be better able to send their kids to college. That is a big part of what this tax package is all about.

I am very, very pleased to rise today and join the gentleman in this special order and talk about not just the statistics and not just the numbers, but real flesh and blood people like the Augers and their three kids, because this is going to mean a real difference for their quality of life. For too long, American families like them have been bearing too much of the burden of government here in Washington. If we look at the facts and look back 40 years when my mom and dad and the gentleman from Minnesota's mom and dad were raising our families, I know I have my sister Carol visiting from Tennessee in the gallery up there listening to this speech. I have three sisters, Carol is the youngest, my sister Maryann, who is younger than me, and then my older sister Christine. When my parents were raising the four of us kids, my father was a postal clerk, working in the post office, they were sending about 2, 3, 4 percent of their income to Washington, DC. Now these families are sending 25 percent of their income to Washington, DC.

As I understand it, she likes to cut hair and she enjoys cutting hair. But there are a lot of working moms who would rather not be out in the workplace. They would rather be home with the kids. Particularly when the kids are really little, they would rather be home with them. This tax package is going to go a long way to helping a lot of those families.

One of the things that I think is most ironic is that not only has this been a very difficult process over the 3 years to get the administration to come along with us on a tax cut package, but as well it really is taking our initiative, the initiative of the Speaker, the majority leader, the leader in the other body as well as all the other Members, to really get the President of the United States to fulfill a pledge that he made in a campaign in 1992 to provide a middle-class tax break. So it is really a pleasure for me to join the gentleman.

Mr. GUTKNECHT. I will hold this picture up of this family, but I think if he flips to the next chart, let us talk a little bit about that. He is absolutely right that the President promised when he ran for office the first time a middle-class tax cut. He did not promise a lower income tax cut, he did not promise to cut taxes for people who pay no income taxes. He promised a middle-class tax cut.

In many respects, what we are doing is we are helping the President keep that promise. According to the Joint Committee on Taxation, which is a bipartisan committee and is the official scorekeeper of all tax bills, 76 percent of the tax relief in the package that passed this House, and we have not yet got the calculations on the bill that is being finalized in the conference committee, but my suspicion is it will be very close to the same number, at least three-quarters of the benefit of this tax package will go to families who earn less than $75,000 a year.

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And there are lots and lots of families in that category, and I yield to the gentleman.

Mr. WELDON of Florida. Yes, if the gentleman would yield, I appreciate it, thank you.

I just wanted to explain what this chart represents. And our tax cut package is about an $85 billion net tax cut, but actually its total amount is about $115 billion. This pie chart represents all of that money, the whole tax cut package, and we are looking at who does it go to. And this section in the yellow here represents 76 percent of that tax cut package, and it goes to families earning between $20,000 and $75,000.

That to me says a great deal. It says this truly is a middle-class tax cut. That is the working middle class.

Now some people may say well, gee, $50,000, $60,000, $70,000, where I live is not middle class, and that is true. Where I am in Florida, making $65,000, $70,000 a year, some people would legitimately argue is not middle class anymore. But I can tell you in some of our more urban areas, places like New York City, Long Island, Los Angeles, there are a lot of families struggling to make ends meet on $65,000 a year because of the very, very high cost of housing where a house can cost $300,000 a year. And if you really look, that is the middle class in the United States of America, with incomes between $20,000 and $75,000 a year.

This pie chart shows you very, very clearly, 76 percent goes to those working middle-class families.

Mr. GUTKNECHT. That is what the President promised, and that is what we have delivered.

Perhaps we can flip to the next chart because this is another chart that was put together by the Joint Economic Committee on Taxation, again the people who actually are the official scorekeepers, and what you see in yellow is current law or pre- the tax cut package that has been agreed to by the House and Senate. And what you see are the five different, if you broke the economic groups into equal parts of one-fifth, the lowest one-fifth of taxpayers currently pay in the yellow there on the left, they currently pay 1 percent of all the taxes paid in the United States. The top or the lowest 20 percent of income earners in the United States currently pay 1 percent. Under this tax plan they would still pay 1 percent.

If you drop all the way over to the highest 20 percent, they currently pay 63 percent of all of the taxes paid in the United States. Under this tax plan they will still pay 63 percent. In fact, if you really are honest about the way the distribution of this tax cut goes, it really does little to change the differences between the wealthy and the poor.

The important point is, and one of the things that our friends on the left, they do two things with our tax bill that I think in some respects are incredibly disingenuous. One is they use what is called family economic income or otherwise imputed income. And by doing that you can literally take a family that is earning $47,000 a year, which currently is the median family income, that lives in their own home, that perhaps has accrued values of pensions, perhaps has an IRA that they could cash in, have some undeclared capital gains; in other words, they have got some stock perhaps that they inherited from Aunt Matilda. And if you put all those together using a very convoluted and tortured arithmetic developed by the Treasury Department, you can literally take that typical family, that median family with $47,000 of income, and you can say they have an imputed income of $80,000 a year. And that is what sometimes our friends on the left are referring to when they talk about tax cuts for the rich.

The other thing they do, which I do not think is completely fair or honest, is they talk about capital gains and they say capital gains are tax cuts for the rich. Well, in some respects there is some truth, and as a matter of fact if Bill Gates were to sell all of his Microsoft stock under this tax plan with the tax relief that we have included in that for capital gains sales, he would get a very large tax cut. That is a fact, OK? The likelihood is he is not going to do that. As a matter of fact, many wealthy people never sell their stock. They leave it to a trust; in fact, in my guess what probably will happen to Mr. Gates' stock in Microsoft is one day he will leave it to some foundation to build electronic libraries throughout the galaxy. That is what historically has happened with many very wealthy people. They create foundations, they create trusts, and so in some respects they really do not take advantage of these tax breaks anyway. But even if they did, that is their business, it is not the government's business, and he would still be paying billions of dollars worth of taxes.

But let us talk about normal people. Let us talk about farmers. Let us talk about small business people. Let us talk about families who save and invest for their future which, of course, is what ultimately I think we want people to do more of. One of the problems we have had with this Tax Code over the last 40 years is that it has discouraged personal responsibility by saying, you know if you save, if you invest, if you take care of your family, you will be punished. If you do not do those things, you will be rewarded. And what we are saying is we have got to reverse some of those perverse incentives.

But let us talk about tax cuts for the rich, because the truth of the matter is most people who pay a capital gains tax are rich for 1 day, the day they sell their farm, the day they sell their business or the day they sell some other asset or investment which in many cases they have been paying taxes on for many, many years.

So I happen to believe that we ought to encourage people to invest and save and that the real purpose of capital gains tax relief is not to help the wealthy. It is to help more people of modest means become wealthy and to help those people take better care of themselves and better care of their families, particularly in their retiring years.

So I strongly support capital gains tax reductions, and frankly I do not have any problem defending or discussing those back in my home district, particularly among small business people and farmers, because they understand that they live poor and they die rich because they have invested, saved and been prudent.

Mr. WELDON of Florida. I thank the gentleman, and I want to talk about one particular aspect of the capital gains reduction which is part of the tax package that is being discussed here in Washington right now.

The capital gains tax reduction, the reason why I support it and the reason why many of my colleagues on both sides of the aisle support it is because it stimulates jobs, it helps create jobs, and the way it does that is if you have made an investment and you realize some profit off that investment, if when you go to sell and the government takes slightly less, you are left with a little bit more. And most people who make an investment reinvest their money.

Now some people will use it for a vacation or a college education, but the majority of people reinvest their money right back into the economy in the form of stocks or bonds or business.

And so when you lower the rate of tax on capital gains, and you leave more money in people's pockets who are most likely to invest it, they are putting more money back into the economy, and then, as a consequence, they are creating jobs.

And what is probably most important about this is they are more often than not creating good, high-paying, quality jobs. Often it is in high-tech industries, the kind of industries that are clean, that are less polluting and that frequently are paying better salaries.

I want to make one other extremely important point. In our Republican tax cut package we do something called indexing capital gains, and I want to explain what that is. If you make an investment today, a thousand dollars, and 10 years from now your investment has doubled in value to $2,000, according to the current Tax Code you have got a capital gain on a thousand dollars.

But guess what? Inflation is such that 50 percent of your profit has been eaten up by inflation, so instead of really having an extra thousand dollars, because of inflation, the decline in value of the dollar, you maybe only have realized $500 in real profit.

Indeed, when inflation is going along very rapidly, if inflation was at, say, 7 percent, and your investment went from 1,000 to $2,000, you have made absolutely no profit because your $2,000 now only buys what a thousand dollars did years ago.

Well, in the current Tax Code, you pay taxes on that inflated money. You actually have to pay the Federal Government for the inflation, and I just think that is absolutely wrong, and one of the things I am most proud of in our tax cut package is we allow you to index it for inflation.

So if you made that thousand dollar investment and it is now worth $2,000, but the dollar has gone down in value slightly so your real capital gains is only $500, you pay capital gains tax on only $500.

What I have been most disappointed in is the President does not want this provision. He wants it eliminated, and he is going around this city, and he has his Treasury Secretary, Robert Rubin, going around saying that this will, quote, explode the deficit, trying to put fear in the hearts of the American people that this tax cut package is going to explode the deficit. In truth, it is going to do nothing at all like that. And in truth, what we are trying to do is just basic fairness. We are trying to take the family values that you are trying to raise your kids with every day, a fairness and honesty, and we are trying to apply it to the U.S. Tax Code. And believe me in this city it is very hard. But to have the President running around and saying it is going to explode the deficit, in my opinion, is to say the current system is the way we want to keep it, we want to tax you on your inflated dollars. Even if your $1,000 investment is worth $2,000 and inflation has eaten up half of that, we are going to tax you on all of that.

And I just think that is dead wrong, and it is just not fair. One of the things that I know that I have been striving for since I have been here in Washington, all the Members of our freshman class, particularly the freshman class of the last Congress and the people like Mr. GUTKNECHT, is to try to put fairness into the system, fairness in giving working families like the Augers, the people I showed earlier, more money to spend at the end of the month, more money for college education, better able to make ends meet, but also to put fairness into the law itself and have it make common sense.

Mr. Speaker, it does not make common sense if the dollar has gone down in value such that your investment is really not worth anything more, but then for the Federal Government to come along and tax you on that; well, my colleagues, let me tell you, you can end up losing money on your investments if the government is going to eat away all of it, even the gains that have been made purely on inflation. Your purchasing power can go down, and what happens when you live in a country like that where they are taxing you on everything and taxing you on your taxes, well, people will not make investments, and then you will not create good, high-paying, quality jobs, and then we all suffer.

So we want a Tax Code that makes sense, we want a Tax Code that is fair, we want a Tax Code that helps working families, we want a tax system that encourages families to be able to send their kids to college, and I am very, very pleased to be able to join the gentleman in this special order here.

Mr. GUTKNECHT. Mr. Speaker, I want to get back to a point the gentleman from Florida made, and this is one of the things that has been incredibly discouraging and frustrating in that we have the President and the Secretary of the Treasury, Mr. Rubin, and I want to talk specifically about the Treasury Department and their imputed income scheme and, even more importantly, to talk briefly about their notion of exploding, reducing capital gains, exploding the deficit. The real tragedy of that tale is they know that that is not true.

As a matter of fact, the Treasury now has updated numbers that shows by reducing capital gains at the levels that we are talking about in this tax bill, you actually increase revenue to the Federal Government over the next 10 years by an additional $25 billion. Yesterday there was an article written by one of the former Federal Governors who said reducing capital gains will actually increase revenues to the Federal Government by hundreds of billions of dollars more because it will encourage people to sell assets that they have been sitting on for a long time and convert those and allow other people to buy them. And as this happens, as we get more and more transactions, as we get more and more people investing in savings, as we encourage investments in savings, you increase the size of the pie.

You do not have to raise taxes to increase revenue. If you lower capital gains, even the Treasury Department now acknowledges, you actually increase revenue. You do not explode the deficit, you explode revenues, because the economic activity is growing and the biggest benefactors, and I think you said this, again are not the wealthy.

And I will just also quote, there was a gentleman in my office yesterday, and some people know him, he is the president of Godfathers Pizza, a remarkable human being, and I asked him that question about capital gains, and I asked him what kind of tax package would benefit low- and middle-income people the most. And you know what he said? Whatever tax package lowers total taxes the most.

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He said, do you know why? He said, because wealthy people already have all the toys they want. They already have the boats. They have the Gulfstream IV's, they have lots of toys. So if they have more of their money to spend, particularly as they sell investments, guess what they are going to do? They are going to reinvest it. They are going to invest it in new businesses and new opportunities and new job opportunities for people who need them the most.

So the real benefit of this package I think goes to people of modest means and to middle-income families, and that is the way it should be. Just because there may be some wealthy people who will benefit, that is no reason to play this class warfare.

I want to remind people and our Members who may be watching, it has not been that long ago that this Congress started to play this class warfare game. What happened? They passed something called the luxury boat tax. They were going to get those wealthy people who bought those cigarette boats and those wealthy people who bought yachts. They were somehow going to get them to pay more taxes. Do Members remember what happened?

Mr. WELDON of Florida. Mr. Speaker, I had or still have one of those boat companies in my district, Sea Ray, and it just about put them out of business. As I understand it, 20,000 working Americans who worked in the boating industry lost their jobs, and I know they laid off lots of people in my district, and it was a disaster because people stopped buying the boats, so they got absolutely no income into the Federal Treasury off of that tax.

And because they stopped buying boats, it put the boating industry in a tailspin. I know in my congressional district it hurt the company very, very badly, and people ended up losing their jobs. When people lose their jobs they go on unemployment, they may end up on welfare, they are not paying income tax anymore. So that luxury tax I think is an excellent case study. I am glad the gentleman brought it up.

Mr. GUTKNECHT. It underscores the real danger of playing this class warfare game. Abraham Lincoln warned many, many years ago that you cannot help the poor by hurting the rich. In other words, we are all in the same boat. You cannot sink half of them. When they tried to do it, when they tried the luxury boat tax, it had a net negative revenue consequence. That was bad. But what was worse, over 10,000 honest, hard-working Americans lost their jobs. That is the danger of playing this class warfare game.

I think we have to talk in the terms that President Kennedy talked about over 30 years ago. He said a rising tide lifts all boats. When he cut marginal tax rates across-the-board, guess who benefited the most? People with the highest incomes. But in the end who really benefitted in terms of more jobs, more economic activity, and a faster growing economy? It was people who needed the jobs worse.

President Kennedy understood the principle of a rising tide lifting all boats. Unfortunately, there are Members of this body today who seem to think that if you cannot pick winners and losers you should not do anything to try to improve the state of everybody. I think that is wrong. I think there are people here who unfortunately have gotten into this game that there always have been to be losers and

we must always defend the losers. That is simply not true. We have to talk about expanding the pie for everybody. If we do, the American people understand this.

If the gentleman could put up this last chart, I know the gentleman wants to talk a little bit about the space race. There is an awful lot of cynicism, Mr. Speaker, and I absolutely understand it. A lot of times I tell people on my money it does not say, ''in Republicans we trust,'' it does not say, in ''Democrats we trust,'' it does not say ''in Congress we trust.'' It says ''in God we trust.'' I do not ask people to trust me, but I do ask them to trust themselves.

What we have put on here, and I hope people can see this chart, if they want to know how much this tax package will benefit them, we have a couple of web sites where people can actually call it up on their computer. There is a GOP tax calculator, and hopefully they can see that on their television. People can actually calculate the tax relief for themselves: What does this package mean to me?

Do not worry about what it might mean to some wealthy investor who may sell a large investment. Obviously they may get a tax break. But what people really want to know is, what will it do for me? What will it do for my family? If people look at this in those terms, they will decide it is a fair tax package, it is good for them, it is good for their family, and it helps them to save and invest for their future as well as take care of their kids. I am very proud of this tax package.

Let me say one other thing. I have just written a letter to the gentleman from Texas Mr. BILL ARCHER. The President and some of his friends are saying this gives too much tax benefits to the rich, and there are families at the lower-income levels who are working but yet would not receive tax relief under this package. What we have done is send a letter to the gentleman from Texas Mr. BILL ARCHER, and this is from a recommendation from a gentleman who called in on C-SPAN.

He said, ''I understand what the Republicans are saying, only people who pay taxes are going to get tax relief. But I kind of understand what the President and some of the Democrats are saying, too, and that is there are teachers just starting out, fire fighters just starting out. Under the Republican plan they would not get much tax relief.''

He offered what I think is a simple and sensible compromise solution. He said, ''Why do we not just say, let each family decide which package gives them the best bang for the buck?'' In other words, if right now they get a better deal under the earned income tax credit, they could take that. On the other side, if they thought they got a better bargain under the per child tax credit that the Republican conference committee has worked out, they should take that. They could either have the system under the earned income tax credit or the per child family tax credit. Give them the best of both worlds. They could choose one or the other.

I think that is a reasonable compromise. I would hope that the conferees would at least look at something like that to try and break this impasse, so that for the first time in 16 years we can actually provide working families with real tax relief.

I know the gentleman wants to talk a little bit about, and I want to give the gentleman a compliment, because he represents Cape Canaveral and the space industry down there, and the gentleman does it very admirably. Here recently we have heard a lot of interesting news about the space program, both with the Mir Space Station that is up there circling now, and we all hope and pray that that turns out for the better, but more interestingly, what has been happening on the planet Mars.

I know the gentleman has some great pictures that have come back from NASA, and I yield to the gentleman to discuss some of those projects that are currently going on at Cape Canaveral and with NASA in general. I yield to the gentleman from Florida.

Mr. WELDON of Florida. I thank the gentleman for yielding, and I thank him for being a space supporter. I know he has been fascinated by some of these issues.

I want to talk a little bit about our Nation's space program and the tremendous asset it is to America. We are a great Nation, 275 million people, 50 States, from sea to shining sea. It is a very variegated fabric of what makes up America. There are many great things that make our Nation great. Our number one asset is obviously our people and the people who make up so many of the great industries and institutions.

Of course, the space program has been getting a lot of attention lately, particularly as it relates to exploration of Mars. I wanted to talk a little bit about that.

Our space program is something that truly fascinates our children. Teachers in my district tell me, if you want to get kids excited about math and science and just why it is important and how it applies, just start talking about the space program and you will get their attention.

Why is that? I think there is something that burns in the heart of every human being, not just every American but every human being: a sense of curiosity, what is our destiny. We all know we have explored the world. There is much more to explore in this world, but we also know that much of it has been explored.

What is man's destiny? Is it just to reside here on planet earth, or is it to reach out and truly grasp the stars, to go to other planets, to visit other stars, to explore new worlds, to some day colonize other places in the universe?

If I could quote Neil Armstrong, his ''one small step for man,'' we had a small step a few weeks ago with the Mars Pathfinder, an incredibly successful mission, a mission that was launched from Cape Canaveral in December of last year, and it arrived at the red planet, a successful landing of the Mars Pathfinder vehicle shown here in this diagram, or this is actually a photograph of Mars. This is a photograph taken of the Sojourner, the vehicle that is able to go out and explore around on the planet.

Mr. Speaker, I want to also show this very, very interesting photograph. The Sojourner rolled off of the Mars Pathfinder and then turned around and took a picture of the Mars Pathfinder, and here we can see the Mars Pathfinder, and these bags that are around it are actually deflated balloons.

The way that Pathfinder landed, once it came into the atmosphere balloons all around the Mars Pathfinder blew up, and the thing actually bounced on the surface something like 20 times and then came to rest. Slowly the air was let out of the balloons, and the thing opened up and out goes this rover.

Here we can actually see in this photograph the tracks that the rover made in the surface of the planet. So it is a fascinating vehicle. It is a tremendous success, something I think that everybody at NASA can be proud of, particularly the people at JPL.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURR of North Carolina). The Chair would remind all Members to refrain from references to occupants of the gallery.

FOREIGN POLICY ISSUES

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 would like to use my time today, and I do not plan to use it all, but I would like to use the time that I have today to discuss some foreign policy issues. The first relates to south Asia and to India in particular.

I am the cochair of the India Caucus, and very much a supporter of the efforts by the Prime Ministers of India and Pakistan to bring their countries closer together, pursuant to the so-called Gujral Doctrine, which is named after the current Prime Minister of India.

Progress is being made by the two countries towards a peaceful settlement of their differences, as well as improved economic and trade relations, and a big part of this has been the discussions that have been held between the Prime Ministers and between officials in India and Pakistan at a level lower than the Prime Minister level.

But this progress is really one of the major reasons why I am concerned and very worried about a Senate initiative, an initiative by the other body that tilts, in my opinion, U.S. foreign policy again in favor of Pakistan and against India.

Mr. Speaker, I want to express today my strong opposition to an amendment that was passed in the other body, in the Senate last week, to the foreign operations appropriations bill, that lifts existing United States restrictions on military and economic assistance to Pakistan. This amendment would allow for the resumption of the Overseas Private Investment Corporation, the International Military Education and Training Program, the Trade and Development Assistance, as well as the democracy-building programs such as the National Endowment for Democracy in Pakistan.

These restrictions were imposed by the Glenn–Symington amendment a few years ago, which restricted the delivery of aid and bilateral programs to Pakistan because of Pakistan's continual development of a nuclear weapons program. The restrictions were in place due to Pakistan's externally aided nuclear weapons program.

What is troubling to me, Mr. Speaker, is that the Senate repealed the Glenn–Symington amendment among reports that Pakistan has recently fired and tested a Chinese-built M–11 missile, or an indigenously developed medium-range missile similar to the M–11. United States intelligence reports that Pakistan is building or has built, with the aid of the Chinese, a missile factory. These missiles can carry nuclear devices. This factory is not subject to international inspection.

Mr. Speaker, for those familiar with Pakistan's nuclear program, it is well known that for several years Pakistan has moved forward with an aggressive program of acquiring nuclear technology and weapons delivery systems, as well as providing arms and training to rogue nations and terrorist groups.

The intent of the Senate action last week may have been, I hope that was the intention, but may have been to encourage Pakistan to cap its nuclear program. However, I would contend that history has shown otherwise. In 1985, United States intelligence reported that Pakistan was receiving United States arms and was simultaneously developing a nuclear weapons program. In response, and with the support of Pakistan, Congress in 1985 enacted the Pressler amendment, to deny assistance to Pakistan if the President could not confirm that Pakistan did not have or was not developing a nuclear device.

But later, in 1990, a few years later, United States intelligence found via overwhelming evidence that Pakistan did indeed have the bomb. The Bush administration at the time invoked the Pressler amendment and restricted United States aid to Pakistan.

The invocation of the Pressler amendment by the Bush administration gave Pakistan an opportunity to make an important choice. Pakistan could either work with the United States and cap its nuclear program, or ignore the Pressler amendment and continue with its nuclear weapons program.

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Unfortunately, Mr. Speaker, Pakistan chose the latter course. In 1995, just 2 years ago, Congress amended the Pressler amendment with the so-called Brown amendment that allowed 370 million dollars' worth of previously embargoed conventional weaponry to be transferred to Pakistan.

Mr. Speaker, it is important to note that Pakistan did not agree to do anything in exchange for the equipment and no conditions on its nuclear program were imposed. Why do we keep rewarding Pakistan when it continues to work against our interests?

Nearly all of Pakistan's nuclear program is for military use with very little attention toward infrastructure and civilian use. In fact, in 1986, China and Pakistan signed a nuclear cooperation agreement. The details of that agreement are not known although intelligence reports show that the agreement includes the transfer of nuclear weapon technology in both the design of weapons and the enrichment of uranium fuel.

Mr. Speaker, we have to be very careful. We cannot allow this amendment, passed last week in the other body, to be viewed as support for Pakistan's nuclear program. Very little information exists with regard to Pakistan's nuclear program. Command and control systems that manage Pakistan's nuclear program are vague and really nonexistent.

A leading American think tank has stated that the primitive state of the Pakistan arsenal suggests that any Pakistan nuclear response could be haphazard and ill-managed. That is from the Institute for National Strategic Studies, a strategic assessment from 1997.

Furthermore, this amendment may hinder the progress, this Senate amendment may hinder the progress that has been made by talks between India and Pakistan over the last 6 months. This is really what I am concerned about.

I talked in the beginning about the Gujral doctrine and how these two countries are now working together toward peaceful solutions. This amendment passed in the other body, I think, could hinder these talks, because the Indian Government has already stated on the record that in light of the circumstances India will take the appropriate steps to safeguard India's security.

What is happening is that the traditional tilt toward Pakistan in United States foreign policy, which so many of us in the India caucus have been trying to reverse so that the United States is not partial toward Pakistan, this tilt is beginning to express itself again as a result of this amendment that was passed in the Senate. And I find it interesting that when India allegedly deployed the Prithvi missile, the United States quickly denounced the deployment. Yet when Pakistan continues to develop its nuclear program with the aid of the Chinese, we turn the other way. In fact, we reward them with aid.

Mr. Speaker, if we desire a peace in South Asia, we must work equally and fairly with all countries in the region. This amendment passed in the other body does not do this.

I know we are going to have discussions, we are going to have a vote here in the House next week on our foreign operations appropriations act. That bill will go to conference with the bill that passed the other body. My hope is, and I will certainly work toward taking out the amendment that was passed in the other body in conference so that when the conference bill eventually comes back to the two Houses, it does not include that amendment. I think that it is an amendment that again tilts United States foreign policy toward Pakistan, is not helpful in the overall effort to bring peace to the South Asia region and basically should not survive the conference, if there is anything that we can do in this House about that.

Mr. Speaker, I would like to turn now to another matter that is also important in terms of United States foreign policy toward India. When I visited India earlier this year, I had the opportunity to talk to the then-Prime Minister Gowda, who expressed continued concern that the United States has not prioritized India as part of its foreign policy.

Mr. Gowda stressed that an important gesture could be made in that regard if President Clinton was able to travel to India in conjunction with the 50th anniversary celebration which begins this August 15. There are many members of our congressional caucus on India, including myself, that have contacted the White House over the last few months in order to convince the President that he should travel to India this year. We know that the White House has given serious consideration to this request, and we want to reiterate our plea collectively today now that August 15 is drawing close.

The majority of our 90-member India caucus signed a letter today to the President, and I would like to just take some time now to read that letter for my colleagues.

It says, Dear Mr. President, as members of the congressional caucus on India and Indian Americans, we urge you to visit in India next month to celebrate the 50th anniversary of India's independence.

The United States and India, the world's two largest democracies, have many areas of common interest that have not been developed to the degree that they could be. The end of the cold war, combined with the historic opening of the Indian economy, forced us to

significantly reassess our strategies and priorities with regard to Asia. There is substantial room to build on the current Indo-U.S. partnership and the political, diplomatic, economic, and security spheres.

Under the auspices of our India caucus, we have had a number of opportunities in the past few years to interact with leaders from India's Government and private sector. Further, some of us have had the opportunity to travel to India recently. These direct contacts have convinced us that relations with India must take on a far greater prominence in United States foreign policy considerations as we move toward the 21st century.

At the same time we have seen that the Indo-U.S. relationship has at times been strained, often unnecessarily so, and owing in many cases to the lack of a firm foundation in relations between our two great nations.

Although many Americans may not recognize it, there is a rich tradition of shared values between the United States and India. Just as the United States proclaimed its independence from the British colonial order, so was India born of the struggle for freedom and self-determination. India derived key aspects of her constitution, particularly its statement of fundamental rights, from our own Bill of Rights. The Indian independence movement, under the inspired leadership of Mahatma Gandhi, had strong moral support from American intellectuals, political leaders, and journalists. In turn, Dr. Martin Luther King, in his struggle to make the promise of American democracy a reality for all of our citizens, derived many of his ideas of nonviolent resistance to injustice from the teachings of Gandhi. Thus we see a clear pattern of Indian and American democracy inspiring and enriching one another at every historical turn.

August 15 marks this historic occasion. A visit by an American President is long overdue. The last President to visit India was the Honorable Jimmy Carter. There is no doubt in our minds that a visit by an American President will improve and strengthen relations between the world's two largest democracies.

Mr. Speaker, this was signed by over 60 Members today alone. Many of us really feel very strongly that it would be a great thing if Pakistan could take the opportunity, either by August 15 or sometime after August 15, in this year of independence, which begins August 15, to visit India as a gesture, an important gesture really, of its priority in terms of United States foreign policy.

Mr. Speaker, I would like to turn now to another foreign policy issue to a different part of the world. I would like to basically take this opportunity, if I could, to express my opposition to a state visit that will occur next week, a state visit to Washington, to the President, to the Congress, that will occur next week by President Aliyev of the Republic of Azerbaijan.

Mr. Speaker, while I recognize that our President must from time to time receive foreign leaders with whom we have differences, in the case of the visit of President Aliyev, I have grave reservations based on both the past actions and the current policies that Mr. Aliyev has pursued and is pursuing.

I would hope that this visit would offer an opportunity for our President and our administration to express our concerns about the lack of democracy and basic rights and freedom in Azerbaijan. I would especially hope the message would be sent to President Aliyev in no uncertain terms that Azerbaijan should immediately lift its blockades of Armenia and Nagorno-Karabagh.

Finally, I hope that President Clinton would stress to President Aliyev American support for a freely negotiated settlement of the Nagorno-Karabagh conflict that recognized the self-determination within secure borders of the people of Nagorno-Karabagh.

I am circulating a letter, Mr. Speaker, today that I have circulated today when we were in session, along with my colleague, the gentleman from Illinois [Mr. PORTER]. We are the cochairs of the Armenia caucus. Our letter to Pakistan expresses our concerns about the visit of President Aliyev.

Most of the members of our House Caucus on Armenia have signed the letter, and I would hope, I sincerely would hope that we can make something positive come out of this visit by President Aliyev. Unfortunately, Mr. Speaker, I am afraid that the direction which U.S. foreign policy is headed in the caucuses region does not bode well for the positive outcome that we seek.

The United States is in a unique position to be able to bring about a fair settlement of the Nagorno-Karabagh situation and to help promote the long-term security and economic development of that region. But that is not the way things are going.

The OSCE, the Organization for Security and Cooperation in Europe, established the Minsk conference to mediate a settlement of the Karabagh conflict. The United States, along with France and Russia, is a cochair of the Minsk group. However, I am concerned that the United States not use its position to force a settlement that does not allow Nagorno-Karabagh to adequately protect its land and its people in the future.

I am working with my colleagues to bring an official from the administration, the State Department, to come up to the Hill next week, hopefully to bring us up to date on the status of negotiations and for us to have an opportunity to impress upon the State Department the importance we attach to the self-determination of the people of Nagorno-Karabagh.

Mr. Speaker, Azerbaijan has some pretty powerful allies in its corner, including former top administration officials from both the Democratic and Republican parties. This was documented in a recent front page story in the Washington Post. Basically what the Post described is an effort, a big money influence effort being driven by oil money. In this case Azerbaijan has proven oil reserves in the Caspian Sea basin off Azerbaijan, some of the richest oil reserves in the world. And many U.S. oil companies are interested in getting into this region.

I want to stress that I have no problem seeing these petroleum reserves developed. Indeed, I would encourage construction of an oil pipeline from the Caspian Sea to the Mediterranean via Armenia. That would actually improve cooperation and the economic prospects of the entire caucuses region.

But, Mr. Speaker, the big problem that many of us have is that these oil companies and the former top United States Government officials that are working for their interests are essentially lobbying for United States foreign policy to ignore the unacceptable behavior of Azerbaijan in order to curry favor with the regime and gain access to the oil reserves.

Mr. Speaker, on the eve of President Aliyev's visit, I want to inform our colleagues about the type of leader this man is. The reason that so many of us oppose his coming here and are concerned about what it means is that he is coming here on a state visit, that Aliyev has a long record of human rights violations that date back to his four decades as an official of the Soviet KGB. During the 1960's, he orchestrated the depopulation of Armenians from their homes in Nakhichevan.

As the Communist party leader of Azerbaijan during the 1970's, he violently suppressed all nationalist and democratic dissent. His ardent support, and I stress his ardent support, for the Soviet invasion of Afghanistan earned him a seat on the Soviet Politburo under Leonid Brezhnev where he served until he was removed by Mikhail Gorbachev in 1987, for having engaged in widespread corruption.

Since his return to power through a military coup in 1993, President Aliyev has suppressed democracy in Azerbaijan and committed widespread violations of human rights in that country, which have been documented by the State Department.

I am also concerned that this visit to Washington by President Aliyev at this critical stage in the negotiations over Nagorno-Karabagh threatens to harm the peace process by undermining confidence in the role of the United States as an impartial mediator.

Many of my colleagues know that section 907 of the Freedom Support Act prohibits direct United States Government aid to Azerbaijan because of the Assyrian blockade of Armenia and Nagorno-Karabagh.

The administration continues to advocate against section 907 and this further reinforces the Azerbaijani perception that the United States, since the most recent OSCE summit in Lisbon has tilted toward Azerbaijan.

What we are saying, Mr. Speaker, is that this visit, this state visit by President Aliyev now could serve to encourage Azerbaijan to further harden its negotiating stance in negotiating a peaceful settlement of the Karabagh conflict.

This encouragement is particularly dangerous given President Aliyev's pattern of unacceptable behavior including his use of oil as a weapon against Armenia and Nagorno-Karabagh, his blockades of Armenia and Karabagh, his rapidly expanding military capabilities, his threats of force and intimidation tactics and his refusal to negotiate directly with the democratically elected representatives of Nagorno-Karabagh.

Mr. Speaker, I just wanted to say, in conclusion, that I would urge my colleagues to join the gentleman from Illinois [Mr. PORTER] and me in letting President Clinton know of our concerns about his upcoming meeting with President Aliyev and to push our State Department toward a fair solution to the very difficult Nagorno-Karabagh conflict.

Mr. Speaker, I was in Armenia and in Nagorno-Karabagh earlier this year and believe me, there are no countries and no people that are more supportive of the United States and love and see the United States as such a great example of democracy and a market economy.

□ 1545

Armenia and Karabagh are Democratic nations. They are capitalistic nations. They really honestly believe that we are on their side. And we should be. Because they are on the side of what is right. They simply want to retain their own independence, their own freedom and exercise their own self-determination.

I think the U.S. policy should at least be neutral in this conflict. Unfortunately, there are many indications that it is not, and particularly our concern and my concern is that President Aliyev's visit is going to give the impression once again that the United States and our State Department tilt towards Azerbaijan.

But we will continue our efforts to raise the issue and to make sure that the United States takes a neutral position with regard to negotiations over Karabagh and, hopefully, we will be heard at the White House and in the State Department, if not now at some point in the future.

THE SPACE PROGRAM

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise again to talk about our Nation's space program. I rose earlier in a special order with the gentleman from Minnesota [Mr. GUTKNECHT] to talk about our Republican tax package and how it was going to help working families, and I talked at great length about a particular working family in my congressional district that was going to be helped tremendously by our tax package.

It was going to help them in many, many different ways. The $500 per child tax credit was going to help them, because they had three kids, and it was going to give them an extra $1,500 a year. But probably also, more importantly, the education tax credits were going to help them to be better able to send their kids to college.

This is the Auger family I was talking about, and they had one young man 15 years old, their oldest son, college material, and they were looking at some very, very serious financial strain. They had a family income of about a little less than $40,000 a year, but trying to raise three kids and send them to college was a real strain.

I was pleased to get up and to be able to talk about them, but I did want to talk a little more about our Nation's space program. I represent an area of our country that most people have heard a great deal about. We call it in the Space Coast of Florida. It is where Cape Canaveral and Kennedy Space Center is located.

We have a lot of men and women in our community that work in our Nation's space program, and I wanted to rise today and salute them and talk about the role that they have played in really forming a whole part of our American fabric.

We are a great Nation, extending from the bustling cities of our Northeast to the beautiful beaches of Southern California, from the beautiful northern Pacific coast to our sunny beaches in Florida.

There is a lot that goes into making up America and what makes this Nation the great Nation that it is, and a big part of it, in our modern era, is our Nation's space program, and it is something that all Americans, I believe, are very proud of.

What we have today was really built on a lot of the hard work of the people that began the program, the early pioneers, so to speak, in our Nation's space program. One important point I want to make is these people were risk-takers. We all know some of the hardships and, indeed, that actually people have lost their lives in our Nation's space program. So going up in space and exploring space has its risks. But I believe it is well worth the price.

I think there is something that beats in the hearts of every human being, not just Americans but all people all over the world, but particularly Americans, because we are a nation of pioneers. We all, except for our native Americans, we were all raised with the knowledge that our parents came to this country. They were either brought as slaves or their ancestors came from Europe or from Asia.

We are a nation of pioneers, people who ventured out into the unknown, and that desire that beats in the hearts of all people, and particularly all Americans, I think, is encapsulated in our space program and what our space program is.

We have had tremendous successes. Of course, we began with the Mercury program and the early astronauts, one of whom is a Senator in the other body to this day, and then it continued with the Gemini program, and, of course, on to the Apollo program, something that all schoolchildren today learn about, how the United States took part in the great space race with the Russians and we were able to succeed and win and get to the moon first.

But now we are in a new era, a new era of space exploration, and I wanted to talk a little about that. I have some really wonderful photographs I wanted to show. This, of course, is a photo of our space shuttle, the current reusable launch vehicle that we use to bring men and women up into space.

It has been a tremendously successful program. For those who have never seen one take off, I would highly encourage all Americans to try to get down there to the Kennedy Space Center area for a launch. You cannot get any closer than 3 miles, but even at 3 miles away, when this thing takes off, your shirt actually shakes from the power of the thing taking off.

It is 11 million pounds of thrust putting this thing into orbit, and what is amazing about it, it is the only reusable launch vehicle. It comes back, lands on a runway, and then can be reconfigured and restacked and cycled again, and they go up and they come back. What is truly amazing about this program is not only the amazing technology of the program, but that this is actually 25-year-old technology.

What I think is very, very exciting is a program that we are working on today in NASA, which is the new reusable launch vehicle. And I wanted to take a little time to talk about this program, because it is really in its infancy, but this artist's rendering of what it will look like, I think, encapsulates it very nicely.

This shows the new replacements for the shuttle that we are currently doing the early design work and engineering on, and it shows, obviously somewhere over our desert West, maybe California or Arizona, hypothetically coming in for a landing. Because it would take off going straight up, the vehicle would then land on a runway like our current shuttle does.

The important thing about this is that the whole idea with the new reusable launch vehicle to replace the space shuttle is to reduce the costs of putting payloads into orbit. Even though the shuttle program is a tremendous success, it is still costly to go up into space. It actually comes down to about, I believe it is $10,000 a pound for each pound that we put up into orbit. That is a considerable cost.

So our idea here in the Congress and the Senate, and the President supports

this program, is to come up with new technologies and new designs for a new vehicle to replace our Nation's space shuttle that, hopefully, we can deploy sometime in the next decade and, most importantly, that it would reduce the cost of getting payloads into orbit by a factor of ten, reducing the costs from $10,000 per pound down to $1,000 per pound.

This could create a tremendous revolution in space travel. It would allow us to put satellites in orbit more cheaply. It would also allow us to put men and women in orbit at a lower cost.

I want to talk a little about that, because we have another very exciting program that is well ahead of this program. This program will be on line, hopefully, sometime later in the next decade. We have a program called the international space station that I wanted to talk about and share with those listening.

This is an artist's rendering of the future international space station. This is a tremendously exciting program. Most people are aware of the Russian space station that is up there right now, it is called the Mir. It has been up there for many years. There have been recently some serious problems with the Mir, and it is probably ready for retirement now, but it most certainly will be ready for retirement soon.

What we have in the international space station is an effort to have our international partners, the Europeans, the Japanese, the Canadians, and as well the Russians, come together and form a consortium to truly build a true international space station that would have people from different countries participating in.

This program is so exciting for so many reasons, and I wanted to talk about that a little bit. One of the biggest reasons, I think, why it is so exciting is the tremendous amount of research that will be possible on the space station.

I am a physician. Prior to being elected to the Congress, I practiced medicine, and I was able to see on a daily basis the spin-off benefits of our space program in terms of helping people on earth. I took care of a lot of heart patients, people with cardiac conditions, for example, and the technologies that we use in things like pacemakers, in imaging technologies, like used in the cardiac catheterization lab, as well as imaging technologies like MRI scanning and CAT scanning, these are all spin-off benefits of our space program.

There have been a tremendous number of other spin-off benefits, such as breakthroughs in material science. What is very, very exciting for me as a physician about the kinds of research that can be done on the space station is the tremendous breakthroughs that are a potential to be made in the area of pharmaceuticals.

Because so many of the new drugs that they want to design and develop, there are problems with trying to work with them in the gravitational environment here on earth. But because of the weightlessness of the space station, they will be able to do tremendous amounts of additional research in this area, particularly in the area of crystal growth and understanding molecular structures better. So this has the potential of tremendous benefits for people all over the world.

This shows the space station orbiting, and it is going to be orbiting at about 200 miles above the surface of the Earth. And I believe it is showing the space station orbiting over Greenland, I believe is what that is supposed to be.

We can see those solar panels here. They will be generating the electricity to run the environmental systems that provide oxygen and clean the carbon dioxide out of the system, but as well provide the lighting and the cooling and the heating systems. But additionally, these solar panels will generate the electricity for the labs that will actually do the scientific research.

□ 1600

You can see here, this module right here shows the European research area, and this module over here shows the Japanese research area. You cannot really see it very well, but the U.S. module is back in here where the U.S. scientists will be doing their research.

As somebody who has followed the shuttle program very closely and the tremendous amounts of scientific research that have come out of the shuttle programs, what amazes me is the amount of breakthroughs they have made in science and our understanding of technology. But the shuttle was only up there for 2 weeks. But in this program, the astronauts doing the research will be able to be up there for months and months at a time.

Indeed, this is projected to be orbiting above the Earth for more than a decade, a decade and a half, possibly longer. So this is one of the ways we are heading in our space program, a cooperative effort. There are some problems that lie ahead with the space station program. In particular, I want to talk a little bit about the Russians.

One of the critical partners in the program are the Russians. And they have not been paying for their components that go into the Space Station. I have been asking the administration, particularly the Vice President, to do their best to try to work with the Russians. I went over to Russia in February of this year to meet with the Russians and talk with them about the importance of them having the financial resources to continue to invest to make sure that our space station program is a success.

But to just get back to the next replacement to the space shuttle, the reusable launch vehicle, or RLV, as it is shown, or X–33 shown in this picture, someday the shuttle program will be phased out in the future and, hopefully, this will be replacing the shuttle and, importantly, will be dramatically reducing the cost of getting payloads into orbit. And that will have a tremendous number of additional spin-off benefits. I want to talk a little bit about that.

Why do we want to reduce the cost of getting payloads into orbit? Well, there are a lot of reasons. One of them is to be able to better service the space station. But there are a lot of new, exciting technologies that are coming forward that could have tremendous benefits for people on Earth, and one of them is in the area of power generation. And I wanted to just talk a little bit about that.

We all know we are very, very dependent in our modern society on electricity. Electricity is critical for not only our lighting and heating and running air conditioning systems, but, as well, it is critical for industry. Every business runs on electricity. We all know that there are basically three sources of electricity. Hydroelectric power, of course, is a clean and nonpolluting way to get electricity. But we rely predominantly on power generation from burning fossil fuels and from nuclear power.

There are two major concerns that are involved with both of those power sources. One of them is greenhouse gases and burning fossil fuels and burning oil and burning coal, it puts a lot of carbon dioxide into the atmosphere. And the potential long-term consequences of that are of concern to everybody, the impact on the environment, the possibility that it could cause temperatures on Earth to rise slowly over time exists.

And then, of course, with nuclear power, there is the concern about what do we do with the spent nuclear fuel. After the fuel has burned and generated electricity in the nuclear power plant, what do you do with that nuclear waste? Nobody wants it in their backyard. Well, there is another solution available and that, of course, is solar power. But solar power has had its problems. One of the problems with it is just weather. If we put solar panels on our roof, we can generate a lot of electricity, but not on cloudy days.

Another problem area is we cannot generate electricity at night with solar power. Well, it turns out that the technology is available to us today to put solar collectors up in space and to generate electric power up there and to transmit that electric power to Earth, using microwaves, and then collecting those microwaves on the surface of the Earth using a special type of antenna called a rectifying antenna, or rectenna, and then converting it back to electricity.

One of the first concerns everybody is worried about when they hear about this is, are not those microwaves going to be dangerous? Well, it actually turns out they will have only 25 percent of the energy of sunlight. So actually a

bird could fly right through the microwave beams and it would have absolutely no effect on them. So they are very environmentally friendly.

It turns out that one of the problems with putting solar collectors in orbit is gradually over time they will tend to descend down into the atmosphere, so you have to keep reboosting them. But an efficient way to do it would be to actually put the solar collectors on the Moon.

In this photo that I show here, it shows people, men and women, working on the Moon, possibly in some kind of a base that would be doing something like collecting solar power. And there are scientists in this country today who believe that not only is the technology here and available now but that if we are willing to make the investment, that we could actually produce electricity for less money than what it costs. Indeed, some argue that it could be as cheaply as 3 cents a kilowatt.

This is why we need to develop a replacement for the shuttle that reduces the cost of getting payloads into orbit, and this is why we need to learn by working in space and our space station about what are the problems associated with long-term exposure in space and what is it like to have to be able to construct something large like that in space; because the technology and the science will help us to possibly be able to move on to something like this, actually generating power in space and the potential benefits that this could have for all of mankind to be able to produce more cheaply not only for the United States but possibly for all people all over the world and produce it without any pollution.

But there is another aspect to space exploration that I want to talk about, and it is not just the practical side. I have spent a lot of time this afternoon talking about the practical applications of space exploration, the practical benefits of going up in terms of breakthroughs in medical science and engineering and our understanding of technology. But there is just more to it than that. There is a desire, and I talked about this earlier in my comments, there is a desire that is burning in the heart of all people to explore and find out new things, to go places where you have never been before.

I want to talk a little bit about the possibility of going to Mars. We have heard a lot recently about Mars in the news, the Mars Pathfinder mission and the tremendous success that was and how important that was for a better understanding of Mars. We have learned a great deal, for example, that Mars indeed may have once had an atmosphere much more like Earth's and that there may have been abundant amounts of water. And one of the big questions, of course, has life evolved on Mars in some form, some microscopic form? Some day we may be able to go to Mars.

I wanted to show one more diagram. This artist's rendering shows what it would be like to possibly send a man to the Moon. And this involves using new technologies that are being researched right now at NASA. This would be a habitation module. This right here would possibly be a module where you would actually grow possibly plants in a controlled atmosphere; because the atmosphere out here is mostly carbon dioxide but you could create an environment inside a plastic shell like this where you would put oxygen and you would possibly be able to grow plants to be able to feed the men and women that would be working in this environment. And this, of course, shows what would be their return vehicle. Is this practical? Can we do it?

Well, there are some people who argue that it would be just too expensive. There are some people who have argued that a trip to Mars could cost as much as $500 billion and, therefore, it is just too prohibitively expensive.

Well, recent research has shown that it may be possible to do it for substantially less, possibly as little as one-tenth that cost. And this is why it is so important, I believe, for the cooperative effort like we are seeing with the international space station. If our international partners can come together and people like the Europeans, the Japanese, the United States, the Russians, work together successfully on the space station program, it may indeed be possible then afterwards for us to come together as a people from all over the world and cooperatively fund something like this so that we could be able to send a manned expedition to Mars.

We just do not know what we will find out, what we will discover. The Mars Pathfinder sent an unmanned rover vehicle to Mars, and we are discovering a lot from that. But imagine the tremendous amount of discoveries that we could make if we were able to send men and women to Mars driving around in a vehicle like that, people who could actually get out and look at the rocks and dig for things and try to discover. We have no idea what science and technology breakthroughs could come from this and what we could learn as a people by exploring Mars and sending men and women to Mars.

I do not believe that is where it will end. I believe Mars may just be one more step. We went to the Moon. Some day we may go on to Mars. Some day we may go beyond our own solar system. We may be able to find other planets that potentially could be colonized by men and women.

And it all began back in the 1960's. It began with a challenge, a challenge made really by an American President, John F. Kennedy. And I wanted to just dwell on something that he said that I think is very important. He said that we go to the Moon not because it is easy, but because it is hard. He accepted the challenge and knew it was going to be difficult, but he also knew that if we applied ourselves and God's will was with us and good fortune, that we would be able to succeed. But he knew that there were going to be risks.

□ 1615

Mr. Speaker, today we are at that same kind of a threshold. We are on the verge of getting our international space station up and running. We are on the verge of a newer, less expensive, more efficient replacement vehicle for the shuttle. There is the possibility of returning to the Moon, of going on to Mars. But yet there are always people in this body rising up and saying, ''No, no, no, we shouldn't do it, we should spend money elsewhere on something else.'' There were people back then during the Jefferson administration who were saying the same exact thing: ''Let's not do it.''

I want to talk about one other aspect of that book that I found fascinating. Not only were there Congressmen who did not want to fund the program, that did not think we should be going forth into the unknown, but the program ran over budget. When it ran over budget, there were those who were harshly critical of the Lewis and Clark expedition. Such is the case today. Every time any one of these space programs run even this much over budget, there are people who come forward and say, ''No, no, no, we need to end the program, it's not worth the cost, we need to turn back from the future.'' That is really what this is about, the future. It is about our kids.

I talked earlier this afternoon about an amazing thing that teachers tell me in my congressional district, that when they want to motivate children to learn science and math, the thing that motivates them the most is to talk about our space program and to talk about how knowledge of science and math can be applied in the space program. It opens their eyes and it motivates them to get involved and be educated more in those areas. Those are crucial areas. Not every one of those kids who gets motivated is going to end up working in the space program, but we all know that many of them will be working in areas where science, engineering, math, and technology are critical for the United States to be able to continue to maintain and be the world's leader. I believe it is critical for us to continue to try to make these investments in the future. That is what it is really about when we talk about space and exploring space. It is about our kids, it is about the future.

Are we going to turn our backs on the future? Are we going to turn our back on exploration? The history books are filled with the stories of nations and peoples who turned their backs on the future, who stopped exploring and stopped looking into the unknown. Those nations no longer continue to thrive and grow. I do not believe that will ever happen to the United States. I believe there will always be a majority in this body that will continue to support our space program and supporting the future. That is to so great

a degree what our space program is about, looking on ahead into the future, taking the risks and willing to look on into the unknown.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 198

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 198.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Mr. GEPHARDT), for today, on account of the death of a family friend.

Mr. MARTINEZ (at the request of Mr. GEPHARDT), for today, on account of official business.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT), for today, on account of constituent business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BONIOR) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. VENTO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. DICKEY) to revise and extend their remarks and include extraneous material:)

Mrs. LINDA SMITH of Washington, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DICKEY) and to include extraneous matter:)

Mr. LATOURETTE.

Mr. COBLE.

Mr. HORN.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. BLUMENAUER.

Mr. WEYGAND.

Mr. HASTINGS of Florida.

Mr. BLAGOJEVICH.

Mr. BENTSEN.

Mr. KLECZKA.

Mr. THOMPSON.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Mr. BOB SCHAFFER of Colorado.

Mr. MCINNIS.

Mr. FARR of California.

Mr. GOODLATTE.

Mr. SOLOMON.

Mrs. KENNELLY of Connecticut.

Mr. PACKARD.

Mr. LANTOS.

Mr. PORTMAN.

Mr. MENENDEZ.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 40. Concurrent resolution expressing the sense of Congress regarding the OAS–CIAV Mission in Nicaragua; to the Committee on International Relations.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 9, 1997:

H.R. 173. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Administration Act of 1974.

On July 14, 1997:

H.R. 1901. An act to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

H.R. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 1226. An act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

ADJOURNMENT

Mr. WELDON of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, July 28, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4346. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 22–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4347. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Greece (Transmittal No. 23–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4348. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 21–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4349. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 20–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4350. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Greece (Transmittal No. 15–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4351. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Greece (Transmittal No. 14–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4352. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Greece (Transmittal No. 13–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4353. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Greece (Transmittal No. 12–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4354. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services (Transmittal No. 97–29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4355. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services (Transmittal No. 97–28), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4356. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 97–26), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4357. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 97–31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4358. A letter from the Secretary of Defense, transmitting Semi-Annual Report on Program Activities to Facilitate Weapons Destruction and Nonproliferation in the Former Soviet Union, April 1, 1996 through September 30, 1996, pursuant to 22 U.S.C. 5956; to the Committee on International Relations.

4359. A letter from the Director, Office of Public/Private Initiatives, International Trade Administration, transmitting the Administration's final rule—International Buyer Program (Formerly known as the Foreign Buyer Program); Support for Domestic Trade Shows [Docket No. 970702162–7162–01] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4360. A letter from the Mayor, District of Columbia, transmitting the actuaries review of benefit changes to the police officers and firefighters retirement programs, pursuant to D.C. Code section 1–722(d)(1); to the Committee on Government Reform and Oversight.

4361. 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 Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 070397F] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4362. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation making technical amendments to the Immigration and Nationality Act of 1952, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and the Antiterrorism and Effective Death Penalty Act of 1996, in order to clarify and correct the provisions therein; to the Committee on the Judiciary.

4363. A letter from the General Counsel of the Department of Defense and Assistant Attorney General of the United States, transmitting a report of the Advisory Committee on Criminal Law Jurisdiction over Civilians Accompanying the Armed Forces in Time of Armed Conflict; jointly to the Committees on National Security and the Judiciary.

4364. A letter from the Secretary of Transportation, transmitting the Department's report entitled ''Maritime Terrorism: A Report to Congress,'' for Calendar Year 1996, pursuant to 46 U.S.C. app. 1802; jointly to the Committees on International Relations and Transportation and Infrastructure.

4365. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, pursuant to 31 U.S.C. 1110; jointly to the Committees on Science and Government Reform and Oversight.

4366. A letter from the Secretary of Health and Human Services, transmitting the final report on the 3-year Staff-Assisted Home Dialysis Demonstration; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 695. A bill to amend title 18, United States, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; with an amendment (Rept. 105–108 Pt. 2). Ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H.R. 1953. A bill to clarify State authority to tax compensation paid to certain employees (Rept. 105–203). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1348. A bill to amend title 18, United States Code, relating to war crimes; with an amendment (Rept. 105–204). Referred to the Committee of the Whole House on the State of the Union.

Mr. PORTER: Committee on Appropriations. H.R. 2264. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–205). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 2266. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–206). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee on Appropriations. H.R. 2267. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–207). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TALENT (for himself and Mr. LAFALCE):

H.R. 2261. A bill to reauthorize and amend the programs of the Small Business Act and the Small Business Investment Act, and for other purposes; to the Committee on Small Business.

By Mr. CRANE:

H.R. 2262. A bill to make certain modifications with respect to overtime pay and premium pay of customs officers; to the Committee on Ways and Means.

By Mr. MCHALE (for himself, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. KING of New York, Ms. BROWN of Florida, Mr. BOEHLERT, Mr. SKELTON, Mr. DAVIS of Virginia, Mr. HORN, Mr. MCINNIS, Mr. POMEROY, Mr. SISISKY, Mr. WELDON of Pennsylvania, Mr. WATTS of Oklahoma, Mr. TAYLOR of Mississippi, Mr. EHRLICH, Mr. PALLONE, Mr. MASCARA, Mr. SPRATT, Mr. BUYER, Mrs. CLAYTON, Mr. FROST, Mr. HOLDEN, Mr. WELLER, Mr. WELDON of Florida, Mr. TALENT, Mrs. EMERSON, Mrs. KELLY, Mr. DOOLEY of California, Mr. BURTON of Indiana, Mr. QUINN, Mr. KLINK, Mr. SKEEN, Mr. FOX of Pennsylvania, Mr. BOB SCHAFFER, Mr. ACKERMAN, Mr. POSHARD, Mr. MCDADE, Mr. ADAM SMITH of Washington, Mr. HINCHEY, Mr. OLVER, Mr. HALL of Texas, Mrs. MALONEY of New York, Mr. GILMAN, Mr. HEFNER, Mr. GOODE, Mr. BORSKI, Mr. ABERCROMBIE, Mr. REYES, Mr. GILCHREST, Mr. JONES, Mr. KENNEDY of Rhode Island, Mrs. CHENOWETH, Mr. CLYBURN, Mr. BLAGOJEVICH, Mr. BLUNT, Mr. WAMP, Mr. BALDACCI, Mr. CRAMER, Mr. NEY, Mr. FARR of California, Ms. HARMAN, Mr. GOSS, Mr. BASS, Mr. SANDLIN, Mr. WEYGAND, Mr. TURNER, Mr. FOLEY, Mr. PASTOR, Mr. COBLE, Mr. CALVERT, Mr. ISTOOK, Mr. BATEMAN, Mr. NEUMANN, Mr. MCINTYRE, Mr. WALSH, Mr. GOODLING, Mr. FATTAH, Mr. PETRI, Mr. MCNULTY, Mrs. THURMAN, Mr. CONDIT, Mr. MURTHA, Mr. LIPINSKI, Mr. MCKEON, Mr. HINOJOSA, Mr. BONO, Mr. ENSIGN, Mr. ORTIZ, Mr. RAHALL, Mr. SPENCE, Mr. SHERMAN, Mr. ROHRABACHER, Mr. KLUG, Mr. YOUNG of Florida, Mr. FRANKS of New Jersey, Mr. LIVINGSTON, Mr. WISE, Mr. ALLEN, Mr. BACHUS, Mr. HYDE, Mr. SAM JOHNSON, Mr. FAWELL, Mr. HAMILTON, Mr. SCHUMER, Mr. STUPAK, Mr. RODRIGUEZ, Mr. KANJORSKI, Mr. PETERSON of Minnesota, Mr. LARGENT, Mr. BARCIA of Michigan, Ms. SLAUGHTER, Mr. CANADY of Florida, Mr. DEAL of Georgia, Mr. BARRETT of Wisconsin, Mr. BAESLER, Mr. BONIOR, Mr. COYNE, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Mr. FOGLIETTA, Mr. GORDON, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. PARKER, Mr. ROEMER, Mr. SAXTON, Mr. SOLOMON, Mr. STUMP, Mr. TANNER, Mr. VISCLOSKY, Mr. HAYWORTH, Mr. MALONEY of Connecticut, Mr. CLEMENT, Mr. WICKER, Mr. HUNTER, Mr. ARMEY, and Mr. PACKARD):

H.R. 2263. A bill to authorize and request the President to award the congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War; to the Committee on National Security.

By Mr. GOODLATTE (for himself, Mr. COBLE, Mr. FRANK of Massachusetts, and Mr. CANNON):

H.R. 2265. A bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 2268. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

H.R. 2269. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

H.R. 2270. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

H.R. 2271. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mrs. LOWEY, Mr. EVANS, Mr. STARK, Ms. WOOLSEY, Ms. RIVERS, Mr. TORRES, and Ms. NORTON):

H.R. 2272. A bill to amend title 18, United States Code, to eliminate the prohibitions on the transmission of abortion related matters, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFERSON (for himself, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. HILLIARD, Ms. LOFGREN, Mr. FROST, Mr. RAHALL, Mr. FILNER, Mrs. LOWEY, Mr. HALL of Ohio, Mr. WYNN, Mrs. MINK of Hawaii, Ms. FURSE, Mr. LATOURETTE, Mr. TRAFICANT, Mr. SCHIFF, Mr. NEY, Mr. HAYWORTH, Mr. BROWN of California, Mr. DELLUMS, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. BONIOR, Mr. DELAHUNT, Mr. MATSUI, Mr. EVANS, Mr. RANGEL, Mr. THOMPSON, Ms. CARSON, Mr. ABERCROMBIE, Mr. ENGLISH

of Pennsylvania, Mr. STARK, Mr. ACKERMAN, Mr. MANTON, Mr. CLYBURN, Mr. RUSH, Mr. OLVER, Mr. GEJDENSON, Mr. DAVIS of Illinois, Mr. STRICKLAND, Mr. DIXON, Mr. CONYERS, Mrs. CLAYTON, Ms. KILPATRICK, Mr. FLAKE, Mr. CUMMINGS, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. BROWN of Florida, Ms. JACKSON-LEE, Mrs. MEEK of Florida, and Mr. BERMAN):

H.R. 2273. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Mr. LAZIO of New York:

H.R. 2274. A bill to amend the Housing Act of 1949 to reauthorize certain programs for rural housing assistance; to the Committee on Banking and Financial Services.

By Mrs. LOWEY (for herself and Mr. LAZIO of New York):

H.R. 2275. A bill to prohibit discrimination in employment on the basis of genetic information, and for other purposes; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 2276. A bill to prohibit the use of Federal funds for official travel after Election Day of members of Congress who will not serve as members during the next Congress; to the Committee on House Oversight.

By Mr. THOMAS:

H. Con. Res. 123. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States; to the Committee on House Oversight.

By Mr. YOUNG of Alaska (for himself and Mr. SAXTON):

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery, and for other purposes; to the Committee on Resources, and in addition to the Committee on International Relations, 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. GUTKNECHT (for himself, Mr. LAMPSON, Mr. DEAL of Georgia, Mr. WALSH, Mr. FROST, Mr. HORN, Ms. PRYCE of Ohio, Mr. LIPINSKI, Mr. DIAZ-BALART, Mr. NEY, Mr. PETERSON of Minnesota, Mr. MCINTOSH, Ms. MOLINARI, Mr. DAVIS of Virginia, Ms. STABENOW, Mr. SCHIFF, Mr. LUTHER, Mr. BALDACCI, Mr. BENTSEN, Mr. FAZIO of California, Mr. DEUTSCH, Ms. LOFGREN, Mrs. ROUKEMA, Mrs. KELLY, Ms. CARSON, Mr. CRAMER, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. CASTLE, Mr. UNDERWOOD, Mr. GRAHAM, and Mr. FOX of Pennsylvania):

H. Con. Res. 125. Concurrent resolution expressing the sense of the Congress that each State should enact legislation regarding notification procedures necessary when a sexually violent offender is released; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself, Mr. STUMP, Mrs. MORELLA, Ms. LOFGREN, Mr. SKEEN, Mr. WATTS of Oklahoma, Mr. CAMPBELL, Mrs. MALONEY of New York, Mr. UNDERWOOD, Mr. TOWNS, Mr. ROHRABACHER, Mr. GREEN, Mr. HILL, Mr. ETHERIDGE, Mr. ACKERMAN, and Mr. YATES):

H. Con. Res. 126. Concurrent resolution expressing the sense of Congress concerning the war crimes committed by the Japanese military during World War II; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FARR of California introduced a bill (H.R. 2277) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Manawanui*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. GIBBONS, Mr. RYUN, and Mr. FAWELL.

H.R. 108: Mr. COOK.

H.R. 145: Mr. BARTON of Texas and Mr. LAFALCE.

H.R. 176: Mr. WYNN.

H.R. 195: Mr. PAPPAS.

H.R. 304: Mr. RUSH and Mrs. MALONEY of New York.

H.R. 306: Mr. MCNULTY, Mr. PETERSON of Minnesota, Mr. KENNEDY of Rhode Island, and Mr. MCHALE.

H.R. 404: Ms. KAPTUR, Mr. WALSH, Mr. RAMSTAD, Mr. MASCARA, Mr. LEWIS of Georgia, and Mr. RUSH.

H.R. 424: Mr. WEXLER.

H.R. 484: Mr. BILBRAY and Mr. UPTON.

H.R. 519: Ms. LOFGREN.

H.R. 536: Mrs. ROUKEMA.

H.R. 731: Mr. ETHERIDGE.

H.R. 758: Mr. RYUN, Mr. SKEEN, Mr. ROHRABACHER, and Mr. WHITFIELD.

H.R. 768: Mr. HOSTETTLER and Mr. GOODE.

H.R. 820: Mr. MCGOVERN.

H.R. 866: Mr. DEAL of Georgia.

H.R. 900: Mr. FORD.

H.R. 950: Mr. LAFALCE.

H.R. 981: Mrs. MEEK of Florida.

H.R. 989: Mr. LUTHER.

H.R. 1010: Mr. PACKARD and Mr. PICKETT.

H.R. 1018: Ms. CARSON.

H.R. 1036: Mr. WICKER, Mr. HORN, Mr. DREIER, Mr. GOODE, and Mr. WAMP.

H.R. 1070: Mr. COOKSEY, Mr. BARRETT of Wisconsin, Ms. PRYCE of Ohio, and Ms. SLAUGHTER.

H.R. 1104: Ms. HOOLEY of Oregon and Mr. ADAM SMITH of Washington.

H.R. 1194: Mr. YATES.

H.R. 1195: Mr. YATES.

H.R. 1231: Mr. OLVER.

H.R. 1232: Mr. BROWN of Ohio.

H.R. 1247: Mr. SOUDER and Mr. GRAHAM.

H.R. 1270: Mr. SUNUNU and Mr. KIND of Wisconsin.

H.R. 1279: Mrs. FOWLER.

H.R. 1346: Mr. HANSEN, Mr. GOODLING, Mr. MCDADE, and Mr. DREIER.

H.R. 1353: Ms. WOOLSEY.

H.R. 1453: Mr. BONIOR, Mr. EHLERS, Ms. ROYBAL-ALLARD, and Mr. VENTO.

H.R. 1493: Mr. CANNON, Mr. DEAL of Georgia, and Mr. BERMAN.

H.R. 1515: Mr. RILEY, Mrs. NORTHUP, and Ms. GRANGER.

H.R. 1524: Mr. GILCHREST, Mr. PETERSON of Pennsylvania, Mr. GOODE, Mr. JENKINS, Mr. LATOURETTE, and Mr. BOSWELL.

H.R. 1531: Mr. KING of New York, Mr. PAYNE, Mr. LANTOS, Ms. BROWN of Florida, Mrs. KELLY, and Mr. FRANK of Massachusetts.

H.R. 1534: Mr. BUNNING of Kentucky, Mr. KIM, Mr. HILLIARD, Mr. HAYWORTH, Mrs. NORTHUP, Mr. DEAL of Georgia, Mr. CHRISTENSEN, Mr. PACKARD, Mr. PICKERING, Mr. GEKAS, Mr. MCHUGH, Mr. GILMOR, Mr. HEFLEY, Mr. COOKSEY, Mr. MCKEON, Mr. SALMON, Mr. ROGAN, and Mr. SMITH of Oregon.

H.R. 1614: Mr. RIGGS.

H.R. 1636: Mr. WATT of North Carolina and Mrs. TAUSCHER.

H.R. 1710: Mr. STENHOLM, Mr. KIND of Wisconsin, Mr. TANNER, Mr. DREIER, Ms. DANNER, Mr. PASCRELL, Ms. BERNICE JOHNSON of Texas, Mr. MINGE, Mr. PICKERING, Mr. MENENDEZ, Mrs. KELLY, Ms. DUNN of Washington, Mr. GRAHAM, Mr. BUNNING of Kentucky, Mr. ROTHMAN, Mr. ETHERIDGE, Mr. PACKARD, Mr. HOEKSTRA, Mr. HANSEN, and Mr. COOK.

H.R. 1711: Mr. BRADY and Mr. HALL of Texas.

H.R. 1719: Mr. CALVERT.

H.R. 1741: Ms. HOOLEY of Oregon.

H.R. 1788: Mrs. LOWEY.

H.R. 1839: Mr. TANNER and Mr. DELLUMS.

H.R. 1872: Mr. BURR of North Carolina, Mr. GANSKE, and Mr. SHAYS.

H.R. 1972: Mr. BLAGOJEVICH.

H.R. 1984: Mr. SENSENBRENNER, Mr. GILMAN, Ms. GRANGER, Mr. CAMP, and Mr. PORTMAN.

H.R. 1987: Mr. KENNEDY of Massachusetts.

H.R. 2022: Mr. KOLBE.

H.R. 2064: Mr. KING of New York and Mr. MARTINEZ.

H.R. 2094: Mr. LOBIONDO, Mr. BONIOR, Mr. EVANS, Mr. STARK, Mr. RUSH, Mr. SMITH of New Jersey, and Ms. WOOLSEY.

H.R. 2121: Mr. JACKSON and Mr. BERMAN.

H.R. 2129: Mr. NEY, Mr. STRICKLAND, Mr. KUCINICH, Mr. BOEHLERT, Mr. PARKER, Mr. HALL of Ohio, and Mr. LATOURETTE.

H.R. 2173: Mr. BURTON of Indiana.

H.R. 2183: Mr. FOLEY.

H.R. 2185: Mr. CLYBURN and Ms. CARSON.

H.R. 2198: Mr. TORRES and Mrs. THURMAN.

H.R. 2221: Mr. COBURN, Mr. HOEKSTRA, Mr. PAUL, and Mr. GEKAS.

H. Con. Res. 65: Mr. PRICE of North Carolina, Mr. SKELTON, Mr. WEYGAND, Mr. BUNNING of Kentucky, Mr. SISISKY, Mr. SCHUMER, Ms. RIVERS, Mr. CRAMER, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. RILEY, and Ms. CARSON.

H. Con. Res. 80. Mr. SAWYER, Mr. CRAMER, Mr. BOSWELL, and Mr. HEFNER.

H. Con. Res. 83: Mr. KING of New York.

H. Con. Res. 100: Mr. CONDIT.

H. Con. Res. 106: Mr. MCGOVERN.

H. Con. Res. 107: Mr. PACKARD.

H. Con. Res. 114: Ms. NORTON, Mr. MCHALE, Mr. LIPINSKI, Mr. SHERMAN, Mr. HINCHEY, Ms. LOFGREN, Mr. LANTOS, Mr. MCGOVERN, Mr. PORTER, Mr. FROST, and Ms. ESHOO.

H. Res. 37: Ms. LOFGREN.

H. Res. 157: Mrs. CUBIN and Mr. FALEOMAVAEGA.

H. Res. 183: Mr. DELLUMS, Mr. ENGEL, Mrs. MALONEY of New York, Mr. PAYNE, Mr. OLVER, Ms. WATERS, Mr. CLAY, Mr. THOMPSON, Mr. DIXON, Mr. DAVIS of Illinois, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MANTON, Ms. KILPATRICK, Mrs. MEEK of Florida, Mr. STOKES, Ms. CARSON, Mr. SCOTT, Mr. RUSH, Mr. FILNER, Mr. FLAKE, Mrs. KENNELLY of Connecticut, Mr. LAMPSON, Mr. BISHOP, and Mr. OWENS.

H. Res. 188: Mr. ROYCE, Mr. SAM JOHNSON, Mr. SHADEGG, Mr. SPENCE, Mr. HUNTER, Mr. GIBBONS, Mr. MCINTOSH, and Mr. KING of New York.

H. Res. 195: Mr. ROHRABACHER and Mr. SALMON.

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. 198: Mr. TOWNS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2159

OFFERED BY: MR. FORBES

AMENDMENT NO. 62: At the end of the bill, insert after the last section (preceding the short title) the following new section:

LIMITATION ON ASSISTANCE FOR THE P.L.O., THE PALESTINIAN AUTHORITY

SEC. 572. (a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Palestine Liberation Organization (hereafter the ''P.L.O.'') should do far more to demonstrate an irrevocable denunciation of terrorism and to ensure a peaceful settlement of the Middle East dispute, and in particular it should—

(1) submit to the Palestinian Council for formal approval the necessary changes to those specified articles of the Palestinian National Charter which deny Israel's right to exist or support the use of violence;

(2) to the maximum extent possible, preempt acts of terror, discipline violators, publicly condemn all terrorist acts, actively work to dismantle other terrorist organizations, and contribute to stemming the violence that has resulted in the deaths of over 230 Israeli and United States citizens since the signing of the Declaration of Principles on Interim Self-Government Arrangements (hereafter the ''Declaration of Principles'') on September 13, 1993, at the White House;

(3) prohibit participation in the P.L.O. or the Palestinian Authority or its successors of any groups or individuals which promote or commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer and cooperate in transfer proceedings relating to any person accused by Israel or the United States of having committed acts of terrorism against Israeli or United States nationals; and

(7) respect civil liberties, human rights and democratic norms as applied equally to all persons regardless of ethnic, religious, or national origin.

(b) LIMITATION ON ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds appropriated or otherwise made available by this Act may be obligated for assistance, directly or indirectly, for the P.L.O., the Palestinian Authority, only for the period beginning 3 months after the date of the enactment of this Act and for 6 months thereafter, and only if—

(A) the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect; and

(B) in addition to the requirements contained in such Act or other legislation, the President prepares and transmits to the Congress a report described in paragraph (2).

(2) REPORT.—A report described in this paragraph is a report containing the following:

(A) A description of all efforts being made to apprehend, prosecute, or have extradited to the United States Mohammad Deif (allegedly responsible for the death of Nachshon Wachsman, a United States citizen), Amjad Hinawi (allegedly responsible for the death of David Boim, a United States citizen), Abu Abbas (responsible for the death of Leon Klinghoffer, a United States citizen), Amid al-Hindi (allegedly responsible for the death of David Berger, a United States citizen), and Nafez Mahmoud Sabih (who helped plan the February 1996 attack on a Jerusalem bus in which Jewish Theological Seminary students Sara Duker and Matthew Eisenfeld, both United States citizens, were murdered).

(B) An official, updated, and revised copy of the Palestinian National Charter (Covenant) showing which specific articles have been rescinded by the decision taken on April 24, 1996 by the P.L.O. Executive committee.

(C) A description of all actions being taken by the Palestinian Authority to eradicate and prevent the use of the map of Israel to represent ''Palestine''.

(D) A certification that the Palestinian Authority has established a court system that respects due process requirements, including the right to a lawyer, the right to confront witnesses, the right to be informed of the charges under which one is accused, and the right to a jury trial.

(E) A certification that the Palestinian Authority has established humane prison conditions.

(F) A certification that the Palestinian Authority has taken all measures to rescind the death penalty imposed for the sale of land to Jews, has eliminated the practice of incarcerating real estate agents for the sale of land to Jews or Israelis, and has actively sought the perpetrators of such actions.

H.R. 2266

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be obligated or expended for the public printing or binding of Government publications in contravention of measures established by the Joint Committee on Printing pursuant to section 103 of title 44, United States Code.

H.R. 2267

OFFERED BY: MR. CUMMINGS

AMENDMENT NO. 1: Under the heading ''RELATED AGENCIES—LEGAL SERVICES CORPORATION'' insert after the first dollar sign the following: ''(increased by $199,000,000)''.

Under the heading ''DEPARTMENT OF STATE—RELATED AGENCIES—INTERNATIONAL BROADCASTING OPERATION'' insert after the first dollar sign the following: ''(reduced by $199,000,000)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, FRIDAY, JULY 25, 1997 No. 107

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Sovereign of our land and source of courage, we thank You that You know our needs before we ask for Your help, but have ordained that in the asking we would find release from the anxiety of carrying the burdens of leadership on our own shoulders. Help us to remember that You are the instigator of prayer. It begins with You, moves into our hearts, gives us the clarity of knowing how to pray, and then returns to You in petitions You have refined and guided us to ask. We are astonished that You have chosen to do Your work through us and use prayer to reorient our minds around Your guidance for the issues we will face today. We say with the psalmist, ''You are my rock and my fortress; therefore, for Your name's sake, lead me and guide me.''—Psalm 31:3.

Suddenly, we see prayer in a whole new perspective. It's the method by which You brief us on Your plans and bless us with Your power. May this whole day be filled with magnificent moments of turning to You so that Your purposes, Your glory and honor in America, may be done through us. Give us vision to be dynamic leaders. In the all-powerful name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. Thank you, Mr. President.

SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Members, this morning, the Senate will begin consideration of Senate Resolution 98, the global warming resolution. Under the consent agreement, there will be 2 hours for debate on that resolution, with two amendments in order. Senators can, therefore, expect a rollcall vote at approximately 11:30 a.m. It is also possible that following the disposition of Senate Resolution 98, there will be a cloture vote on the motion to proceed to S. 39, the tuna-dolphin bill. If an agreement is reached on that measure, that cloture vote may be vitiated. All Senators will be notified if that vote remains necessary.

I thank Members for their attention.

MEASURE PLACED ON CALENDAR—S. 1065

Mr. HAGEL. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1065) to amend the Ethics in Government Act with respect to appointment of an independent counsel.

Mr. HAGEL. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

EXPRESSING SENSE OF SENATE REGARDING U.N. FRAMEWORK CONVENTION ON CLIMATE CHANGE

The PRESIDING OFFICER. Under the previous order, the clerk will now report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 98) expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

The Senate proceeded to consider the resolution.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, the Framers of the Constitution gave the executive branch of our Government authority to negotiate treaties. But they also intended for the Senate's voice to carry weight in negotiations. This morning, the Senate is fulfilling its constitutional responsibility to give its advice to treaty negotiations.

Mr. KERRY. Mr. President, if my colleague will permit.

Mr. HAGEL. I yield to the Senator from Massachusetts.

Mr. KERRY. I want to inquire, are we now on the divided time, Mr. President?

The PRESIDING OFFICER. There is now 2 hours equally divided on the resolution.

Mr. KERRY. I understand that, and time for the proponents will be managed by the Senator from Nebraska, Senator HAGEL?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. So we must yield time at this point?

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I yield myself whatever time is necessary, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, the pending resolution, Senate Resolution 98, with its 65 cosponsors, is intended to change the course of negotiations on the new global climate treaty now under discussion.

The need for this treaty is questionable, but the harm that it would cause is certain. Two articles in this Monday's Wall Street Journal, written by

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Jack Kemp and Dr. Fred Singer, are excellent summaries against the direction the administration is taking in negotiating this treaty. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 25, 1997]

A TREATY BUILT ON HOT AIR . . .

(By Jack Kemp)

In December, representatives of 150 nations will gather in Kyoto, Japan, to sign a successor treaty to the United Nations' Framework Convention on Climate Change. Today, in anticipation of this momentous event, the Senate is scheduled to debate the Byrd-Hagel resolution, a non-binding measure sponsored by 65 senators that will put that body on record against any treaty that would cause serious economic harm to the U.S. For more than a year the Clinton administration has been promising to provide its economic model of the treaty's effects, but last week it announced that it will not provide any formal estimate—a signal that the treaty won't meet the Byrd-Hagel criteria.

NO RELIABLE CONCLUSIONS

Everyone agrees that we need to keep our planet clean. Healthy plants and animals are valuable, but at the same time the U.S. has a solemn obligation to defend the rights of the people who inhabit our planet. It seems that the officials representing the U.S. in the treaty negotiations have lost sight of that duty.

The international negotiations focus on global warming, the theory that greenhouse gases in the Earth's atmosphere are steadily and dangerously warming the planet. Some of our leaders, most notably Vice President Al Gore, have bought into the theory even though scientists have reached no reliable conclusions about global warming (see story below). Yet the 150 nations involved in these talks are rapidly moving toward signing a treaty that would wreak havoc on the U.S. economy and, ironically, on our environment. U.S. negotiators appear to be asking American workers and families to foot the bill for massive reductions in greenhouse gases.

This treaty would require a drastic and sudden cut in energy use that would be legally binding only on developed nations, not on major international trade competitors—including three of the 10 biggest carbon-dioxide producers, India, South Korea, and China. By excluding developing nations, not only will we be missing an opportunity to make further environmental gains, but we'll also be working against the very purpose of the treaty.

Studies show that the high-growth developing nations excluded from the proposed treaty's requirements are more likely to increase their greenhouse-gas emissions in order to pick up the demand left unmet by developed nations, where production would be restricted. The AFL–CIO's Executive Council has declared that an agreement that fails to bind developing nations to the same commitments made by the U.S. cannot possibly work.

The treaty's impact on America's workers and economy, meanwhile, could be severe. First, U.S. industry would face increased production costs for virtually all goods. The net cost just to stabilize U.S. emissions at 1990 levels could reach hundreds of billions of dollars annually, and many nations are pushing to reduce emissions below 1990 levels, at an even more oppressive cost. The resulting higher prices would make American products less competitive on the world market and less affordable at home.

Second, the treaty would send high-paying jobs in mining, manufacturing, transport and other important sectors abroad. Charles River Associates, an econometric modeling firm, has estimated that the administration's plans would increase U.S. unemployment by 0.25% and reduce the gross domestic product by 3.3%. The likely result: 250,000 American jobs lost.

Third, the treaty would saddle Americans with higher energy bills as we are forced to tax energy use. Some have estimated that such a ''carbon tax'' could increase the cost of gasoline by as much as 60 cents a gallon, and of home heating oil by 50%. What's more, as the AFL–CIO has recognized: ''These taxes are highly regressive and will be most harmful to citizens who live on fixed incomes and work at poverty-level wages.''

This burden of drastically increased heating, cooling and transportation costs could hardly come at a worse time for lower-income families. The working poor, and people just getting off welfare and beginning to pay their own way, are already challenged to make ends meet in today's economy. But our diplomatic negotiators have spared little attention for the potentially devastating consequences that their proposals would have for millions of lower-income Americans.

FAR PAST TIME

It is time for the American public to be told exactly what their government is proposing to give away in the global climate change treaty. It is far past time for the Clinton administration to give Congress a detailed economic analysis of the mandatory cutbacks in energy usage that our negotiators are offering on the altar of environmentalist politics. Until the public and the Congress are given the facts, the talk at the global conferences on greenhouse gas emissions will remain as little more than hot air.

. . . NOT SCIENTIFIC CONSENSUS

(By S. Fred Singer)

Yesterday, in opening a White House conference on global warming, President Clinton announced, ''The overwhelming balance of evidence and scientific opinion is that it is no longer a theory but now a fact that global warming is real.'' In support of this contention, the president and other politicians have been busy citing the ''2,500 scientists'' who supposedly endorse the U.N.'s 1996 Intergovernmental Panel on Climate Change report, and thus a forecast of catastrophic global warming.

Actual climate observations, however, show that global warming is mostly a phantom problem. Perhaps that's why Mr. Clinton and Vice President Al Gore harp so much on a ''scientific consensus''—which sounds so impressive to nonscientists. Yet science doesn't operate by vote.

How did the IPCC come up with 2,500 scientists? If one were to add up all contributors and reviewers listed in the three IPCC reports published in 1996, one would count about 2,100. The great majority of these are not conversant with the intricacies of atmospheric physics, although some may know a lot about forestry, fisheries or agriculture. Most are social scientists—or just policy experts and government functionaries. Every country in the world seems to be represented—from Albania to Zimbabwe—though many are not exactly at the forefront of research. The list even includes known skeptics of global warming—much to their personal and professional chagrin.

The IPCC report has some 80 authors for its 11 chapters, but only a handful actually wrote the Policymakers' Summary; most of the several hundred listed ''contributors'' are simply specialists who allowed their work to be cited, without necessarily endorsing the other chapters or the summary. Contrast these numbers with the nearly 100 climate scientists who signed the Leipzig Declaration in 1996, expressing their doubts about the validity of computer-driven global warming forecasts. It takes a certain amount of courage to do this—given that it could jeopardize research grants from U.S. government agencies that have adopted climate catastrophe as an article of faith, and managed to convince Congress to ante up about $2 billion a year.

Even some IPCC climate scientists, in the report itself or in a May 16 Science article headlined ''Greenhouse Forecasting Still Cloudy,'' have expressed doubts about the validity of computer models and about the main IPCC conclusion, that ''the balance of evidence suggests a discernible human influence on global climate''—whatever that ambiguous phrase may mean. A Dec. 20, 1995, Reuters report quoted British scientist Keith Shine, one of IPCC's lead authors, discussing the IPCC Policymakers' Summary: ''We produce a draft, and then the policymakers go through it line by line and change the way it is presented. . . . It's peculiar that they have the final say in what goes into a scientists' report.'' The Science and Environmental Policy Project conducted a survey of IPCC scientific contributors and reviewers; we found that about half did not support the Policymakers' Summary. Parallel surveys by the Gallup organization and even by Greenpeace International produced similar results.

Of course, scientists do accept the existence of a natural greenhouse effect in the atmosphere, which has been known since the 19th century and is not to be confused with any influence from human activity. Another accepted fact is that greenhouse gases have been increasing as a consequence of an expanding world population: carbon dioxide from burning fossil fuels, for instance, and methane from raising cattle. But the climate warming of the past 100 years, which occurred mainly before 1940, in no way supports the results of computer models that predict a drastic future warming. Even IPCC Chairman Bert Bolin has admitted that the pre-1940 warming is likely a natural recovery from a previous, natural cooling. Most important, though, is the fact—not mentioned in the IPCC summary—that weather satellite observations, independently backed by data from balloon-borne sensors, have shown no global warming trend whatsoever in the past 20 years.

The discrepancy between calculated predictions of warming and the actual observations of no warming has produced a crisis for many scientists. Those who believe in global warming keep hoping that proof is just around the corner. Consider this passage from the May 16 Science article: ''[M]any scientists say it will be a decade before computer models can confidently link the warming to human activities.''

It is ironic that an environmental lobbying group, the Environmental Defense Fund, would admit in a brochure on global warming: ''Scientists need to do considerably more work to sort out which [hypotheses] are most likely to be true.'' The EDF complains, however, that the ''skepticism and constant questioning that lie at the heart of science'' sometimes ''cloud the debate.'' Perhaps so; but more often they advance the science.

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I ask unanimous consent that the following members of my staff be granted the privilege of the floor during debate on

Senate Resolution 98: Derek Schmidt, Ken Peel, Kent Bonham, David Kracman, and Tom McCarthy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, we have more than a dozen Senators on this side who want to speak on this issue. Under the time agreement, however, we have only 1 hour for proponents to debate. I, therefore, encourage Senators to insert their statements in the RECORD so they will be fully available to our negotiators before next week's meeting of the ad hoc group on the Berlin mandate in Bonn, Germany. I also hope to discuss this issue further on the Senate floor at a later date.

Mr. President, I thank the majority leader and the minority leader for their leadership in bringing this resolution before the Senate. I also thank the chairman and the ranking minority member of the Foreign Relations Committee for their leadership as well. I particularly thank the distinguished senior Senator from West Virginia. It has been a privilege for me to work on this important issue along side one of the Senate's giants.

We are here today to debate a very important issue, one which will have a major impact on the future of this country. How our Nation addresses the global climate issue may prove to be one of the most important economic and environmental decisions of the next century.

Let me say from the outset, this is not a debate about who is for or against the environment. We all agree on the need for a clean environment. We all want to leave our children a better, cleaner, more prosperous world. Nor is this debate about motives, personalities or politics. It is about finding the truth. What are the problems? If there are problems, what is the best solution? What are the costs? What are the consequences? And what do we need to do now?

The debate on the Senate floor today is about the path the administration is taking on this issue. I believe they are on the wrong path in their negotiations for any treaty to be signed in Kyoto, Japan, this December.

That is why my distinguished colleague from West Virginia and I have offered the Byrd-Hagel resolution. Senate Resolution 98, with its 65 cosponsors, puts the administration on notice that an overwhelming and bipartisan majority of the U.S. Senate rejects its current negotiating position on a proposed new global climate treaty. It is so important, as my friend, Senator BYRD, has repeatedly pointed out, that we in the U.S. Senate forcefully practice our constitutional role of advice and consent over these important negotiations. The credibility of the United States is not enhanced when the administration negotiates a treaty that has no hope of ratification in the U.S. Senate.

The Byrd-Hagel resolution is a strong bipartisan wake-up call to the administration. This resolution rejects the United Nations' current negotiating strategy of binding United States and other developed nations to legally binding reductions without requiring any new or binding commitments from 130 developing nations, such as China, Mexico, and South Korea. In addition, this resolution rejects any treaty or other agreement that would cause serious economic harm to the United States.

A simple reality of the current situation is that a core group of negotiators in the State Department has brought us near a point of no return. What this broad bipartisan coalition of 65 Senators is saying is ''we need a new direction in these negotiations.''

I approach this issue, Mr. President, believing that any action this serious that is undertaken by the United States must be based on sound science and common sense. This proposed treaty is based on neither.

If anything has become clear during congressional hearings on this issue, it is that the science is unclear, that the scientific community has not even come close to definitively concluding that we have a problem.

I mentioned earlier this morning, in the Wall Street Journal today, the very interesting article by Dr. Fred Singer about the science on this issue. Dr. Singer is professor emeritus of environmental sciences at the University of Virginia. I have already requested this be printed in the RECORD.

The science is inconclusive and contradictory, and predictions for the future range from no significant problem to global catastrophe. The subcommittee I chair, International Economic Policy Export and Trade Promotion, has held two hearings on this issue. In the first hearing, we heard testimony from Dr. Patrick Michaels, a very distinguished climatologist and professor of environmental sciences at the University of Virginia, who noted conditions in the real world simply have not matched changes projected by some computer models. Most of the warming of this century occurred in the first half of this century, before significant emissions of greenhouse gases began. And 18 years of satellite data actually shows a slight cooling trend in the world.

Before the Senate Environment and Public Works Committee Dr. Richard Lindzen, professor of meteorology at the Massachusetts Institute of Technology, testified that ''a decade of focus on global warming and billions of dollars of research funds have still failed to establish that global warming is a significant problem.''

At the same hearing, Dr. John Christy, an associate professor in the Department of Atmospheric Science at the University of Alabama, stated: ''The satellite and balloon data show that catastrophic warming is not now occurring. The detection of human effects on climate has not been convincingly proven because the variations we now have observed are not outside of the natural variations of the climate system.''

It is clear that the global climate is incredibly complex. It is influenced by far more factors than originally thought when some early crude computer models first raised alarms about the possible threat of imminent catastrophic global warming. The scientific community has simply not yet resolved the question of whether we have a problem with global warming.

I suggest, again, that common sense dictates you don't come up with a solution to a problem until you are certain that you have a problem. However, the Clinton administration has proceeded to negotiate a solution before we have a confirmation that there is a problem.

They have proposed that the United States and other developed nations submit to legally binding controls of greenhouse gas emissions. But they will not be asking for legally binding commitments from more than 130 ''developing nations,'' including, as I mentioned before, China, Mexico, South Korea, India, Singapore, and others.

Mr. President, this makes no sense, no sense at all, given that these nations include some of the most rapidly developing economies in the world and are quickly increasing their use of fossil fuels. By the year 2015, China will surpass the United States as the largest producer of greenhouse gases in the world.

It is the United States and other developed nations who are currently doing the most to reduce greenhouse gas emissions. It is the developing nations that will be the biggest emitters of greenhouse gases during the next 25 years. It is complete folly to exclude them from legally binding emissions mandates. How could any treaty aimed at reducing global emissions of greenhouse gases be at all effective when it excludes these 130 nations? It won't. If these nations are excluded, greenhouse gas emissions will continue to rise, and we would see no net reductions in global greenhouse gas emissions. The exclusion of these nations is a fatal flaw in this treaty.

Some analysts have even cautioned that the unequal treaty being negotiated at the United Nations could increase the emission of greenhouse gases. As industries flee the United States and other industrialized countries, they would reestablish themselves in developing countries that have much weaker environmental standards, like our neighbor to the south, Mexico.

A draft economic report commissioned by this administration, this administration's Department of Energy, concluded that:

> Policy constraints placed on six large industries in the United States—petroleum refining, chemicals, paper products, iron and steel, aluminum and cement—would result in significant adverse impacts on the affected industries. Furthermore, they conclude:

emissions would not be reduced significantly. The main effect of the assumed policy would be to redistribute output, employment, and emissions from participating to nonparticipating countries.

Therefore, the U.N. Global Climate Treaty as being negotiated now by the Clinton administration cannot pass the first test of Byrd-Hagel. It will not include legally binding commitments from the developing nations.

What about the second test of Byrd-Hagel, serious economic harm, serious economic harm to this country and our future generations? One of the notable aspects of this issue is that it has united American business, labor, and agriculture support. In my hearings, we heard testimony from the AFL–CIO, American Farm Bureau, National Association of Manufacturers, and many noted economists. They all agree on one very definite thing—the draft U.N. treaty now under consideration would have a devastating effect on American consumers, workers, farmers and businesses. Estimates of the proposed treaty's damage to our economy vary, mainly because the administration continually refused to offer its own economic assumptions. This, after the administration promised for more than a year to provide an economic model. However, last week the Clinton administration threw in the towel and gave up on even attempting to provide an economic model.

At a hearing before the House Commerce Committee, Janet Yellen, chair of the Council of Economic Advisers for the President, admitted that the administration's long-awaited economic study had failed and claimed that it would be futile to attempt to assess the economic impacts of legally-binding emissions controls on our developed nations. So now the Clinton administration is proceeding to negotiate a treaty without any assessment of what it would do to the U.S. economy. That is incredible; absolutely stunning. But the bottom line is very clear. Even using conservative assumptions, Charles River Associates, a leading economic modeling firm, for example, has estimated that holding emissions at 1990 levels would reduce economic growth by 1 percent a year, rising to 3 percent in the later years, and that does not even consider Under Secretary of State Tim Wirth's long-term goal, which he stated during our hearings, of achieving a 70 percent reduction from current emissions levels.

What this means to everyday Americans is very clear. The AFL–CIO has estimated the treaty would mean the loss of 1.25 to 1.5 million jobs. Energy prices will rise dramatically. Individual Americans will pay for this treaty either in their electric bills, at the gas pump, or by losing their jobs. Jerry Jasinowski, president of the National Association of Manufacturers, testified that the proposed treaty:

. . . would hurt America's manufacturers, workers and families with little or no environmental benefit since new restrictive policies in the U.S. simply would force the flight of U.S. investment to developing countries. Millions of Americans would lose their jobs and American manufacturers would take a severe hit in the marketplace.

What about the effects on American agriculture? It is little known that American agriculture produces 25 percent of our Nation's greenhouse gas emissions, which would make this critical sector of our economy vulnerable to the kind of major reductions envisioned by the U.N. global climate treaty. The American Farm Bureau has called the treaty a back-door Btu tax that would drive up fuel and overall energy costs as much as 50 percent. Again, this is outrageous. This would bankrupt many of our American farmers. Therefore the U.N. global climate treaty has no hope of satisfying the second test of Byrd-Hagel. It would clearly cause very serious economic harm to the United States.

Mr. President, beyond the fairness and economic harm issues that are addressed in Senate Resolution 98, I am also very concerned about any treaty that would bind our Nation's economy to control by some U.N. multilateral entity. Who will administer a global climate treaty? Who will police it? Will we have an international police force, an agency capable of inspecting, finding, possibly shutting down American companies? No one has addressed these questions. The implications are most serious for our national security interests, national sovereignty interests. One of the biggest users of fossil fuels is the U.S. military. How would this treaty affect our military operations and our national defense capabilities? There are serious national sovereignty issues and other issues that we have not even begun to touch.

I said at the outset that I believe any action taken by this Nation should be based on sound science and common sense. The current track of negotiations for the U.N. global treaty does neither. Why is this administration rushing headlong into signing a treaty in Kyoto this December? The scientific data is inconclusive, even contradictory. The economic costs are clear and devastating. This treaty would be a lead weight on our Nation's future economic growth, killing jobs and opportunities for generations of Americans to come.

We need to take global climate issues seriously. Obviously we agree with that. We in the United States have made tremendous strides in cleaning up our environment. We will continue to make progress in the future. We are all concerned about the state of the environment and what we leave to our children and our grandchildren. But when we take actions that will reduce our children's and our grandchildren's economic opportunities, we must ensure that the benefits are real and that they would justify this very real economic hardship that we would be passing on to these future generations.

I urge my colleagues to support Senate Resolution 98, the Byrd-Hagel resolution. I am grateful for the time that my colleagues have given this effort.

At this time, I yield the floor to my distinguished colleague, the senior Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished colleague, Mr. HAGEL, for his excellent statement. I thank him for joining with me in the preparation, development and promotion of this resolution. And I thank him for the time that he has yielded to me.

Mr. HAGEL and I, along with 63 other cosponsors, developed S. Res. 98, which was reported favorably from the Senate Foreign Relations Committee, and is pending before the Senate today. The resolution seeks to provide the Senate's views as to the global climate change negotiations now underway. These negotiations have, as a goal, a revision of the 1992 United Nations Framework Convention on Climate Change, known as the Rio Pact.

Mr. President, my years of recollection go back farther than that of most Senators. I am not a scientist, but I have lived long enough to see what I believe are some very definite changes in the climate pattern affecting our country. Droughts, floods, storms appear to me to be more erratic, more unpredictable, and more severe in these later years of my life than in my earlier years. I can remember when there were no air conditioning units in Washington or anywhere else where I lived. We have recently seen heat waves—severe. We have seen droughts—severe. They seem to be happening more frequently. So I believe in my own mind and heart that something is happening out there. Something is happening. Something is happening to our climate. As I say, I am not a scientist, but the majority of scientists who study climate patterns tell us that there apparently are changes going on in the climate pattern and that anthropogenic interference is probably the cause of some of this change.

All the data are not in, but I, for one, believe that there is sufficient evidence of, first, a probable trend toward increased warming of the Earth's surface resulting from human interference in natural climate patterns. I believe that a steady increase in accumulation of carbon dioxide and other greenhouse gases in the atmosphere is taking place. I believe that there is some relationship between the warming trend and such accumulations, enough to justify our taking some action and taking it now. The scientific foundation of this case is plausible enough, in my personal judgment, to put into motion a sound global program, because the trends and the effects are long term. Certainly the Senate, under the Constitution, is obligated to communicate its views and advice on the treaty negotiations. The Constitution, in outlining the powers of the President, says he—meaning the President—shall have power ''by and with the Advice and

Consent of the Senate, to make Treaties''; ''by and with the Advice and Consent of the Senate, to make Treaties. . . .'' It doesn't just use the word ''consent'' of the Senate. It also uses the word of ''advice.'' All too often we let ourselves to be limited to consenting to or rejecting treaties. But we have an obligation to advise the administration as to the Senate's views concerning a treaty, especially this treaty which can have such far-reaching ramifications.

I do not think the Senate should support a treaty that requires only half the world—in other words, the developed countries—to endure the economic costs of reducing emissions while developing countries are left free to pollute the atmosphere and, in so doing, siphon off American industries. There are those who say that the United States is responsible for the situation that has developed. They claim that the United States should bear the brunt of the burden. But the time for pointing fingers is over. In this particular environmental game there are no winners; the world loses. And any effort to avoid the effects of global climate change will be doomed to failure from the start without the participation of the developing world, particularly those nations that are rapidly developing and will rapidly increase their carbon dioxide and other greenhouse gas emissions. Count me as a global environmentalist, who insists that all nations that spew forth major concentrations of carbon dioxide, or that will be spewing forth major concentrations of carbon dioxide, must step up to the plate in these negotiations and make good-faith, specific, binding commitments to control and reduce these emissions right from the start.

Industry is fueled, in large part, by fossil fuels, which are the primary—primary—cause of greenhouse gas emissions. Let us examine the role of China in that regard. As a percentage of total world consumption in the year 2015, China alone will account for 42 percent of all the coal burned worldwide while the United States will account for only 16 percent. The increase in China's use of coal should alarm every environmentalist who is concerned about global warming.

So, if you are a true environmentalist—I am not talking about fanatics—if you are a true environmentalist, as I am, then you should be alarmed about the situation that I have just mentioned with respect to China. And there are other countries, such as India, Mexico, Indonesia, Brazil, that are classified as developing countries. I say they need to step up to the plate, just as we do, just as the annex 1 countries do, just as the developed countries do, when the negotiations are taking place and make binding, specific commitments to reductions of greenhouse gases and to make those commitments to start now, not somewhere in the future.

From 1995 to 2015, China will increase its coal consumption by a huge 111 percent, compared to only 22 percent for the United States. Yet, despite its future role as the world's leading contributor to the problem of carbon emissions, China has indicated steadfast refusal to apply any type of binding obligations upon its own economy and industry. I believe that, if the treaty does not commit the developing nations like China to binding commitments, there will be no incentive for China and the other nations of the developing world to make responsible and environmentally sound choices as they develop.

The committee report that is before the Senate contains a brief but accurate summary of the history of the global change negotiations. Most of the nations of the world signed up at the Earth summit in Rio in 1992 to a Treaty that set voluntary goals for nations to start limiting their carbon dioxide emissions. Unfortunately, most nations of the world, ourselves included, failed to take the actions needed to meet those voluntary goals.

As a result of this failure, the parties met again in Berlin in 1995 and sought to impose a timetable whereby legally binding limits on national carbon dioxide reductions would be put into place. Unfortunately—unfortunately—a fundamental error—I would use the word ''blunder''—a fundamental blunder was made in Berlin in that only the so-called developed nations, or Annex I nations, were to impose such a legally binding regime on themselves. Developing nations got a free pass.

The concept which is embodied in the Byrd-Hagel resolution is that developing country parties should join the developed world in making new specific scheduled commitments to limit or reduce greenhouse gas emissions within the same compliance period.

Now, does this mean that the Senate is insisting on commitments to identical levels of emissions among all the parties? Certainly not. The emissions limitations goals, to be fair, should be based on a country's level of development. The purpose is not to choke off Mexico's development or China's development. The purpose is to start addressing the greenhouse gas problem in the only meaningful way we can, that is, through globally and through binding commitments up front. The timeframe could be 5 years, 7 years, 10 years or whatever. The initial commitment to action, starting upon signature in Kyoto, could be relatively modest, pacing upwards depending upon various factors, with a specific goal to be achieved within a fixed time period. There are plenty of tools to encourage the developing world to make meaningful commitments.

The message to U.S. negotiators is that all nations—that is the message of this resolution—particularly those that are making and will in the future make a significant contribution to greenhouse gas emissions need to make commitments at Kyoto that unequivocally demonstrate a tangible action program—action, not just words—to tackle the problem of climate change; and the need to start with their best efforts to act on those commitments immediately, not 5 years down the road, not 10 years down the road but immediately, and not settle for vague promises to return to a future negotiation to get serious.

American industry has expressed concern that a treaty without developing country commitments would encourage capital flight and a loss of jobs in the United States. We do not as yet have available the administration's current best assessment of the economic impacts of various levels of emissions targets in the United States. However, preliminary work done by the Argonne Laboratory on this matter is worrisome in that its worst case scenario shows a very negative economic impact on American industry.

Mr. President, as I have said, we do not yet have a clearly articulated economic assessment by the administration, and so it is impossible to make specific judgments as to the economic impacts on particular industries and how they can be mitigated by other tools that could be included in the treaty. Dr. Janet Yellen, Chairman of the Council of Economic Advisers, stated in a hearing before the Environment Committee on July 17, the administration has not settled on a particular set of policies to reduce emissions and intends to engage all interested parties in a White House conference on climate change this fall.

The American people need to understand the situation and the actions to be taken. The President is committed to this major public education campaign, and I note that he yesterday convened a meeting of scientists at the White House to discuss the evidence regarding global warming and to begin that educational process.

There surely will be costs if the United States is to make the changes to our existing industrial base and to our lifestyle necessary to meet the goals of the treaty. Our smokestacks must be cleaner and our automobiles more efficient. There are many ways to achieve these goals, but we must be able to tell the American people what will be required to meet any proposed commitment.

The Senate is doing the right thing in addressing the negotiations in a principled way without attempting to micromanage those negotiations. It is possible that the Senate will have a binding revision to the Rio Pact presented to it within a year. Given the tremendous implications for this agreement, the Byrd-Hagel resolution also suggests that the leadership create a bipartisan group of Senators to monitor the negotiations and report periodically to the full Senate on the nature of the agreement as it is being shaped by our negotiators. The nations of the world are all in this global boat together. It is not a boat of which only half will sink while the other half stays

afloat. Unless we all pull our oars in the same direction and plug the large leaks as well as the small leaks, our ship will flounder and surely sink. This resolution will give the Senate and the American people a seat at the negotiating table and add strength to our U.S. negotiating team.

I thank all Senators for their attention, and I hope the resolution will be adopted by a substantial majority.

Now, some of the Senators who have signed on to the resolution may have differing views about the treaty, but there is one thing that we are in agreement on—one or two things. These are set forth in the resolution beginning and concluding with the resolving clause. One, that all nations, all nations must take steps now, at the time of the signing of the treaty, to begin limiting their emissions of greenhouse gases. Mere promises will not be sufficient. Mere promises will not get by this Senate. A treaty will have to have the approval of a two-thirds supermajority in this Senate, and that is what we are telling the administration. We are letting the Administration know that this Senate is not just going to consent or not consent on a treaty. This Senate is going to fulfill its constitutional obligations not only to consent but also to ''advise'' and consent. And the resolution also provides that such a treaty must not result in serious harm to the economy of the United States.

So I suggest that all Senators read the resolution's resolving clause. That is where we come together. That is where Mr. HAGEL's views, my views, the views of others who are signatories of the resolution blend and constitute a consensus.

Mr. President, I thank my friend and I yield the floor.

Mr. HAGEL. Mr. President, I thank Senator BYRD very, very much.

I yield up to 5 minutes to my friend and distinguished colleague from Kentucky.

Mr. FORD. I thank the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it is always good to work with my longtime friend, Senator BYRD, on a project that we both believe very strongly in, and it is good to work with a newfound friend. I have had an affection for people from Nebraska for a long time, and Jim Exon and I worked together as Governors and then here. I appreciate the Senator's friendship and getting to know each other. And so I thank him for his cooperation and help here this morning.

Mr. President, there is an old saying that when you run out of luck, you better get a new pair of dice. As far as I am concerned, we have lost every roll of the dice during the climate change negotiations, and we better get ourselves a new pair. Otherwise, American workers will be out of luck. That is why I rise today to support Senate Resolution 98 which Senator BYRD and Senator HAGEL now have before the Senate.

If you take a good look at the global climate change treaty currently being negotiated, you will discover that developing nations are the high rollers while the developed nations keep coming up with snake eyes and the big loser is the global environment. That is because only developed nations would be legally bound by the treaty hammered out by negotiators, the so-called ''Berlin Mandate'' produced back in 1995. Developing nations are off the hook.

That decision contained two glaring errors. First, negotiators agreed to complete negotiations for the post-2000 period by the artificial deadline of 1997 before they began implementation of the 1992 convention and before there was an understanding of the complexity of those negotiations.

Second, negotiators succumbed to the demands of China and other developing countries that any agreement reached in Kyoto in 1997 for post-2000 commitments must exempt Asian economies such as China and India and the rest of the developing world. Right now, developed nations and developing nations have about equal levels of carbon emissions, but within 5 years of the deadline developing nations will have more than 1½ times the 1990 level of the developing world.

So because of those bad rolls of the dice, the treaty is heavily weighted against America and especially against American workers. That is because the U.S. will have to make the steepest reductions and suffer the costliest and most damaging consequences. Preliminary estimates put the loss as high as 600,000 American jobs each year. And 600,000 jobs is probably a low estimate because the treaty creates an enormous incentive for American businesses to shift more and more jobs overseas to avoid the expensive emission reductions that U.S. businesses will have to meet.

The impact in Kentucky would be especially bad. Not only miners working in the coal fields of eastern and western Kentucky suffer job losses but many of the businesses and factories that have created a ''golden triangle,'' as we refer to it, between northern Kentucky, Louisville and Lexington would be forced to close, and every single Kentuckian will experience and face higher electric bills and higher gas prices. The sad thing is we will not even get a cleaner environment. That is the sad thing. We will not stop global warming. We will not even reduce carbon emissions. That is because every ton of reduced emissions in the United States and other developed nations will be made up and then some in the developing world.

The way I see it we have been stuck in a game with loaded dice. You have a treaty with devastating consequences for the American economy. You end up with virtually no environmental benefit. It looks like nothing more than a massive foreign aid package paid for with American jobs.

It is clear that many American interests are being neglected by our negotiators and that we must come up with a better solution for the problem of global emissions. But time is limited for the Senate to send a message that the treaty as currently reported is not acceptable.

The answer is clearly not, as proposed by the State Department, a Kyoto protocol and then a second agreement of some kind after Kyoto in 2005 or even later. That scenario ignores the fact that we have no assurances China and other developing countries will become parties to any agreement with a commitment to simply start discussions for a third agreement.

I believe Senator BYRD's and Senator HAGEL's resolution is the right method. It sets commonsense parameters for our negotiators to work from and assures that any treaty meets the goal of reduced emissions without penalizing one country over another.

I hope my colleagues will join us in sending this important message, not only to our negotiators, but to the American people that both the global environment and our national interests must be protected.

I thank my friends and yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent that Scott Bunton and Gregg Rothschild, of my staff, be permitted access to the floor during the resolution deliberation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I yield myself such time as I may consume.

Mr. President, I want to thank the Senator from Nebraska and the Senator from West Virginia for raising an issue of common sense and a very legitimate issue regarding the U.S. negotiating position with respect to global climate change.

I have not been a cosponsor up until this point of the resolution because I shared with Senator LIEBERMAN and Senator CHAFEE concerns about some of the phrasing and the meaning of some of the resolution with respect to the negotiating process. We thought it was important to seek clarification with respect to those points before having a vote.

As a member of the Foreign Relations Committee, I raised those concerns during the markup. I voted to send this resolution to the floor for consideration today. Pending the ultimate discussion that we have on the floor here today, it is my intention to vote for this resolution because I think it embraces common sense.

That common sense is the notion that if you are really going to do something to effect global climate change

and you are going to do it in a fair-minded way that will permit you to build consensus in the country, which is important, and to build the necessary support to ratify a treaty, we are going to have to do this in a way that calls on everybody to share the burden of responding to this problem. That means that we need to have an agreement that does not leave enormous components of the world's contributors and future contributors of this problem out of the solution.

It is simply wrong to assume that facing the difficulties we have had since the Rio treaty, the agreement in Rio, which 155 nations signed, that we are going to be able to now face up to those greater responsibilities without bringing everybody into the solution. The notion that China or India or other enormously rapidly developing countries, who will before too long also be adding very significantly to this problem, and already are to some degree, are going to somehow later negotiate their participation I think is contrary to common sense. So I have joined in the notion that it is appropriate to reconsider the Berlin Mandate and to discuss how the U.S. Senate properly thinks we should approach these negotiations.

But let me also make it clear that, in this strange hybrid of Senators who have signed on as cosponsors to this resolution, there are some who do not want any treaty. There are some who do not think it is a problem. There are some who do not accept the science. There are some for whom the effort is one to really have nothing happen. I am pleased that Senator BYRD is not one of those and that many of those who will vote for this resolution, the sense-of-the-Senate resolution, join me and others in believing that this is a serious problem with science that supports it.

It is not my purpose to debate the science very deeply here this morning because the science is not at issue in this resolution. This resolution is a question of negotiating tactics. This resolution is about how we will approach the question of reducing greenhouse gases, not whether. It is a question not entirely based on science.

But nevertheless, the Record ought to reflect as we approach these issues that the science overwhelmingly documents the notion that a phenomenon known as global warming is already occurring, it is occurring. There is no debate among scientists as to whether or not it is happening. There is some debate as to what the impacts will be. There is debate about the models and how much those models show with certitude it is going to happen in what part of the country.

Can we predict what will happen to Nebraska? The answer is no. Can we predict what will happen to my State of Massachusetts and the coastal zones? Well, to some degree some scientists are suggesting you can, but some people remain questioning that.

Let me make it very clear—someone raised the question about how the Panel on Climate Change now predicts the global warming of only 1 degree to 3.5 degrees Celsius over the coming century. People say that is not really that bad and it is hardly a cause for concern. Let me point out to my colleagues that the global average temperature has changed by less than a degree Celsius up or down for 10,000 years. We know that. So the projected warming is expected to exceed any climate change that has occurred during the history of civilization.

In addition, even apparently small global average temperature changes will be accompanied by much larger regional climate shifts. For example, a warming which is twice as large as the global average is projected to occur at high northern latitudes. Apparently, small global average changes have also led to very large climate shifts in the past.

Moreover, the Intergovernmental Panel on Climate Change, representing the consensus of climate scientists worldwide, has concluded:

> . . . the balance of evidence suggests that there is a discernible human influence on global climate. And the year 1995 matched 1990 as the hottest year on record.

What we know to a certainty also is that from the 1980's on we have been recording these increasingly heated periods. We then saw Mount Pinatubo's cooling effect. We saw that cooling effect begin to diminish as the impact of that volcanic disruption between the Sun's rays and the Earth dissipated. So we have begun to return to the high readings that we saw characteristic of the late 1980's. March through December of 1994 were the warmest periods on record according to the National Weather Service climate analysis.

I could go on. The National Academy of Sciences has reported that despite uncertainties, greenhouse warming poses a potential threat, ''sufficient to merit prompt responses * * * Investment in mitigation measures acts as insurance protection against the great uncertainties and the possibility of dramatic surprises.''

In addition, the panel suggested that substantial mitigation could be accomplished at very modest costs; in other words, insurance is cheap, they said.

Let me point out one other fact that was set forth at the hearings we had in the committee.

We know that we are the world's greatest emitter of greenhouse gases. We know that carbon dioxide is the most significant of those. We know that the oceans mitigate the increase of carbon dioxide that we put into the atmosphere. The oceans consume the carbon dioxide.

But what we have also learned as a matter of science is that there is some level at which there is this potential of saturation of the oceans. We do not know where that is. The oceans recirculate it. And the question remains whether or not you might have an extraordinary, dramatic impact because of the reaching of this saturation point.

Some people may want to tempt that. Some people may not feel any kind of generational responsibility or any kind of global responsibility and suggest that, well, all of these thousands of scientists, all of the consensus reached by 155 nations—they may want to choose to ignore it.

But when scientists tell me that the oceans are already rising and they are already rising at a discernible and measurable rate and that we are continuing a process of warming and that between now and the middle of the next century oceans will rise 1 to 3 feet and that the impact of that will be devastation on the coast of Florida, the loss of island nations, and the remarkable impact on wetlands all around the planet, I think we have a responsibility to say, well, we ought to try to think about that. And that is exactly what this effort to deal with global climate change is trying to do.

Now, I am not going to debate all of the science and the models and what can or cannot be done here. But it is clear that one of the chief sponsors of this resolution, Senator BYRD—and you have heard him speak—agrees, and Senator LIEBERMAN and CHAFEE and others do, that the prospect of human-induced global warming as an accepted thesis with adverse consequences for all is here, and it is real.

There are some Senators, as I have said, who want to debate that science; and so be it. That is not what this resolution is about. This resolution is a question of how our negotiators will negotiate. What we ought to be seeking in Kyoto, as we pursue what most people have decided, is a legitimate concern.

Senator BYRD's resolution makes a first step toward tackling the issue of changing the balance of how we approach this. As I have said, Senator LIEBERMAN, Senator CHAFEE, and I would have worded some things differently. But we are convinced in our discussions with Senator BYRD that the intent here is similar, which is to guarantee that our negotiators have a changed position, a tougher position, but a reasonable position in negotiating how we will come to agreement in Kyoto.

Let me point out a couple of those areas where we had some concerns. There is language in the resolution about the developing nations accomplishing their reductions within exactly the same compliance period as the developed nations. I have come to the conclusion that these words are not a treaty killer that some suggested it might have been.

I am encouraged to learn that Senator BYRD's objective is to support entering into a binding international agreement to address climate change, and he also agrees that all nations, developed and less developed, ought to participate in this significant effort.

We both recognize that, as a matter of global and national environmental protection, the global warming issue is not going to be able to be addressed effectively if any major emitting nation or group of nations stays outside the agreement. So, ultimately, all major emitting nations will need to reduce greenhouse emissions if we are going to make significant progress on global warming.

I heard one of my colleagues talk earlier about who is going to police this, and how do you enter into this international agreement. Well, the fact is we enter into international agreements all the time. We have trade agreements. We have arms control agreements. We have environmental agreements. We police them by arriving at mutually agreeable means of being able to raise the issues with each of those nations that might be offending, and we have done so without ever giving up our sovereignty. So, that is just a red herring in this issue. We know that we can do that, and we will do that.

We also know that we are trying to seek an equilibrium with other nations so we are not losing jobs while other people are gaining some foothold in the marketplace. We understand that. We are not seeking to consciously enter into an arrangement that will disadvantage the United States of America and our economy.

On the other hand, every environmental agreement and every agreement we have reached so far requires some change in the way we do business. That change has generally produced more jobs, not less jobs. One of the fastest growing industries in Massachusetts has been environmental technology, as we develop new means of producing clean coal or scrubbers or as we create other kinds of mitigation for toxins or chemicals. I think that the same thing can happen here. If the United States is smart, we will be the provider of these technologies to the world.

There still appears to be a little bit of uncertainty as to what this phrase within the same compliance period actually means. But after a number of discussions with Senator CHAFEE's and Senator BYRD's staffs, I believe that we have reached an understanding that it means essentially that we want countries to begin to reduce while we are reducing, we want them to engage in a reasonable schedule while we are engaged in a reasonable schedule, but that if a developing nation needs more time to get a plan in place or needs to have more time to raise the funds and be able to purchase the technology and do the things necessary, that as long as there is a good-faith track on which they are proceeding, that if it took them a number of years, 2 years, 3 years, 5, or longer to be able to reach a particular goal, that certainly means within the same compliance period they are operating similarly to try to meet the standards that we want to set out. We believe that, given that less-developed countries are not currently projected to emit more emissions than industrial countries until at least the year 2015, it is reasonable to permit some flexibility in the targets and the timing of compliance while at the same time requiring all countries to agree to make a legally binding commitment by a date certain. That is reasonable. But I think most of my colleagues would agree that if some country simply doesn't have the capacity, the plan, the money, or the technology, it may be they have to take a little more time and we should want to be reasonable in helping them to do that because the goal here is to get everybody to participate, not to create a divisiveness that winds up with doing nothing.

There is a second issue here, and that is the issue of emissions trading. While this resolution includes provisions that address developing countries' participation, a number of us are critical of the fact that it is silent on the question of flexibility, a question of what market tools or what market access tools ought to be permissible for use by all countries. I believe that the record is clear that emissions trading is a vital market mechanism that will benefit the United States.

Emissions trading not only advantages the U.S. business, but it would provide developing countries with incentives to sign up to binding legal commitments that most people believe are important in this treaty. I would like to point out to my colleagues that, currently in the negotiations, Europe is trying to create a bubble over Europe itself, trying to create a separate agreement where Europe will be able to have emissions trading among European countries, but we and others would not be able to engage in that trading. The result would be that you might have Belgium required to do a 10-percent reduction in 2010 for CO_2 and CH_4 and NO_X. But at the same time, Greece would be able to increase by 30 percent. Spain would increase by 17 percent. Ireland would increase by 15 percent. Portugal would be able to increase by 40 percent. This is because they are trying to set up a structure where they can trade amongst each other for emissions without us having that same capacity.

Now, if anything disadvantages American industry, it would be to have Europe create a bubble for itself to the exclusion of the United States to be able to emissions trade. I am against that. I think that is anticompetitive and it is anti-United States. This is silent on that. I hope my colleagues will agree with me that we want the United States to be able to trade with one of these countries. We want the United States to be able to trade with one of the less developed nations so that we can do what we have done in the United States.

Let me point out, here is the impact. Referring to this chart, these are what we have done in the United States. This black line represents the actual SO_2 emissions in the United States, and this was the projected rate of reduction if we were to engage, under the Clean Air Act, in emissions trading, and this pink line was what we projected. But because emissions trading has been such an effective market tool, this yellow line represents the actual rate of reductions in SO_2 emissions. So we have had a phenomenal success through emissions trading in reducing emissions in our country. And it would be simply against common sense to have a negotiation which precluded the capacity of the United States to engage in this emissions trading.

This chart shows the growth indicators and emissions. The black line represents the gross domestic product increase of the United States of America from 1985 to 1995. The electricity demand in the United States is the pink line, and the electricity demand went up almost concomitantly with the gross domestic product. At the same time, because we engaged in these tradings within our States, here is what happened with the emissions trading effect. The SO_2 emissions dramatically went down, even as electricity demands went up.

So it is a proven tool, it is a market force tool, and it is one that will enhance the economic competitiveness of the United States. I am pleased that, in my discussions with Senator BYRD, he has indicated that there is nothing in this resolution that precludes the capacity of our negotiators to pursue this as a tool in our negotiations and, conceivably, as one of the ingredients of a Kyoto treaty.

Mr. HAGEL. Will the Senator yield?

Mr. KERRY. For what purpose?

Mr. HAGEL. I would like to respond, if I could.

Mr. KERRY. I will finish up, and then I want to reserve some time for Senator CHAFEE, and others. If I can complete, then and the Senator, on his time, can certainly ask any question that he wants to.

Let me just say that we believe very strongly that we need to put a structure in place that will provide incentives for nations and industries to reduce their emissions of greenhouse gases. And we believe, obviously, the developing world is poised to undertake a massive infrastructure investment in energy, transportation, and other potentially high-emitting sectors. These investments are going to have long-term capital stock lifetimes, and if we were to exclude that discussion of them being part of this, it would be an enormous error of judgment, I think, for the longrun of this effort.

One final comment I will make on the science. Even if we were to reduce our greenhouse gas emissions today to 1990 levels, you will still continue to have the greenhouse gas warming effect, because the life of these gases in the atmosphere will go on for 75 years, or longer, into the future and because of the cumulative effect and the lack of

knowledge about where you may have a saturation point or a devastating impact, caution and common sense predicate that we should do everything possible in order to avoid the potential of that kind of catastrophe.

I reserve the balance of our time.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield myself whatever time I need. I just would like to make a quick response to my colleague. I noted that my colleague from Massachusetts keeps employing the name of Senator BYRD. I assume that Senator BYRD is going to have an opportunity to speak for himself on this.

First, let's be very clear. This is all interesting, but it does not at all have anything to do with the Byrd-Hagel resolution. That is No. 1. Two, I am saying—and I think much of what we are talking about on the resolution that legally binding commitments are pretty tough, and we want to understand about those legally binding commitments before anybody gets legally bound, regarding if we are talking about a European bubble, or whatever.

Mr. KERRY. Let me answer the Senator by saying we don't disagree with that at all.

Mr. HAGEL. This is interesting, I say to the Senator, but again it does not reflect on what the Byrd-Hagel resolution reflects.

Mr. KERRY. How doesn't it reflect on it?

Mr. HAGEL. We don't talk about the European bubble. More important, we don't talk about European trading and joint implementation. If Senator BYRD wants to say that, he can. This Senator wants to make it clear that I am not in favor of any sort or form of emissions trading or joint implementation.

Furthermore, any kind of implied United Nations bureaucracy with the power to come in and inspect and penalize and fine and shut down American companies, which obviously is the legitimate logical conclusion of this, I want to be on record right now in saying I oppose that. Obviously, Senator BYRD can speak for himself.

Mr. KERRY. To answer the Senator, since he wanted to engage in this discussion, no one has suggested any such thing, and I would be against that, also.

Second, the Senator would have to agree with me that this resolution is silent on the issue of emissions trading. That is what I said; I said it is silent.

Mr. HAGEL. That is what I have said. I said I could not support that, will not support that, and I want to make sure my colleagues understand that, and that we stay focused on this.

Mr. KERRY. We will let the Senator from West Virginia speak for himself. But it is my understanding that the Senator from West Virginia has a different view.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. HAGEL. Thank you, Mr. President. Senator KERRY, is it your intent to enter into a colloquy with the Senator from West Virginia on this issue?

Mr. KERRY. Mr. President, not necessarily. I am going to wait until I have had a moment to discuss this with Senator CHAFEE. But we can proceed with the debate. There are people on his side that would like to speak. I will reserve the balance of our time.

Mr. HAGEL. I thank the Senator. I would like to yield to my friend from Kansas 2 minutes for his comments on this issue as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, might I inquire of my distinguished colleague from Nebraska, was that 4 minutes or 2 minutes?

Mr. HAGEL. It is 2 minutes. It was 4 minutes 2 minutes ago, and I am sorry about that. I might add that we intend to continue this dialog and colloquy, hopefully, next week because as a result of the fact that we were given less time late last night than what was originally agreed to, even though I happen to be standing in this position, there is not much I can do with that. I live by the law. So that is why you have 2 minutes, and probably less.

Mr. ROBERTS. Mr. President, might I inquire whether that dialog came out of my time? I assume I have an additional 2 minutes. I was merely questioning the distinguished Senator from Nebraska on the time.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. ROBERTS. I thank the Chair. I am upset. Talking about global warming, I have a little global warming underneath the collar. Two minutes and one hour of debate for such a terribly, terribly serious question.

I rise in support of Senate Concurrent Resolution 98, and that is a fancy word that puts the Senate on record against any U.N.-sponsored, legally binding greenhouse treaty. I come to this issue as the former chairman of the House Agriculture Committee, where we spent years trying to address our emission policies with sound science, reasonable cost-benefit considerations, and I want to wake up farm country because that is not what is going to happen.

A U.N. scientific panel now blames agriculture, under the auspices of this plan, for 20 percent of human-caused greenhouse gas emissions. They propose the following things, Mr. and Mrs. Farmer, so get your pencil out, get your yellow tablet out. We don't have time to really discuss this—Senators want to leap on their airplanes at 12 o'clock—in terms of an issue that will affect every life and every pocketbook in America. But we are here talking about it, and I probably have 30 seconds.

Wake up. Mandatory increased fuel economy requirements. Phaseout of diesel fuel. How are our tractors going to run? I don't know. Limitations on production. Been there, done that. We passed a new farm bill. Mandate for no-till; no-till farming, forcing farmers to buy all sorts of new equipment. Here's a good one: Restrictions on livestock production to reduce methane emission for the United Nations. We are going to control what goes into the cow and now, evidently, we are going to have a U.N. observer trying to control what comes out of the cow. And restrictions on processing and transportation of food products.

This is uncalled for. Many of my colleagues joined to send a letter to the administration to say, how on Earth are we going to do this and still feed America in a troubled and hungry world? That answer has not been forthcoming. We recommended five considerations, and then we follow with the letter that was sent to the President last November by every major agriculture group.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 8, 1996.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Last summer, participants in the second Conference of Parties of the United Nations' Framework Convention on Climate Change (UNFCCC) agreed to negotiations for legally binding numeric limits on greenhouse gas emissions. This dramatic shift from voluntary to enforceable caps on greenhouse gases was led by the U.S. According to your spokespeople, there is now a consensus in the world scientific community which demands urgent action to reduce greenhouse gas emissions.

There is less than agreement outside the United Nation's scientific body. Furthermore, there is still a lively debate among respected scientists about the human versus natural sources of greenhouse gases and their effect on climate. Controversy notwithstanding, the climate change treaty is moving full-speed ahead with the Administration's enthusiastic support. A final agreement is scheduled to be completed in December of 1997, with ratification by individual countries beginning in 1998. If ratified by the U.S. Senate, the treaty will be binding on the U.S. and other developed countries and may be incorporated into U.S. law. However, developing countries will not have to comply.

Of great concern to agriculture are reports under consideration by the U.N. scientific panel which blame agriculture for more than 20 percent of human-caused greenhouse gas emissions. Specifically, we are concerned about proposals for the following: fuel economy requirements, reduction or phaseout of the use of diesel fuel, limitations on production per acre for some crops, requirements for ''plowless'' soil preparation, mandatory fallowing of crop land, limits and restrictions on livestock production to reduce methane emissions, restrictions on use of fertilizer, restrictions on timber harvesting, restrictions on processing, manufacturing and transportation of food products.

Unfortunately, these proposals ignore agriculture's positive role in reducing greenhouse gases by removing carbon dioxide from the atmosphere through photosynthesis. Most importantly, they cavalierly disregard the most valuable function of modern agriculture—feeding a hungry world. Ironically,

rice production has been singled out as the number one culprit in human-caused methane emissions.

We are very concerned that these recommendations or similar ones will be incorporated in the final climate change agreement, ratified and imposed on U.S. farmers and ranchers through U.S. laws. Binding and enforceable controls would apply only to developed countries and would severely disadvantage U.S. farmers and ranchers in today's global markets.

Moreover, we are deeply concerned and surprised that the Administration has not actively consulted with agriculture as the agreement has been developed. We respectfully request that the Administration take the following actions:

(1) The Administration must fully and actively consult with agriculture. Agricultural interests have not been considered by the Department of State and other U.S. agencies which are closely involved with the development of the climate change agreement. The agreement must include an open and extensive public debate which involves agricultural producers and members of Congress, USDA and other agencies.

(2) The Administration should withdraw its support for legally binding and enforceable caps on emissions until here is a stronger consensus from the scientific community that they are justified. If it is determined that controls are justified, they should be accomplished voluntarily or in ways which minimize disruption of U.S. agricultural producers.

(3) The final climate change agreement, scheduled for completion in December of 1997, must be delayed to provide sufficient time for consultation with agriculture and for adequate risk, cost and benefit assessment.

Without proper scientific and economic analyses and assessment, U.S. farmers and ranchers may be placed at a serious disadvantage with agricultural producers in countries which do not plan to reduce greenhouse gases.

If the Administration does not adequately address the above concerns, we may raise them with Congress during the ratification process.

Sincerely,

American Farm Bureau Federation, American Crop Protection Association, American Sheep Industries Association, American Soybean Association, CENEX, National Association of Wheat Growers, National Cattlemen's Beef Association, National Corn Growers Association, National Cotton Council, National Food Processors Association, National Grange, National Milk Producers Federation, National Pork Producers Council, The Fertilizer Institute, United Agribusiness League, United Fresh Fruit and Vegetable Association, USA Rice, Western Growers Association.

Mr. ROBERTS. Mr. President, I am pleased to join a bipartisan majority of my colleagues today in support of Senate Resolution 98 that puts the Senate on record against any United Nations-sponsored global climate change treaty that would be binding on only developed nations.

It had been U.S. policy until last year that the United States would pursue voluntary programs to reduce greenhouse gas emissions to 1990 levels. This made sense, the science is not clear on global warming and no nation should risk their economic well being because of environmental extremism that ignores the call for sound science.

However, Deputy Secretary of State Tim Wirth last year at the Berlin meeting of the Conference of Parties of the U.N. Framework Convention on Climate Change suddenly changed the voluntary course of action. Under the White House's supervision, Deputy Secretary Wirth proposed global warming treaty language that would force the United States and smaller developed nations like Great Britain and Germany, to control their greenhouse gas emissions, but purposefully exempts so-called developing nations such as China, India, South Korea, Mexico, and Brazil, from the binding treaty language.

It is fact that China and India will exceed United States greenhouse gas emissions early next century, but they will be exempt from this U.N.-designed treaty. These developing nations will have no international authority regulating their industries or way of life. As a result, the White House is meekly declining to be forceful in its negotiations and would rather unilaterally disarm our economy that is based on power. If Deputy Secretary Wirth and others supporting this treaty are so concerned, perhaps they can tell me how stopping United States carbon dioxide emissions while letting China and India pollute will help their environmental cause. What is the benefit? There is none under this treaty if these nations are not brought into the same global scheme as the United States.

Mr. President we are really talking about a legally binding greenhouse gas treaty. Sounds like Washingtonese to Mr. and Mrs. America, but what it really means is the White House is telling the world that developed nations feel guilty about their strong and vibrant industrial base, therefore they must be causing global warming. Deputy Secretary of State Tim Wirth in his June 19 testimony before the Senate Foreign Relations Committee admitted that because the United States produces 20 percent of the world's carbon emissions and has only 4 percent of the world's population that Congress, without sound science on global warming, mandate that business and consumers stop using their cars, trucks, combines, trains, and boats, not to mention shutting down factories to ease the pain of others about our quality of life.

In 1990, the United States produced more than 26 percent of the world's goods and services, while producing only 20 percent of its carbon emissions. Deputy Secretary Wirth also failed to show that America's air is getting cleaner because in the Environmental Protection Agency's report National Air Quality and Emissions Trends Report, 1995 documented improvement in air quality over the past 9 years. This improvement in air quality seems to baffle the EPA and supporters of the binding treaty because our air quality keeps improving despite the growth of the U.S. population, more automobile use, not to mention the growth in our gross domestic product.

And, what are the particulars of this globally binding treaty? Perhaps they are reluctant to tell the folks in Dodge City, America, this treaty will establish a global greenhouse trading emissions system. This means some international body, probably the United Nations, will be responsible for tracking our use of fossil fuels in the United States. The United Nations will be required to know how much jet fuel and diesel the Marines, Air Force, Army, and Navy use. The White House has not even discussed the national security implications of this treaty with the Senate Armed Services Committee.

Wake up, farm country, the U.N. scientific panel blames agriculture for more than 20 percent of human-caused greenhouse gas emissions and has proposed the following proposals for agriculture:

Increased fuel economy requirements, meaning that pickups will be lighter and cannot carry as much feed and seed;

Phaseout of diesel fuel. What does the President propose we burn in tractors?

Limitations on production per acre; been there done that.

Mandate for no-till, forcing farmers to use planters that may not be right for their crops or soil;

Restrictions on livestock production to reduce methane emission. Evidently the United Nations does not like cow flatulence;

Restrictions on fertilizer; and

Restrictions on processing and transportation of food products.

This is uncalled for and I joined with my Senate colleagues on the Agriculture Committee in a letter to the Vice President on March 14 expressing our deep concern that the White House greenhouse proposal was ignorant of the likely mandatory restrictions on the world's food and fiber supplier. Our agriculture policies are the responsibility of the U.S. Congress in consultation with the President. The United Nations should have no say whatsoever in planting, tilling, or harvesting. In our letter we asked the administration to analyze and brief us on the following points regarding agriculture.

First, the potential effect of climate change on U.S. agriculture and livestock production.

Second, the estimated greenhouse gas emission resulting from the production of crops and livestock in the United States.

Third, the net contribution of U.S. forests and crops soaking up greenhouse gases.

Fourth, actions and controls necessary to reduce agricultural greenhouse gas emissions to comply with obligations that may arise under the treaty and an economic analysis of their impact on U.S. farmers and ranchers.

Fifth, whether and to what extent greenhouse gas emission controls would disadvantage agriculture producers in this country compared to producers in other countries with fewer

stringent emission controls or no controls at all.

The silence from the White House about our concern is evident that they are waiting until December when Congress is safely at home that they will reveal the treaty includes a carbon fuel tax. Fortunately, my astute colleagues in the Senate have been able to extract pieces of this plan through congressional hearings. The White House will impose a Btu tax on energy sources like gasoline, diesel, and electricity. According to congressional testimony by Dr. Janet Yellen, chairman of the President's Council of Economic Advisors, that a $100 tax for every ton of carbon produced from fossil fuels will be needed to reduce U.S. greenhouse gas emissions to 1990 levels. I know that some of my seasoned colleagues recall that this is the same administration that in 1993 proposed a complicated Btu tax on fossil fuels.

Mr. President, a Btu tax is unneeded and goes against everything the Congress and White House has been struggling for over the past 2 months, a balanced budget with income-tax breaks. What would this Btu tax cost the family, the small businessman, or farmer? Well, some economists believe that to reach the 1990 level of U.S. carbon dioxide emissions that the Btu tax would be comparable to an increase of at least a quarter, if not two, in the Federal gas tax. That's a lot of money for the pizza man or the single mother shuttling kids between school and soccer practice. The same thing happens on these folks' power bills every month because coal or natural gas is used to generate electricity that provides them a warm home in the winter and a cool house in the summer.

Coming from an energy-intensive State where we have to drive long ways to reach home or work, this tax is senseless. Specifically, it will hurt our farmers, who EPA Administrator Browner called earlier this week the ''backbone of America.'' A Btu tax will dramatically affect the bottom line of farmers and ranchers. An analysis of the 1993 Btu tax proposal by the Kansas State University Department of Agriculture Economics determined that would have cost Kansas farmers from $1,311 to $4,531 depending on their location in the Sunflower State. That is a lot of money, and if the crops are bad, it hurts producers' bottom line even more.

Here are some specifics from the report that need to be closely examined because they will mirror what the White House will be proposing. A Rice County, KS, farmer planting continuous cropped wheat under the 1993 proposed Btu tax cost per acre would have increased by $1.45. For a northeast Kansas dryland milo farmer in Brown County, his cost per acre would have risen by $2.90. The same Brown County farmer growing corn, which Kansas is increasing its acreage under freedom to farm, would have paid $3.58 per acre for corn under a Btu tax. A Miami County farmer raising hay and alfalfa costs per acre would have gone up $2.91. why can't the White House give us this information about their treaty proposal?

What concerns me is that the administration is paying attention to the questionable science on global warming and is blindly putting the U.S. agriculture industry in an uneconomical production straitjacket that will do more harm on a global scale. The Kansas State University study determined that the majority of a Btu tax will be passed on in the price of fertilizer, ag chemicals, fuels, and grain drying costs. I would like to quote directly from the study: ''[I]n return, the manager will not be able to pass these costs on in terms of higher commodity prices. Farm managers may reduce the use of energy-intensive inputs to some degree, resulting in smaller production and increased commodity prices.'' While I am never one to question higher wheat prices, I would if it meant forcing farmers from using diesel or fallowing fields because the United Nations suggested it to meet the treaty's requirement.

The study summary goes on. ''An increase in the costs of production will reduce the supply of farm crops.'' We, the United States, who proudly supplies the rest of the world with wheat, corn and almost every imaginable natural product, probably cannot provide food to these developing nations clamoring for international food aid if our production costs increase. If our production goes down, our domestic market will become paramount and the United States may have to ignore the poor and hungry of other nations that we have been feeding for tens of years.

My colleagues, the administration was in the process of trying to develop a specific economic model to predict what the costs of this binding treaty would be on America, not only farms, but all industries. But, the administration told the Congress they specifically wanted the model to be peer reviewed to ensure there would be no questions about its results. However, when they presented it for peer review, the reviewers told the White House that their model did not work and, if they did find one, it would clearly show the treaty would substantially hurt the economy. The White House refuses now to speculate what the impacts would be. Could it be they are afraid of spooking Wall Street and its meteoric rise above 8,000? Why should companies invest in plants and people only to be taxed more here in the United States? As you can see, this treaty will cost jobs.

Mr. President, I urge my colleagues to oppose any weakening amendments to the resolution. This strongly worded sense of the Senate needs to be shared not only with the appropriate administration officials but world leaders in developed and developing nations. I know that there will be a meeting in Bonn, Germany, in several weeks and I hope the administration will reveal to the world that if they propose such a misguided treaty to the U.S. Senate, it will fail.

Mr. LOTT. Mr. President, I support Senate Resolution 98, the sense-of-the-Senate resolution on the Global Climate Change Treaty submitted by Senators BYRD and HAGEL and supported by nearly two-thirds of the Senate. Like many of my colleagues on both sides of the aisle, I have many serious concerns about the economic impact that this treaty would have on our Nation.

By adopting this amendment, the Senate will be exercising its constitutional role of advising the executive branch as part of a treaty process. The President should take this resolution as a serious and constructive step in the treaty process.

Before we take another step toward ratification, I believe that the Senate must insure that the economic impact and inequity of this international agreement be fully aired for the American people.

As written, this legally binding treaty would require the United States and other developed countries to reduce their carbon dioxide and greenhouse gas emissions to 1990 levels by the year 2010. In order to meet these targets, the United States would either have to issue new regulations or levy huge taxes on all fossil fuels in proportion to their carbon contents. Economists have suggested that stabilizing emissions at 1990 levels with a tax could cut America's gross domestic product by $350 billion. Further regulations would likely take even billions more from our economy.

And what would the developing nations contribute?

What would our neighbors in Mexico have to do to help stop global warming? Nothing.

What about other so-called developing nations like Korea, China, India, and Brazil?

The treaty lets them off the hook.

Mr. President, this is not an equitable international policy.

This is not a level playing field for the United States.

Simply put, I believe the United States should not ratify this treaty as it stands.

I do not believe that this Nation has been a bad actor when it comes to characterizing our environmental public policy. In fact, I believe America has already set the example. An example which all Americans have through their taxes and prices on many commodities has already paid for. Unless all the citizens of the globe are involved, there is a clear inequity.

Mr. President, this does not mean I do not want to address the issue of curtailing carbon emissions.

It means that we should only participate in a fair, balanced equitable agreement where all nations must participate.

Is there such a thing as global warming?

We must admit that there is no consensus among scientists about the validity of this theory. While some cry that the polar ice caps are melting as we speak, others point out that the lower atmosphere has shown no statistically significant warming in the past 19 years.

I do not believe this is the place to launch a debate on the quality of the scientific data. I simply point out that the science is not settled or certain. So why rush into signing a legally binding and economically damaging international agreement?

This much is certain—in order for America to reach the treaty's goal of reducing greenhouse gas emissions to 1990 levels by 2010, the United States will have to reduce their fossil fuel use by at least 25 percent.

How do those who advocate this treaty think this will impact our country?

Mr. President, let me give my colleagues some illustrations of what our Nation could face: First, energy taxes on energy use which would reduce economic growth by nearly 3 percent annually, increasing consumer costs by $110 billion; second, the loss of under 2 million American jobs, most of which will actually move overseas; and third, harm to the steel, basic chemicals, petroleum refining, aluminum, paper and cement industries, which would be targeted for severe restrictions by the treaty.

The Byrd-Hagel resolution states that the United States should not be a signatory to any agreement that ''would result in serious harm to the economy of the United States.'' I believe this is a reasonable and responsible action.

Mr. President, this treaty imposes very serious burdens on our economy with little environmental gain. This is just not a sound public policy.

I have but one question for those who want to sign the treaty: How can America help the global environment by wreaking havoc and permanent harm on our own economy?

This administration says that the United States—all alone—should decrease its energy use for 40 years before the developing nations are required to participate. There is no guarantee that these developing nations will be any more interested in curtailing their energy use then than they are now. Today, China is accelerating its use of fossil fuels, and by 2015, will likely pass the United States in total carbon emissions. Is it fair to let them off the hook now while we are subject to such stringent regulation?

The Byrd-Hagel resolution would require developing nations to comply with the same regulations at the same time in the same treaty as the United States. This is not only equitable, it is the only way that there can be any real benefit to the global environment.

Mr. President, the debate over global warming is tremendously important to the future of all Americans. The threat of losing 2.5 percent of our GDP will impose enormous hardships on the average consumer. The treaty is essentially an attack on America's life style.

The United States has already spent more than a trillion dollars to clean the environment. American taxpayers must be assured that any new environmental programs actually provide benefits that outweigh their costs and that are grounded in sound science. At the same time, we must not enter into any international agreement that puts the United States at a significant disadvantage in the global arena.

Mr. President, I believe the Global Climate Change Treaty is unacceptable as it stands at the very least it needs the Byrd-Hagel correction.

I would like to thank and commend Senators BYRD and HAGEL for their dedicated efforts to educate our colleagues on this issue. I appreciate their leadership and thoughtful consideration of this important international environmental issue. Thank you, Senator BYRD and Senator HAGEL.

Mr. President, I urge my colleagues on both sides of the aisle to join me in supporting the Byrd-Hagel resolution.

Mrs. MURRAY. Mr. President, I rise in support of the Byrd resolution.

I will vote for this resolution, first, because the concerns of American workers and industry must be considered in any treaty into which this country enters. This resolution unequivocally sends that message.

Second, it should be without dispute that developing nations must control their emissions if we are to reduce greenhouse gas. This resolution strengthens our bargaining position to ensure real, attainable standards are established for developing countries, too.

I want to make it clear, however, that I support a negotiated global warming treaty. I believe science and common sense mandate that we work to reduce emissions and increase forest conservation to offset emissions.

Regarding the developed-developing nation debate, I believe it is also clear that we developed nations have historically emitted more greenhouse gases per capita than have developing countries. In addition, we are economically more able to absorb whatever increased costs occur based on the need to reduce emissions. Therefore, we should assist our neighbors through technology transfer, economic assistance, and joint ventures in meeting whatever emissions goals are established.

I offer my strong support to the administration as it continues negotiations to reduce greenhouse gases worldwide. I thank Senator BYRD for strengthening the American bargaining position with this resolution.

Mr. MCCONNELL. Mr. President, I rise in support of the Byrd/Hagel resolution. This legislation expresses the sense of the Senate regarding the conditions for the United States to become a signatory to any international agreement on global climate change. Consideration of this legislation is critical to shaping the upcoming debate on global climate issues and amending the Framework Convention on Global Climate Change. An upcoming meeting in Kyoto, Japan, has the potential to cripple our economic potential, while allowing the emissions from less developed nations to grow unchecked.

The Rio Treaty signed by President Bush called for industrialized nations to voluntarily reduce greenhouse gas emissions to 1990 levels or lower by the year 2000. All but two countries will miss the goals, including the United States which missed the mark by 10 percent. The administration blamed this on low fuel prices and a strong economy. Mr. President, this is not a liability or something the United States should apologize for.

Nonetheless, in an effort to reverse this success, the Clinton administration signed on to the Berlin mandate in 1995. This is an agreement of industrialized nations to further reduce emissions after 2000. Unfortunately, this agreement exempts 130 developing countries from reductions or commitments in greenhouse gases. This enormous loophole will guarantee the failure of this agreement. In 1996, the administration decided that it would use the Berlin mandate to create a new treaty with legally binding mandates on emission levels.

Mr. President, I am very concerned with the administration's intention to sign an agreement that commits the United States to legally-binding emissions levels that will not achieve significant environmental gains. The fatal flaw of this agreement is that it exempts developing nations, including China which is estimated to exceed the United States in greenhouse gas emissions by 2015. By 2010, the share of U.S. global emissions will fall from 20 percent to just 10 percent as developing nations continue to grow in population and industrial capability. By the year 2100, developing nations are estimated to produce three-quarters of the total greenhouse gases.

In testimony before the Senate Foreign Relations Committee on July 21, Under Secretary Tim Wirth argued this agreement was like a row boat and the United States should ''pull a heavier oar at the beginning; over time, we must all pull together.''

Mr. President, anybody who has ever operated a rowboat knows that when you pull harder on one oar you end up going in circles. And that is precisely what this agreement will do. It won't achieve any net environmental gains and worse, will succeed in sending our economy into a tailspin.

Left unchanged, this agreement will provide a significant advantage to our competitors. In order to achieve lower emission levels, new energy costs and other costly regulatory burdens required to reduce energy use reduce our competitive advantage in all industries. It is likely to force our most energy-intensive industries like steel,

aluminum, chemicals, refining, and paper production to move overseas. Mr. President, this is unacceptable.

Study after study has demonstrated that this agreement would cripple our economy. A DRI/McGraw Hill study shows our Nation's GDP would be reduced annually by 2 to 3 percent. According to the AFL–CIO, between 1.25 million and 1.5 million U.S. jobs would be lost. These jobs would reemerge in other countries where, as a result of the flawed agreement, emission levels and high energy taxes are not a concern. On top of this consumer costs would rise by $50 to $100 billion annually. Higher energy prices would mean increased costs on all goods including groceries, electricity, and gasoline.

Mr. President, I represent a State that this treaty puts right in the cross hairs. There are 25,000 people whose jobs are tied directly to the coal industry. Higher energy taxes, like the Btu tax proposed by this administration, hits coal harder than any other energy source. Thousands of well-paying jobs would be lost in my State as this administration seeks to eliminate coal as our primary energy source, while giving developing nations an unfair advantage.

It is important to keep in mind that coal provides over 50 percent of our power needs nationwide. This is the low cost fuel source that helps maintain this Nation's competitive edge and reduces increased dependency on foreign oil.

Not only would the Kentucky mining industry be devastated, but industries across my State would feel the impact of higher energy prices. As I noted earlier, industries like chemical, steel, paper, and aluminum would be greatly impacted. Three of our leading manufacturers General Electric, Ford and Toyota use significant amounts of energy. The 30,000 jobs at these facilities would all be threatened by our foreign competitors.

The Byrd/Hagel resolution addresses the unfairness in the agreement being considered by the administration. This resolution mandates specific scheduled commitments to limit or reduce greenhouse gas emission for developing nations, with the same compliance period.

If every nation doesn't agree to the same emission levels and timetables, what incentive will they have to negotiate in the future when they have an overwhelming competitive advantage? It is important that we not bargain away the economic advantages we have worked so hard to achieve.

Passage of this resolution will send a clear message to the administration when they begin negotiations in Kyoto. I am hopeful this will prevent the administration from signing an unacceptable agreement that puts the burden of cleaning up the environment on American workers just to have these gains wiped out by developing nations.

Mr. President, I urge my colleagues to join me in sending a strong message to the administration by voting for the Byrd/Hagel resolution. This is a vote for jobs and a vote for the environment.

Mr. BAUCUS. Mr. President, later this year the 166 countries that signed the 1992 climate change treaty will meet in Kyoto, Japan. They will be seeking stronger measures to control a potential threat to the future of our planet and to the lives of everyone living today and children yet to be born.

The threat is easy to understand, even if the science is complicated and a bit uncertain. In hearings before the Environment and Public Works Committee earlier this month, a panel of respected scientists gave us their assessment of the problem.

They told us that man-made emissions of greenhouse gasses, such as carbon dioxide, have led to a distinct warming of the Earth over the past 100 years. More troubling, however was their prediction.

If left unchecked, the continued growth in these emissions, which trap the sun's heat, will have potentially serious effects. These consequences include shifting climate patterns and more frequent violent weather events, such as floods and droughts.

Now most areas of the country experience extreme weather conditions from time to time. But permanent shifts in climate patterns can seriously alter our lives and our economy.

For instance, in an agricultural State, such as Montana, the prospect of more flooding and longer dry spells is a threat to the livelihood of our farming and ranching families and their communities. And, if weather patterns change, crop yields can be seriously decreased.

These kinds of threats to our future are serious enough that we must take action to avoid them. We can begin by controlling our greenhouse gas emissions. And if we start with modest steps now, instead of waiting, we will likely avoid any serious economic disruptions.

In 1992, the Rio summit asked developed countries to lead the way. The climate change treaty committed these countries to voluntarily reduce their emissions of carbon dioxide to 1990 levels by 2000.

Unfortunately, the voluntary actions didn't work. The good intentions of most countries never translated into concrete results. So if we are to control these emissions, the new treaty must contain binding limits on emissions.

However, we also need to make another change in the 1992 treaty.

We certainly need binding controls on developed countries, which currently emit about 60 percent of global greenhouse gases. But we also need them on developing countries, which are responsible for the remaining 40 percent.

We simply can't reach a solution by addressing only 60 percent of the problem. Furthermore, unless all countries participate, we run the risk of giving our economic competitors an unfair advantage.

Yet developing countries are resisting such efforts. So how can we change their thinking? Perhaps by broadening our own.

Let me take one country, China, as an example. Why China? For one, because over the next 20 years, China will be responsible for one-third of the increase in greenhouse gas emissions.

For another because the United States has a lot of issues to deal with China on. Trade, human rights, regional security, and environmental protection, to name a few.

So despite fundamental disagreements on some issues, we share many mutual interests, including climate change.

China has more people potentially at risk from rising sea levels and violent weather than any other nation. It also has an urgent need to increase its domestic energy supplies. If we consider the broad array of interests we share, I suspect we will find ways to gain their support on climate change issues.

After all, China is a growing part of the problem, it must be part of the solution.

Another aspect of encouraging developing nations to participate in new emission controls is to include in the treaty flexible, market-based strategies, such as joint implementation and emissions trading.

Market-based strategies have been very successful here at home. For instance, the acid rain program in the 1990 Clean Air Act included trading of sulfur dioxide emissions credits.

This program stimulated technological innovation. It also reduced sulfur dioxide emissions at a cost that was less than one-tenth that predicted by industry.

By including similar programs in a climate change treaty, we can achieve greenhouse gas reductions at the lowest possible cost. It gives U.S firms the flexibility to comply with emission targets in a way that makes the most sense for them. And it will protect our worldwide economic competitiveness.

For developing countries, emission trading can give them access to new technology and financial support that will make it easier for them to comply with their new obligations.

The language contained in Senate Resolution 98 will help achieve the goal of including all countries in the new treaty.

It requires that the treaty mandate new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties within the same compliance period as developed countries.

But since developing and developed nations are starting from different places, it makes sense to require different targets. Here again, the language crafted by Senator BYRD helps. It does not specify that developed and developing countries meet the same targets and timetables.

When Under Secretary of State Tim Wirth recently appeared before the Environment and Public Works Committee, he spoke in support of Senator BYRD's resolution. I believe he said it was ''largely on the button.'' He added that the administration ''very much agrees with the thrust of what [Senator BYRD] is saying related to developing country commitments.''

So although the language of the resolution requires new commitments from developing countries, the administration should seek emission targets that are more consistent with their level of industrialization.

I plan to follow the treaty negotiations carefully to be sure that developing countries have agreed to commit to controlling their greenhouse gases.

And while the resolution unfortunately omits any mention of the need for market-based strategies to achieve the emissions targets, I believe the treaty must include them. They simply make much more sense for all countries than the command-and-control approach being advocated by some.

In closing, Mr. President, let me say that the toughest issues for democracies to handle are those in which the threat to society builds gradually, but inexorably, over time, such as with global climate change. We deal well with immediate crises.

My hope is that by debating this issue today, by passing this resolution, we will elevate the public discussion about climate change and avoid the need for a future crisis to spur us into action.

Mr. KYL. Mr. President, I take this opportunity to comment on the resolution now before the Senate. It is clear from the number of Members who are signatories to this resolution that the majority of this Chamber has significant reservations, as it should, about the ratification of any international agreement on greenhouse gas emissions under the U.N. Framework Convention on Climate Change. I intend to vote for the resolution, but I must say I believe it does not go far enough in bringing to light the faults of the convention. I'd like to amplify some points that are touched upon only briefly in the resolution.

I am very concerned about the call to move away from voluntary goals, as framed in the original convention, toward legally binding emissions-limitation targets and timetables for the United States, as well as the other developed, or annex I, countries that are party to the convention. The 1992 treaty, ratified by the Senate, called for the economically developed countries to undertake voluntary actions to aim to reduce their greenhouse gas emissions. Unfortunately, the only major developed nations that will meet this voluntary target of 1990 levels by 2000 are Britain—because it switched its fuel for electricity production from heavily subsidized coal to North Sea natural gas—and Germany—because it is able to count efficiency gains from replacing its ancient East German powerplants. Despite the fact that the United States is expected to miss its own target by about 10 percent, the administration, by signing the Berlin mandate in March of 1995, now believes it is a good idea to pursue additional emissions reduction targets after the year 2000. The Berlin mandate, which was not presented to the Senate for approval, sets up a process to negotiate a new treaty that will: First, commit the United States, and other developed countries to a legally binding agreement—contrary to the earlier approved agreement; and second, specifically exempt the 130 developing countries, including the emerging economies of China, Mexico, and Korea, from any additional commitments.

It does not make sense, either environmentally or economically, to focus on the nations which are already spending billions on pollution control and making substantial progress, while ignoring the so-called developing countries. U.S. companies, using the best available technology, are able to eliminate a great deal of pollution from their emissions. To achieve an additional increment of pollution reduction requires a much larger amount of money to be spent. Because of the law of diminishing returns, the costs will heavily outweigh any benefits. However, in developing countries, where the pollution control technology is not be as advanced or widespread as it is here in the United States, a dollar spent on pollution control will stretch much further and achieve far more significant reductions in overall pollution. Thus, the cost/benefit ratio favors significant pollution reduction in developing, not developed, countries.

In addition to the simple cost/benefit analysis, many scientists predict the greatest increase of future greenhouse emissions will come from developing countries like China, Mexico, Brazil, and Korea. As much as 60 percent of global carbon emissions are expected to come from such countries in the next few decades, with China becoming the single-largest emitter in the near future. Since these countries are expected to produce the bulk of future greenhouse emissions, exempting them will not reduce net global emissions. Both cost-benefit analysis and common sense say that the most effective way to reduce net global pollution is to reduce emissions in the developing nations.

While I presume many supporters of this resolution agree that under no circumstances should the United States be subjected to legally binding emissions limitations, I believe the resolution is somewhat unclear. As I read it, it says the United States will agree to legally binding emissions if ''the protocol or other agreements also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties within the same compliance period.'' Unfortunately, I believe this condition is not sufficient. As many of you know, it has been interpreted by different people in different ways. Some read it to mean that the Senate will not approve a treaty that does not include identical emissions level and target date requirements. Others, however, have read the same language and determined that it means any treaty must have equal commitments when it comes to setting time tables but not emissions levels. Unfortunately, it is easy to set developing countries on a time table and allow then to continue to pollute in any amount they desire. The emissions levels can be easily set so that the developed countries have very stringent, and perhaps unattainable levels, while the developing countries have very lax, easily reached goals—all the while, all countries are operating within the same time table. The time table alone does not determine the amount of pollution emitted; the emission level is more important. Setting the developing countries to the same timetables without meaningful emissions limitations will not preclude them from emitting larger amounts of greenhouse gases. This approach, I believe, defeats the purpose of the treaty ratified by the Senate, which is to voluntarily reduce greenhouse-gas emissions on a global scale. The original intent was not to legally bind the annex I countries to set timetables and emissions levels while only requiring the developing countries to comply with parallel timetables but not the same emissions standards.

Also of concern is the fact that the administration is basing its climate-change policy on questionable science. The science on climate change is very much an open inquiry into an as-yet-unconfirmed phenomenon over which the scientific community remains sharply divided. Discrepancies exist in the evidence now being considered. So, before the administration binds the United States legally to costly, and possibly unnecessary, standards and goals, shouldn't we allow for the science on this matter to first evolve and, in turn, allow for us to base our decision on facts?

Finally, there is the question of why the United States would embark on a course of action that many scientists say would do little environmental good. A report released in January of this year, January 10, 1997, by the Congressional Research Service poses the question: ''Given the scientific uncertainties regarding the magnitude, timing, rate, and regional consequences of the potential climatic change, what are the appropriate policy responses?'' I believe the appropriate response is to wait for the science to evolve; not to leap into legally binding emission limits that, if developed, would not necessarily improve the environment and would cost American citizens billions of dollars.

Confirming this approach, Dr. Robert C. Balling, Jr. of Arizona State University issued a report entitled ''Global

Warming: Messy Models, Decent Data, Pointless Policy.'' In it he states, ''Global warming is presented as a crisis that can be stopped or minimized with appropriate policy actions. However, the evidence suggests that realistic policies are likely to have minimal climatic impact. Recent research also suggests that a delay in implementing policy responses will have little effect on the efficacy of global warming mitigation strategies.'' He continues: ''It is absolutely imperative that the policies developed for the global warming issue be built on the best science.'' Mr. President, I could not agree more.

This December in Kyoto, Japan, the administration will further commit itself to the convention; it will be offering protocols to that instrument that lack the necessary support of the scientific community. Because we do not know enough to support these terms and allow for the administration to exploit the ends to justify the means for climate-change policy, the responsibility to ensure that the United States is not legally committed to reducing greenhouse-gas emissions will be placed in the hands of the U.S. Senate. We must preserve the right to question the validity of these protocols. Congressional oversight of the negotiations is crucial and any agreement reached in Kyoto must be brought before us for advice and consent. Once the science on this issue has evolved, we will then be able to base our laws on the science and avoid the costly mistake of basing the science on the laws.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Byrd resolution on global climate change and I urge my colleagues to support it. I am proud to be a cosponsor of this resolution.

This resolution explains what the ground rules should be if the United States is to become a signer of the United Nations Framework Convention on Climate Change. This resolution would prohibit the ratification of any treaty that would seriously threaten the economy of the United States. It says that both industrialized nations and developing countries must share the burden of any globally binding treaty on climate change equally.

I support the Byrd resolution for one simple, but very compelling reason—jobs. For those of you who thought you'd hear a vacuum sound pulling jobs overseas following NAFTA implementation—you ain't heard nothin' yet. The only thing this treaty will do, the way it is written now, is destroy American industry as we know it. I will not be a party to any treaty or agreement that sends American jobs overseas. Business won't have any incentive to maintain or build new factories in the United States.

Let me be clear: I support international efforts to improve the environment. But the effort must truly be international if we are to make any progress. I do not believe efforts to control or reduce global warming will be successful unless rapidly developing countries are forced to take the kind of tough steps that the United States will have to take.

We cannot be a part of a binding international agreement that lets countries such as China, South Korea, and India off the hook. Developing nations do contribute to global warming. If we exempt them from the restrictions mandated for the industrialized nations, we will simply see a shifting of pollution, not a reduction. This is not what anyone wants to see happen.

The objective of the treaty being negotiated is to curb global climate change. The United States has already taken steps to achieve this goal. At the beginning of President Clinton's first term, he released his administration's version of a domestic climate change action plan.

This plan relies on a comprehensive set of voluntary actions by industry, utilities, and other large-scale energy users. It also promotes energy efficiency upgrades through new building codes in residential and commercial sectors. Large-scale tree planting and forest reserves are encouraged, as well as increased use of hydroelectric power sources.

These are important steps which will have a positive impact on our global climate. We certainly must continue to research causes of global climate change, and come up with scientifically sound solutions. Our viability as a nation and planet depends on it.

But we cannot throw away American jobs based on a plan that could have only a marginal impact on climate change. Coming up with the right plan should have little effect on the American economy, because it will mean an overall sustainability of the global environment, and the continuation of the United States as a leader of technological and industrial innovation.

Once again, Mr. President, I support this commonsense resolution, which will simply ensure that American jobs won't be lost as we address the issue of global climate change. I am hopeful we can pass this resolution and move on to the next stage of protecting our global environment. I thank the Chair.

Mr. THOMAS. Mr. President, I rise today in strong support and, as an original cosponsor, of Senate Resolution 98, the Byrd-Hagel global warming resolution.

I want to thank the Senate leadership and Senators BYRD and HAGEL, for scheduling floor time for this important initiative before negotiators begin talks in Bonn, Germany.

The administration's current go-at-it-alone plan regarding global climate change is grossly unfair to the United States.

I am opposed to setting legally binding targets and timetables on the United States and other developed countries to reduce greenhouse gas emissions, while at the same time exempting China, Mexico, Brazil, South Korea, and India from those identical regulations.

This will only worsen the problem the administration claims it wants to fix.

Developing countries are projected to continue increasing their use of fossil fuels.

And by the year 2015, China alone is expected to surpass the United States in total carbon emissions.

The Clinton administration's plan will also drive the economy down and send jobs overseas.

The AFL–CIO estimates that between 1.25 and 1.5 million American jobs would go overseas.

And the plan would put the United States at a severe competitive disadvantage and reduce our GDP by $200 billion.

Nevertheless, the administration—led by Under Secretary of State Tim Wirth—is on a mad rush to sign a legally binding treaty in Kyoto, Japan, this December.

This is in spite of:

Uncertain global warming science;

The administration's unwillingness to reveal its final targets and timetables for emissions reductions; and

The fact that they have now thrown out their economic analysis models, which were supposed to help guide policy makers.

The Byrd-Hagel resolution addresses these discrepancies.

It would direct the United States not to sign any agreement that would:

''Mandate new commitments to limit or reduce greenhouse gas emissions, unless it also mandates specific scheduled commitments to reduce gas emissions for developing countries within the same compliance period''; and

''Result in serious harm to the economy of the United States.''

Sixty-four of my colleagues have cosponsored this initiative and I urge their support of this resolution.

Mr. President, I strongly encourage the administration to listen to the concerns being expressed by this Chamber.

Be honest with us and the American people, and realize that we will not ratify any treaty which commits the United States to one set of standards to reduce gas emissions, but will let China, India, Mexico, and other developing countries off the hook.

We ought to focus on bringing all of the countries of the world to the table. Everyone ought to contribute to the cause.

Asking all nations to contribute—within the same compliance period—will help the environment and help U.S. industries stay competitive.

Mr. KERREY. Mr. President, I rise today to voice my support for Senate Resolution 98 regarding the U.N. Framework Convention on Climate Change. Like my colleagues in the Senate, I too am concerned about the effects on the economy of any national or international agreements that the United States enters into. I am particularly concerned with any agreement that may impact the well-being of the American public and the ecological balance of this Nation. The U.N.

Framework Convention on Climate Change has the potential to do both.

The United States is scheduled to join with leaders of 160 nations in Kyoto, Japan in December of this year to conclude negotiations on a global climate change treaty. The Kyoto summit is the latest in a series of meetings that have been held since this body ratified the U.N. Framework Convention on Climate Change in 1992. At Kyoto, the United States and other countries hope to adopt a protocol or legal instrument to deal with the threat of climate change in the post 2000 period.

It is my belief that the United States must take the leadership role in these negotiations, and steer the course to achieve an equitable, reasoned approach to global climate change mitigation, an approach that seeks inclusion of all countries and that offers a solution to the issue. While I believe the resolution before us will allow such an approach, I want to emphasize to the administration the essential nature of a negotiated framework to which all countries can accede.

Before I summarize my analysis of the need for global action, let me review the facts. First, global climate change is real. If it were not, 160 countries would not be meeting to address it. However, there are uncertainties about the effects of global climate change—uncertainties relative to the timing, the magnitude, and regional patterns of climate change. We must acknowledge these uncertainties, but acknowledge also that they do not justify inaction.

As stated recently by Dr. William Nordhaus of Yale University: ''The results (of studies) definitely reject inaction; uncertainty alone cannot justify waiting for the revealed truth to act, particularly when the revealed truth, if it ever comes, is probably going to arrive at the point where the effects are irreversible.''

Second, a leading indicator of climate change is increased emissions of global greenhouse gases. Concentrations of atmospheric carbon dioxide—the largest component of greenhouse gas emissions—are about 26 percent higher now than they were 100 years ago. Also, globally averaged air temperatures at the Earth's surface have warmed by nearly 1 degree Fahrenheit over the last 100 years.

Increased emissions of greenhouse gases are virtually entirely due to the activities of man. As a general rule, a country's greenhouse gas emissions rise in concert with increased industrialization. It is no surprise, then, that the United States is the greatest emitter of greenhouse gases, both in terms of gross and per capita emissions. However, the emissions of some developing countries are rapidly escalating, and the emissions of some are expected to surpass that of this country in the first quarter of the next century.

Which takes me back to my call for U.S. leadership. As the world's industrial leader, the United States should take a clear lead in negotiating a framework for all countries to participate in global climate change abatement. A global approach, and global participation, is requisite to a successful outcome. This approach may require a new framework and a fresh look at timetables and current directions. My understanding of the data is that we have time to do this—we have time to assess where we are and how best to craft equitable policies. But inaction is not appropriate.

The resolution before us requires commitments of developing countries to mitigate greenhouse gas emissions in the same timeframes as developed countries. This may resonate as promoting a policy that discourages the participation of many developing countries. However, the resolution will allow developing countries appropriate flexibilities in commitments to address global climate change abatement. The United States and other developed countries must accord newly developed and developing countries flexibilities and incentives to participate, and these need not create economic disadvantages to the United States or any other developed country.

I cannot emphasize enough the importance of this point. Without all countries on board, inaction becomes inevitable, because emission reductions achieved by one country will soon be offset by increased emissions from another.

An equitable approach that encourages commitments by all parties and that offers incentives to developing countries is needed. Market-based solutions to curb emissions will allow continued economic growth with minimal impacts. Developed countries are in a better position to implement emissions-curbing activities and technologies at low cost and impact, and to also transfer these abilities and technologies to developing countries and to aid in their economic advancement in a way that tempers emissions growth.

While measures to stabilize greenhouse gases at a certain level will inevitably lead to some energy price increases, an international emissions-trading scheme could substantially reduce the potential costs. What is needed, however, is a policy to ensure that incremental costs of reducing or stabilizing emissions are equalized across firms, across sectors, and across countries. This can only occur if we take into account the economies, emissions and abilities of countries to participate, and if we assign actions accordingly and in appropriate timeframes.

Market mechanisms can reduce cost impacts of emissions reductions agreements. A preferable policy would be to set short- and long-term goals to stabilize greenhouse gas emissions, and to set quantity limits on emissions that are linked to prices. Targets and timetables for emission limitations cannot operate independently of market prices. An international tradeable emissions permits system, with price caps and floors, would have revenue potential and would be cost-efficient.

Technology transfer and development is an important policy aspect for the abatement of global climate change. The United States and other developing countries have within our current capabilities technologies which can lead to dramatic reductions in greenhouse gas emissions. We can increase the efficiencies of industry, of transportation, of many energy-intensive activities, all with what we already know. By implementing these capabilities and by transferring these technologies to developing countries we can curb emissions significantly. Continued technology development is also necessary.

Lastly, and perhaps most importantly, we must continue to advance the science related to these policies, and to allow policy changes as the data warrant.

Mr. President, I conclude my remarks by repeating that I, too, am concerned about any agreements or policies that effect the well being of this country. However, I believe it is in our best interests and that of the world community to approach global climate change in an inclusive, proactive manner that seeks continued economic growth. That approach demands action, and global coalition building, and it is incumbent upon the United States to steer that course.

Mr. SHELBY. Mr. President, I rise in support of Senate Resolution 98. The negotiations on limiting post-2000 emissions of greenhouse gas emissions, which are scheduled to conclude in December in Kyoto, Japan, will have a significant impact on all Americans. This resolution addresses concerns that the administration has chosen to ignore while pursuing an international agreement that will bind the United States for decades to come.

Science should lead policy. Once again, the administration is pursuing an environmental policy that is based on insufficient research and analysis. Many in the scientific community believe that we are still years away from computer models that can confidently link global warming to human activity. Yet without strong scientific data, the administration is ready to commit the United States to binding actions that will impose economic and social burdens on every American.

Recently, the Department of Energy released a report by the Argonne National Laboratory containing several troubling findings on the effects of the proposed treaty on our economy. Among the conclusions, the study found that without requiring developing countries to meet the same emissions standards as the rest of the world, up to hundreds of thousands of U.S. jobs will move overseas to so-called developing countries that have refused to participate in any new climate agreement. Higher energy prices will lead manufactures to produce less

at higher costs resulting in job loss, higher consumer prices and an inability to compete in a global marketplace. This will devastate our Nation. Yet, the administration is pushing to commit the American people to participate.

The developed countries should not shoulder the responsibility for reducing greenhouse gas emissions around the world. It seems obvious that in the long-run increasing emissions in developing countries will far outweigh any actions taken by the developed countries. Any binding actions by the United States must be accompanied by binding commitments from developing countries. I believe a majority of Americans would agree that devastating our Nation's economy by promoting industry flight overseas is not the answer to a global issue.

The public has a right to know how the administration's commitments requiring them to reduce fossil fuel energy will be accomplished and how their lives, jobs, and futures will be affected. I am greatly disturbed that the administration has not sought, and therefore has not received, support from Congress or the American public on this matter.

Mr. President, the American people deserve an open, objective and honest debate on the development of U.S. climate change policy. Without that, I can not and I will not support committing the United States to limiting post-2000 greenhouse gas emissions.

Mr. LIEBERMAN. Mr. President, I rise today in support of Senate Resolution 98. I believe climate change is a serious problem that requires credible action by the international community. Negotiations on an international agreement to limit greenhouse gas emissions will conclude this December in Kyoto, Japan. This is an essential step in the long-term, global efforts to deal with climate change. While I support Senate resolution's call for increased involvement of developing countries in the Kyoto agreement, the resolution does not take into account other key components of the treaty that are essential to its success, particularly for the United States' business community.

The scientific basis for moving forward with an international agreement to limit greenhouse gas emissions is compelling and significant. According to the Intergovernmental Panel on Climate Change—a group of 2,500 expert scientists representing more than 50 countries, the ever-increasing emissions of greenhouse gases from human activities are changing the global climate. Given the potential impacts of climate change predicted by the IPCC—more droughts, more floods, sea level rise, water scarcity, and increased incidence of infectious diseases—it is not surprising that nations of the world agreed to find more effective ways to understand and deal with the problem. If we don't agree to long-term greenhouse gas limits soon, and instead wait to see how our climate changes, it may be too late. Greenhouse gases remain in the atmosphere for decades to centuries, and there is a long lag time between when gases are emitted and when the climate consequences of those emissions appear. So we need to begin reductions soon to have any long-term effect. And, a new generation of energy-efficient technologies requires a long lead time for development and implementation. This won't happen without clear signals to the market that an international agreement on climate change would provide.

Senate Resolution 98 focuses on the role of developing countries in the Kyoto agreement. The principles expressed in the resolution regarding developing countries are on target. Climate change cannot be solved by the developed countries alone—we are indeed all in the same boat.

New commitments by developing countries regarding their performance under the Framework Convention on Climate Change, of course, need to be consistent with their historic responsibility for the problem, as well as their current capabilities. The ground rules for the negotiations—the Berlin mandate—recognize these common, but differentiated responsibilities.

It is clear that the Berlin mandate can be carried out in a way that is consistent with Senate Resolution 98. The resolution says that developing countries can start with a commitment that is lower relative to the industrialized countries at first. Over time, however, the commitments of developing and developed countries must become comparable to ensure that every country does its fair share to address the problem.

Senate Resolution 98 states that developing countries have to start making quantified emissions reductions objectives within the same compliance period as developed countries. This means that at a stage to be negotiated over the compliance period of the Kyoto agreement, developing countries must begin to make quantified emissions reductions objectives. Senate Resolution 98 says that it is entirely appropriate for industrialized countries to start making quantified emissions reductions first, as long as developing countries also commit to making quantified emissions reductions before the end of the time period worked out for the Kyoto agreement. I agree with this basic approach—the sooner developing countries take on quantified emissions reductions targets, the sooner we can achieve a global solution to the climate problem.

At the same time, I am concerned that the resolution does not take into account other key components of the treaty that are essential to protect U.S. competitiveness. I am concerned that elevating one issue to a level of importance that will overshadow other key matters may harm the United States' efforts to ensure that the climate agreement is realistic, achievable, and will not harm the U.S. economy. For example, the need for flexibility in implementing a treaty is critical to protect U.S. competitiveness. Some countries, such as members of the European Union, would prefer highly prescriptive policies and measures to meet reduction targets. The United States' negotiating team has made flexibility an absolute prerequisite for any agreement, and I want to commend them for this approach. I believe that, to be acceptable, our businesses must have the most flexibility possible to find the least-cost ways to reduce emissions. This means the agreement must contain provisions that are so important to our business community: emissions trading, joint implementation between nations, and appropriate credits for those countries that have already made certain emissions reductions. Senate Resolution 98 is silent regarding these provisions.

As we grapple with the human judgments and values that inevitably will determine how we handle climate change, we must base our actions on the facts—the scientific evidence of climate change, the physical effects that are likely to result from it, and the ways we can credibly address this problem on a global basis. While Senate Resolution 98 is only part of a bigger picture that needs to be addressed, it is a step toward adressing this global issue.

Mr. CONRAD. Mr. President, I rise today to express my strong support for the Byrd-Hagel resolution regarding global climate change. I was an original cosponsor of this bipartisan resolution, and I believe it sends an important, commonsense message that we cannot enter into a treaty that requires the United States to limit its emissions of greenhouse gases without requiring developing countries to also agree to limitations on their emissions. Such a proposal would not make environmental sense and it certainly would not make sense for our Nation's economy.

This resolution is very simple. It says that a treaty will not be ratified by the U.S. Senate if it does not include both developed and developing countries in binding timetables and emission limitations. It seems to me that the only way the world will be able to stabilize the concentration of greenhouse gases in the atmosphere is if every nation participates in a meaningful way in limiting its emissions. The resolution does not say that all countries must make identical emission reductions; only that they must be participants in limiting greenhouse gas emissions in the same timeframe as the developed world.

Mr. President, I fear that a treaty that requires us to place significant restrictions on our economy will only lead to a flight of jobs and capital from this country to nations that do not face greenhouse gas emissions limitations. That could be a potential disaster for our Nation's economy, for its

workers, and for our long-term economic stability and growth. So the Byrd resolution also requires the administration to develop a detailed analysis of the potential financial costs and other impacts on our economy. That is not an unreasonable request. We would clearly need to know the potential consequences of any treaty on our Nation's economy before the Senate could be asked to ratify such a treaty.

Mr. President, the U.S. Senate has a constitutional duty to advise and consent on treaties negotiated by the administration with other nations. This is a responsibility I take very seriously, and I know every other Member of this body considers it one of our most important duties. I hope the administration will listen carefully to the debate on this resolution, and pay close attention to the guidance provided in the Byrd-Hagel resolution as it negotiates with other nations in preparation for a final meeting in December in Kyoto, Japan.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, does Senator KERRY wish to go forward? Is he prepared?

Mr. KERRY. Mr. President, might I inquire? How much time remains on our side?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. KERRY. How much for the other side?

The PRESIDING OFFICER. The Senator from Nebraska has 16 minutes.

Mr. KERRY. Mr. President, if I may, I would like to ask if I might be able to enter into a colloquy with the Senator from West Virginia at this time.

Mr. HAGEL. May I ask? Point of inquiry. Is this on the time of the Senator from Massachusetts?

Mr. KERRY. Mr. President, this is on my time.

Mr. HAGEL. I thank the Senator.

Mr. KERRY. Mr. President, I would like to ask the views of the Senator from West Virginia on the proposal by the Europeans to erect the so-called European bubble, and its effect on U.S. competitiveness.

It appears to me that this proposal is driven more by economic considerations than concern for limiting carbon dioxide emissions.

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. KERRY. I yield to the Senator for his views on that.

Mr. BYRD. Mr. President, I am glad the Senator has asked this question. Earlier he had indicated that we had agreed on certain things. We agreed on one thing: that we would enter into a colloquy. And I always reserve the right to express my own views on matters, and not necessarily agree to the expressions of others as to how they think and what they think I say.

May I say that I am only expressing a personal viewpoint here. The Senator said earlier that there were Senators in this body who signed onto the resolution who want to kill the treaty. That may be so. This Senator is not one of those. I am not out to kill the treaty.

But what I was out to say—and the reason I got behind this effort—was to send a message to the administration that if the Senate is not included in the takeoff, if the Senate is not included at the beginning, if the Senate is intended to be shut out of doing its constitutional responsibility of advising as well as consenting in making a treaty, then count me out.

If you want to really kill this treaty, abide by the Berlin Mandate and let the developing countries off the hook until some future time. That is what will surely kill the treaty, and I will join in stabbing it in the heart, if that is the case. If that treaty comes back here and the developing countries are left off the hook, count me in on the assassination of the treaty. It will be done in public view. It won't be behind a bush.

Mr. President, the Senator raised an important point. The Europeans have erected what they call a bubble, which is simply a mechanism for them to trade off emissions levels from one country to another so long as they honor overall an average which conforms to the treaty-imposed cap on developed country emissions. This is viewed by some, including me, as a technique to maximize the economic competitiveness of European countries by keeping emissions reductions to a minimum as a result of the trades that would be available under the bubble from one country to another within the European Union.

Mr. KERRY. Mr. President, let me just also say to the Senator that I agree completely with his notion, as I said earlier, of the importance of our advising here about the importance of other countries being part of the solution.

But I ask if the Senator would agree that the United States is placed at a disadvantage by this concept of the European bubble, and that the inclusion of free-market mechanisms in a treaty—particularly emissions trading schemes and so-called joint implementation—could be used to counter that challenge.

Mr. BYRD. Mr. President, if the Senator would yield.

Mr. KERRY. I yield to the Senator from West Virginia.

Mr. BYRD. I believe that if the United States is going to enter into binding commitments to limit or reduce our greenhouse gas emissions, we need to remain competitive vis-a-vis the Europeans, and everybody else, for that matter. Therefore, an emissions trading mechanism whereby we can exchange our higher level emissions by buying emissions credits from, let us say, Russia or other nations with lower emissions, is an example of one potential tool that the U.S. negotiators might explore in the climate change negotiations.

Mr. KERRY. Mr. President, will the Senator agree further that an emissions trading scheme also has the beneficial effect of easing the economic cost that might be incurred by U.S. industry as a result of a regime of binding commitments entered into at Kyoto?

Mr. BYRD. Mr. President, if the Senator will yield, I personally believe that it could have such an effect. There are a number of other tools that are under development, and these, in my judgment, should be further explored for inclusion in the proposed treaty in order that our own economic growth not be penalized by the treaty. These tools include joint implementation involving partnerships among industries in the developed and developing countries. There are, as well, many areas where other U.S. programs and initiatives could be enhanced to further the same objectives, such as cooperative technology ventures and enhanced research and development of both fossil fuel development technologies and alternate fuel technologies. These tools and programs may also have an advantage in encouraging the developing world to make meaningful binding commitments. So they should be explored as a natural companion to provisions establishing binding commitments.

The purpose would be to level the competitive playing field so that the United States is not placed at a disadvantage and to help insure that all the world's economies will share the responsibilities to tackle the global warming problem.

Mr. KERRY. Mr. President, I thank the Senator from West Virginia for his explanation and his views.

I believe that the administration must pursue the development of these tools and initiatives and their inclusion in any binding treaty that is arrived at in order to reduce any negative impact of higher energy prices on our economy. And I believe this would certainly enhance the prospects of Senate approval of any treaty that is arrived at.

Mr. BYRD. Mr. President, if the distinguished Senator will again yield, in general, I personally agree with this overall proposition, although I would note the administration has not yet settled on its specific policies regarding the negotiations, and it leads to further work on developing and explaining the workings of these market mechanisms so that they will be more fully understood.

Mr. KERRY. Mr. President, I thank the Senator from West Virginia for those views and for entering into this colloquy with me.

Mr. BINGAMAN. Mr. President, the issue of the extent to which human-induced global climate change is occurring, and the proper societal response

to this change, is one of the most difficult public policy issues facing us today.

We are emitting into the atmosphere an unprecedented amount of the gases that we know trap heat in the Earth's atmosphere, and thus result in what is known as the greenhouse effect. At the same time, the connection between this artificial elevation of greenhouse gas levels and changes to the world's climate is only slowly coming into view. The global climate system is extremely complex, and we are still making major scientific discoveries about the components of that system. The consensus of the world's climate scientists on the human contribution to global climate change has recognized both these uncertainties and the growing evidence that there is a human fingerprint on climate change. The key conclusion of the most recent consensus report of the global change scientific community is as follows:

Our ability to quantify the human influence on global climate is currently limited because the expected signal is still emerging from the noise of natural [climate] variability, and because there are uncertainties in key factors. These include the magnitude and patterns of long term natural variability and the time-evolving pattern of forcing by, and response to, changes in concentrations of greenhouse gases and aerosols, and land surface changes. Nevertheless, the balance of evidence suggests that there is a discernible human influence on global climate.

The current state of uncertainty should not be a cause for comfort. There is a substantial lag in global climate response, so even if we were to magically reduce our greenhouse gas emissions to zero tomorrow, the world's climate would still be responding, over the next few decades, to past emissions. It is also clear that the global climate system is not a well-behaved linear system, like traveling on a straight road over a gentle predictable hill. It is more like a wild mountainous road, full of unexpected curves and cliffs. In such a situation, ignorance of what might lie ahead is not bliss, and it is prudent to slow down until you have a better appreciation of what you are dealing with.

For this reason, we are engaged in international negotiations to discuss how the world might arrive at a joint international plan for slowing down the emissions of the principal greenhouse gas, carbon dioxide, into the atmosphere. Because of the central role that burning carbon plays in our energy, transportation, and economic systems, it is important that such discussions focus on sophisticated, as opposed to simple-minded, approaches to the problem.

I believe that the Clinton administration deserves credit for having put forth, in the current negotiation, what is easily the most complete and sophisticated proposal of any that has been advanced to date.

The administration's proposal rejects the command-and-control approaches put forward by many of the other parties.

The administration's proposal, instead, relies on market-based mechanisms for controlling the rate of future emissions of greenhouse gases, extending our successful experience to date in this country with such mechanisms for controlling emissions of sulfur dioxide.

The administration's proposal allows for maximum flexibility on the part of each participating country in designing and implementing greenhouses gas control measures that make economic sense for that country.

The administration's proposal encourages the development and use of advanced technologies.

These approaches—market-based mechanisms, individual flexibility, and more reliance on advanced technologies in place of command and control—are precisely the approaches that so many of my colleagues said should be at the basis of all regulatory policy, during consideration of the Dole-Johnston regulatory reform bill in the last Congress. It is commendable that the administration has made these approaches the foundation for its negotiating position.

The central issue for us today is the role that the United States and other developed countries will play in any effort to control greenhouse gas emissions, compared to the role that developing countries will play. Here, too, the administration has shown considerable sophistication, compared to other parties in the negotiations. All developing countries are not alike—there is a world of difference between South Korea and Gambia, despite the fact that both are non-annex-I countries. The world should expect more from South Korea, which aspires to join the OECD in the near future, than it should from Gambia. But there should also be a minimum level of expectations mandated by the upcoming agreement, even for countries like Gambia.

I believe that a careful examination of the proposal put forward by the administration shows that it is trying to make these principles part of the protocol. We should go on record, in this resolution, in support of such principles. But we need to do so in a careful and sophisticated way, befitting the complexities of the problem of human-induced global climate change, and the international policy response to it.

I did not cosponsor the resolution that is now before us because of my concerns about how it expressed the relationship between what the United States should do and what the developing countries should do. It used the words ''new commitments'' for both developed and developing countries in a way that suggested to me, at least, that the intent of the resolution was that the United States should not agree to any commitment that was not also going to be agreed to and implemented simultaneously by the world's poorest countries. That would seem to be a rather simplistic approach. We shouldn't ignore legitimate differences between countries at vastly different stages of development.

I was greatly encouraged by the remarks on this issue made by the sponsor of this resolution, the senior Senator from West Virginia, when he testified before the Committee on Foreign Relations. At that time, he stated that countries at different levels of development should make unique and binding commitments of a pace and kind consistent with their industrialization, and that the schedule for these commitments should be aggressive and effective, but also consistent with a fair sharing of any burden. These are principles that I support, and the senior Senator from West Virginia and I have entered into a colloquy that seeks to establish that the explanation of the resolution on this point that he provided in his testimony is, in fact, the normative one for the administration to heed, once we pass the resolution. With this clarification, I believe that I can support the resolution now before us, and I urge my colleagues to do the same.

I would like to engage in a colloquy with the senior Senator from West Virginia regarding the correct interpretation of the language of the resolution on one particular point of importance. The resolution refers to ''new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties'' as well as to ''new specified scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties.'' Would it be correct to interpret the use of the words ''new commitments'' in both phrases as suggesting that the United States should not be a signatory to any protocol unless Annex I Parties and Developing Country Parties agree to identical commitments?

Mr. BYRD. That would not be a correct interpretation of the resolution. In my testimony before the Committee on Foreign Relations on June 19, I made the following statement and deliberately repeated it for emphasis: ''Finally, while countries have different levels of development, each must make unique and binding commitments of a pace and kind consistent with their industrialization.'' I believe that the developing world must agree in Kyoto to binding targets and commitments that would begin at the same time as the developed world in as aggressive and effective a schedule as possible given the gravity of the problem and the need for a fair sharing of the burden. That is what the resolution means. The resolution should not be interpreted as a call for identical commitments between Annex I Parties and Developing Country Parties.

Mr. BINGAMAN. I thank the Senator. I agree with him that a fair sharing of responsibility for actions to address global climate change is crucial to any agreement, and that such commitments should reflect the pace and type of industrialization that those countries have achieved.

Mr. KERRY. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, earlier this week I met with Senator BYRD to discuss S. Res. 98, which, of course, deals with climate change. In this measure, the Senator has identified one of the more important features required to address this global problem, namely, global participation.

Gradually, many have come to the conclusion that man is indeed contributing to changes in the global climate. Human activities—particularly the burning of fossil fuels—have increased atmospheric concentrations of carbon dioxide and other trace greenhouse gases. These gases, combined with the natural levels of CO_2 and water vapor, act like panes of a greenhouse and retain the Sun's heat around the earth.

The burning of fossil fuels has continued to grow, at least in ever greater amounts of CO_2. Global carbon emissions from fossil fuels reached a record of just over 6 billion tons in 1995.

The Earth's climate has remained stable for the past 10,000 years. But, as Ambassador Paul Nitze said in the Washington Post earlier this month, ''Global warming threatens the stability that fostered modern civilization.''

What is being done about this threat? Of the 35 industrial countries that committed themselves under the 1992 Framework Convention on Climate Change in Rio, they agreed there to hold their greenhouse gas emissions to 1990 levels in the year 2000. In other words, by the year 2000 we would get the levels down to what they were in 1990.

But, regrettably, Mr. President, only a handful of the countries are expected to meet that target. The United States will miss its target by an estimated 13 percent. In some developing countries, emissions are on a course to nearly double between 1990 and 2000.

The failure by many industrialized countries to meet these voluntary aims is what is leading us to this debate today. This debate is over the imposition of legally binding greenhouse gas emissions reductions. In other words, should we enter something that is binding?

Because of the link between greenhouse gases and activities fundamental to industrialized and developing economies, many anticipate, or at least fear, that the costs of limiting their emissions will be high.

Unlike most other ambient air and water pollution problems, there is no pollution control technology for CO_2. In many of the emissions problems we have dealt with in the past, technology can reduce the amount of emissions. But we don't have that for CO_2. You either make CO_2 or you don't.

Some have argued that the United States and, indeed the entire world, should wait to address the looming threat of climate change. In other words, don't do anything. Let's wait awhile. The scientists are divided on this. How much has the temperature gone up? Has it indeed risen in the last 100 years by 1 degree Fahrenheit? There are arguments over that. ''Time is on our side,'' some say, believing that if we simply wait long enough, new and inexpensive technologies will come along to make this solution painless.

But the citizens of my State, for example, have concerns. We are a sea-bordering State. There are possibilities of rises in the sea level which would affect us dramatically. Indeed, they would affect all but one major city in our country because all but one major city in our country occupies tidal shorelines. I know that if the Atlantic Ocean begins to warm and expands as it warms, rising sea levels will be with us for centuries.

I am also concerned about the economic consequences of actions to address global warming. Senator BYRD has addressed these, and I salute him for that. He is concerned about the issue of U.S. competitiveness in relation to developing countries. And I join with him in urging our negotiators to recognize that we are serious about the concerns Senator BYRD is expressing.

The position taken by the European Union is a major concern. As representatives of the Global Climate Coalition indicated to the Foreign Relations Committee last month, the prospect of European Union bubble, which was just addressed here, with no ability for the United States to address similar alliances with other nations, would permit the European Union to steal a competitive march on the United States.

This concerns me. In trade terms, our bilateral trade with the European Union, of course, is mammoth certainly when compared to the trade that we have with China. Last year we had $128 billion in exports to the European Union, more than 10 times of that going to China.

I believe our negotiators in Kyoto would fail us if they did not bring home an agreement with developing country commitments as described in the resolution and with the market-based tools of joint implementation emissions trading and emissions banking.

I want to say that many countries in the U.S. are already taking steps to address these problems. Farsighted companies like Tucson Electric are going ahead with a pilot joint implementation project in cooperation with the city of Sava in Honduras to display diesel-fired power generation with biomass fuels. Companies like American Electric Power, which is the largest electric utility in West Virginia, and British Petroleum are getting together with the Nature Conservancy and the Government of Bolivia to offset some of American Electric Power's coal-fired plant emissions by expanding parks and sustainable forests in Bolivia.

The Southern Co. has joined forces with State forestry commissions in planting 20 million trees in Georgia, Alabama, and the Florida Panhandle. These projects boost environmental protection while lowering costs. But on their own, the voluntary projects will not be sufficient to address the potential problem. We need legally binding measures to spur technological innovation that will be needed to solve the greenhouse problem.

The resolution makes clear that an exemption for developing countries would be inconsistent with the need for global action.

In light of the seriousness of the issue, Mr. President, I welcome the concern that Senator BYRD and others have shown for the twin goals of environmental protection and economic competitiveness.

Mr. President, I had a brief colloquy I was going to enter into with the distinguished Senator from West Virginia. It is as follows:

Senate Resolution 98 includes two important conditions for U.S. agreements to any future treaty to limit greenhouse gases.

Quoting directly from the text of the resolution—that is, Senator BYRD's resolution:

> The United States should not be a signatory to any protocol to, or other agreement regarding, the U.N. Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—(A) mandate new commitments to limit or reduce greenhouse gas emissions from the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or (B) would result in serious harm to the economy of the United States.

Without losing my right to the floor, I wish to ask the primary sponsor of the resolution a couple of questions.

I am curious as to whether the Senator from West Virginia intends for his resolution to speak to the scientific understanding of global climate change.

Mr. BYRD. Mr. President, will the distinguished Senator yield with the understanding that the time——

Mr. CHAFEE. On my time.

Mr. BYRD. I use will not be charged against Mr. HAGEL.

Mr. CHAFEE. Absolutely.

Mr. BYRD. Mr. President, again, may I say that this resolution has been introduced and developed every step along the way with concurrence between Mr. HAGEL and myself. It just so happens that my name is at the beginning of what is called the Byrd-Hagel resolution. I have no problem if it is called the Hagel-Byrd resolution; we are both in this resolution. We both believe the words of the resolution, and we both believe that the resolution speaks for itself. And we also understand we may have different views as to specific questions. I respect the views of every Senator. So I will attempt to respond to the distinguished Senator from Rhode Island. I thank him for his statement which indicates that he is concerned, has studied the matter, and is a reasonable man.

I thank Mr. CHAFEE for this opportunity to discuss in greater detail the

resolution that Mr. HAGEL and I and others of our colleagues have brought to the Senate. In response to the Senator's question, I will repeat a portion of the testimony I delivered on June 19 of this year before the Committee on Foreign Relations. There I stated that the resolution accepts the thesis, which is still the subject of some dispute, that the increasing release of carbon dioxide—CO_2—and its accumulation in our atmosphere are causing a very gradual heating of the globe which has many adverse consequences for us all and I am, indeed, convinced that climate change is a looming threat to the global environment. That is a statement I made at that time.

Mr. CHAFEE. I appreciate the Senator's fundamental candor on this point and agree with his assessment.

With regard to specific provisions contained in the resolution, I am interested in what the Senator intends—and I might say Senator HAGEL has been active in all of this. He is the chief cosponsor of the resolution.

The PRESIDING OFFICER (Mr. ROBERTS). Will the Senator suspend. The time allotted, the 10 minutes allotted to the Senator has expired.

Mr. CHAFEE. Could I have 2 more minutes?

Mr. KERRY. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Senator HAGEL has been active in all of this, and we have dealt with his folks, and wherever I refer to the Byrd resolution, I really should have referred to the Byrd-Hagel resolution and will attempt to make that change in the transcript.

With regard to specific provisions contained in the resolution, I am interested in what the Senators intend on page 4, lines 9 through 11 by the phrase ''new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties.''

Is it the Senators' intentions that the developing country parties, irrespective of the national incomes and greenhouse gas emission rates, be mandated to the very same commitments to limit or reduce greenhouse gas emissions for the annex 1 parties?

Mr. BYRD. Mr. President, if the Senator will yield, no, that is not my intention. That is not what the resolution says. I have stated previously that under this resolution the developing world must fully participate in the treaty negotiations and commitments and must play a meaningful role in effectively addressing the problem of global climate change. Such participation by the developing country parties could, in my judgment, come in a number of forms. As I stated before the Foreign Relations Committee, while individual countries have different levels of development, the resolution holds that each country must make unique and binding contributions of a pace and kind consistent with their industrialization. The developing world must agree in Kyoto to adopt some manner of binding targets and commitments which would begin during the same compliance period as the——

The PRESIDING OFFICER. The Chair would observe the 2 minutes allotted to the Senator from Rhode Island have expired.

Mr. KERRY. I yield an additional minute to the Senator.

Mr. BYRD. The developing world must agree in Kyoto to adopt some manner of binding targets and commitments that would begin during the same compliance period as the developed world in as aggressive and effective a schedule as possible, given the gravity of the problem and the need for a fair sharing of the burden.

Mr. CHAFEE. Because greenhouse gas emissions from the developing world will, on a cumulative basis, exceed those of the developed world sometime during the first quarter of the next century, the Senator's position appears quite sound on both environmental and economic grounds, and I thank the Senator very much.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. CHAFEE. I yield the floor.

Mr. KERRY. Mr. President, I reserve the remainder of our time.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I yield 2 minutes to my colleague from Oklahoma, Senator INHOFE.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. There is objection.

Mr. CRAIG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, as chairman of the Clean Air Subcommittee, we have had about 40 hours of hearings on this subject, on global warming as well as ambient air quality standard changes that have been proposed by this administration. I think it is unrealistic to try to condense that into 2 minutes. There is not any way it can be done.

I will just say, Mr. President, that as 1 of the 66 cosponsors of this resolution, I support it, although I would say also it doesn't go far enough. And I would also say that regardless of what happens—this is going to pass, but regardless of that, I am still going to oppose the ratification of this treaty. I am going to do so for two reasons. First, is that the science is not there. This is analogous to the proposal by the administration to lower the ambient air standards in both particulate matter and in ozone, unrealistically costing the American people billions and billions of dollars a year without any science to back it up.

Mr. President, I am going to read real quickly and enter the entire statement in the RECORD, but before my committee, Dr. John Christy of the Department of Atmospheric Science and Earth System Science Laboratory, University of Alabama, Huntsville, said—I don't think there is anyone who is considered to be a greater authority than he is—

> The satellite data show that catastrophic warming is not now occurring. The detection of human effects on climate has not been convincingly proven because the variations we have observed are not outside of the natural variations of the climate system.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Could I have 1 more minute?

Mr. HAGEL. I yield 1 minute to the Senator.

Mr. INHOFE. The second reason is the administration has not been honest on this, as well as the ambient air, when they come along and they say, as Mary Nichols, Deputy Secretary, said yesterday, that the cost to the American people for the changes in the ambient air would be $9.1 billion when the President's own Council of Economic Advisers puts the price tag at something over $60 billion and the Reason Foundation out in California has it somewhere between $90 and $150 billion.

So anyway, Mr. President, it is not realistic to do this. I would also observe I can't imagine that anyone who would be opposed to the ratification of this treaty wouldn't also be opposed to the changes in the ambient air standards. We will be introducing legislation next week. It will be bipartisan. Senator BREAUX and I will be introducing legislation to reject these changes.

The PRESIDING OFFICER. Who seeks time?

Mr. HAGEL. I yield 2 minutes to my colleague from Wyoming, Senator ENZI.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

Mr. President, I rise today in support of the resolution offered by the senior Senator from West Virginia and the junior Senator from Nebraska, of which I am a cosponsor, and which concerns the issue of global warming in general and the impending related treaty specifically.

Mr. President, many of us are not surprised by the content of this proposed treaty. We saw the 1992 Framework Convention on Global Climate Change for what it was: The nose of the camel. And now, 5 years later and just as expected, we find ourselves face to face with the whole critter. He's in the tent, he's huge, and he's very frightening.

The agreement signed in Brazil 5 years ago was voluntary. It called for the economically developed nations to undertake voluntary actions to reduce greenhouse gas emissions to their 1990

levels by the year 2000. Now the administration wants a legally binding agreement that will require a handful of developed countries to reach 1990 levels of fossil fuels emissions by the year 2010. But here is the amazing part, Mr. President: Though the United States and several other developed countries will be subject to the new enforcement regime, the rest of the world will not. Utterly amazing. Where in the world did this administration learn to negotiate? I see a lot of give, but I am still looking for the take.

So we really believe we can place shackles on our economy, leave the economies of our trade competitors unaffected, and not lose countless jobs and industries overseas? It has been all we can do to stop the loss of jobs overseas under the best conditions. Every developing nation has cheaper labor costs than we do. Every developing nation has fewer environmental regulations than we do. Every developing nation has fewer worker protection expenses than we do. These nations are understandably concerned, first and foremost, with elevating the living conditions of their own people. Their leaders would be derelict if they weren't. Does anyone seriously believe they will not take advantage of the new regime at the expense of our workers? Is a little fairness too much to ask? Does the administration find the concept of simple equity so unreasonable?

The AFL–CIO is apoplectic at the prospect of this ill-advised treaty, and with good reason. They understand how many American jobs it will kill. As a representative from the largest coal producing State in the Nation, I know only too well just what it means for the people of my State. This resolution simply calls for all nations to share the burden in the effort to avoid an environmental problem, which, I might add, is supported by a scientific consensus that is generously referred to as unsettled.

This resolution, if adopted, would be a treaty enhancer, not a treaty killer. For this reason, if no other, the administration should embrace it. In its current form the treaty will most certainly not survive this body. We want a good treaty. We are not opposed to a global antipollution effort. But we want a fair treaty. You just cannot have the former without the latter. We need to bring developing countries on board in a responsible fashion. And if the Byrd-Hagel resolution is not adopted the administration will have missed a valuable opportunity to do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. HAGEL. I yield 2 minutes to the Senator from Michigan.

Mr. ABRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. I thank the Chair.

I would like to begin today by thanking the Senator from West Virginia for his leadership on this issue as well as the Senator from Nebraska. Citizens in my State are extraordinarily concerned about the potential treaty that has been in the media very much lately.

The people of Michigan care greatly about their environment and the ramifications of various emissions that are released into it. At the same time, I believe people of Michigan want agreements negotiated overseas and adopted in Washington to be based upon sound science and hard facts.

They also want those agreements to be ones that require all nations to work toward a common objective rather than singling out developed nations for all the pain while allowing developing nations to gain competitive advantages by continuing practices that might contribute to an international problem.

Mr. President, the people of Michigan are proud of their State, its natural resources, and the industry with which they have made Michigan's economy among the best in the Nation. They want to keep their jobs, to raise their families, and see their children grow and enjoy the opportunities our State provides.

By all accounts, Mr. President, Michigan would suffer disproportionately should a treaty go into effect that does not fairly bind all countries. Whether it is the business community, the agriculture community or organized labor, I have heard concerns from them all, Mr. President.

Therefore, I commend the Senators who have introduced this resolution. I am happy to be a cosponsor. I look forward to supporting it and seeing it passed today so that we might, as a country, work in a constructive way toward resolving these issues while avoiding a path that is detrimental to America and the interests of the hard-working men and women of my State.

I yield the floor.

Mr. HAGEL. I yield 2 minutes of my time to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I rise in strong support of the Byrd-Hagel resolution expressing the sense of the Senate on international agreements covering greenhouse gas emissions.

I wish to thank and commend my colleagues, Senator BYRD and Senator HAGEL, for their efforts in forging this bipartisan, common sense resolution. I was proud to join them as an original cosponsor.

The Energy and Natural Resources Committee, which I chair, has had significant interest and long involvement in the issue of greenhouse gas emissions and climate change because any attempt to address carbon emissions fundamentally affects energy investment, use, and policy.

Our committee has held a variety of hearings, seminars, and briefings on this subject for the benefit of members, staff, and the public.

Moreover, we have remained closely attuned to the negotiations toward a new climate treaty through close and regular contact with the principal State Department and Department of Energy officials.

My predecessor as chairman, Senator Bennett Johnston, also had a keen interest in this subject, and made it a centerpiece of the committee's oversight responsibilities.

So this is not a new issue to us.

Having said that, I believe Senators BYRD and HAGEL have done a superb job with this resolution expressing the Senate's aspirations and concerns with respect to any eventual climate treaty.

This resolution will strengthen the hand of our negotiators during upcoming meetings in August, October, and December.

Although this is not a binding resolution, it conveys the legitimate concerns of the Senate to other parties in the negotiations.

Our negotiators can use this resolution to inform other nations of the elements that must be contained in any new climate treaty that can be ratified by this body.

Turning now to the substance of the resolution, I have a letter from President Clinton, dated August 21, 1996, that contains a statement I very much agree with. And I quote:

> Establishing a sound framework is a critical first step in the negotiating process. We are already conducting additional analyses and technical assessments . . . our ultimate position will fully reflect economic considerations and our commitment to the principle that environmental protection and economic prosperity go hand-in-hand.

The President is right. Economic considerations are important. We must not proceed down a path that will bring adverse economic consequences, competitive disadvantages, and energy price increases.

The importance of economic considerations, as expressed by the President in his letter, are very much in line with this resolution.

This resolution simply says that any new climate treaty must not result in serious economic harm to the United States.

The Byrd-Hagel resolution also states that any new climate treaty must be global in its approach:

New commitments on the part of developed countries to limit or reduce greenhouse gas emissions must be accompanied by new commitments on the part of developing countries to do the same.

The issue of developing countries and their participation is critically important:

According to the Energy Information Administration, an arm of the Department of Energy, carbon emissions from China will exceed ours by the year 2015. Their greenhouse gas emissions are expected to grow 185 percent above 1990 levels.

Emissions from developing nations as a whole will also exceed those from industrialized nations by 2015.

Clearly, this is a global issue that requires a global approach. If further science confirms the fact that carbon emission do indeed have dangerous implications for the climate, then all nations must take meaningful steps.

The industrial nations simply do not have it in their power to do it alone, even if they wanted to.

But here is some good news: We have time to approach this issue in a careful, deliberative manner.

We gain nothing by getting ahead of the science. Indeed, we risk a great deal by moving too quickly:

According to economic analysis by the Stanford Energy Modeling Forum, an orderly, long-term strategy of achieving a scientifically-justified carbon emission reduction costs just one-fifth what it would cost to achieve the same reduction over the near-term.

In other words, you can get the same result 80 percent cheaper by taking a long-term view, and allowing capital equipment to be retired in an orderly fashion as new energy efficient technologies come on line.

Mr. President, there is simply no need to compel working American families to pay five times as much as they need to for the same eventual outcome.

Clearly, there is not a need for extreme actions such as carbon taxes, strict command and control regulations, and one-sided treaties that will impose economic harm.

Let's take the time to do the job right and enjoy tremendous economic savings.

Turning to the broader issue of climate change and climate science, let me say we should all be concerned about increasing concentrations of carbon dioxide and other greenhouse gasses in the atmosphere.

It is an indisputable scientific fact that concentrations of greenhouse gasses are on the rise.

Yet significant scientific uncertainties remain.

Some scientists believe that higher carbon dioxide concentrations will bring only moderate change, warmer winters, reduced energy demands, and longer growing seasons.

Virtually every climate scientist will tell you that the warming signal suggested by some data sets are all within the bounds of natural variability, and that climate change is the rule rather than the exception. Throughout the planet's history, the climate has changed.

I will confess to my own personal fascination with the Greenland ice core records that I first became familiar with when the University of Alaska removed an ice core record spanning the entire depth of the Greenland ice cap.

These ice cores are high-resolution records of climate which can be analyzed like the rings of a tree—only these records go back 100,000 years or more.

The Greenland ice core record tells us that the earth's climate has always changed and shifted, often dramatically and over surprisingly short periods of time.

Thus, the investments we've made in the U.S. Global Climate Change Research Program, approaching $2 billion per year and more, are expensive but worthwhile. Because there is much more scientific work to do.

The common refrain that I hear from climate scientists, virtually without exception, is this:

The climate system is remarkably complex, and exceedingly difficult to model.

Meanwhile, our current climate models are comparatively crude.

We lack sufficient data for model inputs, particularly information about the effects of clouds and water vapor.

And finally, as we have learned more and refined our computer models, estimates of future warming have fallen, not risen.

Clearly, the science is uncertain, and the scientific debate is not over. Nor should it be.

And that brings me to what I see as a troubling trend:

Some who have argued for immediate and urgent action to sharply reduce greenhouse gas emissions have claimed that the science arguing for quick action is unassailable, and that the scientists who express doubts are somehow extreme or out of the mainstream.

Frankly, talk such as that makes me cringe, because the scientific method itself is based on challenge and peer review.

Contrarians should not be shouted down for the sake of political correctness.

Whenever scientists are called out of the mainstream or extreme by a political leader or a journalist, you can bet that an attempted subversion of the scientific method is at hand.

We should condemn any subversion of the scientific method whenever we see it occur in the climate debate. Too much is at stake.

Continued investment in science will only enhance our understanding. We have invested billions in a climate change research program that is only now beginning to yield significant results.

We should not stake our economic future on partial information.

Since extreme, unilateral actions are unwarranted at this point, we have time to encourage developing nations such as China to participate in meaningful commitments.

The resolution before us states that new commitments on the part of developed countries to limit or reduce greenhouse gas emissions must be accompanied by new commitments on the part of developing countries to do the same.

I believe the Senate would have difficulty ratifying any new climate treaty that imposed legally binding greenhouse gas reduction targets and timetables, which are essentially energy quotas, only on the most developed nations.

Such an approach would be unfair, economically devastating, and ineffective.

To repeat: New energy quotas, imposed only on one set of nations, would be unfair, economically devastating, and ineffective. Let me explain:

One-sided energy quotas would be unfair:

They would allow some nations to gain tremendous competitive advantages over others by encouraging the movement of jobs, manufacturing and capital from nations that are subject to the energy quotas, to nations that are not.

One-sided energy quotas would be economically devastating:

They would require carbon taxes or regulation that would cost jobs, harm our economy, and diminish our standard of living.

One-sided energy quotas would be ineffective:

Because manufacturing, capital, jobs, and even emissions would move from nations that are subject to the energy quotas, to nations that are not, emissions would not diminish, they might even increase.

Moreover, because the total greenhouse gas emissions from developing nations will soon exceed those from developed nations, exempting developing nations wouldn't do anything to improve the problem. Greenhouse gases would still increase. We would suffer economic pain without environmental gain.

What I am saying here today has been confirmed by some of the administration's own economic analysis. A new study produced by the Department of Energy's Argonne National Laboratory contains some surprising and compelling findings. Let me cite some of them:

Increased energy and fuel prices in industrial nations resulting from a new climate treaty that does not contain meaningful commitments for developing nations such as India, China and South Korea would encourage a reallocation of investments away from industrial countries towards the developing countries. To the extent this occurs, emissions would simply be redistributed and could even increase.

Some 20 to 30 percent of the energy intensive basic chemical industry could move to developing countries over 15 to 30 years, with 200,000 jobs lost.

U.S. steel production could fall 30 percent with accompanying job losses of 100,000.

All primary aluminum plants in the United States could close by 2010.

Many petroleum refiners in the Northeast and Gulf Coast could close, and imports would displace more domestic production.

Mr. President, these are serious economic impacts, and I believe we can all agree that this is precisely what we must avoid.

That's what this resolution is about, and that's why I feel it should pass with a broad, bipartisan margin.

Some will argue that we cannot be successful in efforts bring developing nations along in the negotiations in time for the December 1997 meeting in Kyoto, Japan.

But I believe we should try. And if we cannot achieve a new treaty that includes developing nations in this timeframe, then perhaps Kyoto can at least produce a roadmap leading to meaningful commitments by all nations.

Mr. President, there is no need for a headlong rush toward rash policies.

The carbon problem didn't appear overnight. It won't be addressed overnight. We have time to devise and consider balanced approaches that can work.

Time will allow new energy and efficiency technologies to mature.

Time will provide for global solutions that include the developing nations.

Time will allow us to sharpen our science and better understand the true threat of climate change, if it is indeed a dangerous threat.

Yes, the climate issue is a serious one. But it's not a reason to panic.

This resolution helps our negotiators. It sends an important message that this is a global problem that requires the attention and participation of all nations.

I urge the Senate's adoption of the resolution, and I again commend Senators BYRD and HAGEL for their leadership and tireless efforts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. As chairman of the Natural Resources Committee, I am vitally interested in this area because it is our responsibility. I thank my friends, the managers of the bill, and my good friend, Senator BYRD.

Mr. HAGEL. Mr. President, I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague for yielding, and let me thank Senator HAGEL and Senator BYRD for bringing this resolution to the floor in a timely manner. I know several of my colleagues wish they could have spent a longer period of time this morning debating the issue, and I can't blame them. Let me suggest to them that this is only the beginning of a long and very important debate for our country to become involved in. It also was very important, though, that the Senate of the United States, the ratifying body of our Government and our country, speak out clearly and boldly before the ad hoc climate change negotiating group convenes next Wednesday in Bonn, and carries their meetings through August 8. The reason it is important that the Senate speak out is because we do not believe the sky is falling. We are not sure if the sky is cracked, and if it is, maybe we need to build a superstructure to hold it up. But this country cannot commit itself to this kind of binding agreement unless the science is clearer and the understanding of the American people is fairly reached when it comes to this issue.

Let me speak for a few moments about my frustration that our President has decided to use his bully pulpit, in my opinion, to terrorize the American people into supporting the administration's quest for commitments for energy use reduction that are legally binding on the United States. The President has been quite frank about building a propaganda campaign about calamities of future global warming, beginning with yesterday's White House meeting on climate change. The President has indicated his propaganda drive will culminate in a White House conference on global warming in October. The conference is not likely to be a thoughtful roundtable. It may now be more thoughtful, because I think the administration has finally recognized that the Senate in fact will become engaged and must become engaged.

Why did I use the words I just used? Here is the reason. Here is the plan that our administration is now supporting: That they would cause us to enter into a binding agreement that the United States would be responsible for 48 percent of the world's obligation to reduce energy use. We said a long time ago that any climate change agreement that affects the United States should not be binding, but voluntary on the world. Is the administration's plan a dramatic departure from where we were? Here is where it is. It is dramatic because when we arrive at the year 2010, to achieve our 1990 levels, the United States will be contributing about 20 percent of the world's emissions, while the rest of the world will be contributing 80 percent. Yet China and India and other Asian nations and developing countries, by this administration's negotiations, would be exempt. That is why it is time we come to the floor to speak about this.

Senate Resolution 98, under the authorship of Senator BYRD and Senator HAGEL, says just that, that we cannot become involved unless we are all involved and that we should not become involved unless the science is sure, or so sure that we will commit this country and the rest of the world into a course that could bind us and reshape our economies and clearly design a different destiny for the American people than one that we might otherwise choose.

The President and the Vice President stand next to flooded homes in the Dakotas and suggest that this unfortunate event is a product of global warming. That is not fair, because the science doesn't prove it. So when I use the word ''terrorize,'' or I use the word ''propaganda,'' it is not by chance that I use those words. The science simply doesn't support the claims being made by this administration, it is important to understand that. Last year, in the Leipzig Declaration, 100 scientists from around the world, climate scientists—not politicians, but scientists—expressed their doubts about the validity of computer-driven warming forecasts. Why? You heard the Senator from Oklahoma just now say the reason is the science isn't bearing it up. People who watch our satellites say that our satellites tell us we are getting cooler. Yet people who watch our ground temperatures suggest we might be getting warmer. Instead of sponsoring a fair debate, the administration is only using part of the available science, while denegrating the other side.

What is so important for this country to understand, what is more important for the parliamentarians of the world to understand, is that the President does not necessarily speak for this Senate. But what is critically important is that this Senate will speak for itself. And it is, without question, the responsibility of the Senate of the United States to approve treaties. What we do not want to happen is the lifting of the level of expectation projected by the rhetoric and the selective science by an administration that would bring us into negotiations to produce a treaty in Kyoto in December that simply would not speak to the realities or the responsibilities that we ought to be engaged in.

The administration must realize that a strong American economy is essential to our Nation if we are going to spend upwards of $2 billion a year on climate change research, if we are going to adapt to changing climate, if needed, and if we are going to adjust our economy and our economic base for those purposes.

So, I am pleased to endorse, and I hope Senators will join with me in a strong endorsement, of Senate Resolution 98. It is important that we speak now. I view, as others do, that this is a preliminary statement in what will be a long and complex debate for all of us to become involved in, because I don't know where our science will lead us. But if it, in fact, can show us the way and clearly demonstrate that there is a climate change responsibility for this Nation, then all the rest of the nations in the world must participate. We cannot shoulder 48 percent of the burden for the rest of the world.

Mr. President, let me close with this last chart. If you were to turn the United States into a forest with no emissions whatsoever, by the year 2100 here is the problem with the rest of the world. The problem is that we want to be at 1990 levels by 2010. If you take the United States out of the equation, the total concentration of greenhouse gases hardly changes. Yet this administration, at least by their rhetoric of the last several months, would take China out of it, the other developing world nations out, and leave us to bear the burden. That is why S. Res. 98 is so critical for us today, for the world tomorrow, as we march toward Kyoto in December.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks time?

Mr. KERRY. Mr. President, I yield myself a couple of minutes before yielding to the Senator from Oregon.

Mr. President, we have heard a couple of Senators refer to the fact that the science somehow, because of satellite observations, does not indicate the kind of warming that others are arguing is taking effect. This is an example of how an individual scientific fact is used to distort the record here for one purpose or another. We will have time later to discuss all of those purposes. But the argument is made that, although thermometers located at the Earth's surface show an increase in temperature today higher than it has been for 130 years, people say the satellite measurements, which are thousands of feet above the surface, show a cooling since 1979.

That is true. That is the only part of this that is true. There is nothing in that fact that discredits the theory, the thesis, which has been accepted by scientists, with respect to the warming. Let me point out why. Thermometers in satellites and thermometers on the ground obviously measure temperatures at two very different places in the atmosphere, and it is not surprising, according to most scientists who interpret this, that there is a difference. At higher altitudes, temperatures fluctuate far more than they do at the surface due to natural climate influences like sunlight reflecting particles from volcanoes and other variabilities. What scientists called variability, or noise in the satellite record, obscures the warming trend due to the buildup of greenhouse gases that is apparent in the global surface temperature.

Furthermore, the depletion of the ozone layer, which has occurred mostly since 1979, has had a cooling effect on the atmosphere which is more marked at higher levels than it is at surface levels. The Earth's surface has warmed over the northern and the southern hemispheres, which totally negates the notion of any kind of heat effect from urban centers or otherwise.

There will be later times to discuss the science. But it is important to note that on June 22, 1997, the New York Times in an editorial said that the reason we had voluntary agreements out of Rio was science was somewhat murky. But in 1995, the U.N. Intergovernmental Panel on Climate Change, consisting of 2,500 scientists, concluded that there was a serious impact they could discern, and the science became certain.

So I think as time goes on Americans will come to understand that.

I yield 3 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I commend particularly Senator BYRD and Senator KERRY for their leadership in this area and say I come to the floor as a U.S. Senator from a State that is the first State in the country to put mandatory limits on carbon dioxide, the primary manmade source of global warming. We have shown in our home State that it is possible to have a thriving, prosperous economy and take steps to limit these environmental problems that our colleagues have talked about.

The fact is, our country can help play a leadership role in controlling global warming without causing an economic meltdown. There are, really, three approaches that the State of Oregon has used, as the first State in the country to have mandatory controls on carbon dioxide emissions.

First, as Senators BYRD and KERRY have talked about, we give great emphasis on market mechanisms. We are not talking about a big government approach. We are talking about using the market.

Second, we have taken steps to build these new approaches into new powerplant design. It is prospective, so that all those who are constructing our new powerplants understand the rules.

Third, we have given special rewards, credits, for innovative approaches such as proper management of our forests.

I conclude by saying that properly managed forests can be very effective in helping to capture greenhouse gases, carbon dioxide, and removing them from the air. Our Northwest forests are some of the very best carbon sinks in the world. The older forests are estimated to be two to three times as effective in capturing carbon dioxide emissions as new growth.

I have heard several of my colleagues talk about some of the alternatives. Carbon taxes——

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. WYDEN. I ask unanimous consent for 30 additional seconds?

Mr. KERRY. How much time is remaining?

The PRESIDING OFFICER. There remain 7 minutes 35 seconds.

Mr. KERRY. I yield the Senator an additional minute.

Mr. WYDEN. My last point is we know, for example, that properly managed forests are a cost-effective alternative to end-of-pipe emission controls or carbon taxes. There are alternatives out there. My home State has shown they can work, and I thank Senator KERRY for the extra time.

Mr. KERRY. Mr. President, I would like to just read that New York Times editorial and ask unanimous consent it be printed in the RECORD, and I yield myself such time as I use.

With respect to the science it says:

One reason why the industrial nations opted for voluntary targets in Rio was that mainstream scientists simply couldn't agree whether manmade emissions have contributed to the small rise in global temperatures that began in the late 19th century. In 1995, however, the U.N. intergovernmental panel on climate change consisting of about 2,500 scientists concluded that they had. The language was cautious, their forecasts were gloomy. Unless the current rates of combustion of carbon-based fuels, coal, gas, oil, could be reduced, they warned, temperatures would rise between 1.8 and 6.3 degrees Fahrenheit over the next century. Temperature changes in the middle level of that scale could cause a 20-inch rise in sea levels that would flood coastal lowlands and tropical islands, an increase in weather extremes and global damage to forests and croplands. Despite challenges from businesses which have been attacking the science in tobacco industry fashion, the U.N. panel has not retreated from its basic findings.

So, Mr. President, we are going to have a good debate in this country in the next months on the science, and that is appropriate; we ought to have it. We ought to put to the test all of the theories. We should demand the most exacting models. We should press for the most certitude that we can gain. But there is no issue today scientifically about the fact that there is global warming taking place, about the fact that there is sea-level rise occurring, and that, if it continues at the current trend levels, the damages could be devastating.

We can quarrel about how much happens at what point in time, about what model is better at predicting the impact. I will acknowledge there are inherent uncertainties in that process. Clearly there are. But we know we are living in the midst of the most significant increase that we have seen in 130 years, and the evidence of the prognosis of our best scientists is that it is going to continue at a rate that is greater than anything we have known since humankind, since civilization has existed, civilization within the last 8,000 to 10,000 years on this planet. We owe it to ourselves and to common sense to try to make the best judgments about that.

This resolution today, I want to emphasize, is not about the science. This resolution is about how our team goes to Kyoto and how we negotiate in the next months.

I want to emphasize with respect to my comments about the Berlin mandate that there is nothing in this resolution today that I deem to be inconsistent with the mandate; nothing inconsistent. I do believe that this begins to alter appropriately how we begin to approach some of the negotiations in Kyoto, and I accept what the Senator from Nebraska has said, I accept what the Senator from West Virginia has said, and others. It is a matter of fairness and common sense that the United States should not be placed at a disadvantage and make a set of choices that don't bring others into the process of solving this.

So, Mr. President, thanking the Senator from West Virginia for the colloquy, clearly I am not calling my amendment up.

Mr. President, I have extra time. I will yield 2 minutes of my time to the Senator from West Virginia.

The PRESIDING OFFICER. The Chair observes that the Senator has 1 minute 45 seconds remaining.

Mr. KERRY. I yield 1 minute 45 seconds to the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may have an additional 30 seconds over and above the time referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it was John Stuart Mill who said that ''On all great subjects, much remains to be said.'' I think we will all be saying a good bit more than has been said here as the days come and go. We are not yet debating the treaty itself. But my distinguished friend, Mr. KERRY, has just said, in his judgment, there is nothing in this resolution that is inconsistent with the Berlin mandate.

Mr. President, that is not my view at all. I think we only have to read the resolution itself—it speaks for itself—and we will find that it is inconsistent with the Berlin Mandate, and I intended to say that.

Mr. President, I will try to elaborate on my view with a two-part observation. First, with respect to significant emitters, such as China, it makes no sense for the international community to begin this effort by agreeing to unchecked emissions growth from newly constructed, but inefficient, power-generating and industrial facilities. It is neither cost-effective nor environmentally beneficial to go back and retrofit dirty smokestacks.

We all know that China in particular has near-term plans to increase its power-generating capacity exponentially. We must anticipate the prospect of significant new industrial development in China and other places by providing incentives for deployment of new, cleaner technologies. In short, we must bring back from Kyoto some commitments that China and other large emitters will grow in a smart way.

I want to make it clear that the current approach of the State Department is not acceptable to this Senator under the terms of the resolution. Their approach will not work. A promise by the developing countries to only negotiate at a later date is simply unacceptable. Any agreement resulting from negotiations in Kyoto, or thereafter, that includes binding commitments for developed countries must also include serious, specific, and binding commitments by the developing world.

I thank all Senators.

The PRESIDING OFFICER. The Chair observes that all time has expired.

Mr. KERRY. Mr. President, I ask unanimous consent for 60 seconds to clarify the record and respond.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. Mr. President, I don't disagree with what Senator BYRD has just said. In a sense, I should correct my own comment when I talk about the Berlin mandate. Obviously, we are altering the way in which we are approaching the question of inclusiveness. When I say ''nothing inconsistent,'' I am talking about in the fundamentals of how you might approach the issue of timetable or compliance. We have discussed that in the course of this debate, and that is what I intended to say.

I yield back any remaining time.

Mr. HAGEL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Minnesota [Mr. GRAMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Nevada [Mr. BRYAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Iowa [Mr. HARKIN], and the Senator from Nevada [Mr. REID] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—95

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Breaux	Hagel	Reed
Brownback	Hatch	Robb
Bumpers	Helms	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Enzi	Lott	

NOT VOTING—5

Bryan	Grams	Reid
Feinstein	Harkin	

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 98

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as the ''Convention''), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the countries of Eastern Europe and the Organization For Economic Co-operation and Development (OECD), including the United States, as ''Annex I Parties'', and the remaining 129 countries, including China, Mexico, India, Brazil, and South Korea, as ''Developing Country Parties'';

Whereas in April 1995, the Convention's ''Conference of the Parties'' adopted the so-called ''Berlin Mandate'';

Whereas the ''Berlin Mandate'' calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and establishes a negotiation process called the ''Ad Hoc Group on the Berlin Mandate'';

Whereas the ''Berlin Mandate'' specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Under-Secretary of State for Global Affairs called for the first time for ''legally binding'' emission limitation targets and timetables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 8, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for the Parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;

Whereas the exemption for Developing Country Parties is inconsistent with the need for global action on climate change and is environmentally flawed;

Whereas the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof; and

Whereas it is desirable that a bipartisan group of Senators be appointed by the Majority and Minority Leaders of the Senate for the purpose of monitoring the status of negotiations on Global Climate Change and reporting periodically to the Senate on those negotiations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent

of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement.

SEC. 2. Secretary of the State shall transmit a copy of this resolution to the President.

Mr. LOTT. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—S. 39

Mr. LOTT. Mr. President, I ask unanimous consent that the order entered July 24 with respect to S. 39, order No. 11, which is with regard to the tuna-dolphin issue, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that the majority leader, after consultation with the Democratic leader, may turn to S. 39, and one managers' amendment be in order, and time for the amendment and the debate on the bill be limited to 30 minutes, equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to vote on the amendment, to be followed by third reading and passage of S. 39, as amended, if amended.

Mrs. BOXER. Reserving the right to object, and I shall not object, I want to say to our majority leader that I thank him for his patience. I want to use this time in reserving my right to object, which I shall not, to thank the majority leader for his patience in allowing us the time we needed to come to what I think is a good compromise on this bill.

I want to say that Senator JOHN KERRY stepped into the breach at the moment we needed him to do so, and in working with Senator MCCAIN and Senator SNOWE, Senator BREAUX, Senator BIDEN, myself, Senator STEVENS—it was a big group of us, and a group that is pretty much known for some very strong opinions. I want to thank him. And the administration was at the table. It was not easy.

But in the end, what we are going to do basically is keep the label the way it is and give some time for a study to begin, put all the other wonderful parts of that bill into place, and then when the preliminary results are known, we will make a decision—the Secretary of Commerce will—on whether or not to change the definition of what constitutes ''dolphin safe'' tuna. So I think it is a victory for American consumers.

Just in concluding my brief remarks here—and I will not object to the unanimous-consent request—I want to thank the more than 44 Senators who stood with us, who were going to vote with us, so we were able to have the strength to negotiate this compromise.

I will not object to the request.

The PRESIDING OFFICER. Is there an objection?

Hearing none, without objection, it is so ordered.

Mr. LOTT. Let me wrap this up right quick because Senator MCCAIN needs to be able to comment on this, too.

For the information of all Senators, in light of this agreement with respect to the tuna-dolphin legislation, the cloture vote was vitiated; therefore, there will be no further votes to occur today. The next votes will occur in stacked sequence on Tuesday, July 29, beginning at 9:30 a.m.

I want to thank all Senators for their cooperation, especially the Senator from Maine, Senator SNOWE. She did outstanding work. She did not always receive the type of consideration she should have, but she has risen above that. Without her agreement, this would not have been possible. Also, of course, Senator MCCAIN has been diligent in his work, as always, and also Senator KERRY, who got involved to help us work this out.

I would like to make sure now that Senator MCCAIN has a chance to speak and put the proper perspective on all of this.

Mr. MCCAIN. Mr. President, I received a letter from the National Security Adviser. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 25, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I want to thank you for your hard work and support to find an acceptable compromise on S. 39 the International Dolphin Conservation Act. I am writing to inform you that we accept the agreement that has been struck between yourself and other Senators involved with the discussions on the legislation. I also want to inform you that we have consulted with the Government of Mexico and that they do not object to the agreement. They, in turn, are discussing this with the other signatories of the Panama Declaration in order to secure their acceptance of this compromise. I am hopeful that all the signatories will be able to accept this compromise as well.

Again, thank you for your efforts to bring about a successful conclusion to the discussions on S. 39.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President For National Security Affairs.

Mr. MCCAIN. Mr. President, this letter indicates that negotiations we have entered into making changes to the legislation will keep the International Dolphin Conservation Program intact. That has been our sole objective. With the administration's assurance, I believe we are prepared to enter into a time agreement for final passage of the bill.

Again, President Clinton has asked us to pass this legislation. Greenpeace, the Center for Marine Conservation, the Environmental Defense Fund, the World Wildlife Fund, and the National Wildlife Federation have asked us to pass this bill. My only test for accepting changes to the bill is that the conservation agreement remains intact.

The agreement, which still must be put into legislative language, lifts the embargo on tuna from the eastern tropical Pacific, and would require the label change after the Secretary of Commerce makes a finding on implementation of the international agreement does not adversely affect dolphin in any substantial way, by a time certain. We have had months of negotiations on this issue.

Mr. President, I want to make one thing perfectly clear. This agreement would not be where it is today without the Senator from Maine, Senator SNOWE, the subcommittee chairperson, who conducted weeks and months of negotiations on this issue. The Senator from Maine is the one that made this happen. Whenever there is a victory, there are all kinds of people that like to take credit for it. The Senator from Maine, Senator SNOWE, entered into a months-long series of negotiations, and has accepted amendments and reservations that she would not otherwise want to. I am sorry that the thing that held up this agreement was extreme partisanship, which motivated people to vote for cloture on a bill that the administration and the environmental community supported, and the characterization of this bill as some kind of cave-in is wrong. We demanded that the international signatories would agree to any compromise that was made. That was done so in this bill. There will be, at a time certain, a labeling which will allow this Nation—and the other nations who are signatories—to have the importation of tuna into this country. I am sorry that these issues, which are really in the best interests of the Nation, somehow get politicized so much, as this issue has been. The Senator from Maine has refrained from that all along.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent that a fellow in my office, Tom Richey, be permitted access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I want to make it clear that, from my perspective, this agreement on tuna-dolphin does not represent a cave-in. It doesn't represent one side sort of being bullied by another side. Also, I certainly don't think it represents a partisan effort because Senator BOB SMITH of New Hampshire, and a number of our colleagues across the aisle, were also very interested in the outcome of this and were prepared to join in a rigorous debate.

What I believe has happened is that, as it often does in the U.S. Senate,

when contentious views are brought together and people have a chance to be able to air those views and work at it over time, we have been able to arrive at what I believe is a very good, sensible compromise—not a cave-in, a compromise. It is a compromise which I think takes the very best of what was proposed originally by Senator BREAUX and Senator STEVENS and helps to amalgamate it with other people's ideas about what would make it even stronger. It is going to be a strong conservation ethic. It is going to guarantee that we take the cooperation of other countries that we are respectful of and grateful for their cooperation and utilize that in a way which is going to strengthen our relationship in the hemisphere and, at the same time, provide for a strong conservation capacity with respect to the dolphin stocks.

I think everybody ought to be very pleased with the outcome. I am grateful to the Senator from Maine, Senator SNOWE, for her efforts on this. I regret that, yesterday, there were some misunderstandings during the course of it. But she has exhibited great strength and willingness to help provide for our ability to move forward. I thank her publicly for that.

I want to thank the chairman of the committee, Senator MCCAIN, for his efforts and patience, particularly. I think he allowed people to work through this in a way that got us here. I particularly thank Senator BOXER for her tireless, tireless energy in fighting for what she thought was right in this situation and for helping to create the ability to come to this compromise. So I think it is positive for all concerned, and I think everybody ought to feel good about it, without any sense of partisanship or any divisiveness.

I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I thank the Chair. I rise to express my support for the agreement that ultimately was reached on this very important issue. I remind my colleagues that this was an issue that had been introduced in the last Congress by the Senator from Alaska, Senator STEVENS, and unfortunately, we weren't able to get it through in the last Congress, for a lot of political reasons. I hope now that people recognize that this represents a very strong step toward preservation and conservation of the species and, at the same time, an important agreement with 11 other nations on this issue, which I think ultimately will resolve the problems that we are facing with respect to tuna, as well as with dolphins.

So I hope that our colleagues will ultimately support this agreement. I want to commend Senator MCCAIN, who certainly forged an effort to try to create this, as well as Senator BOXER and Senator KERRY. Truly, the leadership was exemplified by Senator STEVENS and Senator BREAUX, who originally introduced this legislation in the last Congress. So I hope that we will take the steps necessary to implement this legislation and, ultimately, will ratify the agreement that was reached by this administration with respect to this issue.

With that, I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks time?

MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STATE DEPARTMENT REPORT ON MFN

Mr. HUTCHINSON. Mr. President, Tuesday, the New York Times stated that the State Department would issue its first report on the worldwide persecution of Christians and this report would be sharply critical of China. That report was, in fact, released this past Wednesday, and I urge all of my colleagues in the U.S. Senate to read this report. This is the same report that the State Department originally promised to release to Congress on January 15, over 6 months ago. It is the same report that the State Department promised to release by the end of June, and the same report that the State Department promised to release before the House voted on China's most-favored-nation trading status.

On June 18 of this year, my good friend and colleague from Wisconsin, Senator FEINGOLD, and I sent a letter to both the President and to the Secretary of State, expressing our grave concerns about recent reports that suggested that the State Department was deliberately delaying the release of its findings on religious persecution throughout the world. It was my understanding that this report placed a specific focus on the persecution of Christians and other religious minorities around the world, and that the report singled out China for especially tough criticism.

It is, in fact, the case, as the report has been issued and as I have surveyed that report, that that criticism is even more scathing than what had been anticipated. As I have stated on this floor many times, the 1996 State Department's human rights report on China revealed that the Chinese authorities had effectively stepped up efforts to suppress expressions of criticism and protest. This report said that all public dissent had been effectively silenced by either exile, imposition of prison terms, or intimidation. This latest report from the State Department, issued this week, further underscores the seriousness of the situation in China and the severity of the crackdown that has been imposed upon those who would express any opinion contrary to that of the Communist government.

As an original cosponsor of the disapproval resolution on MFN to China, I believe serious human rights abuses persist in all areas of China today and that the continuous delay of this year's report on religious persecution raises the question as to this administration's willingness to engage in an open discussion of the effect of U.S. policy on human rights in China and around the world.

I urge that the State Department report be delivered in a timely manner to ensure its full disclosure and debate prior to a vote on the extension of MFN to China. It seemed to be only right, only proper that the House and my Senate colleagues would have an opportunity to see the latest and most accurate information as to what is going on in China. That information was denied the House and it was denied my colleagues in the Senate, as we voted on the sense-of-the-Senate resolution last week. I even publicly made a request on the Senate floor for that report to be issued prior to any MFN debate and MFN vote.

The State Department informed me that I would receive a copy of the report as soon as it was released. Mr. President, the fact was that the New York Times received a copy of this report before Congress did. This year's report states quite clearly that the Chinese Government has consistently violated its own constitutional guarantees of religious rights, cracking down on Catholic and Protestant groups, raiding worship groups meeting in private homes, and sometimes detaining and interrogating and even beating religious leaders. Furthermore, the report states:

> The government of China has sought to restrict all actual religious practice to government-authorized religious organizations. Some religious groups have registered, while others were refused registration.

I want to commend and express my appreciation to Senator ASHCROFT from the State of Missouri for his willingness to come to the floor of the Senate this week and express his own outrage at the continuing deterioration of human rights conditions in China.

Mr. President, I raise this question on the floor of the Senate today: Why was the State Department's report on religious persecution delayed, delayed, and delayed again, so that it was only released after all congressional votes and all congressional debate on MFN was history?

Mr. President, I have serious concerns that officials of this administration are not willing to engage in an open discussion about United States policy toward China, and I am deeply disturbed about the timing of this report, especially in light of the votes that have transpired in both the House and the Senate in recent weeks.

The revelation that human rights abuses continue to worsen in China, while our policy remains status quo, I believe, gives our own tacit consent to the terrible atrocities that are occurring in that great country.

To remain silent when evil is perpetrated and injustice is being inflicted, I think, is to become a participant in that evil. So I urge my colleagues to obtain a copy of this year's report issued this week, read it, study it, and decide what action we should take as a nation against this regime that continues to disregard basic human rights.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Pennsylvania.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the issue of independent counsel. Yesterday, I spoke about my view that independent counsel ought to be appointed and the fact that there appeared to be no chance of Attorney General Reno appointing an independent counsel, and then exploring the alternatives of litigation and the alternative of an amendment to the independent counsel statute. I stated at that time that I intended to pursue legislation to modify the independent counsel statute and had hoped to put it on the appropriations bill on Commerce, State, Justice, and the Judiciary, but would not do so if it would tie up the bill.

After consultation with the distinguished majority leader and others, it was apparent to me that such an amendment would tie up the bill and most probably provoke a filibuster on the other side, and that, in fact, a unanimous-consent agreement had been proposed which was conditional on tabling any amendment which I might offer.

In addition to the amendment on independent counsel, I was considering, along with my distinguished colleague, Senator HATCH, offering a sense-of-the-Senate resolution calling for the Attorney General to appoint independent counsel. But even a sense-of-the-Senate resolution would have provoked a likely filibuster to tie up the bill. So I did not proceed to do that, but instead filed at the desk yesterday legislation for independent counsel, after consultation with the majority leader, who said that if an opportunity presented itself that that matter might be called up as early as next week. That would not be certain because there are considerations as to what will happen with the reconciliation bill and the tax bill.

In the alternative, after discussions with Senator HATCH, the alternative has been considered to have a sense-of-the-Senate resolution perhaps acted on next week, if there is time. It is the last week before the recess. But that is problematical.

Mr. President, I ask unanimous consent that the text of the sense-of-the-Senate resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. . SENSE OF THE SENATE REGARDING APPOINTMENT OF INDEPENDENT COUNSEL.

(a) FINDINGS.—The Congress finds that—

(1) press reports appearing in the early Spring of 1997 reported that the FBI and the Justice Department withheld national security information the Clinton administration and President Clinton regarding information pertaining to the possible involvement by the Chinese government in seeking to influence both the administration and some members of Congress in the 1996 elections;

(2) President Clinton subsequently stated, in reference to the failure by the FBI and the Justice Department to brief him on such information regarding China: ''There are significant national security issues at stake here,'' and further stated that ''I believe I should have known'';

(3) there has been an acknowledgment by former White House Chief of Staff Leon Panetta in March 1997 that there was indeed coordination between the White House and the DNC regarding the expenditure of soft money for advertising;

(4) the Attorney General in her appearance before the Senate Judiciary Committee on April 30, 1997 acknowledged a presumed coordination between President Clinton and the DNC regarding campaign advertisements;

(5) Richard Morris in his recent book, ''Behind the Oval Office,'' describes his firsthand knowledge that ''the president became the day-to-day operational director of our [DNC] TV ad campaign. He worked over every script, watched each ad, ordered changes in every visual presentation and decided which ads would run when and where;''

(6) there have been conflicting and contradictory statements by the Vice President regarding the timing and extent of his knowledge of the nature of a fundraising event at the Hsi Lai Buddhist Temple near Los Angeles on April 29, 1996;

(7) the independent counsel statute requires the Attorney General to consider the specificity of information provided and the credibility of the source of information pertaining to potential violations of criminal law by covered persons, including the President and the Vice President;

(8) the independent counsel statute further requires the Attorney General to petition the court for appointment of an independent counsel where the Attorney General finds that there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person;

(9) the Attorney General has been presented with specific and credible evidence pertaining to potential violations of criminal law by covered persons and there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person; and

(10) the Attorney General has abused her discretion by failing to petition the court for appointment of an independent counsel.

(b) It is the Sense of the Senate that the Attorney General should petition the court immediately for appointment of an independent counsel to investigate the reasonable likelihood that a violation of criminal law may have occurred involving a covered person in the 1996 presidential federal election campaign.

Mr. SPECTER. As if in morning business, Mr. President, I submit the sense-of-the-Senate resolution for introduction to be considered at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. I yield the floor.

In the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

(The remarks of Mr. MURKOWSKI pertaining to the instroduction of S. 1069 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

NATIONAL ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I would like to call attention to an extraordinary experience that occurred last weekend, involving several Members of this body who joined my wife and me in visiting our great State of Alaska: Senator HELMS and Mrs. Helms, the Senator from North Carolina; Senator JEFFORDS from Vermont, Senator INHOFE of Oklahoma, and Senator SMITH from Oregon. We left last Friday after the close of business Thursday night. We covered approximately 7,400 miles in about 64 hours. We visited eight cities and communities. I think we were in the airplane some 23 hours, spent 6 hours on a bus, and at least 10 hours visiting with people on the ground in Alaska. But for that relatively brief time, I think a great deal was learned.

The purpose of the trip, relative to aspects of the national energy security of the country, was to observe the oil development on the North Slope of Alaska at Prudhoe Bay, and to follow the pipeline 800 miles down to the terminus at Valdez.

We flew on Friday direct from Washington, DC, via Edmonton, Canada to Cordova, AK, in Prince William Sound, where we were met by Mayor Johnson, who gave us an overview of the impact of the Federal Government relations and the aftereffects of the *Exxon Valdez* oilspill at Bligh Reef.

We then got into smaller aircraft and flew around Prince William Sound. We viewed Colombia Glacier and at the area where the *Exxon Valdez* went aground—we observed the beaches closely. I am pleased to tell my colleagues that there was absolutely no sign of any residue from that terrible accident.

We then landed in Valdez, were met by a group of people, and boarded a bus to go around the harbor to the pipeline terminal, which is the largest oil terminal in the United States. A full 25

percent of our total crude oil production is dispatched on U.S.-flagged tankers that move it to Hawaii, to Los Angeles and San Francisco on the west coast, and to other areas.

It was remarkable to note that there were hundreds of tourists fishing for salmon, right next to the oil terminal, in small boats. We saw several fish being caught. These weren't shills, these were real people, real tourists out there, Mr. President.

We had an opportunity to inspect the terminal. We observed the major storage area. We actually went into one of the storage tanks that was being cleaned. The setting of the terminal—that I remind my colleagues has the capability of supplying this Nation with 25 percent of its total crude oil—is really dramatic. It sits on a shelf across the harbor from Valdez, on solid rock, with a dramatic background of snowcapped peaks. More significant still is, I think, the technology that has been adopted there.

They are currently able to recapture any emissions from the loading tankers, that is, the fumes coming from loading the tankers, and put them back into a closed recovery process. So there are virtually no emissions coming out during the loading process. To protect against liquids, each ship has a boom around it while it is loaded to make sure that there is no oil can possibly escape. I think the oil spillage there in the last several years has totaled less than a gallon, to give you some idea of the safety and technology that has been adopted.

We next went back to Valdez by boat, met with community leaders and then got back on our airplane and flew to Fairbanks. In Fairbanks we were hosted at a dinner by the Arctic Slope Regional Corp., the Alaska Native corporation representing the North Slope area. Next morning we flew from Barrow to Fairbanks, about an hour-and-a-half flight. Point Barrow is the northernmost community in the United States. You can't go any further north without falling off the top.

There we met with a number of Native people, and they were very explicit in explaining to us the significant difference that energy development has made to their lives. One young man indicated that he used to come to school to keep warm, because there was not enough heat in his home. They had to scrounge on the beach for driftwood, driftwood that is not native to the area because Barrow is far north of the tree line, but would float in from the MacKenzie River 100 miles away to the east and wash up on the beach. He said things are different now. He went to a school that was built by the North Slope Borough government and funded by the Arctic Slope Regional Corp. It is one of the finest schools in the United States. It has everything—even indoor recess capability, a good idea in that climate. Really a magnificent facility. We also visited the local hospital and several other things.

But the point the resident brought out is that they prospered only as a consequence of having a tax base based on resource development—oil and gas. They were able to send their children to school. And it was not like the past when there were no economic benefits, no support base. I think everyone was very pleased at the presentation because it provided a point of view on energy development that is not often made.

We next flew in our airplane to Prudhoe Bay, the beginning of the 800-mile pipeline, to observe the oilfields. Then we went by bus to a site called Endicott. This is a field based on a man-made island about 11 miles offshore, made of gravel. It is the seventh largest producing oilfield in North America, and yet it has a footprint of only 54 acres. That's very significant when you consider the advancements in oil technology between Prudhoe Bay and Endicott, and realize they can develop oil using directional drilling from a very small platform—that is what Endicott means.

We then drove back to Prudhoe Bay, got in small aircraft and went east to the Canadian border. There, we were inside the Arctic National Wildlife Refuge—ANWR. We actually flew into the ANWR area to a village that is in the middle of ANWR called Kaktovik. We met with the villagers. They were out fishing. It was a beautiful day. There was virtually no wind. The icecap moved away from the shore, leaving blue waters. We saw maybe 10,000 caribou, and several hundred musk ox on the tundra.

The interesting thing is we saw where the proposed wells are going to be developed on the State's side of ANWR, and then we went near a well site that is very close to the edge of ANWR called Sourdough. This is a well on State land adjacent to ANWR and which may be the site of a major oil discovery.

The question there is whether this discovery extends into ANWR or is limited just to the State land next to it. Of course, this presents a problem and a question of responsibility for the Secretary of the Interior. Because he has public trust responsibility to determine if there is, in fact, a reservoir of oil on the Federal side. That's important because if the State allows drilling and the State pulls down the oil deposit under its well, a portion of that resource could belong to the Federal Government.

We went to a couple of other areas that were interesting. Some in the group asked, ''Where are the pictures of the coastal plain that we see in the environmental magazines that portray the sensitive coastal plain area?'' We took the group back into that area, a dramatically different region that is not in the same area as the coastal plain despite the pictures we see so often. We also observed a number of areas where they plan to drill on the State's side, and flew over the one exploratory well that had been drilled within the ANWR area. There was no evidence, other than you can see a discoloration of the tundra, of that well's existence—no structures of any kind.

What that well may or may not contain we still don't know because that information has never been released by the companies that did the drilling. It is somewhat academic at this point, because if there were substantial reserves there, there is no way to take them out because it's all Federal land. Without the ability to transfer the oil through a pipeline it is impractical and unreasonable to proceed until Congress resolves the issue of what to do with the 1002 area.

This is a unique area, part of ANWR, but just 1½ million acres out of the 19-million-acre total. The area of ANWR is basically made up of three parcels. About 8 million acres are in the wilderness, about 9 million acres are in what we call refuges. Only 1½ million acres are included in the so-called 1002 area, which was reserved for the Congress of the United States to decide whether or not it is in the national interest to open that area for oil and gas exploration.

To conclude with a brief description of the trip, I think my colleagues would agree, they saw a great big hunk of American real estate and got a feel for the sensitive areas. They got a feel for the advanced technology that is underway currently for oil and gas exploration and production. We saw foxes. We saw caribou running ahead of our bus on the roads in Prudhoe Bay.

Then after that day, we flew back to Fairbanks where we were hosted by the Alaska miners to a dinner. The next morning, the University of Alaska, on Sunday, hosted the Members to a breakfast at 8 o'clock. Then at 9 o'clock, we went out to the Fort Knox gold mine. This is the largest gold mine in Alaska producing from a new technology that gets the very fine gold and is able to recover it. It is operating 7 days a week, 24 hours a day with a shift of about 200 personnel, but the significance is that they brought in a bar of gold, a brick, a little bit bigger than a brick, very heavy. It was worth about $167,000. That is what one brick of gold is worth.

We drove back to Fairbanks, got in the airplane at noon on Sunday, and flew back the rest of the day, got in here at midnight, and went to work Monday morning.

I simply describe this as evidence, I think, of an opportunity for Members to see Alaska, such as Senator HELMS, Senator JEFFORDS, Senator INHOFE, Senator SMITH, the current occupant of the chair, and see for themselves what the issues are relative to the issue of ANWR and other aspects of the national energy security interests which Alaska contributes significantly to and address the dilemma associated with development on public land and talk to Alaskans who we feel are the best stewards of the land.

So I encourage my other colleagues to contact the Senators in question—Senators HELMS, JEFFORDS, INHOFE, and SMITH of Oregon, because we would like to host others in Alaska and let them see for themselves as they address many of the issues that are going to determine the manner in which Congress authorizes resource development on public lands in our Nation's largest State.

With that, I thank my colleague who has been patient, and I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

GLOBAL WARMING

Mr. SESSIONS. Mr. President, we just voted earlier today 95 to 0 to direct the President of the United States not to enter into treaties in Japan dealing with global warming at this time. Those of us who care about the Earth on which we live want to make sure we are good stewards of this planet that we are blessed to have and we care about it very deeply.

I have had the opportunity to serve on the Environment and Public Works Committee and have heard testimony from some of the Nation's most outstanding experts on the question of global warming. I am a new Senator, just having come here in January, and was very interested and fascinated by the possibility of trying to learn more about this problem that I have been reading about, as have so many Americans.

I must admit to you that I have been somewhat surprised by a number of things, including a lack of unanimity among scientists, a lack of data among scientists, and a serious disagreement among scientists. I am also somewhat surprised, despite the very strong feelings of people who study this, that the President continues to be determined to enter into treaties that could adversely affect the economic well-being of the United States.

Let me say first, in my simple way of thinking about this problem, a regulation is the equivalent of a tax. It would be no different for us than if we were to regulate the electric power industry and added costs to companies by mandating environmental controls in addition to the ones that they have implemented to preserve the environment for years. If we implement those controls, their customers are going to pay in terms of rate increases. Increases will be paid by the citizens who consume power, and every American consumes power.

So we have to understand that a regulation that imposes a burden on some big company, like a power company, is really a tax on all of us. It is a regulation that impacts all of us. It adds to the cost of doing business in America. Every small business that utilizes electricity will have to pay for that power at a higher cost. It will make them, therefore, less able to compete with other people around the world. I think that is a fundamental principle we must not look for.

The Atlantic Monthly recently had a most marvelous article about economic growth, progress, and technological advancement. Those, it said, are the greatest ways to fight pollution and to clean our environment. The areas that are most polluted, the areas that are least safe to live in and where people have the shortest lifespan are the undeveloped nations of the world. This article devastated the myth that progress and technological advancement imperil the environment. Indeed, just the opposite is the case. Improved technology and improved progress allow us to do more for less and improve our environment.

We do know, though, that we are already, as a nation, facing a difficult challenge around the world. We are having a difficult time protecting the jobs of working Americans in the face of lower-wage nations that are taking our jobs. Ross Perot, in running for President, used the phrase ''a giant sucking sound,'' as he referred to jobs going overseas. The fact is, every day we place greater and greater burdens on the productive businesses in our Nation. At some point, the cumulation of those burdens reach a point that makes those businesses uncompetitive in the world and can severely damage the economic strength of this Nation. That is why the AFL–CIO and working unions all over America are questioning and opposing this treaty, because they see it will add one more burden to the United States and one more advantage to undeveloped nations who already have these low-wage rates to knock down and take away the productive capacity of American industry. I think it is a valid concern.

Second, Mr. President, my simple mind, as I have been here, has caused me to think about how many treaties I see that we are entering into. I have this vision in my mind of Gulliver among the Lilliputians lying there with strings tying the giant down where he couldn't get up. Hundreds of little threads tied him down, and he could not move.

We are a great nation, the greatest really on Earth, the greatest perhaps in the history of the world. We have great privileges and great requirements as a great nation. We ought not to lightly enter into treaties that bind us, keep us from being able to fully effectuate the capabilities that we have and enter into treaties with other nations, some of whom may not honor those treaties. It is one thing for them to sign up. We have seen nations sign up and say they won't use poison gas and then they have used poison gas, and nothing is done about it. What if we sign a global warming treaty and other nations who sign it do not comply? What will we do then? I suggest we will do nothing. We will honor that treaty, as we always do, because we take those things very seriously.

Let me make a couple of points. The first thing that I have learned in our committee hearing is just how small a part of the problem we are facing is caused from humankind. Look at this chart. It is a remarkable chart—CO_2 emissions, natural versus man-made.

Eighty to eighty-five percent of emissions that cause global warming are supposed to be CO_2. This is a big problem. 96.9 percent of the CO_2 emissions on this Earth come from natural causes; things which combustion and other things do not affect. The rest of the world contributes 3.1 percent. The U.S. contribution is less than 1 percent, .6 percent. If we eliminated all the production of CO_2 in the United States, we would only make a small dent in the overall problem of CO_2 emissions. That is why people are saying they are not sure what is causing global warming, if we have global warming at all. I think we have to know that. Those of us who are talking about imposing tremendous economic burdens on American industry place us in a position of not being able to remain competitive in the world, for a benefit perhaps nonexistent. I think this is a matter we have to consider seriously.

Do we have global warming? That is a matter that I know is a given—it is said. Some 2,000 scientists say it is, but many do not know why. There remains a lot of dispute about global warming. I am not sure what the real situation is. I am certain that there is some slight warming, but I must say that it is not clear.

Dr. Christy, a NASA contractor and a professor at the University of Alabama in Huntsville, a premier university in scientific research, has studied satellite data for 20 years. He has been able to ascertain from that data what the atmospheric temperatures are around the world, not just on one seashore where the gulf stream may affect it or some prevailing winds may have affected the temperature temporarily. This is a global change. He has studied this over 20 years, beginning in 1979.

Dr. Christy reached a remarkable conclusion based on his studies of temperature changes. As stated in his testimony before the full Senate Committee on Environment and Public Works, the level of the atmosphere he is testing should be warming, according to those who believe in the global warming models, because global warming caused by the greenhouse effect should be an atmospheric effect, but he found the atmosphere has not warmed. This black line reflects the temperature, and it has actually gone down during the almost 20 years that he studied.

No one has contradicted that evidence. It wasn't evidence that he went out and gathered. It was evidence that he just took from the satellite information that was already available to the public, and he made a comprehensive study of it.

What is interesting is, based on his information, we may not have global

warming at all. As I said, that information has not been disputed in any way.

Not many years ago, the prediction was that we were going to show a 4-degree increase in climate temperature in the next 100 years; 4 degrees growth would be the average increase in temperature in the next 100 years.

Now, those numbers have dropped to 2 degrees. The experts have reduced those already just in the last few years to 2 degrees.

Dr. Patrick J. Michaels, professor of environmental sciences at the University of Virginia and senior fellow of environmental studies at the CATO Institute, testified before the Senate Foreign Relations Committee on June 26, 1997. This is what he said:

> Critics argued some years ago, as I did, [he said] that this would have to be a dramatic reduction in the forecast of future warming in order to reconcile fact with hypothesis.

In other words, he realized that the people who were predicting this 4-degree increase were wrong, and some time ago he predicted they would have to modify this.

> By 1995, [he said] in its second full assessment of climate change, the IPCC [the U.N. panel] admitted the validity of the critics' position [his position]. When increases in greenhouse gases only are taken into account, most climate models produce a greater warming than has been observed to date—

In other words, we predicted a greater warming than we were actually seeing, than nationally has been observed.

> unless closer climate sensitivity to the greenhouse effect is used.

In other words, we were predicting too high a sensitivity to the greenhouse effect.

The IPCC continued:

> There is growing evidence that increases in aerosols are partially counteracting the warming.

There are many things that are involved there.

Dr. Michaels then added this comment. I thought it was very instructive, Mr. President. He said:

> I believe the secular translation of this statement is that either it is not going to warm up as much as was previously forecast or something is hiding the warming. I predict every attempt will be made to demonstrate the latter before admitting that the former is true.

I thought it was interesting he used those words: ''I believe the secular translation of that document.'' I thought about why he did that, why he used those phrases. He is a scientist, a University of Virginia scientist. Why would he say that? I think he is saying that because he senses in many of the people who are promoting this agenda almost a religious bent, a commitment beyond rationality, a commitment beyond science, a sort of supernatural belief that we have to clean this Earth, and nothing we do as human beings here is healthy, and it is all bad. It goes beyond rationality. I tend to agree that we have some things that are said, that I have observed on our committee, that would indicate that that is true.

Let me add one more thing before I conclude.

The other thing we have learned is that global warming is hard to fix obviously if 97 percent of—by far, the No. 1 problem of greenhouse gas—CO_2, is from natural causes. So we have a problem.

We had testimony recently from four scientists before our committee. And I would like to share with you one of the exchanges that took place there.

One professor thought that even though he was supporting the treaty, he thought we should take only modest steps at this time. And he believed that a significant tax on fuel and carbon products would be the way to do it. That is what he proposed. He said, ''I think we need to start moving in that direction.''

Dr. Richard S. Lindzen was a member of that panel. He is an Alfred P. Sloane Professor of Meteorology at the Massachusetts Institute of Technology. When testifying before the Senate Committee on Environment and Public Works on July 10, 1997, Dr. Lindzen said, ''I'm saying more than that. I'm saying that Dale''—talking about the professor—''that what he's proposing, take the scenario that you expect, an increase of 4 degrees''— so Dr. Lindzen is saying, OK, let us assume that you are predicting a 4-degree increase in temperature in the next century, what affect would this tax, a significant tax on oil and all carbon products, have on our environment?

This is what he said, ''. . . take the scenario that you expect an increase of 4 degrees, if we imposed his tax, that would knock the temperature down over 100 years to 3.95 degrees. Only five one-hundredths of a degree would be affected by a tax to reduce that kind of emission of gases.''

We are dealing with a very serious problem. I am concerned about American economic growth. I want the American people to have good jobs and be competitive in the world. I want a healthy environment. I believe in that. I am willing to invest some money in that. But I am not willing to invest money in a project that will have almost no effect and perhaps is dealing with a problem that may not even exist.

We need more science, more study before we ask the people of this Nation to commit their resources into an effort that we could do somewhere else; $10 billion, $100 billion spent on this is $100 billion we could spend on child health care, emergency room admissions, and a lot of other things that we desperately need in this country.

So, Mr. President, I appreciate the opportunity to share those thoughts with you. I think we are dealing with an important issue. And I hope that the American people will pay close attention to it as we go forward.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

MILITARY SERVICE AND HOMOSEXUALITY

Mr. COATS. I want to take just a few moments to put something in the RECORD that has not really been high profiled recently but which is I believe important.

I picked up the Washington Post earlier this week and was reading through the Post, and in there was a small story detailing what the President's press secretary, Mike McCurry, had to say about an earlier statement made by the White House relative to the law which governs the service in the military of people with homosexual persuasion.

The administration had issued the comment in response to some court rulings that they thought that the law was working as intended. And then Mr. McCurry, after admitted pressure from the gay rights lobby, issued a clarification which changed the response or at least was intended to change the response. I quote from the Washington Post article which said:

> After protests from gay rights groups, McCurry yesterday said that contrary to an earlier statement, the Clinton administration does have concerns about how its [so-called] ''don't ask, don't tell'' policy [''so-called'' is my emphasis] on homosexuality is being enforced in the military.

First of all, let me state that this, the current policy which is described by many as a ''don't-ask, don't-tell policy,'' is not descriptive of the particular policy. Therefore, I think it is important that we understand that what we are dealing with here is a law enacted by this Congress on a bipartisan basis, signed into law by the current President of the United States, and not subject to different interpretations but subject to exactly what is printed in the statute.

Mr. McCurry needs to understand and the White House needs to understand that the prohibition against homosexuals serving in the military is a statutory requirement that was passed overwhelmingly by Congress and signed into law by the President, his President.

The true test of whether the Department of Defense is faithfully executing the law is whether those who have engaged in or who have a propensity to engage in homosexual conduct are being separated from military service. That is the statute. That is the intent of the statute. That is the intent of the Congress, as enacted into statutory language and signed by the President.

And that standard is that those who have engaged in or have a propensity to engage in homosexual conduct find themselves at a great inconsistency with longstanding military policy and are therefore eligible and should be separated from military service. That is the law of the land.

Just a little bit of history.

In January 1993, just days after his inauguration, President Clinton announced his intent to reverse the military's longstanding prohibition against

homosexuals serving in the Armed Forces. That decision was uniformly opposed by our military commanders, and decisively overturned by the Congress after months of careful deliberation.

Just to reiterate here, the President, very shortly after taking office, reversed longstanding military policy, and even though the President serves in his constitutional capacity as Commander in Chief, the leaders of our military unanimously opposed, publicly opposed the President's position saying that it would undermine morale, undermine the cohesiveness, undermine the very essence of what the military was designed to do.

The Congress' consensus—after very considerable examination, hearings and debate—the Congress' consensus on the issue was clear, it was bipartisan, and it was broad. And the President ultimately signed a statutory prohibition against homosexuals serving in the military. He signed that into law.

The law clearly sustained the Department of Defense longstanding policy and was based on several key findings of fact by the Congress. Those findings of fact are also law. And I would like to repeat those so that there is no confusion in this administration about either what the intent of Congress was or what the law was that passed the Congress and was signed by the President and now is operative.

Let me just state some of these key findings.

(1) Section 8, article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a navy, and make rules for the Government and regulation of the land and naval forces.

As the committee report noted:

The framers of the Constitution expressly vested the powers to raise and regulate military forces [they vested this power and authority] in the Congress.

The statute goes on to say, with the findings:

The President may supplement, but [he may] not supersede, the rules established by Congress for the Government and regulation of the Armed Forces.

(2) There is no constitutional right to serve in the Armed Forces.

The committee amplified:

The primary mission of the Armed Forces is to defend our national interests by preparing for and, when necessary, waging war. . .. Responsibility for the awesome machinery of war requires a degree of training, discipline, and unit cohesion that has no parallel in civilian society. . . . The Armed Forces routinely restrict the opportunities for service on the basis of circumstances such as physical condition, age, sex, parental status, educational background, medical history, and mental attitude. . . . The fundamental precept [is] that the rights of the individual service member must be subordinated to the needs of national defense.

And so in the instance, in the case where we formed our military, we do not follow the same rules, the same civil rights, the same rights that are available to Americans in other endeavors because of the unique function of the military, its unique calling and unique requirements for those individuals to serve in it. The many, many otherwise appropriate rights exercised by Americans are not rights granted to people who voluntarily agree to serve in the military or even if they are involuntarily called up, which we do not do anymore.

(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces.

(4) The primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

(5) The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

A critical element in this fact finding:

(7) One of the most critical elements in combat capability is unit cohesion, that is the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

(8) Military life is fundamentally different than civilian life in that the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a special society; and the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

(9) The standards of conduct for members of the Armed Forces regulate a member's social life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces.

(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

(11) The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

(12) The worldwide deployment of the United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

(14) The Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

(15) The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

These are the facts as determined by the Senate Armed Forces Committee, by the Congress, both the House and the Senate, certified by us, written into law, signed into law by the President of the United States. These findings are as operative today as they were when they were passed. They are not subject to interpretation by the President. They are not subject to modification by the administration.

The law of the land is clear: Homosexuals may not serve in the military. That is the law of the land. That is not the opinion of this Senator from Indiana. That is not subject to the opinion of the President's press secretary or people in the administration. It is the law of the land. The military has always defined, and continues to define, a homosexual as one who is engaged in or has a propensity to engage in homosexual conduct. Unfortunately, while the law speaks clearly, its popular title, ''don't ask, don't tell,'' is often confusing to the press and the public. It seems to imply that a homosexual may serve in the military as long as he or she is discrete. This is simply not the case and it misinterprets the law.

The Senate Armed Services Committee report language is clear about the intent of the law, and again I quote:

It would be irrational to develop military personnel policies on the basis that all gays and lesbians will remain celibate or that they will not be sexually attracted to others.

Jamie Gorelick, then general counsel to the Department of Defense, testified:

The military is not required to take the risk that you will not engage in the act.

At a later hearing, she stated further:

When someone makes a statement, it is reasonable to conclude that they will act, and the military is not required to take the risk that someone will not restrain a propensity.

I want to remind the White House that its constitutional obligation is to enforce the law of the land. After a prolonged national debate on the question of homosexuals serving in the military, the President's position failed. Recognizing that defeat, he signed the National Defense Authorization Act of 1994 into law. In that act is the language now codified into law that clearly states the law of the land relative to homosexuals serving in the military. It is the obligation of the Department of Defense to separate those who engaged in, or have a propensity to engage in, homosexual conduct in the Armed Forces. Now, if the President wishes to reopen this debate, which I don't believe he does, he can look at modifying this law. But until that time, the administration has a constitutional duty

to uphold that law, regardless of what pressure is politically applied upon the administration by any one group or number of groups or any one individual or group of individuals.

So I wanted to put this in the RECORD so there was no misunderstanding about what the Congress had done, what the President had signed into law, and what the current law of the land is. This was the result of extensive—perhaps some of the most extensive—hearings the Senate Armed Services Committee has ever held. There were hundreds of witnesses, thousands of pages of testimony, site visits, testimony from people on all sides of the issue, representing every perspective. This was a carefully fashioned conclusion that was presented, approved by the committee, presented to the Congress and overwhelmingly approved by the Congress on a bipartisan basis, sent to the White House and signed into law by the President.

I think it would behoove the President and the people speaking for him to understand clearly what this law is and to fulfill their constitutional responsibilities to uphold the law and not make vague clarifications of statements and policies simply because one or more particular group protested their particular position on the issue.

I yield the floor.

GLACIER BAY MANAGEMENT

Mr. MURKOWSKI. Mr. President, I have one more item, relating to legislation addressing several important aspects of the administration and management of Glacier Bay National Park in my State of Alaska.

As many of you know, Glacier Bay National Park, west of Juneau in southeastern Alaska, has been named as the No. 1 national park in our country's National Park System. It is a unique tourist destination. It can only really be reached by cruise ship. The season runs roughly from Memorial Day to Labor Day, the season for the cruise ships that visit southeastern Alaska.

For the most part, these are the same ships that traverse the Caribbean in the wintertime, then move to Vancouver, BC, in order to sail to Alaska in the summer. There are probably 30 ships. I believe the number of tourists who visit Alaska by cruise ship is somewhere in the area of 600,000 in that short 90-day period.

Because of the popularity of this unique tourist destination, the legislation I have introduced would encourage the continuation of the Park Service's ongoing efforts to work with concession operators to try to improve visitor services, as well as deal fairly and finally with the longstanding dispute over the status of the commercial and subsistence fishing that has gone on in that park from time immemorial.

The footprint that any of these activities leaves in this park is pretty insignificant in relationship to other parks, because the park is seen, for the most part, by visitors on a cruise ship. You might get an occasional candy wrapper blown overboard, but the ships are very good at keeping their impact to a minimum. The point is, compared to impressions left in other national parks by visitors, the footprint left by visitors who come to the park on a ship—and never get off—is extremely small. That's part of what makes the park so unique—access by cruise ship.

In any event, this bill reflects the progress of several years of discussion with local interests and the Park Service. The efforts, I think, are positive. But we have been hampered from achieving consensus by some groups who seem to be unwilling to compromise for reasons we can only guess at—perhaps they don't want to see other visitors during that short summer season.

Insofar as possible, this bill represents an attempt to stake out some reasonable, responsible middle ground that would respect the wishes of all concerned. The issue of commercial fishing is one where, historically, fishermen have plied the waters of Glacier Bay and the outer coast, the Gulf of Alaska area now included in the park, for over 100 years. Local Native villagers, the Huna Tlingit people, have been doing so for thousands of years. At no time have their activities damaged the park or its resources, nor have they harmed the area's wild and scenic qualities in any way. Their presence has provided a colorful backdrop to the mystique of the park, as a matter of fact. This simple fact I don't think can be overemphasized.

To put it another way, commercial fishing and local villagers have continually fished in Glacier Bay since long before it became a park or a monument. The fact that we value it so highly today is proof that they have not had an adverse impact on the species in the bay. Unfortunately, some interests do not seem to be concerned about fairness, or the obligation to the Native people of Alaska, and would like to see fishing and gathering banned, no matter how environmentally benign or how critical to the local livelihoods it may be.

On subsistence, this bill corrects inconsistencies in the Alaska National Interest Lands Conservation Act, known as ANILCA. Villagers living near Glacier Bay, whose ancestors have used the bay continually for at least 9,000 years, must be allowed to continue to use the bay's resources to feed their families, to fish for halibut, salmon, crabs, collect clams, seaweeds, berries, and other foods that are part of their traditional culture.

Let me emphasize, we are talking about a relative handful of families—most from the local Native village of Hoonah, which has a population of about 900 or so, and a few people from other nearby communities such as Elfin Cove, Gustavus, and Pelican. We are not talking about thousands of people. These Alaskans do not have the convenience of supermarkets or strip malls. They deserve consideration and respect. They deserve to have their historic use recognized and provided for by this Congress.

My bill also addresses commercial fishing in the park. For generations, commercial fishermen caught salmon, halibut and crabs in Glacier Bay and have fished the rich grounds of the outside coast as well. And there is no biological reason, none whatsoever, for restricting commercial fishing activity anywhere in the park. The fishery resources are healthy, they are diverse, they are closely monitored by the State of Alaska Department of Fish and Game, and they are very carefully regulated. It should also be noted that, of the park's approximately 3 million acres of marine waters, only about 500,000 are productive enough to warrant real, significant interest.

There are few anadromous streams in the park—that's streams where the salmon go up and spawn—because most of the fresh water that comes down comes down from the glaciers and there is simply no place for the salmon to spawn.

In any event, the fisheries are restricted both as to method as in the number of participants, and are carefully managed and controlled to assure continued abundance. There is nothing in the bill and there is no desire by the fishing industry to change these controls or increase the level of this sustainable activity. Alaska is a very careful steward of its resources. Commercial fishing does not harm the environment in any way. In spite of what you hear, Alaska fisheries are in very good shape. We have had record runs 8 of the last 11 years. Under Federal management, things got so bad there was one year when we only took 25 million salmon, but when we became a State that began turning around. I think last year we put up 218 million. That's because we don't open our season until we have had adequate escapement, that is, enough fish to go up the streams to spawn so that we are guaranteed renewability of the resource.

So, in the grand scheme of things, and recognizing consideration of the Nation's economy, these fisheries are small potatoes. But to the fishermen, the natives who depend upon them, to the families of small remote communities in which they live, these fisheries are of the utmost importance. They are harm free. And those who partake in them deserve this Government's help, not the destruction of their simple lifestyle.

This bill authorizes traditional fishing throughout the park for subsistence users as well as historical commercial activities. However, because there are special, sensitive areas inside Glacier Bay itself, it also designates the waters inside the bay as a special

reserve, in which a joint team of Federal and State scientists will make recommendations on where fishing should occur and at what level.

A further special provision is also included in one area where there is significant potential for conflict between fishermen and certain limited nonmotorized uses, such as kayaking, during the brief 3-month summer period.

This area is in the Beardslee Islands, near the entrance of the bay. Under this bill, the only commercial fishing that would be allowed in the Beardslees would be crab fishing, and that only in a very small area, by a very small number of people who historically are dependent on this fishing—less than a dozen people. This would only include people who can show both a significant history of participation and a real dependence on that fishery for their livelihoods. This privilege could be transferred to one successor, when the original fisherman retires, but will cease after that. And at any point the Park Service could eliminate all fishing in the Beardslees with a fair payment to the individual fisherman.

The reason for such a special rule in the Beardslees is simply that these fishermen have no other option than fishing in the Beardslees, due to the small size of their vessels and their reliance on this one fishery, and a few other factors.

So this bill will not contribute to any increase in fishing. In fact, over time the opposite may occur. It will simply provide for the scientifically sound continuation of an environmentally benign activity. Finally, I think it's important also to note that the continuation of both subsistence and commercial fishing enjoys wide support from local residents of Southeastern Alaska, including environmental groups such as the Southeastern Alaska Conservation Council.

I look to my colleagues for support on the merits of the bill.

Mr. President, I see no other Senators in the Chamber. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. COVERDELL. Mr. President, we had a very unfortunate story appear in the Washington Post this morning by Helen Dewar.

The first paragraph:

> President Clinton had ''some choice words'' about the pace of Senate action on administration nominations during a Wednesday night meeting with Senate Democrats.

And then it quotes our distinguished minority leader:

> Daschle estimated there are 30 ambassadorial nominations awaiting action for countries that, according to a Senate list, include Britain, France, Canada, Saudi Arabia, Bosnia and, as of Tuesday, Mexico.

This is ill-placed and irresponsible criticism and does not serve the efficient management of these nominations. I read the article while I was conducting a hearing that we had hurried to deal with the nomination of the Ambassadors for Guyana and Paraguay. I have just left a meeting with the potential nominee for Ambassador to France, and I spent the better part of the last month doing everything we might do to get our Ambassador to Canada, which, I might add, has been without an ambassador for over a year and a half. We just received the nomination for that Ambassador on July 2—July 2—of this year. The vacancy began in April 1996—Canada. And there have been extended vacancies in Germany, Moscow, et cetera.

To clarify, this year, we have had 56 nominations received by the Foreign Relations Committee; 14 have been confirmed, 9 are pending on the Executive Calendar; 33 are pending in the committee. That sounds like a lot. But the issue is, 26 of the 44 we have just received in the last month. I repeat, there are 44 pending in the committee; 26 of them we have just gotten.

The problem here is not in the Senate, nor is it in the Foreign Relations Committee. The problem with ambassadorial nominations is at the other end of Pennsylvania Avenue.

I point out that Tokyo has been vacant since December, and we have no nominee. South Korea has been vacant since December, and we have no nominee. These are not just incidental relationships, I might add. We are talking about Japan and South Korea.

So, Mr. President, I think those were unfortunate words, and they paint an improper and inappropriate picture, and they do not help anything. I assume they are just ill-informed. But when you are going to make accusations of this kind, and you are the President of the United States, the word travels far. I think it would be more prudent to have your own description of the condition before you start hurling spears, because this kind of thing only confuses the process and makes the work of both the Senate and the administration much more complicated.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMBASSADORIAL NOMINATIONS

Mr. HELMS. Mr. President, partisan politics, I guess, is a game like football, baseball, or checkers, and that game has, no doubt, been played in the Senate for as long as there has been a Senate. In it, you win some, you lose some, and, as the saying goes, some are rained out. It has been suggested from time to time that maybe a time or two I have played a little bit of it myself, and I plead nolo contendere to the suggestion.

But the game, it seems to me, that the distinguished minority leader, Mr. DASCHLE, has been playing of late has sometimes been marked by a rather interesting degree of misstatements of fact—unintentional, I'm sure—and curious conclusions. That, too, has not been unknown heretofore in the history of the Senate. And I do not suggest that the minority leader's misstatements or insinuations are deliberate, and I am willing to assume that his errors are accidental and unintentional.

Just the same, my observations this afternoon are based on my incredulous reaction early this morning when I read an article in the Washington Post, page A21, under a headline reading ''Confirmation Process Frustrates President.'' That was, of course, Mr. Clinton, with whom Senator DASCHLE says he met this past Wednesday night. It indicates that Senator DASCHLE confided to the Washington Post's very competent reporter, Helen Dewar, that—and I quote from Ms. Dewar's story—''The President . . . expressed probably the highest level of exasperation I've heard him express on the subject, Daschle said, making clear that he (Senator DASCHLE) shares Clinton's frustration.''

Further, according to Ms. Dewar's report, ''[Senator] Daschle estimated that there are 30 ambassadorial nominations awaiting action for countries that, according to a Senate list, include Britain, France, Canada, Saudi Arabia, Bosnia, and, as of Tuesday, Mexico.''

Well, Mr. President, if Mr. Clinton and Mr. DASCHLE are suffering their ''highest levels of exasperation,'' and if the President uttered the ''choice words'' attributed to him by Senator DASCHLE regarding the work of the Senate's Foreign Relations Committee, then I suggest that both gentlemen dismount their high horses, examine the true facts, and correct their joint misstatements about the excellent work of the Foreign Relations Committee, which I have the honor of serving as chairman, with Senator JOE BIDEN as the ranking member.

What the President is purported to have implied—and Mr. DASCHLE says he agrees with it—is nonsense, I say respectfully; it is nonsense regarding the work and cooperation of the staff of the Senate Foreign Relations Committee, of which Adm. ''Bud'' Nance is the Chief of Staff. Bud Nance is among the top chiefs of staff ever to serve the Senate's committees, and I believe Mr. Clinton's State Department will join

me in that assessment of the committee staff members, both majority and minority.

Now, let's look at some specific things and respond to the President with what the actual facts are.

First, Thomas Pickering left the position of Ambassador to Russia on November 1, 1996. The Foreign Relations Committee received the nomination of James Collins to succeed Tom Pickering 7 months later, on June 2, 1997. Let me just remind anybody who may be interested that Russia is selling sophisticated weaponry to terrorist states, such as Iran, and Russia barely maintains control of its 20,000 warhead nuclear arsenal. Now, by Mr. Clinton's own choice, the position of Ambassador to Russia went vacant for 7 months. We didn't get a piece of paper from the White House. When we did get the nomination, we expedited the hearing process for this nomination, and we are prepared to send it to the full Senate—that is, the nomination of James Collins —next week.

Second, Charles Redman left the position of Ambassador to Germany on June 20, 1996, over a year ago. The Foreign Relations Committee received the nomination of John Kornblum for this position on May 22 of this year, 1997. Now, Mr. President, Germany is the most powerful country in Europe and is central to virtually every decision made by our European allies. By the White House's own choice, don't you see, the position of Ambassador to Germany was vacant for almost a full year. The committee scheduled a hearing after finally getting the papers on the nomination of Mr. Kornblum, and we are prepared to send the nomination to the Senate next week.

Third, John Menzies left the position of Ambassador to Bosnia in December 1996. The Foreign Relations Committee received the nomination of Richard Kauzlarich on July 8, 1997, just a couple of weeks ago. Now, it was the White House's choice that the position of Ambassador to Bosnia was vacant for more than 8 months before we got a scrap of paper from the White House in the Foreign Relations Committee. Of course, thousands of American soldiers have been kept in Bosnia for 8 months, but for 8 months the White House has delayed sending the nomination of the successor, Mr. Kauzlarich. The committee, again, has scheduled a hearing to consider this nomination. We are prepared to send it to the Senate next week.

Fourth, James Blanchard left the position of Ambassador to Canada in April 1996, over a year ago. The Foreign Relations Committee received the nomination of Gordon Griffin on June 26, 1997. The Foreign Relations Committee held a hearing on July 15, after we had gotten all of the papers prepared, and reported his nomination to the full Senate on July 17, where it is pending on the Executive Calendar of the Senate. The United States is engaged in foreign policy and trade disputes with Canada, ranging from the Pacific Northwest to Cuba, and the position to Ambassador to Canada was vacant—not the responsibility of the Foreign Relations Committee, but of the White House—the White House—for more than a year.

Fifth, the post of United States Ambassador to France has been vacant since the death of Ambassador Pamela Harriman. She died on February 5 of this year. And then, after that, there was a month-long public battle between several of President Clinton's political supporters and a career Foreign Service officer who wanted the post, and the President finally selected one of the substantial donors to the Democratic Party for this position. Now, that is not unusual. The point is that all this time elapsed. It was not the Foreign Relations Committee staff's fault. It was the White House's fault. Mr. DASCHLE is bound to have known that.

Let me say that the French leaders have opposed the United States on almost every foreign policy decision regarding United States-European relations, but by President Clinton's choice, the position of Ambassador to France, nevertheless, was vacant for just about 6 months.

The committee again has scheduled a hearing to consider the nomination next Tuesday, less than a week after the papers got up to us from the White House. So who is delaying all of these nominations, Mr. President? I think the facts speak for themselves.

Then there is the nomination of Philip Lader. I believe it came on July 22, just a few days ago. The committee has immediately scheduled a hearing for Mr. Lader for next Tuesday, less than a week after receiving this nomination.

Seventh, the President has yet to name ambassadors for Japan and South Korea. Now, these Embassies have been minus ambassadors since the end of last year, nearly 8 months—not the fault of the Foreign Relations Committee, not the fault of the Senate, not the fault of anybody in the Senate, but the White House.

Let me reiterate and emphasize that there has been a high degree of cooperation between the State Department and the Senators who serve on the Foreign Relations Committee and, I might add, between the excellent staff of the committee and the State Department staff. I think that the cooperation between the various entities has been remarkable and unheard of for several years prior to this year and last year. In fact, we have done our best to work with and consult with the White House.

Therefore, statements made by Senator DASCHLE are not acceptable. To the extent that the President has stated or has implied that any lag in the ambassadorial nomination process is the fault of the Senate Foreign Relations Committee, I have to say, no, sir; you are wrong.

Some time back the White House publicly identified a possible—a possible—nomination about which I had and still have a problem. I have tried to be as candid and up front about my position regarding that nomination since long before the nomination was made. When? Just this past week.

I feel that it will be useful to have the CONGRESSIONAL RECORD reflect the specific names, dates, and places involved in diplomatic nominations. Therefore, I ask unanimous consent, since I have discussed several specific nominations, the entire list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CLINTON ADMINISTRATION NOMINATIONS—JULY 25, 1997

HEARINGS HAVE BEEN SCHEDULED

James W. Pardew, Jr., (NC) for rank of Amb as U.S. Special Representative for Military Stabilization in the Balkans—referred 5/20; file complete 6/18; hearing scheduled for 7/29.

Anne Marie Sigmund (C) to be Amb to Krygzy Republic—referred 6/26; file complete 7/22; hearing scheduled for 7/29.

Keith C. Smith (C) to be Amb to Lithuania—referred 6/26; file complete 7/22; hearing scheduled for 7/29.

Richard D. Kauzlarich (C) to be Amb to Bosnia & Herzegovina—referred 7/8; file complete 7/22; hearing scheduled for 7/29.

Daniel V. Speckhard (C) to be Amb to Belarus—referred 6/26; file complete 7/22; hearing scheduled for 7/29.

HEARINGS TO BE SCHEDULED

Wyche Fowler, Jr., (NC) to be Amb to the Kingdom of Saudi Arabia—referred 2/25; file complete 3/6; hearing to be scheduled.

Richard W. Bogosian (C) for rank of Amb as Special Coordinator for Rwanda/Burundi—referred 1/9; file complete 2/4; hearing to be scheduled. (Left pending on Executive Calendar at end of 104th Congress.)

Brian Dean Curran (C) to be Amb to Mozambique—referred 4/16; file complete 4/22; hearing to be scheduled.

Susan E. Rice (NC) to be Assistant Secretary of State for African Affairs-referred 6/12; file complete 6/20; hearing to be scheduled.

Timberlake Foster (C) to be Amb to Islamic Republic of Mauritania—referred 6/11; file complete 6/24; hearing to be scheduled.

Amelia E. Shippy (C) to be Amb to Republic of Malawi—referred 6/11; file complete 6/24; hearing to be scheduled.

Donna Jean Hrinak (C) to be Amb to Bolivia—referred 7/8; file not complete 7/22; hearing to be scheduled.

FILES NOT COMPLETE

Stanley A. Riveles (C) for the rank of Amb during his tenure of service as U.S. Commissioner to the Standing Consultative Commission—referred 1/30; file not complete.

Nancy Jo Powell (C) to be Amb to Republic of Ugandas—referred 6/11; file not complete (in w/Patti for review).

Martin Indyk (NC) to be Assistant Secretary of State for Near Eastern Affairs—referred 6/23; file not complete (in w/Patti for review).

Curtis W. Kamman (C) to be Amb to Colombia—referred 6/26; file not complete (in w/Patti for review).

Felix G. Rohatyn (NC) to be Amb to France—referred 7/17; file not complete.

Philip Lader (NC) to be Amb to United Kingdom of Great Britain & Northern Ireland—referred 7/22; file not complete.

Harold C. Pachios (NC) to be Member, U.S. Advisory Commission on Public Diplomacy

for term exp 7/1/99 (reappointment))referred 7/22; file not complete.

William F. Weld (NC) to be Amb to Mexico—referred 7/23; file not complete.

NOMINATIONS THAT COULD BE PLACED ON BUSINESS MEETING AGENDA IF NO OBJECTIONS HEARD

Marc Grossman (C) to be Assistant Secretary of state for European and Canadian Affairs—referred 5/22; file complete 6/18; hearing held 7/15. Wellstone questions (6) sent down 7/16; no reply. Helms' questions (4) FAX'd 7/18; no reply.

Stephen R. Sestanovich (NC) to be Amb at Large & Special Adviser to the Secretary of State for the New Independent States—referred 6/19; file complete 6/20; hearing held 7/15. Helms' questions (7) FAX'd 7/18; no reply.

John C. Kornblum (C) to be Amb to Fed Rep of Germany—referred 5/22; file complete 6/18; hearing held 7/15. Helms' questions (2) FAX'd 7/18; no reply.

James F. Collins (C) to be Ambassador to the Russian Federation—referred 6/2; file complete 6/20; hearing held 7/15. Helms' questions (2) sent down 7/18; no reply.

Stanley O. Roth (NC) to be Assistant Secretary of State for East Asian & Pacific Affairs—referred 5/22; file complete 6/18; hearing held 7/22. Questions all submitted 7/23: Wellstone (7); no reply. Ashcroft (5); no reply. Feingold (6); no reply. Helms (8); no reply. Lugar (4); no reply. Biden (16); no reply.

Bonnie R. Cohen (NC) to be Under Secretary of State for Management—referred 5/23; file complete 6/18; hearing held 7/24.

James P. Rubin (NC) to be Assistant Secretary of State for Public Affairs—referred 5/23; file complete 6/18; hearing held 7/24.

Edward William Gnehm, Jr., (C) to be Director General of the Foreign Service—referred 4/28; file complete 7/21; hearing held 7/24.

David Andrews (NC) to be Legal Adviser of the Department of State—referred 6/11; file complete 7/19; hearing held 7/24.

Wendy R. Sherman (NC) to be Counselor of the Department of State, with rank of Amb during tenure of service—referred 6/26; file complete 7/21; hearing held 7/24.

George Munoz (NC) to be President, Overseas Private Investment Corporation—referred 6/26; file complete 7/21; hearing held 7/24. Wellstone questions (5) FAX'd 7/24; no reply.

James F. Mack (C) to be Amb to Guyana—referred 6/26; file complete 7/24; hearing held 7/25.

Maura Harty (C) to be Amb to Paraguay—referred 6/26; file complete 7/24; hearing held 7/25.

NOMINATIONS PENDING ON EXECUTIVE CALENDAR

Jeffrey Davidow (C) to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2002—referred 1/21; file complete 3/27; sent out by memo dated 3/27. Reported 5/8.

Marilyn E. Hulbert, a Career Member of the Foreign Service of the U.S. Information Agency, for promotion into the Senior Foreign Service to Class of Counselor. Reported 7/17.

FSO Promotion List, Swallow et al.—referred 4/25; file complete 7/16; (sent out by memo dated 6/20). Reported 7/17.

Ralph Frank (C) to be Amb to the Kingdom of Nepal—referred 6/11; file complete 6/18; hearing held 7/10. Helms' questions (1) sent down 7/11; reply recv'd 7/16. Additional Helms' questions (3) sent down 7/14; reply recv'd 7/16. Reported 7/17.

Karl F. Inderfurth (NC) to be Assistant Secretary of State for South Asian Affairs—referred 6/11; file complete 6/24; hearing held 7/10. Helms' questions (25) sent down 7/11; reply recv'd 7/16. Reported 7/17.

John C. Holzman (C) to be Amb to People's Republic of Bangladesh—referred 6/11; file complete 6/24; hearing held 7/10. Helms' questions (3) sent down 7/11; reply recv'd 7/16. Reported 7/17.

Linda Jane Zack Tarr-Whelan (NC) for rank of Amb as U.S. Representative to the Commission on the Status of Women of the Economic & Social Council of the United Nations—referred 4/15; file complete 6/18; hearing held 7/15. Reported 7/17.

Richard Sklar (NC) to be US Rep to the UN for UN Management and Reform, w/rank of Amb—referred 5/6; file complete 6/18; hearing held 7/15. Reported 7/17.

A. Peter Burleigh (C) to be Deputy U.S. Representative to the UN, w/rank of Ambassador—referred 5/20; file complete 6/18; hearing held 7/15. Reported 7/17.

David J. Scheffer (NC) to be Amb at Large for War Crimes Issues—referred 5/22; file complete 6/18; hearing held 7/15. Feinstein questions (12) transmitted 7/15; reply received 7/23. Reported 7/17.

Gordon D. Giffin (NC) to be Amb to Canada—referred 6/26; file complete 7/7; hearing held 7/15. Questions (5) sent down to State 7/16; reply recv'd 7/17. Reported 7/17.

NOTICE OF INTENT TO NOMINATE

Lange Schermerhorn (C) to be Amb to Djibouti—7/9/97.

Victor Marrero (NC) to be US Rep to Organization of American States, w/rank of Amb—7/15/97.

George E. Moose (C) to be US Rep to European Office of the UN, w/rank of Amb—7/16/97.

Mr. HELMS. Mr. President, I know I have delayed the recess of the Senate this afternoon. For that I apologize. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT JUSTICE WILLIAM BRENNAN

Mr. DASCHLE. Mr. President, it is with great sadness that we mark the passing of William Brennan, who served so ably on the U.S. Supreme Court.

Appointed by President Dwight Eisenhower in 1956, the New Jersey judge soon rose to a position of intellectual leadership on the Court. Even his critics acknowledge that he has exercised a fundamental influence on the direction of American jurisprudence. He wrote almost 1,400 opinions and helped shape countless others, providing guidance on issues from civil liberties, race relations and privacy to criminal justice, economic fairness, and governmental power.

Justice Brennan believed deeply that law must protect human dignity and that the Founding Fathers recognized that principle when they drafted our Constitution. He saw the Constitution as a guarantee that our fundamental rights cannot be diminished or denied simply because that is the will of the majority.

During his 34 years on the Court, Justice Brennan did not waiver in his convictions, speaking out in his opinions and in public on the most important moral issues of the day. His deeply held beliefs and carefully crafted judicial opinions have had a profound influence upon us all.

Along with his distinction as a jurist, Justice Brennan was well known for his warmth and good humor, and he had friends from all parts of the political spectrum. I know that I speak for all of us in saying that he will be missed.

TRIBUTE TO JUSTICE WILLIAM J. BRENNAN, JR.

Mr. LAUTENBERG. Mr. President, it is with a sad and heavy heart that I rise to pay tribute to a great American and New Jerseyan, Justice William J. Brennan, Jr., who passed away yesterday at age 91. The thoughts and prayers of all the people of our State and country are with his wife Mary, his three children William J., III, Hugh, and Nancy, as well as his seven grandchildren.

Mr. President, during nearly 34 years on the Supreme Court, Justice Brennan had an enormous impact on this Nation's constitutional jurisprudence. Justice Brennan was a consistent champion of freedom of expression, of strict separation of church and state, and of equality for the poor, racial minorities, and women. In fact, he was a life-long defender of the freedoms of all Americans.

William Brennan's life was truly the epitome of the American Dream. He was born in Newark, NJ, on April 25, 1906, the second oldest of the eight children of an Irish immigrant who started as a laborer but rose through the ranks to become an important labor leader and the city's commissioner of public safety. ''Everything I am,'' the justice later wrote, ''I am because of my father.''

He was an outstanding student at Barringer High School in Newark. He then went on to study at the University of Pennsylvania's Wharton School of Finance and Commerce. He was graduated with honors and won a scholarship to the Harvard Law School, from which he received a degree in 1931.

Upon graduation, Bill Brennan embarked upon a successful and distinguished career in private legal practice. He later served his country by entering active military service in 1942, eventually becoming a colonel and troubleshooter for Army procurement.

After returning from the war, he quickly emerged as a leader of the New Jersey bar, particularly his involvement in New Jersey's court reform movement under a nationally renowned Chief Justice Arthur Vanderbilt. His talents were widely recognized in the legal community, leading to his appointment to the New Jersey trial bench, from which he rapidly ascended to the State supreme court.

Mr. President, it was during this tenure on the New Jersey court that Justice Brennan first gained national attention. He was one of the first public figures to take on the infamous Senator Joseph McCarthy and the excesses of the McCarthy-era.

Specifically, in one famous speech at the Monmouth County Rotary Club, he boldly referred to certain congressional inquiries as modern counterparts to the Salem witch trials, sentiments very much ahead of his time.

After 8 years as a State judge, 4 on the State supreme court, Bill Brennan was nominated by President Dwight D. Eisenhower in 1956 to be an Associate Justice of the Supreme Court of the United States. Justice Brennan served on the Nation's highest court for 34 years before poor health forced him, at age 84, to retire in 1990. His tenure spanned those of eight Presidents. In the High Court's history, only William O. Douglas wrote more opinions.

In fact, Justice Brennan's own confirmation as an Associate Justice of the U.S. Supreme Court was opposed by some because of views that he had expressed about McCarthyism—the speeches that later caused Senator McCarthy to be the lone dissenting vote to President Eisenhower's nomination of Brennan to our Nation's High Court.

Mr. President, it is not his remarkable life or long tenure on the bench that made William Brennan a towering figure in our Nation's history. Rather, his true legacy is the preservation and expansion of the individual rights all Americans enjoy today. He was, in short, our country's strongest champion of the individual.

A recent survey of 96 scholars listed Justice Brennan as fifth in the list of all-time great Justices of the U.S. Supreme Court. Ahead of him ranked only John Marshall, Oliver Wendell Holmes, Jr., Earl Warren, and Louis Brandeis.

Justice Brennan crafted many landmark decisions associated with the Warren Court of the late 1950's and 1960's. His ruling led to the one-person, one-vote principle of political reapportionment, and empowered everyday citizens to use the courts to fight city hall.

In more than 1,200 opinions, Justice Brennan defined obscenity and broadened the rights of any person—including the poor, mentally handicapped, or imprisoned—to seek redress against the Government through the courts. He also gave news organizations first amendment protections in libel lawsuits.

During the Berger and Rehnquist years, he continued to champion the Bill of Rights and the 14th amendment. In all of his opinions and dissents, liberty and equality were his bywords.

Historian David Halberstam described the source of Justice Brennan's greatness. William Brennan, he wrote, never forgot where he came from. He never forgot his immigrant father shoveling coal for a living, courageously joining a union in an era when to do so could cost a man his livelihood, if not his life. Brennan grew up on a house that knew the meaning of layoffs and discrimination. He instinctively identified with the disadvantaged and the dispossessed.

Justice Brennan himself revealed the secret of his unfailing humanity, compassion and passion for individual freedom. He wrote that he always focused on the people behind the cases, always aware that the case before the Court was there because of ''a person who cried out for nothing more than common human dignity. In each case, our Constitution intervened to provide the cloak of dignity.''

Mr. President, through it all, Justice Brennan remained universally liked, even adored, by colleagues, law clerks, Court personnel, and virtually everyone who came in contact with him. He was always described as warm, gracious, and utterly without pretense.

I had the privilege and the honor to get to know Bill Brennan on a personal level. Although it was late in his tenure on the bench, he was remarkably alert, witty and warm, and I greatly enjoyed our conversations.

Mr. President, Bill Brennan's character, personality, and intellect were perfectly matched, each so unique so as to be totally unforgettable.

Despite the brevity of our personal relationship, every meeting that we had—perhaps a half-dozen in all—left me feeling like I had just seen a lifelong friend.

He stood for so much that he helped me stand taller for those I serve. Knowing him was one of my life's most treasured experiences. I deeply regret that our paths will not cross again.

In a tribute to Justice Brennan, his colleague Justice Byron White once remembered that Bill Brennan's creed was that a judge should proceed with ''a sparkling vision of the supremacy of the human dignity of every individual.''

Mr. President, that majestic statement is a fitting tribute to the life and work of Justice William J. Brennan, Jr.

SUPPORT THE ARMS TRANSFERS CODE OF CONDUCT

Mr. DORGAN. Mr. President, I rise in support of the bill introduced just yesterday by Senator KERRY of Massachusetts, the code of conduct on arms transfers.

Many of our colleagues will recall that Senator HATFIELD was the leader on this issue prior to his retirement last year. He introduced this bill as S. 1677 in the 103d Congress and S. 326 in the 104th Congress. I cosponsored both bills, and I was pleased to offer the code of conduct as an amendment to last year's foreign operations appropriations bill.

I am delighted that the Senator from Massachusetts is showing his usual leadership on arms control issues by authoring this bill in this Congress.

This is a particularly timely effort because the code of conduct is a part of the version of the State Department authorization bill approved by the House of Representatives, a bill that is now in conference between the House and the Senate. I hope that by introducing this bill we will encourage our Senate colleagues on the conference committee to support the House provision.

THE UNITED STATES LEADS IN ARMS SALES

This bill is also particularly timely because the end of the cold war has propelled the United States to the rank of the world's leading arms supplier.

During the last decade, U.S. arms sales have taken off. We now deliver 56 percent of all the world's arms exports, according to the Arms Control and Disarmament Agency. And in 1994 the United States supplied 43 percent of all weapons sold to the developing world—the countries who can least afford arms. We ranked first in arms shipments to developing nations from 1992 to 1995.

These countries have urgent domestic challenges, such as advancing public health, controlling disease, and achieving food self-sufficiency. Yet we are catering to their governments' appetite for the latest in high-technology weaponry.

OUR CUSTOMERS ARE UNSAVORY

It is bad enough that these governments have better things to do with their money than to buy American weapons. Still worse is what these governments do with our weapons once they receive them.

According to the State Department's own human rights reports, more than 75 percent of U.S. arms sales in 1993 went to governments that were undemocratic. And we supply aid to 72 percent of the countries that the State Department lists as authoritarian governments with serious human rights abuses.

Recent history tells a disturbing story of American weapons feeding ethnic conflict and instability around the globe. Of 48 ethnic conflicts underway in 1993, 39 involved forces that had U.S. weaponry. Indonesia used American weapons to occupy East Timor illegally, and Turkey used F–16 fighters in bombing raids against Kurdish rebels.

Countries that have cracked down on domestic dissent using U.S. arms include Thailand, Indonesia and Guatemala.

We are literally giving repressive regimes the means by which they maintain themselves in power. We must break ourselves of this habit.

THEY RESELL THE WEAPONS WE GIVE THEM

And what if these unsavory customers resell the weapons we send them? The answer is disturbing. We have too little effective control over what happens to our weapons once they leave our hands. The classic example of this is the Stinger missile, a highly portable, shoulder-launched anti-aircraft missile.

Stingers are actually very available on the international arms market. We sent about 1,000 Stingers to Afghan rebels during the 1980's. However, since the departure of Soviet forces from Afghanistan, the Afghan factions have been using Stingers to raise money and barter for other weapons for their civil war.

The CIA was so alarmed by this trend that it began a program to buy Stingers back from the Afghan rebels. But this program met with limited success, since the result was that the price that Stingers could command on the international arms market doubled or trebled.

And the CIA's efforts came too late. Media reports suggest that Iran, Libya, and North Korea now have Stinger missiles. These are the rogue states that pose the most immediate threat to our security and that of our allies.

OUR ARMS BOOMERANG AGAINST US

Mr. President, if those Stingers are ever used against us, the missiles we shipped abroad will have come full circle. It will be another example of what is known as the arms trade boomerang, the tragic pattern of our troops facing enemies armed with U.S. weapons and technology.

The last four times American troops have seen significant combat—in Panama, Iraq, Somalia, and Haiti—our weapons and military know-how boomeranged against us.

For example, in the 5 years before our occupation of Panama to bring druglord Manuel Noriega back to the United States for trial, the United States accounted for 44 percent of Panama's arms imports. From 1950 through 1987, we also trained 6,700 Panamanian military officers under the Pentagon's International Military Education and Training Program.

Worse than the Panama example is the fact that international arms merchants sold Iraq $400 million in United States-designed cluster bombs plus our technology for manufacturing howitzers. We apparently intended the cluster bombs to be used against Iranian ''human wave'' attacks during the Iran-Iraq war. Fortunately, our control of the airspace over Iraq during the Persian Gulf war meant that these cluster bombs were never used against American troops.

We sold Somalia 4,800 M–16 rifles, 84 106-millimeter recoilless rifles, 24 machine guns, 75 81-millimeter mortars, and land mines—the kind of weapons that Mohammed Farah Aideed's technicals would later use to kill 23 American soldiers. From 1985 to 1989, we sold Somalia 31 percent of its arms imports.

And as for Haiti, where we had the good fortune not to suffer major casualties, we had armed and trained Haiti's military. William Hartung of the World Policy Institute states that, ''Total US arms deliveries to Haiti . . . from 1987 to 1991 exceeded 25 percent of total Haitian arms imports.'' The Duvalier regime faced no external threat, and we had no business arming such a hated dictatorship. Yet we did it anyway.

Mr. President, that is why we need the arms transfers code of conduct. We need to exercise self-restraint in the international arms bazaar.

CODE OF CONDUCT A COMMONSENSE APPROACH

The Code of Conduct on Arms Transfers Act is a commonsense approach to conventional arms control. It aims to block the arms trade boomerang, to prevent us from arming the wrong governments and to put a lid on ethnic conflict and instability.

In brief, the code would establish criteria for governments to be eligible for U.S. military assistance or arms transfers. To be eligible, a government must:

First, promote democracy through fair and free elections, civilian control of the military, the rule of law, freedom of speech and of the press, and strong civil society;

Second, respect human rights by not engaging in gross violations of internationally recognized human rights;

Third, observe international borders, and not be engaged in armed agression in violation of international law; and

Fourth, participate in the U.N. conventional arms registry, which provides transparency to the world arms market by listing major arms sales and transfers.

There are two exemptions for countries that do not meet these criteria. First, the President could determine that an emergency exists, and that it is vital in the emergency to provide arms and military aid to a government that does not meet all of the above criteria. This determination would waive the act's restrictions and enable the arms shipment or military aid to go forward.

Alternatively, the President could request an exemption from the Congress, certifying that it is in national interest of the United States to provide arms or military aid to a government that does not meet all of the above criteria. That exemption would take effect unless the Congress passes a law disapproving the request.

I believe that these two exemptions—the emergency waiver and the national security waiver—provide the President with appropriate flexibility.

AMERICAN LEADERSHIP NEEDED

Lastly, I would note that the code of conduct concept is an international effort that requires American leadership. The worldwide effort to control arms sales needs a positive sign from the U.S. Senate in order to come to fruition.

The newly elected Labor government in the United Kingdom has taken the first step by announcing on May 22 its intent to restrict arms sales. However, Britain's arms manufacturers are crying foul, because no other country has yet followed Britain's lead. British defense firms are losing out in the international arms market because Britain is out in front on this issue. We need to stand shoulder to shoulder with the United Kingdom on this critical issue.

It is important to note that if the U.S. Congress were to approve the code, the European Union would likely follow. The United States and the European Union between them account for at least 75 percent of the international arms market each year. Codes of conduct for American and European arms sales would go far toward establishing a worldwide conventional arms sales regime.

That is what Oscar Arias, Elie Wiesel, the Dalai Lama, and 12 other Nobel Peace Prize winners are working towards. A number of delegations to the United Nations, Germany's foremost among them, have been working toward a U.N. General Assembly vote on a code of conduct. This is an international campaign, but it needs American leadership to succeed.

Last year the Senator from Massachusetts offered a second-degree amendment to my Code of Conduct amendment making this very point. The code of conduct must be a multilateral effort for it to succeed. Otherwise, our defense firms will simply see foreign defense contractors grab our market share.

LET US SET A STANDARD THE WORLD CAN FOLLOW

In summary, I would like to congratulate the Senator from Massachusetts for his leadership on this matter. With his usual vision on arms control matters, has grasped a fundamental point. We must try to extend the concept of arms control to the international conventional arms market. The code of conduct is the right legislation for a world that has seen the end of the cold war.

Passing the code of conduct bill will help us save taxpayer dollars, protect the lives of American troops, prevent American weapons from going to repressive regimes, and safeguard innocent civilians from military violence.

Let us set a standard the world can follow. Let us show the European Union that we can exercise restraint—that we will not sell conventional arms to any government that asks for them. Once America leads, the nations will follow—to a safer world, for all of us.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 24, 1997, the Federal debt stood at $5,368,881,340,728.99. (Five trillion, three hundred sixty-eight billion, eight hundred eighty-one million, three hundred forty thousand, seven hundred twenty-eight dollars and ninety-nine cents)

One year ago, July 24, 1996, the Federal debt stood at $5,173,226,000,000. (Five trillion, one hundred seventy-three billion, two hundred twenty-six million)

Five years ago, July 24, 1992, the Federal debt stood at $3,989,786,000,000. (Three trillion, nine hundred eighty-nine billion, seven hundred eighty-six million)

Ten years ago, July 24, 1987, the Federal debt stood at $2,300,013,000,000.

(Two trillion, three hundred billion, thirteen million)

Twenty-five years ago, July 24, 1972, the Federal debt stood at $434,436,000,000 (Four hundred thirty-four billion, four hundred thirty-six million) which reflects a debt increase of nearly $5 trillion—$4,934,445,340,728.99 (Four trillion, nine hundred thirty-four billion, four hundred forty-five million, three hundred forty thousand, seven hundred twenty-eight dollars and ninety-nine cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 11:49 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2160. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 1226. An act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 123. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for the such fiscal year for the Armed Forces, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that the following Members as the managers of the conference on the part of the House:

From the Committee on National Security, for consideration of the House bill, and the Senate amendments, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. SAXTON, Mr. BUYER, Mrs. FOWLER, Mr. MCHUGH, Mr. TALENT, Mr. EVERETT, Mr. BARTLETT, Mr. LEWIS of Kentucky, Mr. WATTS, Mr. CHAMBLISS, Mr. RILEY, Mr. DELLUMS, Mr. SKELTON, Mr. SISISKY, Mr. SPRATT, Mr. ORTIZ, Mr. PICKETT, Mr. EVANS, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. MEEHAN, Ms. HARMAN, Mr. MCHALE, Mr. KENNEDY of Rhode Island, Mr. BLAGOJEVICH, Mr. SNYDER, and Mr. RODRIQUEZ.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. GOSS, Mr. LEWIS of California, and Mr. DICKS.

As additional conferees from the Committee on Commerce, for consideration of sections 344, 601, 654, 735, 1021, 3143, 3144, 3201, 3202, 3402, and 3404 of the House bill, and sections 338, 601, 663, 706, 1064, 2823, 3136, 3140, 3151, 3160, 3201, and 3402 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER of Colorado, and Mr. DINGELL:

Provided, That Mr. OXLEY is appointed in lieu of Mr. SCHAEFER of Colorado for consideration of sections 344 and 1021 of the House bill and section 2823 of the Senate amendment:

Provided further, That Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER of Colorado for consideration of sections 601, 654, and 735 of the House bill, and sections 338, 601, 663, and 706 of the Senate amendment:

Provided further, That Mr. TAUZIN is appointed in lieu of Mr. SCHAEFER of Colorado for consideration of section 1064 of the Senate amendment.

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 374, 658, and 3143 of the House bill, and section 664 of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, and Ms. SANCHEZ:

Provided, That Mr. RIGGS is appointed in lieu of Mr. FAWELL for consideration of section 658 of the House bill and section 664 of the Senate amendment.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 322 and 3527 of the House bill, and sections 1068, 1107, 2811, and 3527 of the Senate amendment, and modifications committed to conference: Mr. BURTON, Mr. HORN, and Mr. WAXMAN.

As additional conferees from the Committee on House Oversight, for consideration of section 543 of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. NEY, and Mr. GEJDENSON.

As additional conferees from the Committee on International Relations, for consideration of sections 1101–111, 1202, 1204, 1205, 1207, 1210, and 1231–1234 of the House bill, and sections 1009, 1013, 1021, 1022, 1056, 1057, 1082, and 1085 of the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. BEREUTER, and Mr. HAMILTON.

As additional conferees from the Committee on the Judiciary, for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill, and sections 831, 1073, 1075, 1106, and 1201–1216 of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. SMITH of Texas, and Mr. CONYERS.

As additional conferees from the Committee on Resources, for consideration of sections 214, 601, 653, 1021, 2835, 2901–2914, and 3404 of the House bill, and sections 234, 381–392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. MILLER of California:

Provided, That Mr. HEFLEY is appointed in lieu of Mr. SAXTON for consideration of section 3404 of the House bill.

Provided further, That Mr. DELAHUNT is appointed in lieu of Mr. MILLER of California for consideration of sections 2901–2914 of the House bill, and sections 381–392 of the Senate amendment.

As additional conferees from the Committee on Science, for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CALVERT, and Mr. BROWN of California;

Provided, That Mr. ROHRABACHER is appointed in lieu of Mr. CALVERT for consideration of section 1064 of the Senate amendment.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. GILCHREST, and Mr. BORSKI.

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 751, 752, and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference: Mr. SMITH of New Jersey, Mr. BILIRAKIS, and Mr. KENNEDY of Massachusetts.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar.

S. 1065. A bill to amend the Ethics in Government Act with respect to the appointment of an independent counsel.

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2160. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2598. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled ''Civilian Health and Medical Program of the Uniformed Services'' (RIN0720–AA36) received on July 24, 1997; to the Committee on Armed Services.

EC–2599. A communication from the Secretary of Defense, transmitting a notice of a retirement; to the Committee on Armed Services.

EC–2600. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a rule received on July 24, 1997; to the Committee on Environment and Public Works.

EC–2601. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, the report of an alteration prospectus; to the Committee on Environment and Public Works.

EC–2602. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Performance Improvement 1997: Evaluation

Activities of the U.S. Department of Health and Human Services''; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 33. A concurrent resolution authorizing the use of the Capital Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. COCHRAN, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1068. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. WARNER):

S. 1069. A bill entitled the ''National Discovery Trails Act of 1997.''; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS:

S. 1070. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia; to the Committee on Finance.

By Mr. D'AMATO (by request):

S. 1071. A bill to facilitate the effective and efficient management of the homeless assistance programs of the Department of Housing and Urban Development, including the merger of such programs into one performance fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. HARKIN, and Mr. KERREY):

S. Con. Res. 43. A concurrent resolution urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. COCHRAN, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1068. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Labor and Human Resources.

THE CLINICAL LABORATORY IMPROVEMENT ACT AMENDMENTS OF 1997

Mrs. HUTCHISON. Mr. President, I rise today to introduce legislation that is critically needed to reduce the regulatory burdens on our doctor's offices today.

In 1988, Congress passed the Clinical Laboratory Improvement Act as a reaction to reports about laboratories that inaccurately analyzed PAP smears. CLIA 1988 was intended to address the quality of laboratory test performance. Unfortunately, the regulations enacted as a result of the CLIA 1988 legislation did not reflect the intent of the act. What in effect happened following the passage of CLIA 1988 was a series of regulations that substantially increased the amount of paperwork to be performed in physician offices and now ultimately increases the cost of health care to the patients. There has been little, if any, documentation that the CLIA 1988 reforms resulted in an improvement in patient care.

In fact, a Texas Medical Association study showed that the annual cost of the labor and administrative overhead added by CLIA averages $4,435 per physician. This is in addition to the cost of registration, controls, proficiency testing, and inspection or accreditation. At a time when the entire health care industry is under pressure to control health care costs, the CLIA regulations not only subject physicians to increased administrative costs but also decrease the amount of time devoted to patient care.

One Texas physician describes his CLIA inspection as being left with a feeling that nothing of any real value was accomplished. Dr. McBrayer from the Texas Panhandle relates the inspection:

> We were written up for such monumental things as the fact that I had not signed the procedure manual for one of our lab machines. Therefore, everything done on that machine, including the training, was out of compliance. The fact that the manufacturer's rep had come and trained the staff was to no avail. Everything was out of compliance because I didn't sign it. It didn't matter that they had learned how to use it. That was irrelevant.

The CLIA amendments I am introducing will reduce the burdens on physicians who perform laboratory tests in their offices and thereby free up resources and time to dedicate to patient care. In Texas alone, of the physicians who provided testing services in their offices prior to CLIA, 27 percent have closed their office labs, and another 31 percent have discounted some type of testing, as a direct result of the CLIA 1988 reforms. This has resulted in some areas of Texas experiencing physician shortages. Many physicians are concerned about the possible consequences to patients caused by the decreased access to testing or the delay in obtaining results. In the wake of the health care reform debate, it is important to promote quality-driven cost-effective ways of delivery care.

Mr. President, the CLIA 1997 amendments will not jeopardize the quality of laboratory testing. This bill will exempt physician office lab tests from the CLIA 1988 restrictions that have caused many physicians to discontinue simple laboratory tests due to the excessive amounts of regulation involved in the performance of these tests. The CLIA 1997 amendments that I am introducing today in the Senate will have the narrow purpose of ensuring that essential laboratory testing performed by physicians remain a viable diagnostic option for physicians and their patients without the excessive rules and administratively complex requirements that currently exist, and, most importantly, eliminate the strain the CLIA 1988 legislation is placing on patients in rural areas who are losing access to necessary testing and care.

I hope that all my colleagues will join me in supporting this legislation, which will reduce health care costs and improve the ability of patients to receive laboratory tests in a timely fashion while providing the much needed regulatory relief to physicians all over the country.

By Mr. MURKOWSKI (for himself and Mr. WARNER):

S. 1069. A bill entitled the ''National Discovery Trails Act of 1997''; to the Committee on Energy and Natural Resources.

THE NATIONAL DISCOVERY TRAILS ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today for the purpose of introducing legislation that I think is most significant. This legislation will particularly appeal to those who are inclined to enjoy the outdoors because it will establish our Nation's first coast-to-coast multiuse hiking trail. Take a moment and think about that. You will be able to hike from coast to coast on a hiking trail. That means off the highways, away from the roads, behind the freeways. A true outdoor experience.

Trails are one of America's most popular recreation resources. Millions of Americans hike, they ski, they jog, they bike, they ride horses, they drive snow machines and all-terrain vehicles, they observe nature, commute, and relax on trails throughout the country.

A variety of trails are provided nationwide, including urban bike paths, bridle paths, community greenways, historic trails, motorized trails, and long-distance hiking trails. This legislation will establish the American Discovery Trail, or ADT as it is commonly called. The ADT is a continuous coast-to-coast trail to link the Nation's principal north-south trails and east-west historic trails with shorter local and regional trails into a nationwide network.

Mr. President, by establishing a system of discovery trails, this new category will recognize that using and enjoying trails close to home is equally as important as traversing remote wilderness trails, of which we have many in my State of Alaska. Long-distance

trails are used mostly by people living close to the trail and by weekenders. Backpacking excursions are normally a few days to a couple of weeks. As an example, of the estimated 4 million users of the Appalachian Trail, each year it is estimated that only about 100 to 150 walk the entire trail annually. This will be true of the American Discovery Trail as well, especially because of its proximity to urban locations throughout the country.

The ADT, the first of the discovery trails, will connect 6 of the national scenic trails, 10 of the national historic trails, 23 of the national recreation trails, and hundreds of other local and regional trails. Until now, the element that has been missing in order to create a national system of connected trails is that the existing trails, for the most part, are simply not connectable. With the ADT that will no longer be the case.

The ADT is about access. The trails will connect people to larger cities, small towns, urban areas and to mountains, forests, deserts and natural areas, incorporating regional, local, and national trails together.

What makes this so exciting is the way it has already brought people together. More than 100 organizations along the trail's 6,000 miles support the effort. Each State the trail passes through already has a volunteer coordination effort, and coordinators who lead an active ADT committee. A strong grassroots effort along with financial support from Backpacker magazine, Eco USA, The Coleman Companies and others, have helped make the ADT move from a dream to a reality.

Only one very more important step on the trail needs to be taken. Congress needs to authorize the trail as part of our national trail system. I invite my colleagues to join me in this effort.

The American Discovery Trail begins, or ends, when your two feet go into the Pacific at Point Reyes National Seashore, just north of San Francisco. Next are Berkeley and Sacramento before the climb to the Pacific Crest National Scenic Trail in Lake Tahoe in the middle of the Sierra Nevada Mountains.

Nevada offers historic Virginia City, home of the Comstock Lode, the Pony Express National Historic Trail, Great Basin National Park with Lehman Caves and Wheeler Peak.

Utah provides national forests and parks along with spectacular red rock country, which leads into Colorado offering Colorado National Monument with its 20,445 acres of sandstone monoliths and canyons. Then there is the Grand Mesa over Scofield Pass and Crested Butte, in the heart of the ski country as you follow the Colorado and Continental Divide Trails into Evergreen. I wish I was there myself this afternoon.

At Denver, the ADT divides and becomes the northern and southern Midwest routes. The northern Midwest route winds through Nebraska, Iowa, Illinois, Indiana, and Ohio; the southern Midwest route leaves Colorado and the Air Force Academy and follows the tracks and wagon wheel ruts of thousands of early pioneers through Kansas and Missouri as well as settlements and historic places in Illinois, Indiana, Kentucky until the trail joins the northern route in Cincinnati.

West Virginia is next, then Maryland and the C&O Canal. This leads to Washington, DC, where the trail passes The Mall, the White House, the Capitol, and then heads on to Annapolis. Finally, in Delaware, the trail reaches the eastern terminus at Cape Henlopen State Park and the Atlantic Ocean.

Between the Pacific and Atlantic Ocean, one will experience the most spectacular scenery in the world, thousands of historic sites, lakes, rivers and streams of every size. The trail offers an opportunity to discovery America from small towns, to rural countryside, to large metropolitan areas.

When the President signs the legislation into law, a 10-year effort will have been achieved. The American Discovery Trail will become a reality. The more people who use it, the better.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1069

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Discovery Trails Act of 1997''.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

''(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation.''. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands: *Provided*, that such consent may be revoked at any time. The Congress does not intend for the establishment of a National Discovery Trail to lead to the creation of protective perimeters or buffer zones adjacent to a National Discovery Trail. The fact that there may be activities or uses on lands adjacent to the trail that would not be permitted on the trail shall not preclude such activities or uses on such lands adjacent to the trail to the extent consistent with other applicable law.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5 of such Act (16 U.S.C. 1244) is amended by adding at the end the following new subsection:

''(g)(1) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

''(A) the trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

''(B) The trail must be supported by a competent trailwide nonprofit organization. Each trail should have extensive local and trailwide support by the public, by user groups, and by affected State and local governments.

''(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route not including any non-federal property for which the owner had not provided consent for inclusion and use.

''(2) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with a competent trailwide nonprofit organization.''.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18);

(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19); and

(3) by adding at the end the following:

''(20) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with a competent trailwide nonprofit organization and other affected land managing agencies. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. This trail is specifically exempted from the provisions of sections 7(e), 7(f), and 7(g).''.

(c) COMPRENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

''(h) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the administering Federal agency shall, in cooperation with a competent trailwide nonprofit organization, submit a comprehensive plan for the protection, management, development, and use of the federal portions of the trail, and provide technical assistance to states and local units of government and private landowners, as requested, for non-federal portions of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with any existing

agency direction and that the nonprofit organization consults with affected land managing agencies, the Governors of the affected States, county and local political jurisdictions, and local organizations maintaining components of the trail. Mandatory components of the comprehensive plan include—

''(1) specific objectives and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity of the trail and a plan for its implementation;

''(2) general and site-specific development plans including anticipated costs; and

''(3) the process to be followed by the nonprofit organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements.''. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non federal lands without the consent of the owner thereof, which consent may be revoked at any time. Neither the designation of a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking ''scenic and historic'' and inserting ''scenic, historic, and discovery'';

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking ''AND NATIONAL HISTORIC'' and inserting '', NATIONAL HISTORIC, AND NATIONAL DISCOVERY'';

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking ''and national historic'' and inserting '', national historic, and national discovery''; and

(B) by striking ''and National Historic'' and inserting '', National Historic, and National Discovery'';

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking ''and national historic'' and inserting '', national historic, and national discovery'';

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking ''scenic or national historic'' each place it appears and inserting ''scenic, national historic, or national discovery'';

(B) in the second proviso, by striking ''scenic, or national historic'' and inserting ''scenic, national historic, or national discovery''; and

(C) by striking '', and national historic'' and inserting '', national historic, and national discovery'';

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking ''National Scenic or Historic'' and inserting ''national scenic, historic, or discovery trail'';

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking ''or national historic'' and inserting ''national historic, or national discovery''; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking ''or national historic'' and inserting ''national historic, or national discovery''.

By Mr. JEFFORDS:

S. 1070. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia; to the Committee on Finance.

THE METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING ACT OF 1997

Mr. JEFFORDS. Mr. President, I am introducing legislation today, pursuant to many recent discussions about the rescue plan for the District of Columbia, that reaffirms my strong belief that education must be the keystone of that plan and that fair and ready funding is available with no cost to the Federal Government.

Every Washington area citizen should keep a careful watch on what Congress is doing to rescue the Capital from its present plight. The chorus resounds, ''we must get people to move back into the Capital! Its future depends on it!'' But if we examine the present congressional and administration plans and overlay them onto the root causes for the plight, serious questions arise as to their effectiveness.

Studies indicate that the two leading causes, by far, that cause people to leave the District and keep them from living in the city are poor schools and high incidents of crime. Let's examine the plans that Congress has before it.

Only the Senate plan as currently outlined even mentions education and that is basically a symbolic gesture to help repair the crumbling school infrastructure. The administration does consider the crime problem, but only at the end game of taking over the prison system. The administration's plan has no mention of repairing the failing D.C. educational system; a system which is among the worst in the Nation.

The central administrative problem of the District's school system is not money, it is management chaos. But money is a serious concern in the area of school infrastructure, and D.C. has one of the worst school infrastructures in the Nation. In fairness to General Becton, the new chief executive officer for the schools, he is trying valiantly to upgrade overall standards but too much of his time is spent dealing with emergency school infrastructure repairs. Again this September, 43 schools will be threatened with closure at the outset of the academic year. Over $2 billion are needed just to fix building code violations.

Crime in the District is directly related to the public school system. Some 40 percent of D.C. children drop out of school between grades 7 and 12. National studies show that about 80 percent of prison inmates are school drop-outs. A plan to help D.C. must have a strong component to improve education. As will be shown below, this need not carry a significant dollar cost to the Federal Treasury. In fact it will save millions.

The President wants to be known as the Education President. Congress wants to be known as the Education Congress. Wouldn't the best demonstration of that intent be to start by improving the education system of the Nation's Capital?

The present plans for enhancing a middle-class tax base in the District are based on business tax incentives. But if you are a middle-class taxpayer with school-age children you currently have to factor in approximately $10,000 a year in private education fees to feel comfortable with the level of education and safety you are providing to your family—$10,000 a year, per child, is a huge barrier for most middle-class families.

The plans currently being considered in Congress that exclude discussion of schools may well create jobs. But jobs for whom? Even the promoters of those plans recognize that those jobs would primarily go to non-residents of the District. Projections show that two out of three jobs will go to non-residents. This will leave the District with more infrastructure demands and less money to deal with them—the exact status of the problems at present.

As stated in the recent Brookings Institution study on D.C. entitled ''The Orphan Capital'' taxing metropolitan area residents where they live instead of where they work creates a revenue boon for Maryland and Virginia and a revenue disaster for the District. D.C. is the only city in a multi-State configuration in the country that has an income tax but is not able to tax its non-resident workers. This situation has also led D.C. to have the highest income tax rate on its residents in the area. That income tax rate is another barrier to the middle-class return to the city.

The result is that $20 billion in wages leaves the District each year without being taxed, resulting in hundreds of millions of dollars flowing each year to the treasuries of Maryland and Virginia. Only 1 percent of this amount goes in the other direction—from D.C. residents working in the suburbs back in to D.C. This is a huge inequity that no other major city suffers.

The history of the tax inequity began in 1973 when D.C. was given home rule. An astute Virginia representative convinced Congress to prohibit the nonresident tax from being enacted. A brilliant move, perhaps justified at the time, but it is unjust now, particularly to the children of D.C. It is not unexpected that the Maryland and Virginia Senators object violently when changing this situation is suggested.

However, a win-win proposal for all D.C. metropolitan residents is possible. It will create high-paying job opportunities for high-school graduates through improved skill training. It will provide the needed repairs to the D.C. school infrastructure. It will provide funds to improve schools and other area training institutions.

A recent report issued by the Greater Washington Board of Trade indicates that there are approximately 50,000 high-paying jobs requiring information technology skills in the Washington metropolitan area. These jobs pay on average $40,000 a year. By filling these jobs the Board of Trade estimates an additional $3.5 billion annually would be injected into the economy of what we call 'the golden crescent'—the Washington metropolitan region that stretches from Annapolis, Maryland to Winchester, Virginia.

But actually, this labor market shortage is a national problem. There are an estimated 190,000 information technology jobs going begging in the Nation for lack of skilled workers. Congress is presently trying to pass legislation to revamp our workforce training laws. We have at this time a prime opportunity to solve the D.C. metropolitan problem and provide a national model to help correct the serious national skill training deficiencies. I am introducing legislation today to accomplish this ''win-win'' structure.

If the Washington metropolitan area were to become a model for the rest of the country we could jump start the rest of the country in solving this serious national problem. And this could be done with no additional Federal cost. But, of course, there is a hitch.

My plan would require a 3-percent non-resident income tax on D.C. commuter wages. But remember, it would cost the commuters nothing because of laws requiring mutual offsetting tax credits. There would be an offset against the State income taxes of Maryland and Virginia. This would allow the commuter dollars to stay within the metropolitan region instead of going to Richmond and Annapolis with the hope of it coming back.

One percent of this new revenue would be used to repair the D.C. school infrastructure. Bonds could then be amortized for the $2 billion needed. The other two percent would fund a trust overseen by metro-area school and business leaders to provide funding for regional skill training.

Benefits to the regional economy should more than offset any losses to the States. It is hard to argue against growing the local Maryland and Virginia metro-area economies by $3.5 billion a year. This and future gains would more than offset the 1 percent going solely to D.C.

And finally, this bill results in hundreds of millions of dollars in savings to the Federal Government; hundreds of millions of dollars of help to the suburbs surrounding the capital; the repair of the D.C. school system and the overall improvement of the regional school system; and potential revenue gains to Maryland and Virginia. Most importantly, it would make the congressional and administration plans sensible instead of senseless. We must not miss this opportunity.

By Mr. D'AMATO (by request):

S. 1071. A bill to facilitate the effective and efficient management of the homeless assistance programs of the Department of Housing and Urban Development, including the merger of such programs into one performance fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs

THE HOMELESSNESS ASSISTANCE AND MANAGEMENT REFORM ACT OF 1997

Mr. D'AMATO. Mr. President, as chairman of the Committee on Banking, Housing, and Urban Affairs, I introduce the Homelessness Assistance and Management Reform Act of 1997 at the request of the Secretary of the Department of Housing and Urban Development, the Honorable Andrew M. Cuomo.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 1067

At the request of Mr. KERRY, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

SENATE CONCURRENT RESOLUTION 12

At the request of Mr. TORRICELLI, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from New York [Mr. D'AMATO], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 12, a concurrent resolution expressing the sense of the Congress with respect to the collection of data on ancestry in the decennial census.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

SENATE CONCURRENT RESOLUTION 43—URGING THE U.S. TRADE REPRESENTATIVE TO PURSUE DISPUTE SETTLEMENT PROVISIONS WITH THE WTO

Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. HARKIN, Mr. DASCHLE, and Mr. KERREY) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 43

Whereas the North American Free Trade Agreement (in this resolution, referred to as ''the NAFTA'') was intended to reduce trade barriers between Canada, Mexico and the United States;

Whereas the NAFTA represented an opportunity for corn farmers and refiners to increase exports of highly competitive United States corn and corn products;

Whereas Corn is the number one U.S. cash crop with a value of $25,000,000,000;

Whereas U.S. corn refiners are highly efficient, provide over 10,000 non-farm jobs, and add over $2,000,000 of value to the U.S. corn crop;

Whereas the Government of Mexico has initiated an antidumping investigation into imports of high fructose corn syrup from the United States which may violate the antidumping standards of the World Trade Organization;

Whereas On June 25, 1997, the Government of Mexico published a Preliminary Determination imposing very high antidumping duties on imports of United States high fructose corn syrup;

Whereas there has been concern that Mexico's initiation of the antidumping investigation was motivated by political pressure from the Mexican sugar industry rather than the merits of Mexico's antidumping law: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Government of Mexico should review carefully whether it properly initiated this antidumping investigation in conformity with the standards set forth in the World Trade Organization Agreement on Antidumping, and should terminate this investigation immediately;

(2) if the United States Trade Representative considers that Mexico initiated this antidumping investigation in violation of World Trade Organization standards, and if the Government of Mexico does not terminate the antidumping investigation, then the United States Trade Representative should

immediately undertake appropriate measures, including actions pursuant to the dispute settlement provisions of the World Trade Organization.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 25, 1997, at 9:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HAGEL. Mr. President, I ask unanimous consent of behalf of the Governmental Affairs Committee Special Investigation to meet on Friday, July 25, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HAGEL. The Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on pending legislation on July 25, 1997, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPPORT OF THE McCAIN/KYL INTERNATIONAL ADOPTION AMENDMENT

● Mr. KYL. Mr. President, last year, the Senate Judiciary Committee unanimously passed an amendment I sponsored to the Illegal Immigration Reform and Immigrant Responsibility Act that requires incoming immigrants to be immunized before they enter the United States.

The amendment makes public health sense. Between 800,000 and 1 million individuals emigrate from their home country to the United States every year. And, the Department of Health and Human Services has made immunization of the U.S. population against vaccine-preventable diseases one of its top health priorities. But before the passage of last year's Immigration Act, there was no Federal policy with regard to the immunization of foreign nationals seeking permanent residency in the United States. With passage of the Immigration Reform Act, we can be assured that incoming immigrants will be immunized against vaccine-preventable diseases.

There are special circumstances, however, when requiring an immigrant to be immunized in his or her home country before traveling to the United States doesn't make sense. The law allows the Attorney General the authority to waive the immunization requirement whenever the requirement ''would not be medically appropriate'' or when such immunizations ''would be contrary to the alien's religious or moral convictions.''

So, the Attorney General has complete authority to waive the immunization requirement. Some House and Senate offices, however, including mine, have heard from representatives of the international adoption community about the difficulties this requirement has caused for such parents and their children.

To address this issue, Senator McCAIN and I offer this amendment to instruct the Attorney General ''to exercise the waiver authority provided for in subsection (g)(2)(B) for any alien applying for an IR3 or IR4 category visa.'' That is, for any orphan in another country who is to be adopted by a U.S. citizen.

I have heard from adoptive parents and agencies in Arizona about the unique difficulties the immunization requirement is creating for some adoptive parents and their babies and young children. Their unique concerns focus on a number of issues, including:

Unavailable background Records: Children from orphanages, which comprise over 50 percent of international adoptions, often do not have health records on which to base recommendations for vaccinations.

Immunocompromised children: According to medical professionals, many children who have lived in orphanages exhibit significant immune defects. These immunocompromised children should not receive certain immunizations. Requiring such immunizations could cause the child to acquire the very disease the immunization is supposed to prevent.

The exact age of the child is unknown and, therefore, some children could be forced to receive age-inappropriate immunizations.

The adoptive parents often have limited time and resources to travel to the adoptee's home country. Forcing the child to undergo as many as five immunizations at one time, in order to reduce the amount of time and money a parent must spend in the child's home country, will drive up the cost of the adoption.

There is a danger that unsterile or reconstituted needles, or substandard immunizations, may be used to vaccinate children in some orphanages in some countries.

It is also important to ensure that any immigrant who has received a waiver be immunized once he or she has arrived in the United States. The McCain/Kyl amendment requires the Attorney General and Secretaries of HHS and State to report back in 6 months on how to establish an enforcement program to ensure that immigrants who receive waivers be immunized once they arrive in the United States. The enforcement program would not apply to immunizations that would not be medically appropriate in the foreign country or the United States or would be contrary to the alien's religious or moral convictions.

On July 22, 23 of my colleagues, including Senators ABRAHAM, KENNEDY, ALLARD, ASHCROFT, COATS, CONRAD, CRAIG, D'AMATO, DEWINE, DODD, DORGAN, DURBIN, FRIST, GRASSLEY, HUTCHINSON, INOUYE, KOHL, LANDRIEU, MCCAIN, MOYNIHAN, ROBB, GORDON SMITH, and SNOWE joined me in sending a letter to Attorney General Reno urging her to generously use her authority to provide waivers from the immunization requirement for these babies and children awaiting adoption. I am pleased that the Senate has adopted this timely amendment.●

DARRELL COLSON, HOOSIER HERO

● Mr. COATS. Mr. President, I rise today in recognition of a true Hoosier hero, Mr. Darrell Colson of Indianapolis. On July 15, 1997, Mr. Colson performed a heroic act. While getting ready to leave his apartment complex pool, he noticed that his neighbor, Orian Williams, who moments earlier was swimming laps, was now drowning at the bottom of the pool. After an attempt by Kim Williams, his fiancé, to rescue the young woman, Mr. Colson dove into the water and pulled Ms. Williams to safety. Once he was able to remove her from the water, Darrell Colson and Kim Williams performed CPR until the rescue team arrived. Orian Williams, who by then was in a coma, was rushed to a nearby community hospital where she regained consciousness after receiving medical treatment.

This is a remarkable act, by a remarkable individual. However, what makes Ms. Williams' rescue truly amazing is that Mr. Colson is a paraplegic. Four years ago, Mr. Colson suffered a tragic accident when he fell 40 feet from a tree; he is now confined to a wheelchair. To save Ms. Williams, Darrell Colson maneuvered his wheelchair to the pool, dove in, held onto her with one arm and used the other to swim her to the surface. Despite his condition, Mr. Colson found the courage to risk his own life for a fellow human being. Mr. Colson may not think of himself as special, but he is a hero to both Orian Williams and to all of us who look to his selfless example for inspiration.

I initiated the Hoosier Hero program in 1991 to recognize individuals who have made significant contributions to Indiana life, while at the same time serving as an inspirational example to the entire Nation. I cannot think of a more inspirational display of courage than saving the life of another individual. Last week, Mr. President, I was pleased to officially recognize Mr. Colson as a true Hoosier hero and awarded him a Hoosier Hero plaque.

Mr. Colson never expected to save a life that day while he was relaxing at the pool. Yet, he demonstrated how we all need to be prepared if we are called upon to help others.

Today I ask that my colleagues join me in commending Darrell Colson,

whose actions not only saved a life but demonstrated extraordinary bravery and courage. I challenge others to follow the example of Darrell Colson and other heroes in our communities. They ask for no recognition, and no reward. For Darrell Colson, he just wanted to see Orian Williams awaken from her coma and walk out of the hospital. Fortunately, he got his wish, but also the recognition of a grateful community.●

ORDER FOR RECORD TO REMAIN OPEN

Mr. HELMS. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. for introduction of bills and submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 99, S. 833; Calendar No. 126, S. 1000; and Calendar No. 127, S. 1043, en bloc, that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to any of these bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOWARD M. METZENBAUM UNITED STATES COURTHOUSE

The Senate proceeded to consider the bill (S. 833) to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, OH, as the ''Howard M. Metzenbaum United States Courthouse.''

Mr. LAUTENBERG. Mr. President, I am very pleased that today the Senate will recognize the contributions of my dear friend and former colleague, Howard Metzenbaum, by approving this bill designating the Federal Building Courthouse in Cleveland, OH as the ''Howard M. Metzenbaum United States Courthouse.'' Ohio's two Senators, Senator GLENN and Senator DEWINE, were original cosponsors of this legislation, along with Senator HATCH, when I introduced on June 5, 1997.

Mr. President, I proposed naming a courthouse after Howard because a courthouse is a symbol of justice where all people can come and be treated equally under the law. Howard Metzenbaum deserves this honor because he was a dedicated public servant, who served his home State of Ohio for 18 years in the U.S. Senate. Howard's sense of fairness and equality for all Americans led one of his former colleagues to suggest that Howard would have made an exceptional U.S. Supreme Court Justice when he retired from the Senate in 1994.

Mr. President, naming a courthouse after Howard is only a small gesture in attempting to remember a man so committed to justice and fairness. Howard's contributions to the Senate are extraordinary, and we commemorate his unique contribution by passing this bill in celebration of his 80th year, his 18 years in the U.S. Senate, and also the special character he brought to our body.

I pay tribute today to a man who always stood up for what he believed was right, fighting hard to preserve opportunity for those for those yet to come. As a Senator, Howard had a broad range of interests and he pursued them with dogged perseverance, sincerity and clarity.

Howard and I worked on many issues together during our time in the Senate. Individual rights and environmental preservation were major concerns. He poured his energy into clean air protection, nuclear regulation, cleaning up superfund sites and recycling. Howard provided strong leadership on antitrust issues as chairman of the Subcommittee on Antitrust, Monopolies and Business Rights on the Judiciary Committee.

He was a persistent gun control advocate, taking the lead on many antigun initiatives in the Senate. He was one of the lead sponsors of the Brady bill handgun purchase waiting period, as well as the bans on assault weapons and plastic explosives.

But Howard's true passions lay with America's underprivileged and needy communities, which never had a bolder champion. His work on behalf of the poor, the disabled, and the elderly reflect his remarkable compassion for those members of society who face challenges that many of us cannot fully appreciate. He tirelessly defended their interests and fought for their protection. He was dedicated to eradicating discrimination, ensuring adequate health care to those in need and boosting public education. It has been said many times, but for good reason, that Howard brought not only his conscience to the Senate, but also the courage to act on his convictions.

Howard remains a good friend to me, but was also a mentor and a teacher during his years in the Senate. He gave me good advice and plenty of it. And, I might add, he continues to do so today, which I welcome! But more than that, his dedication to the office of United States Senator is an example by which to live. He stood tall for the little people.

Some will affectionately remember Howard as determined, argumentative, and even irascible. I cannot deny that those words come to my mind every now and then when describing Howard. He was always at his best then, and for good reason. I heard it said by one Senator, and not a good friend: ''If there wasn't a Metzenbaum here, we'd have to invent one to keep us alert.''

I have missed working with Howard Metzenbaum in this great institution, a place that has been truly enhanced by his presence. I salute him on celebrating his 80th year.

The bill (S. 833) was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 833

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

SECTION 1. DESIGNATION OF HOWARD M. METZENBAUM UNITED STATES COURTHOUSE.

The Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, shall be known and designated as the ''Howard M. Metzenbaum United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building courthouse referred to in section 1 shall be deemed to be a reference to the ''Howard M. Metzenbaum United States Courthouse''.

ROBERT J. DOLE U.S. COURTHOUSE

The Senate proceeded to consider the bill (S. 1000) to designate the U.S. courthouse at 500 State Avenue in Kansas City, KS, as the ''Robert J. Dole U.S. Courthouse.''

Mr. ROBERTS. Mr. President, I am pleased the Senate has acted expeditiously on S. 1000, the legislation that Senator BROWNBACK and I introduced several weeks ago to designate the Kansas City, KS, Federal Courthouse after our Kansas colleague Senator Bob Dole. I appreciate the efforts of Senators CHAFEE and BAUCUS and the other members of the Environment and Public Works Committee in their effort to approve the bill for its consideration by the Senate before the August recess.

After the bill was introduced, Kansans contacted my office about Senator Dole and their recollections of his work, which he continues to do in behalf of Kansas. I thought it would be fitting to share an example with my colleagues. Mrs. Rose Coughlin of Kansas City, KS, shared with me her story about Senator Dole calling her just several weeks ago. Mrs. Coughlin, who suffers from polio, wrote to Senator Dole in mid-June just to pass along her deep appreciation and admiration of his perseverance during his legislative career on behalf of Kansas despite his permanent injuries sustained during World War II.

Much to her surprise, Senator Dole called her upon receiving the letter and talked with her at some length, inquiring about her condition. At the close of her letter to me she says, ''Needless to say he made my day.'' Her letter is indicative of Senator Dole's commitment and caring for Kansans.

Mr. President, S. 1000 has been endorsed by Carol Marinovich, mayor of Kansas City, KS, the location of the soon-to-be Robert J. Dole U.S. Courthouse.

I look forward to joining Senator Dole along with proud Kansans in the near future for the dedication ceremonies.

The bill (S. 1000) was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1000

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

SECTION 1. DESIGNATION OF ROBERT J. DOLE UNITED STATES COURTHOUSE.

The United States courthouse at 500 State Avenue in Kansas City, Kansas, shall be known and designated as the ''Robert J. Dole United States Courthouse''.

SEC. 2. REFERENCES.

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

LLOYD D. GEORGE U.S. COURTHOUSE

The bill (S. 1043) to designate the U.S. courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, NV, as the ''Lloyd D. George U.S. Courthouse,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1043

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

SECTION 1. DESIGNATION OF LLOYD D. GEORGE UNITED STATES COURTHOUSE.

The United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, shall be known and designated as the ''Lloyd D. George United States Courthouse''.

SEC. 2. REFERENCES.

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

REGARDING MEXICO'S IMPOSITION OF ANTIDUMPING DUTIES ON UNITED STATES HIGH-FRUCTOSE CORN SYRUP

Mr. HELMS. Now, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 43 submitted earlier today by Senators GRASSLEY, LUGAR, and HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 43) urging the United States Trade Representative immediately to take all appropriate action with regard to Mexico's imposition of antidumping duties on United States high fructose corn syrup.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. Mr. President, today I am offering this resolution with my distinguished colleagues, the chairman and ranking member of the Senate Agriculture Committee, Senators LUGAR and HARKIN. The resolution addresses an antidumping investigation being conducted by the Government of Mexico, on the import of high-fructose syrup [HFCS] from the United States.

Mr. President, I have often come to the Senate floor to discuss the importance of international trade to our agricultural economy. American farmers have become more reliant on global markets for their income. The U.S. Department of Agriculture estimates that 31 percent of farmers' income will be derived from foreign markets by the end of the decade.

Because American farmers are the most efficient in the world we should not be frightened by this trend. But we must be more vigilant than ever when it comes to eliminating foreign trade barriers.

Both the North American Free Trade Agreement [NAFTA] and the Uruguay Round Agreement of GATT were successful for American farmers. They served to reduce or eliminate barriers to trade in agriculture products to a greater extent than any prior trade agreement. The implementation and enforcement of these agreements will be crucial to American farmers.

That is why the recent actions of the Mexican Government are so disturbing. The Mexican Government has imposed unreasonably high, preliminary tariffs on imports of HFCS from the United States. These tariffs are far in excess of what was negotiated under NAFTA. The justification for these tariffs is the antidumping action filed by the Mexican sugar industry.

I and my colleagues are very concerned with the propriety of this action. There have been questions raised as to whether the action meets the standards set forth in the World Trade Organization Agreement on Antidumping. I will submit for the Record a letter from the Deputy U.S. Trade Representative, Ambassador Jeff Lang, that outlines these serious concerns.

The resolution we introduced today is very simple. It says that if the antidumping action has not been conducted in accordance with WTO requirements, it should be terminated immediately. And all tariffs that have been imposed as a result of the action should be removed immediately.

If the Mexican Government refuses to do this, the United States Trade Representative is directed to request consultations with the Mexican Government, under the dispute settlement provisions of the WTO. This action will trigger a resolution of this dispute according to WTO procedures.

Finally, if the Mexican Government fails to accept our request for consultations, Congress directs the USTR to take any and all applicable actions under United States trade law.

Mr. President, I am a firm believer in free and open trade. It is never productive to engage in a trade war with one of our largest and most loyal trading partners. And that is certainly not the intent of this resolution.

However in order to have fair trade, we must insist that our trading partners live up to the obligations set forth in our trade agreements. This is vital to facilitating the free trade that will raise the standard of living for workers and consumers worldwide.

I urge my colleagues to support this resolution.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, June 4, 1997.

Alvaro Baillet,
Jefe De La Unidad, Secretaria de Comercio y Fomento Industrial, Av. Insurgentes Sur 1940 PISO II, Col. Florida, C.P. 01030 Mexico, D.F.

DEAR MR. BAILLET: The United States has recently been contacted by American producers of High Fructose Corn Syrup (HFCS) regarding the initiation of an antidumping investigation concerning their exports of HFCS to Mexico. Our producers are concerned that the applicable like product in the investigation is HFCS, that the investigation was initiated without the support of the Mexican producers of that like product, and that certain information about the Mexican producers of HFCS known to the Mexican authorities was not considered in the initiation notice.

We have reviewed information that indicates that HFCS was produced in Mexico during the 1996 period of investigation. We further understand that this information was available to SECOFI and the Mexican sugar chamber that submitted the application for this antidumping investigation prior to SECOFI's initiation of the investigation. The domestic producers of the like product on whose behalf the antidumping application was filed consequently would normally have included any such Mexican producers of HFCS. SECOFI's initiation notice, however, does not reference these producers. It merely states, without support, that HFCS is not produced in Mexico.

An investigation into allegations of dumping can be extremely time consuming, expensive and have commercial consequences even before a preliminary or definitive measure is in place. For this reason, and because the Antidumping Agreement is explicit about the need for the authorities to examine the accuracy and adequacy of the evidence provided in the application, including that pertinent to the industry support needed for initiation, we would appreciate your attention to this matter in time to minimize any unnecessary impediment to U.S. exports of HFCS.

Sincerely Yours,

JEFFREY LANG,
Deputy United States Trade Representative.

Mr. LUGAR. Mr. President, in my home State of Indiana, corn refining adds substantially to the value of our corn crop. On average, Indiana produces 800 million bushels of corn annually. It is estimated that corn refining—primarily through the production of high-fructose corn syrup—adds about $200 million to the value of Indiana's corn crop. In addition to enhancing the value of our corn crop, corn refining results in the direct employment of approximately 1,700 Hoosiers with an estimated payroll of over $70 million.

It is for the above reasons that I join Senators GRASSLEY, HARKIN, DASCHLE,

and KERREY in introducing a concurrent resolution instructing the United States Trade Representative to take the appropriate actions in regards to a preliminary imposition of antidumping duties against United States exports of high-fructose corn syrup to Mexico. These duties were imposed on June 25 in response to a petition brought to the Mexican Government by the sugar producers' organization in Mexico.

Prior to our adoption of the North American Free-Trade Agreement [NAFTA], duties on high-fructose corn syrup were 15 percent. This year, under our negotiated agreements, with should have dropped to 9.5 percent. The preliminary antidumping finding has disrupted the planned program for the duty reduction on this important agricultural product. Duties now in effect because of this decision are as much as four to five times the pre-NAFTA levels.

Mr. President, this case involves important matters of international trade policy and the interests of U.S. agricultural producers. The preliminary finding of the Mexican Government appears to be in violation of the World Trade Organization Agreement on Antidumping. This agreement requires that governments fully investigate allegations brought by private parties before opening government investigations. In this case, Mexico's sugar industry stated that there was no production of high-fructose corn syrup in Mexico. This is inaccurate which means the Mexican sugar industry did not have standing under WTO rules to file this case.

Three years ago this chamber helped take a major step toward creating a growing free-trade area in the Western Hemisphere. Passage of NAFTA was not an easy matter, as you will recall. However, those of us from agricultural areas—with strong support from the U.S. corn industry—worked hard to achieve its passage.

With the passage of last years FAIR Act, we reduced price and income support for U.S. corn farmers. Increasing exports is the only alternative for U.S. farmers to maintain a stable level of farm income. One of the best ways to continue agricultures export performance is to ensure that unwarranted and unfair trade barriers are not erected. I hope you will join me in supporting this resolution.

Mr. HELMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 43) follows:

S. CON. RES. 43

Whereas the North American Free Trade Agreement (in this resolution, referred to as ''the NAFTA'') was intended to reduce trade barriers between Canada, Mexico and the United States;

Whereas the NAFTA represented an opportunity for corn farmers and refiners to increase exports of highly competitive United States corn and corn products;

Whereas corn is the number one U.S. cash crop with a value of $25,000,000,000;

Whereas U.S. corn refiners are highly efficient, provide over 10,000 non-farm jobs, and add over $2,000,000 of value to the U.S. corn crop;

Whereas the Government of Mexico has initiated an antidumping investigation into imports of high fructose corn syrup from the United States which may violate the antidumping standards of the World Trade Organization;

Whereas on June 25, 1997, the Government of Mexico published a Preliminary Determination imposing very high antidumping duties on imports of United States high fructose corn syrup;

Whereas there has been concern that Mexico's initiation of the antidumping investigation was motivated by political pressure from the Mexican sugar industry rather than the merits of Mexico's antidumping law: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Government of Mexico should review carefully whether it properly initiated this antidumping investigation in conformity with the standards set forth in the World Trade Organization Agreement on Antidumping, and should terminate this investigation immediately;

(2) if the United States Trade Representative considers that Mexico initiated this antidumping investigation in violation of World Trade Organization standards, and if the Government of Mexico does not terminate the antidumping investigation, then the United States Trade Representative should immediately undertake appropriate measures, including actions pursuant to the dispute settlement provisions of the World Trade Organization.

ORDERS FOR MONDAY, JULY 28, 1997

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, July 28. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted.

It will be the majority leader's intention to then proceed to the consideration of S. 830 regarding the FDA reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I further ask that at 3 p.m. on Monday, there be 1 hour for morning business under the control of Senator DASCHLE or his designee, and at 4 p.m. there be 1 hour for morning business under the control of Senator COVERDELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. For the information of all Members, on Monday it will be the leader's intention to begin consideration of S. 830, the FDA reform bill. Following debate on that issue, there will be a period for morning business, to be followed by the Transportation appropriations bill beginning at 5 p.m.

By a previous consent, any votes ordered with respect to the Transportation bill will be postponed to occur at 9:30 a.m. on Wednesday. Therefore, no votes will occur in Monday's session of the Senate. However, it is the hope of the majority leader that the Senate could complete debate on the Transportation appropriations bill on Monday. And, in addition, as announced by the majority leader, the next votes will be a series of votes occurring on Tuesday at 9:30 a.m. on the Commerce, Justice, State Department appropriations bill.

ADJOURNMENT UNTIL MONDAY, JULY 28, 1997

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:08 p.m., adjourned until Monday, July 28, 1997, at 12 noon.

EXTENSIONS OF REMARKS

IN HONOR OF GEORGE GRENDA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to thank George Grenda for his dedication to the 4–H Club community of northern Cook County, IL. George Grenda was born in 1938, raised in Chicago and suburban Cook County and has been employed by Country Co., as an insurance agent, for many years. His current office is in Palatine, IL.

George has participated in 4–H activities for over 20 years in north suburban Cook County. He and his wife Zola first became involved with 4–H when they chaperoned a group of 4–H'ers in an exchange with West Virginia.

Since 1991, George has served on the Chicago-County 4–H Foundation Board of Trustees. In 1994, he was elected to the position of vice president, Financial Development. In that capacity he has regularly encouraged 4–H volunteer trustees to raise money by making calls even if it meant taping the phone to their hand until the job was done. He related that he made himself do just that when starting out as an insurance salesman.

In the late eighty's when George was president of the North Cook County 4–H Fair Board, he always auctioned off cakes made by 4–H'ers to raise money at a Knight of Columbus event. Because George would try to raise the amount by bidding on the cakes himself, he always got stuck buying at least one or two of the cakes.

Another one of George's presidential duties during his 6-year tenure, was to provide leadership in running the annual lemonade stand at the 4–H Fair. Needless to say, George was very good at first, carrying water; two squeezing lemons; three mixing lemonade; and four collecting money.

In 1996, George acted as chairman of FORE for 4–H Foundation Golf Tournament to raise money for the 61,000 4–H'ers in Cook County. George was credited with spearheading this successful event which netted over $5,000 for 4–H youth in Cook County.

For his countless hours committed to youth, their families, and communities, I would like to join all of the many volunteers and 4–H Staff in thanking George for his distinguished service and unmatched effort.

TRIBUTE TO THE STATE OF ALABAMA

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. HILLIARD. Mr. Speaker, one of the nation's most well kept secrets is the state of Alabama. Few people know of the wonderful splendors and rich history contained within this state. Staff writer James T. Yenckel, of the Washington Post, recently tapped into this secret and embarked upon a 700-mile exploration into northeastern Alabama. He wrote about his experiences in a June 15th article entitled ''Well, I've Come From Alabama With a Brand New Point of View: The State Has a Lot to Offer.'' In his article Yenckel recognizes the historical richness of Alabama, as well as glorifies its natural beauty.

The state of Alabama deserves great acclaim for its natural beauty. The state contains about 24 state parks and over 12 major rivers. Northern Alabama also lies on the foothills of the Appalachian Mountains. Yenckel discusses his visits to several of these state parks and national monuments. Among those included is Little River Canyon National Preserve, which offers a breathtaking drive along the rock-filled canyon and a view of the waterfall which spills down the cliff side. Guntersville State Park is located in the northeastern corner of the state. Guntersville is a small town surrounded on three sides by the beautiful Lake Guntersville. Here travelers can enjoy swimming, fishing, hiking and golfing amount other things. Other parks, such as Desoto Caverns and the Talledega National Forest offer wonderful natural beauty which can only be property appreciated up close and personal.

From a historical standpoint, Alabama has done a wonderful job of preserving landmarks and monuments. Throughout Guntersville you may hike along the actual trails that the Cherokee Indians used when the land was theirs. Russell Cave is a giant cave carved into the side of a cliff. Thousands of years ago Indians used this cave to escape from the cold. There are human skeletal remains in this cave which date back more than 6,000 years. Yenckel mentions the visitor's center which displays tooth ornaments, bone needles, shell beads, and bone fishhooks, along with other artifacts. Along the same lines, visitors can encounter Horseshoe Bend National Military Park. This site contains the battlefield on which Andrew Jackson defeated the Creek Nation in 1814, and ensured himself a position as president of the United States.

The most profound historical significance in the state of Alabama lies in the history of the Civil Rights Movement. The state is developing a civil rights trail which would identify key sites and individuals associated with the movement. One of the nation's largest Civil Rights museums is the Civil Rights Institute located in Birmingham, Alabama. In central Alabama, visitors have the opportunity to visit historical Tuskegee Institute. Here, tourists learn of the lives of two men pivotal to African-American history, Booker T. Washington and George Washington Carver. Both men devoted a large part of their lives toward the improvement of living and working conditions of rural southerners, especially blacks. The George Washington Carver Museum and the Oak's, the home of Washington when he served as president of Tuskegee, are both historic sites located on the campus of Tuskegee University. Tours and movies are used to enlighten visitors on the lives and works of these two great men.

As Yenckel discovered, it does not take long for Alabama to win the hearts of those who enter her borders. The people of Alabama are friendly and courteous. Tourists can enjoy fresh seafood from the Gulf of Mexico. The state offers a quiet alternative to your usual vacation spot. Fish on the banks of one of the many rivers and lakes in Alabama, or hike through the numerous forests enjoying the natural splendor, or party in the downtown area of the Magic City. Alabama has a little something for everyone!

I am including the Washington Post article for your reading pleasure.

[From the Washington Post, June 5, 1997]

WELL, I'VE COME FROM ALABAMA—WITH A BRAND NEW POINT OF VIEW: THE STATE HAS A LOT TO OFFER

(By James T. Yenckel)

I was lost, plain and simple. Somewhere on the empty, scenic back roads of northeastern Alabama, I'd made a wrong turn. My map yielded no help, and I'd even lost my sense of direction. Then I spotted a delivery truck headed toward me, and I decided to flag the driver down to ask for directions. But he was slowing anyway, and as he pulled to a stop he asked, ''Where am I?'' I laughed and admitted I wanted to know the same myself. We joked briefly about our predicament, and then drove off in opposite directions.

Getting lost can be annoying and even frightening, but it's also comforting to find that America still offers odd nooks where getting lost remains possible. And Alabama definitely is one of them, as I discovered on a five-day driving trip last month through lovely lake and mountain country, stopping at several fascinating national historical sites.

Why Alabama? I doubt it has ever ranked high on many vacation lists—mine included, in part because of lingering memories of the angry clashes that marked the civil rights movement within the state. But I really wanted to put this past in the past and learn what the Alabama of today offers visitors. I often find that offbeat pocket of America—their local lore and geography—offer many more rewards than disappointments. Northeastern Alabama proved no exception.

Much of the landscape here is surprisingly mountainous—dotted with plentiful lakes that obviously attract a lot of fisherman. I saw them everywhere, casting from shore or putt-putting about in their small motorboats. One afternoon, I drove on the rim of the 35-mile-long Little River Canyon, a near-wilderness where waterfalls cascade down the cliffside into the splashing Little River. At one point, I watched a group of kayakers preparing to launch into the rapids. Recently made a national parkland, the canyon is one of the deepest east of the Mississippi.

My 700-mile itinerary took me to Russell Cave National Monument, where a short hike leads to two large limestone caverns in which archaeological digs have revealed human habitation dating back more than 8,000 years; to Horseshoe Bend National Military Park, the battlefield on which Andrew Jackson defeated the Creek Nation in 1814 and put himself on the road to the presidency; and to Tuskegee Institute National

Historic Site, which honors Booker T. Washington, the predominantly black college's founding president, and George Washington Carver, its famed agricultural scientist.

Tuskegee made the news last month when President Clinton apologized on behalf of the American government for a misguided study there of untreated syphilis in black men that began in 1932 and continued for years. The historic site, however, highlights a more inspirational story out of the institute—one in which Washington and Carver dedicated their lives to improving the living conditions and surroundings of Southern farm and rural people.

The message is compelling, and I lingered on the campus for hours absorbing as much as I could. Perhaps its upbeat nature accounts for recent visitor statistics that put Tuskegee at the top of Alabama's list of most popular attractions, beating out even the U.S. Space and Rocket Center in Huntsville. Regardless of the history, the campus is a pretty place of stately red-brick buildings and rolling, tree-shaded hills. Washington's imposing home, built by the institute's students and faculty, is open to tours.

From the outset, I found the quiet lake views and winding, wooded roads along my route appealing, and I quickly rearranged my plans to skirt Alabama's biggest cities and stick to the countryside. I spent three of my four nights on the road in two state park lodges, where my rooms—both quite reasonably priced at less than $65—provided pleasant lakeside panoramas. At sunset one evening, two geese waddled past my patio, trailing a string of goslings.

I tend to favor trendy restaurants with innovative menus, but in rural Alabama, I was out of luck. Nonetheless, I dined nicely on simple, old-fashioned Southern cooking—much of it fried: fried pork chops, fried shrimp and fried catfish, to be exact. I did opt for wine over the South's inevitable iced tea, however, which boosted the price of each dinner to about $20, including tax and tip. This trip was definitely easy on the budget.

Eager as I was to visit a part of the country unknown to me, I still felt a certain trepidation. Alabama's sometimes brutal resistance to integration during the civil rights battles remains a vivid picture in my mind. Would I, a Northerner from the nation's capital, be unwelcome? One value of travel is that it exposes the foolishness of such fears. Everyone I met—without exception—proved friendly and helpful.

In the little lakeside town of Guntersville, I stood in line at the checkout counter at the local Foodland discussing spring allergies—a problem the woman in line in front of me, the sweet little gray-haired clerk and I discovered we shared. This has been a particularly bad spring, we agreed. And then, as the clerk handed me my sinus medication, she reached over the counter and patted the back of my hand in a most grandmotherly fashion. That spontaneous, sympathetic gesture instantly won my heart. I like the Alabamians I met.

Guntersville, a quiet little town wrapped on three sides by Lake Guntersville, was my first stop. About an hour's drive south from the Huntsville airport, it nestles in the rolling green foothills of the Appalachian Mountains. I'd booked two nights at the 100-room State Lodge at Lake Guntersville State Park, an appropriately woodsy structure of stone and timber perched on a high, forested bluff overlooking the lake. It made a pleasant spot from which to tour the surrounding countryside. And awaiting my return in the afternoon was a sandy swimming beach and woodland hiking trails that two centuries ago may have guided the Cherokee Indians whose land this once was.

My primary sightseeing goal in this corner of the state was Russell Cave National Monument, a relaxed two-hour drive northeast along the scenic west bank of Guntersville Lake and the Tennessee River, which feeds it. The monument's historical significance is reason enough to go, but the views are especially agreeable, too. Limestone cliffs, dripping in verdant foliage, soar above a tumbling stream that gushes from an underground spring and then, moments later, disappears into the deep, labyrinthine cavern adjacent to Russell Cave. The setting, at the end of a remote five-mile-long valley called Doran Cove, looks as if it has changed little over the ages.

Russell Cave itself is like a giant arched room, 26 feet high, carved into a cliffside. More than 8,500 years ago, bands of Indians began using the cave as shelter from the winter cold, according to archaeological studies. Human skeletal remains dating back more than 6,000 years have been found buried inside, and the monument's visitor center displays bear tooth ornaments, bone needles, shell beads, a bone fishhook and other artifacts uncovered there. Few sites anywhere in North America offer such a long record of occupancy.

Along with the history lessons, visitors are invited to climb the nature trail over Montague Mountain, which highlights the ecology of a typical Southeastern forest. The climb is steep, and signs warn to beware of rattlesnakes—I stomped noisily several times so as not to surprise any. But in May the wildflowers were in glorious bloom, and I appreciated the little informational signs pointing out beech, hickory, oak and other varieties of trees. The Indians used oak for their fires, the signs explained, and hickory for their spear shafts, because the branches grow straight.

En route back to Guntersville, I crossed the Tennessee River and headed for the Little River Canyon National Preserve, another national parkland located just east of the town of Fort Payne. Purchased by the National Park Service five years ago, the preserve still provides only a minimum of facilities. Nevertheless, the Canyon Rim Drive yields the sort of spectacular, rock-filled canyon vistas more often seen in the West. At several overlooks, soon to be paved, the roar of rushing water echoes from between the canyon walls. A waterfall here and there spills down the cliffside.

The canyon and its tumbling stream attract canoeists, kayakers and rafters, but the park service warns this is territory safely navigated only by the very experienced. Less adventurous visitors can splash in a stream pool at the just rebuilt Canyon Mouth Park, a picnic area at the southern tip of the preserve, where there is a sandy beach. Perhaps because the preserve is so little known yet, I had it almost to myself for the afternoon.

I had hoped to stay at the lodge at DeSoto State Park Resort, just north of the preserve, but a refurbishing project had been temporarily delayed, and the lodge wasn't yet open for the season. Ah well, I was quite content to spend a second night in my room with a view at Lake Guntersville State Park. This evening, I dined nicely on a heaping plate of deep-fried butterfly shrimp from the Gulf of Mexico. And, yes, I could manage a slice of pecan pie, heated and served with a big scoop of vanilla ice cream.

Leaving Guntersville behind the following day, I drove south through Anniston to the Talladega National Forest, which is traced for 23 miles by the officially designated U.S. Forest Service Talladega Scenic Drive. A two-lane highway, it wiggles along the crest of Horseblock Mountain presenting splendid valley panoramas to the left and right, much like Shenandoah National Park's Skyline Drive in Virginia. Atop the ridge, Cheaha State Park Resort offers more woodsy lodgings with a view.

My particular interest on this leg of my trip, however, was Horseshoe Bend National Military Park, the now quiet, shady site of the bloody 1814 battle in which Andrew Jackson's militia army swept to easy victory over the defending Creek Nation. On this day, the battlefield, located south of the Talladega forest in the midst of rolling farmland, seemed altogether unmilitary. Instead of combatants, I came upon a large flock of wild turkeys.

The visitor center tells the story well. During the War of 1812, the Creek Nation, occupying much of what is now Georgia and Alabama, became divided over whether to fight the encroachment of white settlers or try to coexist with them. In the upheaval, the militant Creeks attacked Fort Mims, just north of Mobile, and killed 250 settlers; in response, Andrew Jackson called out the Tennessee militia. The Creeks gathered on a 100-acre peninsula formed by a horseshoe bend of the Tallapoosa River, fortifying the peninsula's open end with a log barricade.

Their strategy is easily understood and the geography readily viewed. The militants expected the river, encircling them on three sides, to provide protection behind them while they formed a strong defense of the log barricade. Jackson bombarded the barrier, but his quick victory came when his Cherokee allies—along with accommodating Creeks—crossed the Tallapoosa in canoes and attacked from the rear. The militants lost 800 of their force of 1,000; the Creeks were forced to cede 20 million acres of their ancestral lands to the U.S. government (out of which the state of Alabama was created in 1819)—and Jackson took a giant step forward on his road to the presidency.

A short driving tour and a nature trail loop onto the peninsula, passing a line of white stakes that mark the site of the barricade and approaching the river at several points. On the day I was there, the river, from 200 to 600 feet wide, flowed high, fast and muddy. Under similar conditions, I wondered, would Jackson's stealthy canoes have been able to maneuver across so successfully?

Although I had to drive an hour or so out of my way, I had been so pleased with my accommodations at Guntersville State Park that I headed farther to the south for the night to Lakepoint Resort State Park just north of Eufaula, where I enjoyed another room with a fine lake view. After an early dinner of barbecued pork ribs and lemon meringue pie, I strolled along the lakeshore watching a bright orange sunset. Some of the local folks had cast lines into the water. ''The crappie have been biting good here,'' an elderly fisherman informed me.

In today's world of seemingly unrelenting sleaze, I found that my spirit welcomed the noble stories of Booker T. Washington and George Washington Carver, who dedicated their lives to improving the living and working conditions of rural Southerners—in large part black Southerners. The tales are told with dignity and respect at Tuskegee National Historic Site.

Born a slave, Washington became the founding president of Tuskegee Institute in 1881, literally building it from scratch. Located on the outskirts of the small farm community of Tuskegee, the campus has grown to a major complex occupying more than 5,000 acres and enrolling more than 5,000 students. Carver, also born a slave, was invited by Washington in 1896 to head the school's new agriculture department, bringing fame and honor to Tuskegee with his practical research. He developed countless profitable new uses for local crops, including peanuts.

The national historic site, a part of the campus, maintains the George Washington

Carver Museum, which details the achievements of both men; the Oaks, Washington's home as president, where hourly escorted tours are offered; the graves of Washington and Carver, situated on a shady slope next to the Chapel; and a self-guided walking tour of 27 historic buildings.

In the museum, I was intrigued by the Agriculture School on Wheels, a large brown van that toured the Alabama countryside, bringing knowledge of new agricultural techniques to farmers who could not attend the institute. In the beginning, Carver got about in a horse-drawn carriage. At the Oaks, ranger Christine Biggers, the tour leader, noted that Washington always dined formally—and on campus during his tenure, student meals also were formal occasions. In this way, she said, the institute trained the young people in ''manners, social skills and personal hygiene.''

The visitor center at the museum presents two movies, one focusing on Washington and the other on Carver, and neither should be missed. Under Washington, as the movies point out, a major objective at Tuskegee was to train students in practical skills they could market in the rural South. As part of their instruction, they helped build the campus, which meant making the red bricks used there. But for a time this goal—and Washington himself—became a target of sharp dissent in the black community because, the critics argued, it (and he) slighted the students' intellectual growth.

As we stood on the porch of the Oaks after the tour, I asked Biggers, who is black, what today's students, a majority of whom are black, now think about Washington and his and Carver's work. She answered without a pause: ''They think what he did was great.'' I couldn't have asked for a more upbeat ending to my Alabama drive.

ALABAMA WAYS & MEANS

GETTING THERE: To explore northeastern Alabama, I flew into Huntsville and out of Montgomery. But to save on the cost of a rental car drop-off charge, you could easily plot a loop drive covering the same territory from either Huntsville, Birmingham or Montgomery—depending on which destination gives you the best air fare.

Huntsville is served from the Washington area by American, Delta, Northwest and US Airways. US Airways, which offers some nonstop commuter flights out of Washington National, currently is quoting a round-trip fare of $209, based on a 21-day advance purchase.

WHEN TO GO: Spring through fall. I enjoyed early May, because days were sunny and mild and I avoided the summer crowds.

WHERE TO STAY: In northeastern Alabama, four state parks—Lake Guntersville, DeSoto, Cheaha and Lakepoint—offer attractive, moderately priced and conveniently located accommodations in scenic settings. Depending on the resort, you can choose to stay in a hotel room, a chalet or a cabin.

Lake Guntersville and Lakepoint are lake parks with fishing, boating, tennis and a swimming beach. Lake Guntersville, the fanciest of the four, also boasts an 18-hole golf course. DeSoto and Cheaha are mountain parks, although Cheaha does feature a swimmable lake. All four parks operate swimming pools and other resortlike facilities.

Depending on the park, a hotel room for two ranges from $44 to $60 a night. For information or reservations, call 1–800–ALA–PARK (1–800–252–7275).

WHERE TO EAT: I ate breakfast and dinner daily in the park dining rooms. At Lake Guntersville and Lakepoint, where I stayed, the decor proved surprisingly elegant and the picture window views were great. Menus stuck to standard fare—steaks, chops, fried chicken, local fish and pasta—simply but tastily prepared. Wine and beer are available. A full meal with salad, dessert, two glasses of wine, tax and tip came to about $20 to $22 per person. A fully country breakfast (juice, two eggs, sausage, hash browns, toast, coffee), tax and tip included, was less than $6 per person.

TRIBUTE TO HOOSIER BOYS' TOWN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my pleasure to extend my sincere congratulations to Hoosier Boys' Town as it celebrates its 50th anniversary. In particular, I would like to congratulate Hoosier Boy's Town Executive Director, Anita Dygert-Gearheart, board of directors, staff, and volunteers, who should be proud of the outstanding service their efforts have provided the young people of Indiana's First Congressional District. Hoosier Boys' Town is beginning its 4-day anniversary celebration today on its campus in Schererville, IN. The Hoosier Boys' Town Board of Directors, residents, staff, former residents, friends, and volunteers, have invited the general public to join them in celebrating the organization's 50 years of service and commitment to the communities of northwest Indiana.

Founded in July 1947, Hoosier Boys' Town was established by a beloved priest from East Chicago, IN, Msgr. Michael Compagna, in an effort to help disadvantaged youth fully utilize ''their God-given potential.'' Msgr. Compagna's vision was to create a village composed of small cottages, with facilities offering emotionally disturbed boys a supportive and loving family environment. After 3 years of internal debate, Hoosier Boys' Town became a reality as it opened in the form of a home for disadvantaged boys, where Father Compagna's mission of providing a healthy environment for children in need materialized through the administration's guiding beliefs in individual worth and the value of education and community.

Over the years, Hoosier Boys' Town has upheld Monsignor Campagna's mission through its continued devotion to children at risk of failing in society. The organization currently administers an array of programs geared toward children experiencing problems of neglect, abuse, chemical dependency, abandonment, and learning disability. Countless youths and their families find a caring haven in the community-based residential, educational, and treatment centers of Hoosier Boys' Town, which focus on the enhancement of body, mind, and spirit. Hoosier Boys' Town success in positively changing the lives of young people has not gone unnoticed, for the organization has recently received accreditation of its services by the Council on Accreditation of Services for Families and Children, Inc. Accreditation attests that the services provided by Hoosier Boys' Town fulfill the community's needs in a safe, professional, and quality-conscious manner.

While the progress Hoosier Boys' Town has made from the time of its inception is apparent, the organization is fully aware that a vision for the future is necessary for continued growth and service. Hoosier Boys' Town's vision includes the expressed goal of becoming the premier residential treatment facility in northwest Indiana for children and their families. In order to achieve this goal, the organization is launching its first ever Capital Campaign, which is expected to raise the $2.5 million needed to build a multipurpose building, serving as both an education and dining facility. Currently, Hoosier Boys' Town educate 40 to 50 young people each day and serves approximately 400 meals daily.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Hoosier Boys' Town on the occasion of its 50th anniversary celebration. The hard work and dedication everyone involved with this distinguished organization has put forth is truly inspirational.

IMMEDIATE REAUTHORIZATION OF THE MIDDLE EAST PEACE FACILITATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. DINGELL. Mr. Speaker, the United States has acted boldly in the pursuit of Middle East peace for several years under two administrations. The Middle East Peace Facilitation Act of 1993 [MEPFA], which allows our Government to recognize the Palestinians, work with them, and provide them the help they need to establish security and work for a peaceful existence with Israel, will expire on August 12.

At this moment, there are quiet efforts to resume constructive diplomacy between the Israelis and the Palestinians. The United States is trying to bridge differences and refocus talks on the true goals first agreed to in the Oslo Accords. However, within the next few days this body is likely to let MEPFA expire while considering whether to cut off all United States assistance to the Palestinians, leaving no incentive to work with our Government to achieve peace. In fact, the expiration of MEPFA will mean that any United States contact with the Palestinian Authority is illegal after August 12.

Rather than completely obstructing our administration at this most crucial stage by punishing the Palestinians, I believe it is in our own best interest to extend MEPFA for another 180 days so we do not risk the loss of peace—or worse yet—the resumption of war.

I am, therefore, introducing a bill with Representative RAHALL to extend MEPFA for 6 months. I urge my colleagues to cosponsor this bill, and if at all possible, for this body to extend MEPFA before we leave for the August recess.

MEPFA was approved by Congress to allow the administration to have the tools it needs to promote peace. It has twice been extended. We must not let this authority lapse.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes:

Ms. ROYBAL-ALLARD. Mr. Chairman, I congratulate Chairman LEWIS and Ranking Member STOKES on producing a bipartisan bill with broad support in the House.

However, Mr. Chairman, I would like to highlight the multi-Family Preservation Program in the hopes that the HUD-VA Conference Committee will appropriate funding for this essential program. This program is very important to low-income communities not only in my congressional district but throughout the Nation because it is critical to maintaining our country's dwindling affordable rental housing supply.

The Preservation Program keeps housing affordable for low-income families, the disabled and the elderly by allowing private owners to transfer their rental properties to tenant-endorsed nonprofits who will continue to serve this vulnerable residential population. As a consequence of HUD's Preservation Program, over 800,000 units of affordable housing have been preserved.

Currently, there are 260 projects nationwide, consisting of more than 29,000 units, that need funding to avoid their conversion to market-rate rentals and prevent the displacement of thousands of low-income tenants.

The Preservation program continues to have solid bipartisan support. As recently as June 20th, I joined 27 of my California colleagues from both sides of the aisle in sending a letter of support for the Preservation Program. In our letter, we stressed that California alone has 25 percent of the country's unfunded preservation properties. This represents approximately 5,000 units awaiting preservation funding in California alone.

The Preservation program has been criticized as being too expensive and many references have been made to a pending GAO report, which is critical of the program. While there have been some high costs associated with the program, the fact is that it is relatively inexpensive. In its findings, GAO cities almost exclusively the high cost preservation projects, which are not representative of the entire group of properties in the national queue. While I have no doubt that the GAO findings are accurate for the small sample studied, this report does not mean that Congress should make hasty or ill-advised conclusions about the program's overall true costs to the taxpayer based on an unrepresentative sampling.

It is important to note that temporary enhanced vouchers—which are being proposed to mitigate the loss of housing for thousands of displaced low income families and the elderly—are not a viable or cost-effective substitute for this important housing stock. Vouchers will not protect the physical housing stock, nor will they guarantee the current residents any long-term security because it is dependent on annual congressional appropriations.

The HUD-VA Conference Committee has consistently recognized the value of the Preservation Program and provided adequate funds over the past 2 years. I rise to ask the conference committee to mirror the sensible and cost-effective efforts of past years and fund the Preservation Program at a level of $350 million for fiscal year 1998.

TRIBUTE TO COL. WILLIAM D. CUMMINGS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. COBLE. Mr. Speaker, I rise to recognize the dedication, public service, and patriotism of Col. William D. Cummings, U.S. Air Force, on the occasion of his retirement after a career of faithful service to our Nation. Col. Bill Cummings' strong commitment to excellence will leave a lasting impact on the vitality of our modern warfighters, commanding admiration and respect from his military and civilian colleagues as well as Members of Congress.

Colonel Cummings of Summerfield, NC, is a graduate of East Carolina University. He is serving his last assignment in the Air Force as Deputy for Program Integration and Congressional Activities, Deputy Chief of Staff, Air and Space Operations, in the Pentagon.

After earning his pilot's wings at Vance Air Force Base, OK in 1968, Colonel Cummings worked as a C–130 pilot at Sewart Air Force Base in Tennessee. As an AC–130A gunship aircraft commander in Thailand, Colonel Cummings accumulated 118 combat missions during the Vietnam War with the 8th Tactical Fighter Wing. After returning to the United States he was assigned as a tactical airlift director, and in June 1982 he was selected to command the 375th Transportation Squadron.

Just 4 years after he was named senior airlift controller, Colonel Cummings became vice commander for the 322d Airlift Division at Ramstein AB, Germany in 1991. As commander of the 621st Air Mobility Support Group, he directed strategic airlifts in 12 countries through Europe and Saudi Arabia. Upon his return to the United States he assumed his current responsibility of Deputy for Program Integration and Congressional Activities for Deputy Chief of Staff, Air and Space Operations.

The colonel is a command pilot with over 3,000 flying hours. His military decorations include the Legion of Merit, the Distinguished Flying Cross with one oak leaf cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with three oak leaf clusters, the Air Medal with seven oak leaf clusters, and the Air Force Commendation Medal. He has also received the Outstanding Unit Award with ''V'' for valor and five oak leaf clusters, the Organizational Excellence Award, the Combat Readiness Medal, the Vietnam Service Medal with two service stars, and the Republic of Vietnam Gallantry Cross with palm.

Our Nation, the Department of Defense, the U.S. Air Force, and his family can truly be proud of the colonel's many accomplishments. He is a man of extraordinary talent and integrity. While his honorable service will be genuinely missed in the Department of Defense, it gives me great pleasure to recognize Col. William D. Cummings. On behalf of the citizens of the Sixth District of North Carolina, we wish him all the best in his future endeavors.

SUPPORT VICTIMS OF FLOODS IN POLAND

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. BLAGOJEVICH. Mr. Speaker, today I rise to bring news of the severe flooding that has ravaged Poland. As we speak, the people of Poland and much of Eastern Europe are struggling bravely to resist the brute forces of nature as the flood waters continue their unrelenting rise. So far, dozens of innocent people have died in what is being described as Eastern Europe's worst tragedy since Chernobyl. As survivors of the floods can tell you, the worst part is the wait; the slow, anguished wait as the flood waters slowly consume these peoples' homes, their businesses, their property. The wait as an entire life sinks below the muddy ripples of the flood.

Thankfully, compassion is not dead in our society, and countless concerned Americans, many of Polish descent, have heeded Poland's desperate cries for help. In my own home town of Chicago, churches and community organizations have responded to the call for flood relief. I have been happy to be able to assist local leaders and communities in the effort to get disaster relief to those who need it most.

While the response so far has been impressive, the need is still greater. Congress cannot stand idly by in Poland's time of need. It has been less than a decade since Poland threw off the shackles of communism. The damage from these floods threatens the gains Poles have made in building a free and prosperous society.

The Polish American Congress Charitable Foundation as well as the American Red Cross are spearheading efforts to channel relief from America to needy families in Poland. These contributions will help provide food, medicine and shelter to victims of the flooding. Please call the Polish American Congress at (773) 763–9944, or the American Red Cross at 1–800–435–7669 (1–800–HELP–NOW), to find out what you can do to help. I urge all Americans to heed the urgent call for disaster relief in Poland.

A DEMOCRATIC VIEW ON HONG KONG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. SOLOMON. Mr. Speaker, over the past month, we have been subjected to a barrage of Communist Chinese propaganda on the reversion of Hong Kong to China. The Communist Chinese view was amply covered in

the Western media. And in New York City, the Communist Chinese were allowed to put on a parade which glorified the takeover.

I would like to submit for the RECORD a viewpoint on Hong Kong by a democratic Chinese individual, who happens to be the President of Taiwan. President Lee has eloquently described in USA Today how democratic Taiwan, and not totalitarian Communist China, represents the model for the future of Hong Kong and indeed, China itself.

[From the USA Today, June 30, 1997]

TAIWAN YIELDS MODEL FOR A FREE HONG KONG

(By Lee Teng-hui)

Today, the era of colonial rule will come to an end in Hong Kong. This is a proud event for all Chinese wherever they are, and offers a new opportunity for creating a democratic Chinese nation. We earnestly hope that the Beijing authorities will be able to maintain the prosperity and stability of Hong Kong, and will ensure that the people of Hong Kong continue to enjoy freedom, democracy and basic human rights. This is the only way to act in accord with the joint values and trends of mankind today, regional peace and development, and the common dignity and interests of all Chinese people.

Taiwan's experience offers reason for optimism.

A little more than one year ago, the Republic of China successfully held a direct presidential election on Taiwan, completing a crucial objective of our political reform. At the time, the concept of constitutional government stressed by Americans over two-hundred years ago kept coming to my mind: ''. . . all Men are created equal, . . . they are endowed by their Creator with certain unalienable Rights, . . . among these are Life, Liberty and the Pursuit of Happiness . . . to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Government.''

Indeed, with the joint effort of the entire populace and their government, the Republic of China has upheld the principle of popular sovereignty on Taiwan, and has succeeded in lifting martial law, liberalizing the formation of political parties, realizing the practice of free speech, re-electing all national parliamentarians who had been in office for a long time, and carrying out a direct presidential election. Through these endeavors, the Republic of China has undergone profound change, and has become a fullfledged democracy.

However, we cannot overlook the fact that still over 20 percent of the world's population, most of whom live on the Chinese mainland, have no way to enjoy these rights. The Chinese on both sides of the Taiwan Strait share the same cultural and racial heritage. Thus, there is no reason why we cannot jointly build a system of democracy and freedom, and fully exercise our God-given rights.

In 1979, before material law was lifted in Taiwan, a number of protesters demonstrating against government censorship of their magazine were arrested and jailed in what became known as the Kaohsiung Incident. At the same time, the Chinese communists authorities arrested the human rights activist Wei Jingsheng. Today, many of those involved in the Kaohsiung Incident have redeemed themselves through the ballot box and have become important elected political leaders on Taiwan. However, Mr. Wei remains in jail. The marked differences in systems and values between the two sides are the fundamental reason why each of the two parts of the China we all want to see reunified one day still remain separate political entities.

Democracy has become a world trend, and is without doubt the greatest achievement of mankind this century. One reason civilization continues to progress is that we have the courage to realize our dreams, and we have the heart to care about each other and provide mutual support. We must continue to uphold this spirit and sentiment, so that democracy ultimately becomes the common way of life of all humanity. May people living in every corner of the global village enjoy democracy!

Thus, we cherish the young buds of democracy of the Chinese mainland. Certain forms of election in rural townships and villages have spread on the mainland in recent years. We are happy to see it succeed and call on the Chinese mainland authorities to show the courage and determination to boldly take the grand route to democracy. Join with us and bring democracy to all of Chinese society, seeking everlasting well-being and peace for the Chinese people!

Unquestionably, if Taiwan can achieve democracy, then Hong Kong should be able to maintain democracy, and there is no reason why the Chinese mainland can not do everything possible to head in that direction. This is the true way to solve the China problem.

In the 21th century, Mankind will certainly prove that ''All roads lead to Democracy!

HONORING DR. ALFRED M. BEETON, ACTING CHIEF SCIENTIST OF NOAA, UPON HIS RETIREMENT

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. LATOURETTE. Mr. Speaker, I rise today to acknowledge and pay tribute to a scientist who has worked tirelessly for over 40 years to learn and teach about the Great Lakes environment. Dr. Alfred M. Beeton earned his post-secondary degrees in zoology at the University of Michigan and continued to conduct and direct research in the Great Lakes region until his appointment as acting chief scientist for the National Oceanographic and Atmospheric Administration [NOAA] in 1996. This brief statement can scarcely touch upon the depth and breadth of Dr. Beeton's career accomplishments, but I shall try to highlight some representative achievements.

Dr. Beeton's work has spanned time beyond that of his personal career, from investigations into the evolution of the Great Lakes to recommendations for the future of policy affecting large lakes. In over 100 publications and speeches addressing scientists and policy makers, Dr. Beeton has touched on the most pressing issues affecting the quality of the Great Lakes. Some of the topics to which he has added his knowledge and insight include human factors affecting water quality, thermal pollution from powerplants, basic ecology of fish and other aquatic organisms, and how policy can begin to address these and other issues.

Dr. Beeton's legacy will live on long after his retirement in August. Throughout his career as a professor at the Universities of Michigan and Wisconsin, Wayne State University, and Oregon State University, he trained hundreds of undergraduates and over 30 graduate students in aquatic science. In testimony before the Senate, Dr. Beeton helped to shape policies that initiated the restoration of the Great Lakes. He served for 10 years as director of the Great Lakes Environmental Research Lab [GLERL] in Ann Arbor, MI, helping to shape NOAA's mission on the United States' fourth coast.

It was during his tenure as GLERL's director that I came to know Al Beeton personally. My district in Ohio is entirely within the Great Lakes basin, and includes the largest portion of Ohio's Lake Erie shoreline of any Ohio congressional district. Thus, the quality of the Great Lakes environment is inextricably tied to the quality of life for my constituents. Dr. Beeton has served as the embodiment of institutional memory for Great Lakes environmental issues. Al Beeton has been the person my staff could always turn to for an honest assessment of the status of our great natural resource.

During the past several years of fiscal restraint, GLERL has faced a flat Federal contribution to its budget. This has meant a loss of staff and reprioritization of the lab's research programs. At the same time, interest in the restoration of Great Lakes resources has steadily increased. Threats to the Great Lakes from invading species and persistent toxins have been a continuous scourge and are not made less serious by Congress' intent to control the Federal budget. Throughout this period, Dr. Beeton has successfully led GLERL's efforts to study problems as large as the control of zebra mussels and the instantaneous forecasting of weather on the coastlines. As a result, we have a much better handle on how to protect the lakes and live safely on their shores than a decade ago.

In 1996, Dr. Beeton planned to retire from his long and successful career and perhaps to enjoy the fruits of his labor while sailing. The Commerce Department tapped Dr. Beeton to serve as Acting Chief Scientist of NOAA and he began this new chapter in his life on June 21, 1996. In this position, he has coordinated with other NOAA administrators to establish the agency's scientific policy and to provide guidance to NOAA managers on scientific and technology issues. Among other things, the Office of the Chief Scientist is responsible for coordinating NOAA activities to implement the National Environmental Policy Act, managing NOAA's technology transfer program, and administering the National Climate Program.

The appointment of a Great Lakes scientist to the highest scientific office in the Nation's ocean-oriented agency is an indication of the recognition of the fourth coast as an important aquatic resource. Al Beeton has brought prominence to a natural resource which was once treated more like a sewer than the national treasure it is. His efforts have been integral to the restoration of the lakes and we owe him our gratitude. Dr. Beeton will retire from his post as Acting Chief Scientist in August, and with this I bid him a fond farewell.

A TRIBUTE TO DOROTHY DANZIS BIER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the life of Mrs. Dorothy

Danzis Bier, a New Jersey resident, who died on July 8, at the age of 91. Throughout most of her life, she was deeply tied to the 13th Congressional District of New Jersey; and those ties continue to enrich this area of New Jersey.

Mrs. Bier was born in Newark, delivered by her uncle, Dr. Max Danzis, a founding physician of Newark Beth Israel Medical Center. Her youth was spent growing up in Highland Park, Bayonne, and Newark, where she graduated from Newark's South Side High School in 1922. After graduating from the Newark Normal School, which is now Kean College, Mrs. Bier received her teaching certificate and taught in the Newark school system.

In 1929, Mrs. Bier married David Bier and, shortly thereafter, the couple settled in Jersey City. Their only child Marcia was born at Beth Israel Medical Center in 1930.

Mr. and Mrs. Bier owned and operated Mother Bier's Bakery at 121 Madison Street in Hoboken until the mid-1960's when poor health forced Mr. Bier to close the business. At that time, although in her 60's, Mrs. Bier returned to the education field and taught preschool children in Jersey City from 1965 until 1970 under the Head Start Program. She retired in 1970 and moved to Millburn, NJ, to be near her daughter, son-in-law Cyril Greenstein; and her beloved grandchildren, Scott and Randy. She moved once again, to Miami, FL, in 1987 where her daughter and son-in-law had relocated.

Surviving her are her daughter and son-in-law of Aventura, FL; her grandsons, Scott Greenstein, M.D., of Middlebury, CT; and Randy Greenstein of Rockville, MD. She was also the great-grandmother of Max and Jesse Greenstein of Middlebury, CT; and a nephew, Alan Danzis of Berkeley Heights, NJ. Her husband David passed away in 1969; and her only sibling, Leo Danzis of Elizabeth, NJ, and vice president of the Ketchum Pharmaceutical Co., died in 1977.

Mr. Speaker, Mrs. Bier was a unique woman; witty, intelligent, and politically astute throughout her life. I know that she was adored by her family; and that she adored them. I extend my condolences to her daughter and her grandsons. They lost the matriarch of their family. New Jersey lost a beloved daughter who truly has left my area poorer for her passing.

''THWARTING OUR IMMIGRATION LAWS''

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. PACKARD. Mr. Speaker, this administration has proved once again that they are soft on illegal immigration. Two weeks ago, I was outraged when Attorney General Janet Reno had defied the clear will of Congress and halted the deportation of thousands of illegal aliens. Mr. Speaker, the very person appointed to uphold the laws passed by this legislative body is now trying to find ways around them. I find that absolutely unacceptable.

Yesterday, the Clinton administration presented to this Congress a proposal to weaken the immigration reform law the President signed less than a year ago. They claim there are special circumstances for some that should allow them to stay in this country beyond what the law allows. Mr. Speaker, I believe there may be a heart-wrenching story behind every man, woman or child that wishes to enter this country and tries to do so illegally. But we cannot begin to arbitrarily pick winners and losers. I urge my colleagues to reject this and any other proposal to revisit this issue and weaken our immigration laws.

Last year, we purposely raised the bar on those seeking to enter this country by means of political asylum because we knew the process was being abused. It was not an oversight and it was not done secretly. If the administration had an objection, it should have been addressed at that time. To come back to this argument is not only a mistake, but a breach of the delicate relationship between Congress and the administration. To use the Attorney General of the United States to undermine the laws we pass is unacceptable.

Mr. Speaker, several of my colleagues and I have sent a letter to the Attorney General urging her not to find ways to break our laws for the political will of the President. I hope my colleagues will stand with us in blocking any attempt to try and weaken our immigration laws by either stopping deportations by an administrative order or by new legislation. It is not just a violation of what this Congress passed less than a year ago, it is an act of defiance against those citizens who have suffered from the effects of illegal immigration. Mr. Speaker, this is just one more way in which this President and his administration have tried to weaken what it means to be a citizen of the United States.

STATE DEPARTMENT REPORT ON U.S. POLICIES IN SUPPORT OF RELIGIOUS FREEDOM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. LANTOS. Mr. Speaker, earlier this week, our Assistant Secretary of State for Human Rights, John Shattuck, appeared before a meeting of the Congressional Human Rights Caucus to present to the Members of Congress the State Department Report ''United States Policies in Support of Religious Freedom: Focus on Christians.'' This report is an indepth summary of the particular measures taken by the administration to address the issue of Christian persecution as an element of U.S. Government policy to fight against religious persecution and discrimination around the world.

This report, Mr. Speaker, was prepared by the Department of State in response to a request by the Congress in the statement that accompanied the Omnibus Consolidated Appropriations Act for fiscal year 1997. That request is principally the effort of our colleague from Virginia, Congressman FRANK WOLF, who is one of the most active of our Members in leading the fight against religious persecution around the world.

Mr. Speaker, I commend the administration for its efforts in dealing with the problem of religious persecution. The State Department's annual ''Country Reports on Human Rights Practices'' provides indepth information about religious freedom issues, and in the most recent editions of this important human rights document, Secretary Shattuck singled out religious persecution as an area of special attention and concern. Last year, then-Secretary of State Warren Christopher established the Advisory Committee on Religious Freedom Abroad, with a membership of some 20 prominent Americans representing a wide range of religious groups and nongovernmental organizations. This group has had an auspicious beginning to its work, and I look forward to its recommendations and activities in support of religious liberty around the world. I applaud Secretary Shattuck and our Secretary of State, Madeleine Albright, for their commitment to human rights and to dealing with religious liberty.

Mr. Speaker, Secretary Albright was particularly eloquent in her foreword to the report in expressing the commitment and the reasons for the commitment of the United States to the principles of religious freedom. I would like to quote for the benefit of my colleagues her statement in the introduction of the report:

> Religious liberty, the freedom to proclaim a religious identity and practice it without fear, is an aspiration and an inalienable right of people everywhere. When practiced with tolerance, it can be one of the keys to a stable, productive society. But generations of hatred may be sown when it is delayed or denied. It is central to the strength of free peoples. Its protection and promotion are important elements of America's support for human rights around the globe.
>
> First, because the right to profess and practice one's religion is basic to the life of every human being and is recognized in the Universal Declaration of Human Rights.
>
> Second, people who are free to profess their beliefs without fear and to live by them without impediment will do more to enrich their societies than people held back by prejudice. Where the rights of persons of any faith are not secure, no one's rights are secure. And violent persecution that begins with one group all too often engulfs whole nations in conflict.
>
> And third, freedom of religion is central to American history and identity. Because our country has chosen ever since its creation to stand for universal principles of tolerance and liberty, free people around the world have chosen to stand with us.
>
> That is why our commitment to religious liberty is even more than the expression of American ideals: it is a fundamental source of our strength in the world. We simply could not lead without it. We would be naive to think we could advance our interests without it.

Mr. Speaker, I wholeheartedly endorse this statement by our distinguished Secretary of State. Freedom of religion is a fundamental principle of human rights, a fundamental aspect of our foreign policy, and I welcome the support of the administration for this fundamental right.

Mr. Speaker, Secretary John Shattuck made an outstanding presentation regarding the administration's report to the members of the Human Rights Caucus yesterday. Secretary Shattuck, as always, was well prepared, articulate, and concise. The report deals primarily with the restrictions and persecution against Christians, although as I and my colleagues in the Congressional Human Rights Caucus have repeatedly emphasized, human rights are indivisible. A government that abuses ethnic minorities is also likely to restrict religious freedom, and a government that

abuses its Jewish or its Muslim or its Baha's believers is also a government that is likely to persecute members or portions of its Christian community as well. The death, imprisonment, and persecution of Christians for their religious beliefs affects some 150 million people around the world. The violation of the rights of Christian believers include discrimination in employment, political harassment, restrictions on the exercise of political rights, the imposition of harsh prison sentences, torture and inhumane conditions in prison, and in some cases the enslavement of women and children.

Mr. Speaker, I would like to call to the attention of my colleagues some of the countries which are serious violators and which were identified in the State Department report. China is one of the principal violators of freedom of religion, despite its own constitutional promises of freedom of belief. The report notes: ''The government of China has sought to restrict all actual religious practice to government-authorized religious organizations and registered places if worship.'' In a classic catch–22 situation, Roman Catholic church organizations which recognize the authority of the Pope will not be registered because they recognize and owe spiritual allegiance to an authority out of China. Any Vatican-affiliated Catholics are considered unregistered.

The Government in Beijing has cracked down on unregistered Roman Catholic and Protestant groups, and it has raided and closed down groups that simply gather to worship in each other's homes. Religious leaders of these groups have been detained and been subjected to lengthy interrogation and in some cases beating and physical abuse.

A number of other countries were identified in the report because of official policies limiting or prohibiting freedom of religious expression. In Sudan religious persecution of Christians has reached incredible levels, including torture, outrageously long prison sentences, and enslavement of women and children. Similar problems exist in a number of Islamic countries. Saudi Arabia prohibits public and private religious observances by members of all non-Muslim religions. Countries which recognize Islamic Shari's Court rulings also have a serious record of violations of religious freedom. A Lebanese Christian, Elie Dib Ghalib, was arrested in the United Arab Emirates some 18 months ago in connection with his marriage to a Muslim woman. A Shari's Court ruled that the marriage was null and void, their relationship was determined to be immoral, and he was sentenced to 39 lashes and a year of imprisonment.

Mr. Speaker, even some of our closest allies have legislation and government practices which are surprisingly restrictive of religious freedom. Greece, a country widely acclaimed as ''the birthplace of democracy,'' has a religious registration law that is surprisingly restrictive for all non-Orthodox religious communities. Similar serious problems exist in Russia and other republics of the former Soviet Union, where post-Communist governments are dealing with demands of existing religious organizations to limit other, primarily Christian groups, from establishing a presence in these newly independent countries.

In this context, Mr. Speaker, I was most encouraged by the decision, announced the day of our briefing with Secretary Shattuck, by Russian President, Boris Yeltsin to veto the highly restrictive law on religions that was passed by the Russian Duma and Federation Council a few weeks ago. His action took great political courage, and I welcome his action.

I do want to call the attention of my colleagues to some countries where governments have taken action to assure religious freedom, despite strong pressures against such policies. In striking contrast with the restrictive practices of the Government of the People's Republic of China, the Government of the Republic of China on Taiwan has shown tolerance for religious diversity and respect for religious liberty. India, a country with strong indigenous religious traditions, has also shown considerable understanding of the importance of assuring freedom of religion.

Mr. Speaker, I urge my colleagues to give careful consideration to this important document on U.S. Policies in Support of Religious Freedom. The Department of State has compiled an excellent report on the current status of religious liberty around the world. We must continue to work together with the administration and intensify our efforts to assure that governments around the world respect the religious rights of their citizens. As Secretary Albright noted in quoting Thomas Jefferson: ''It behooves all who value liberty of conscience for themselves to resist invasions of it in the case of others; or that case may, by change of circumstances, become their own.''

MCDADE AND FAZIO INVESTORS IN AMERICA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. HORN. Mr. Speaker, with these late night sessions, I have had the opportunity to read the report of the Appropriations Subcommittee on Energy and Water Development. Chairman JOE MCDADE and Ranking Democrat VIC FAZIO, and their subcommittee colleagues, have crafted a document which invests in America.

Our Nation has a variety of problems concerning energy and water development throughout the land. Whether flood control, environmental problems, nuclear waste disposal, or electric power—among other key priorities—they have been judicious in their decision making.

I am particularly grateful that the Subcommittee, and now the House, have recognized the flood dangers along the Los Angeles, Rio Hondo, and San Gabriel rivers in southeastern Los Angeles County. Five hundred thousand residents live and work in 177,000 structures which are at risk of flooding. The committee's decision to increase the funding needed to implement the largest urban flood control project in the United States is deeply appreciated.

FAMILY FEST: A COMMUNITY EVENT TO HELP IMPROVE EDUCATION

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to recognize an outstanding community event that has occurred in my district for the past 10 years. Madonna High School's Family Fest is a 5-day outdoor festival that brings families together while improving educational opportunities for young women in the city of Chicago. Offering a wide array of family-oriented activities, the festival raises an average of $12,000 a year in scholarships and financial aid for young women hoping to attend the Madonna High School. To date, proceeds have been able to provide 37 percent of the study body at Madonna High School with financial aid.

As Abraham Lincoln said in 1832, ''Upon the subject of education . . . I can only say that I view it as the most important subject which we as a people may be engaged in.'' These sentiments on education expressed by President Lincoln 165 years ago still hold true today. Caring teachers, motivated students, and an involved community are the essential components to improving education in our country. Family Fest should serve as a model to the rest of the Nation on how community values and hard work can help improve our system of education, and ensure a brighter future for America.

Family Fest is proof positive that a community can come together to achieve a common goal. I can think of few goals more worthy of our support than improving educational opportunities for our young people. I commend the parents, staff, and students of Madonna High School for their hard work and dedication to this cause, and wish them continued success with this outstanding program.

HONORING PROF. JOHN BRITTAIN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to honor one of Connecticut's most outstanding citizens, a brilliant lawyer and a warrior for justice, John Brittain. Professor Brittain has been a member of the faculty of the University of Connecticut law schools since 1977. For those two decades, he has been a constant presence in my State, a voice of conscience that is heard whenever the rights of individuals are at stake.

John Brittain knows that the Nation's promise of equality under the law must never be allowed to become mere words. That promise is the central tenet of American life, and it must be kept for the sake of all our future generations. So John Brittain has made it his cause to see that the promise is kept—even when it is difficult and even when it is uncomfortable.

In 1989, Professor Brittain, among others, filed Sheff versus O'Neill, the landmark case challenging the racial, economic, and educational segregation between Hartford and the

surrounding schools districts as a denial of a student's fundamental right to an equal education under the Connecticut Constitution. After 7 years of litigation, the Connecticut Supreme Court issued a precedent-setting ruling, finding, in July 1996, that Hartford students were being denied equal educational opportunity. Although the State has not yet determined how best to address this, it is certain that Professor Brittain's efforts will only result in improving education, not only in Hartford but throughout the State.

Professor Brittain will soon join the faculty at Texas Southern University's Thurgood Marshall School of Law, writing what I am sure will be a fascinating book about his involvement in the Sheff case. I know I join with his Connecticut friends and colleagues in wishing him well in this latest chapter of his extraordinary life, and hoping that we will some day welcome him back to our State.

AMERICA ONLINE NEEDS TO OFFER ITS SUBSCRIBERS INFORMED CONSENT ON TELEMARKETING ISSUE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to urge America Online [AOL] to be up front with its customers over the issue of informed consent for telemarketing purposes.

An AOL subscriber myself, I was outraged when I learned the company planned to market its 8.5 million customers' telephone numbers to scores of telemarketing hucksters, without informing them or getting their consent. Under a siege of protests, the Internet provider canceled that plan but instituted another that still breaks faith with its subscribers, Now it plans to allow its own employees to make the telemarketing calls.

AOL still doesn't get it. Families sitting down to dinner do not want to be disturbed by unsolicited vendors. The company needs to make it clear to its customers up front what use it plans to make of their private information and then give them an easy option for protecting themselves from the unauthorized use of that data. And I emphasize ''easy.'' If you've ever tried to opt out of AOL's marketing gimmicks, you know how hard it is. Good luck in even finding the option on the company's Web site.

What AOL should do is display a pop-up notification box informing subscribers of any new marketing schemes using customers' phone numbers and other personal information. This notification box should contain a simple yes or no option for customers to inform AOL of their decision whether to allow the company to release their personal information, or to permit AOL's own employees to market other companies' products to them.

AOL also needs to call itself to a higher standard. Originally, it said it was collecting its subscribers' phone numbers so it could call them if their account was tampered with or if their credit card was stolen—not for telemarketing purposes. Its revised plan amounts to a bait-and-switch tactic.

This whole saga is another example of how an incredibly useful and powerful medium can abuse the public trust. With power must come responsibility. And if online companies aren't willing to police themselves, Congress may very well do it for them.

I have sponsored a bipartisan bill to safeguard the privacy of citizens' Social Security numbers and other personal information by restricting their marketability by credit bureaus, departments of motor vehicles, and the Internet. I urge my colleagues to cosponsor H.R. 1813, the Personal Information Privacy Act.

THANK YOU, SISTER CARLA DOLCE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. THOMPSON. Mr. Speaker, I rise to recognize a champion of the poor and disenfranchised in Mississippi, Sister Carla Dolce. Sister Carla was born in New Orleans, LA, where she served as a co-director of the New Orleans Training Center for Community Organizers, School Administrator and Teachers. She has served as president of three high schools in Dallas, TX; St. Louis, MO; and Alton, IL.

Sister Carla began her work as a community developer in Tunica, MS, through the Sacred Heart Southern Mission. She was the catalyst for the Tunica Organization of Women [TOW] an organization of women of color. TOW, together with five other northern Mississippi women's groups, formed the North Mississippi Leadership Network which is associated with other groups in a regional and technical network.

Sister Carla was also instrumental in forming the Tunica Citizens Committee for Education, a biracial group to support public education in Tunica. She has also supported education by working with Northwest Community College, the YOU (alternative education) Program, developing a credit union workshop and parent participation mini conference sponsored by TOW in partnership with the Education for the Mid-South and the Agriculture Extension Services.

Sister Carla has served as the eyes, ears, and body of support for the ill-housed in Tunica. Working tirelessly to see that maximum of government programs and funds are delivered to Tunica residents. Together Sister Carla and I worked with the State and national offices of Rural Development to provide over $600,000 in housing loans for new construction and repairs. In general, Sister Carla's efforts were to support movement for change that worked to assist the people in their efforts to bring benefits equitably to all citizens. Sister Carla Dolce, teacher, motivator, and bridge-builder is now leaving Mississippi to bring her love and attention to those in need in Illinois. We will miss her greatly. Mississippi's loss is Illinois' gain.

IN TRIBUTE TO AND IN MEMORY OF DR. ROBERT C. WEAVER

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay tribute to a great American and civil rights pioneer who died last Thursday. Mr. Speaker, Robert C. Weaver, had a life of many firsts. The great-grandson of a slave, and the son of a postal worker, Robert Weaver earned undergraduate, masters and doctoral degrees in economics from Harvard University. Dr. Weaver served as a college president, State rent administrator, this Nation's first Secretary for Housing and Urban Development—and first black member of any Cabinet—Presidential adviser, and chairman of the National Association for the Advancement of Colored People.

Before the landmark decades of civil rights advances, Weaver was one of a small group of African-American officials in the New Deal era who, as part of the ''Black Cabinet,'' pressured President Franklin D. Roosevelt to strike down racial barriers in Government employment, housing, and education. Working for the U.S. Department of the Interior, and copious experience as an educator and economist led to Weaver's appointment as New York State rent administrator, making him the first African-American with a State cabinet rank.

Through a host of government and private jobs, Weaver emerged as a preeminent candidate to head a national cabinet department. But when President John F. Kennedy sought congressional support to create the Housing and Urban Development Department in 1961, and named Weaver to head it, the President encountered strong southern opposition and the plan was shelved.

From the time he became an aide to Interior Secretary, Harold Ickes in 1933, through his tenure at Housing and Urban Affairs in the late 1960's, Dr. Weaver was a crusader for civil rights, housing, and education. He was regarded as an intellectual, both pragmatic and visionary, who worked to improve the lives of blacks and other Americans both by expanding their opportunities and by bettering their communities.

After being a catalyst in the Kennedy and Johnson administrations, Dr. Weaver turned to education in 1968. He taught at Hunter College, Carnegie-Mellon University, New York University, and even became president at Baruch College. He was honored for his hard work and dedication with at least 30 honorary degrees from elite institutions like Columbia University, the University of Michigan, and the University of Pennsylvania.

Dr. Weaver was known as a man who was only interested in doing his job, rather than promoting himself. His lifelong toil got urban legislation on the books and nurtured our country's first commitment to improve the quality of life in our Nation's cities. All of us who believe we can build an even greater society, are forever indebted to him.

Dr. Weaver served as a beacon of light, wisdom, and fairness. His appointments paved the path for numerous African-Americans and were monumental to many other African-Americans who found lower barriers and increased opportunity in the last third of the 20th

century. He will always be remembered as a distinguished public servant, having always used his keen intellect and common sense to attack complex social problems. For this, Mr. Speaker, the entire country will mourn Robert Weaver's passing, but we will also celebrate his extraordinary life.

THE NO ELECTRONIC THEFT [NET] ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. COBLE. Mr. Speaker, I am pleased to be an original cosponsor of the No Electronic Theft Act, also known as the NET Act. I commend the bill's author and my good friend, Representative BOB GOODLATTE of Virginia, for his leadership on this important copyright issue. As chairman of the Subcommittee on Courts and Intellectual Property, I cannot overemphasize the importance of this legislation; in fact, I plan to schedule a hearing on the NET Act and the broader subject of copyright piracy later in the fall.

Industry groups estimate that counterfeiting and piracy of intellectual property—especially computer software, compact discs, and movies—cost the affected copyright holders roughly $20 billion last year. Regrettably, the problem has great potential to worsen. The advent of digital video discs, similar to conventional compact discs but capable of storing far more material while rendering perfect secondhand copies, will only create additional incentive for copyright thieves to steal protected works.

The legislation introduced by Representative GOODLATTE will deter copyright piracy by further criminalizing the act in a firm but fair manner. The NET Act constitutes a legislative response to the so-called LaMacchia case, a 1994 decision authored by a Massachusetts Federal court. In LaMacchia, the defendant encouraged lawful purchasers of copyrighted software and computer games to upload these works via a special password to an electronic bulletin board on the Internet. The defendant then transferred the works to another electronic address and encouraged others with access to a second password to download the materials for personal use without authorization by or compensation to the copyright owners. While critical of the defendant's behavior, the court precluded his prosecution under a Federal wiretap statute, stating that this area of law was never intended to cover copyright infringement. The court's dicta indicated that Congress has tread cautiously and deliberately in amending the Copyright Act, especially when devising criminal penalties for infringement.

It is self-evident, Mr. Speaker, that this transgression—the unauthorized access to a company's products—has even greater potential to ruin small, start-up companies. Let us not forget that small businesses still comprise that sector of our national economy which provides the most employment opportunities for American citizens. Thousands of independent hackers motivated like LaMacchia will cause harm to our Nation's workers and the small businesses which employ them. LaMacchia's behavior was not trivial; it deserves to be criminalized.

Accordingly, the NET Act would proscribe the willful act of copyright infringement, either for ''commercial advantage or private financial gain''; or by reproducing or distributing one or more copies of copyrighted works which have a retail value of $5,000 or more. In direct response to LaMacchia, the legislation specifically encompasses acts of reproduction or distribution that occur via transmission, or computer theft. In addition, ''financial gain'' is defined as receiving ''anything of value, including the receipt of other copyrighted works.'' This change would enable the Department of Justice to pursue a LaMacchia-like defendant who steals copyrighted works but gives them away—instead of selling them—to others. The legislation includes maximum statutory penalties of up to $250,000 in fines and prison terms of 6 years.

Mr. Speaker, the public must come to understand that intellectual property rights, while abstract and arcane, are no less deserving of protection than personal or real property rights. The intellectual property community will continue its work in educating the public about these concerns, but we in the Congress must do our job as well by ensuring that piracy of copyrighted works will be treated with an appropriate level of fair but serious disapproval. Again, I congratulate Representative GOODLATTE for his leadership in this regard, and I look forward to working with him and other interested colleagues as we consider the NET Act in the near future.

A TRIBUTE TO WILLIAM SHAW

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a dear friend and a real talent. William Shaw, who helped shape the world around him for most of his 73 years, passed away recently. I know he will be sorely missed by all.

To me and my family, Will will be remembered as an especially close friend. Together with my father, former California State Senator Fred Farr, and the renowned photographer Ansel Adams, he established the Foundation for Environmental Design in the early 1960's. ''We have art critics, music critics, theater critics, but we don't have any environmental critics. We need them badly, and I guess that's what you call us,'' Will is quoted as remarking in press reports at the time.

Indeed, a superb environmentalist and architect, Will is responsible for some of the most beautiful manmade scenery our Nation has. The recipient of the renowned Prix de Rome, Will's portfolio includes the school or architecture at Cal Poly in San Luis Obispo as well as the Buddhist Temple in Seaside and the restoration of the Highlands Inn and the Custom House. He was an outstanding member of his community and country.

Born William Vaughn Shaw in Los Angeles on August 12, 1924, Will had lived in Monterey since 1954, and for the past 13 years in Pebble Beach. He was cofounder and past president of the Big Sur Foundation as well as the local chapter of the American Institute of Architects. In addition, Will was past president of the Monterey History and Art Association and the Community Foundation of Monterey County.

During this difficult hour, Mr. Speaker, my entire family wishes his wife, Mary, and half-brother, Steven the very best. Will will always remain in our hearts.

TRIBUTE TO YALTA DUNBAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. MCINNIS. Mr. Speaker, today I would like to recognize Yalta Dunbar of Gunnison, CO, who will turn 100 on August 9 of this year. Ms. Dunbar has been a longtime resident of Gunnison and her knowledge and experience is a source of wisdom and guidance for all those around her. Her loving family will be putting on a celebration in her honor which will be held at the Elks Club in Gunnison.

Mr. Speaker, I would like to thank Ms. Dunbar for the many years of service she has provided to her community and hope she serves as an inspiration to all of us.

Ms. Dunbar is the embodiment of hard work and healthy living which we pride ourselves on the western slope of Colorado. I wish her the very best on this special day and congratulate her on 100 fantastic years.

RECOGNITION OF ELDERLY NUTRITION PROGRAMS

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. WEYGAND. Mr. Speaker, elderly nutrition programs are crucial to the senior citizens in the State of Rhode Island and throughout our country. These programs, either at meal sites or through home delivery, serve many important roles. In addition to providing meal recipients with a balanced meal, these nutrition programs often offer seniors the chance to socialize with their peers and provides them with much-needed personal contact with caring and dedicated volunteers of all ages.

Annually, in my State of Rhode Island, nearly 17,000 seniors receive healthy, balanced, and nutritious lunches at 1 of the 72 local meal sites spread throughout the State. Over 5,000 seniors also receive meal assistance from the home delivery program, operated in Rhode Island by Rhode Island Meals on Wheels.

One woman, who lives in my district in Warwick, RI, recently shared with me her feelings on the importance of one of these elderly nutrition programs. Virginia, who will be 80 years old this month, receives a meal from Meals on Wheels and feels that it is one of the finest services around.

She recently wrote to me saying:

> I depend on and must have well-balanced food. The lunches I receive from the Meals on Wheels Program enable me to eat nutritiously and have given me a way to recover from my recent surgery.
>
> The volunteers who deliver the luncheons are so kind, friendly and the hour I hear them in their van and my doorbell rings, it

makes my otherwise sedentary life brighten up!

The food selections for the entire month are left at the beginning of the month, so I can anticipate my favorites. The noon hour is the highlight of my day, thanks to the friendly and kind volunteers who deliver my lunch.

She completes her letter by letting me know that she is concerned about the future of this program. She prays that she will never receive a notice that says, ''Sorry, there will be no Meals on Wheels until further notice.''

On behalf of the people who depend upon the elderly nutrition programs, I commend my colleagues for recognizing the importance of elderly nutrition programs by approving additional funding for elderly nutrition programs during debate on the Agriculture Appropriations bill. Furthermore, I respectfully request the conference committee to maintain and strengthen this commitment to our Nation's seniors by making sure critical funding for these programs does not dry up.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

SPEECH OF

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes:

Mr. GOSS. Mr. Chairman, I rise in strong support of the Klug amendment to cut $90 million in duplicate road funding from ARC.

Mr. Chairman, I want to be clear from the start—I believe that we should eliminate all funding for the Appalachian Regional Commission. In many ways, the economic development projects that ARC funds are more egregious than the highway projects. Absent elimination, though, I believe the Klug approach makes sense for both sides, as it only cuts a small portion of duplicate funding from the program.

The passionate statements of ARC supporters today serves to underscore what Reader's Digest had to say about ARC just a few years ago —''You can't kill a good giveaway!'' A look at ARC's past funding shows that the money largely follows important legislators, rather than needy constituents.

An excellent example is the Corridor H program in West Virginia. A proposed 114 mile Federal four-lane highway through the scenic West Virginia mountains, Corridor H would cost $1.1 billion, with 80 percent of the money coming from Federal taxpayers. The costs of carving through 4,000 foot mountains contribute to a $10 million per mile project cost. The West Virginia Department of Transportation's own traffic projections do not support the need for this project and over 90 percent of residents from neighboring Virginia opposed Corridor H in public hearings. Yet, the beat goes on for this Federal pork, partly due to millions of dollars of annual ARC funding.

The ARC was founded over 30 years ago on the ''Field of Dreams'' proposition that, if you build a massive highway system with Federal bucks, economic growth would ride into town. Under that assumption, two-thirds of all ARC money spent since 1965 has gone into highway construction. The original estimated cost to Federal taxpayers was $840 million, yet the 26 highway system is now slated to cost $9 billion and won't be completed until 2060.

Mr. Chairman, this debate especially hits home for growth States like Florida struggling to get their fair share of highway funds. While Florida has seen dramatic increases in its population, ARC has rewarded States that are losing people with more and more Federal funds. According to their own annual reports, $872 million in ARC grants for highways, out of a total of $1.1 billion, has been spent in West Virginia between 1980 and 1992, despite the fact that the State experienced a population loss of 7.2 percent over that time. As we struggle to make ends meet with limited transportation funds, this type of largesse is simply unacceptable.

Mr. Chairman, I am not a fan of the ARC program. I believe that Great Society relics like ARC need to be shelved altogether. But if we are going to provide funding for ARC, we should at least extract some savings for the American taxpayer. We should at least prohibit States from double dipping when other States are struggling to make ends meet. The Klug amendment is a responsible, conservative approach that recognizes the reality of our limited resources while striking a blow for fairness. I urge its adoption.

TRIBUTE TO DR. MORTIMER ELKIND

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today in honor of Dr. Mortimer Elkind. Dr. Elkind is receiving the prestigious Enrico Fermi Award for his valuable contributions to cancer research. He is a cell biologist at Colorado State University in Fort Collins, which is in the Fourth Congressional District of Colorado. The Enrico Fermi Award recognizes extraordinary scientific research and is awarded through the U.S. Department of Energy.

Dr. Mortimer Elkind was born in Brooklyn, NY, and earned his Ph.D. in physics from the Massachusetts Institute of Technology. He worked at the National Cancer Institute in Bethesda, MD, and the Donner Laboratory at the University of California at Berkeley. He also worked at the Brookhaven National Laboratory from 1969 to 1973, and then worked at Argonne National Laboratory until 1981. He was also Professor of Radiology at the University of Chicago. He is currently University Distinguished Professor at Colorado State University's Department of Radiological Health Sciences.

Dr. Elkind worked conjunctively with another Fermi Award winner, Dr. Withers to research the response of normal and malignant cells to ionizing radiation. Collectively, their work established a scientific basis for radiation therapy for cancer. Their work produced the ''fractional hypothesis'' which demonstrated the value of spreading out the radiation dose treatment over time for the best effects. Dr. Elkind's work has significantly contributed to cancer treatment affecting almost 50 percent of cancer patients today in assisting them with care. This extraordinary work has tremendously impacted cancer research and I am proud of this service to the American people through his association with Colorado State University.

The effects of cancer on our society are extremely devastating, so it is Dr. Elkind's kind of dedication to research and mankind that illuminates the human spirit in America. Dr. Elkind is truly an American pioneer and I ask the Congress to join me in thanking him for his remarkable contributions to this country.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

SPEECH OF

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes:

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to the Klug amendment. As has already been stated, there are no funds for Appalachian highways in the Transportation appropriations bill that passed the House earlier this week.

This bill today, the Energy and Water appropriations bill, which has been so well crafted by the chairman, JOSEPH MCDADE and the ranking member VIC FAZIO, includes $160 million for the Appalachian Regional Commission [ARC]. This bill represents a cut below the President's request and is less than half the amount appropriated 15 years ago. If non-Defense discretionary programs had been reduced like this, we would have a balanced budget this year.

It is important to note that since the ARC was created over 30 years ago, the economic condition in the Appalachian Region has significantly improved. Poverty rates have been cut in half, infant mortality has been reduced by two-thirds, and good paying jobs have been created through infrastructure improvements.

But our job is not done. Businesses are closing and others refusing to locate in northern Alabama due to the lack of a four-lane highway to connect the cities of Atlanta, Birmingham, and Memphis.

For job creation and safety issues this is an unacceptable omission from our National Highway System.

Economic growth is hampered because it is so difficult to transport goods and services between Birmingham and Memphis and throughout the northerwestern part of Alabama.

The current inadequate two-lane route is extremely dangerous with a traffic incident or fatality occurring every month for the last 50 months.

The ARC provides needed funds for highways located in the Appalachian Region like Corridor X, which is the proposed four-lane

route from Memphis to Birmingham. These funds do not take resources away from the transportation trust funds, and are matched by each State.

I understand the concern of the gentleman from Wisconsin and support eliminating Federal programs that are inefficient and wasteful. However, a closer look at the facts will demonstrate that funding for the ARC is crucial for the infrastructure and economic development of many rural areas including my congressional district.

I urge my colleagues to defeat the Klug amendment and support H.R. 2203.

INTRODUCTION OF THE NO ELECTRONIC THEFT [NET] ACT OF 1997

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the No Electronic Theft [NET] Act of 1997, along with three of my colleagues from the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, Representatives COBLE, FRANK, and CANNON. I would like to thank not only Chairman COBLE and ranking member FRANK for supporting this important legislation, but also a new and very valuable member of the subcommittee, CHRIS CANNON of Utah.

This legislation will close a loophole in our Nation's criminal copyright law, and will give law enforcement the tools it needs to bring to justice individuals who steal the products of America's authors, musicians, software producers, and others. Additionally, the bill will promote the dissemination of creative works online and help consumers realize the promise and potential of the Internet.

The Internet is a tremendous opportunity. Its growth and development are contributing to the economic expansion we have enjoyed in the last few years. Its true potential, however, lies in the future, when students and teachers can access a wealth of high quality information through the click of a computer mouse, and businesses can bring the benefits of electronic commerce to consumers. Before this can happen, creators must feel secure that when they use this new medium, they are protected by laws that are as effective in cyberspace as they are on main street.

The NET Act of 1997 clarifies that when Internet users or any other individuals sell pirated copies of software, recordings, movies, or other creative works, use pirated copies to barter for other works, or simply take pirated works and distribute them broadly even if they do not intend to profit personally, such individuals are stealing. Intellectual property is no less valuable than real property. As an example of the problems that creators are currently facing, I have attached an article from the Electronic Engineering Times, discussing the theft of recordings on the Internet.

Pirating works online is the same as shoplifting a video tape, book, or computer program from a department store. Through a loophole in the law, however, copyright infringers who pirate works willfully and knowingly, but not for profit, are outside the reach of our Nation's law enforcement officials. This bizarre situation has developed because the authors of our copyright laws did not and could not have anticipated the nature of the Internet, which has made the theft of all sorts of copyrighted works virtually cost-free and anonymous.

The Internet allows a single computer program or other copyrighted work to be illegally distributed to millions of users, virtually without cost, if an individual merely makes it available on a single server and points others to the location. Other users can contact that server at any time of day and download the copyrighted work to their own computers. It is unacceptable that today this activity can be carried out by individuals without fear of criminal prosecution.

Imagine the same situation occurring with tangible goods that could not be transmitted over the Internet, or an individual making millions of photocopies of a best-selling book and giving them away. Imagine copying popular movies onto hundreds of blank tapes and passing them out on every street corner, or copying your personal software onto blank disks and freely distributing them throughout the world. Few would disagree that such activities are illegal—that they amount to theft and should be prosecuted. We should be no less vigilant when such activities occur on the Internet. We cannot allow the Internet to become the ''Home Shoplifting Network''.

The NET Act of 1997 makes it a felony to willfully infringe a copyright by reproducing or distributing 10 or more copyrighted works, with a value of at least $5,000, within a 180-day period, regardless of whether the infringing individual realized any commercial advantage or private financial gain. It also clarifies an existing portion of the law that makes it a crime to willfully infringe a copyright for profit or personal financial gain. It does so by specifying that receiving other copyrighted works in exchange for pirated copies—bartering, essentially—is considered a form of profit and is as unlawful as simply selling pirated works for cash. In other words, if you take a pirated work, such as a software program, and trade it on the Internet and eventually barter to the point where you have a $5,000 portfolio of software, the bill considers such bartering to be a criminal act—just as if you had sold the stolen software for $5,000. In addition, the NET Act expressly calls for victim impact statements during sentencing and directs the sentencing commission to determine a sentence strong enough to deter these crimes.

Mr. Speaker, the United States is the world leader in intellectual property. We export billions of dollars' worth of creative works every year in the form of software, books, video tapes, sound recordings, and other products. Our ability to create so many quality products has become a bulwark of our national economy. By closing this loophole in our copyright law, the NET Act sends the strong message that we value the creations of our citizens and will not tolerate the theft of our intellectual property.

HAPPY 100TH BIRTHDAY TO COL. THOMAS DICKINSON OF BROWN COUNTY, OH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 1997

Mr. PORTMAN. Mr. Speaker, Brown County, OH will celebrate the 100th birthday of its oldest veteran, Col. Thomas Dickinson, tomorrow at the American Legion Hall in Georgetown. Colonel Dickinson has been an active member of the American Legion for 65 years and is a past commander of the Georgetown Post. His life story is a truly remarkable example of patriotism and service.

Colonel Dickinson tried for 18 months to enlist in the Army during World War I, but was told by Army doctors that his flat feet and bad heart would keep him out of the service. Nonetheless, he kept trying, and was finally allowed to enlist as a private in 1940—at the age of 43. He served in Europe during the war, in 1946, became Commissioner of Foreign Claims for Berlin. After leaving the military in 1947, he was recalled in 1949 and was sent to Korea in 1951, where he served as a public information officer. During his service in World War II and Korea, he earned 15 service medals, including the Bronze Star.

He retired from active duty in 1955, and began work as a legal adviser with the Army Corps of Engineers in 1960. His work with the Corps brought him to Georgetown, and he has kept his home in Brown County ever since, where he and his wife, Eloise, live on U.S. 52 along the Ohio River. I wish him an enjoyable 100th birthday and many more to come.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. WEYGAND. Mr. Chairman, I rise today in support of the transportation appropriations bill. First, I thank Chairman WOLF and Ranking Member SABO for their excellent work and dedication to the transportation needs of our country and my State.

I would like to address an issue important to my State. In Rhode Island we are in the process of rebuilding our economy. Restructuring our transportation system is critical to the success of that rebuilding. The funding provided in this bill will help Rhode Island in developing a world-class transportation system that includes rail, road, and air transportation.

I would like to mention one project that will have a positive impact on my State and New England. The project is the re development of Quonset Point/Davisville, a 3,000-acre former naval facility in North Kingstown, RI, into a major industrial center in the Northeast.

The Quonset Point/Davisville project is of utmost importance to the economic development of my State and the region. The development of Quonset Point has broad-based support from business leaders, government officials, and the voters of Rhode Island.

Completion of the Rhode Island Rail Development project is a crucial component to providing adequate freight access to Quonset Point/Davisville. The funding provided in this bill along with a recently passed State bond agreement will go a long way to making sure that Rhode Island and New England will have adequate access to rail.

Again, I thank Chairman WOLF and Ranking Member SABO for their work in producing a bipartisan bill.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

SPEECH OF

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes:

Mr. LATOURETTE. Mr. Chairman, it has recently come to my attention that the Army Corps of Engineers is planning to restructure its Great Lakes and Ohio River Division by first severely reducing the number of employees, particularly those with decision-making authority, at its Chicago office and eventually closing it down entirely. This plan is documented in an internal Army Corps memo that I have obtained from the International Federation of Professional and Technical Engineers Local 777. This plan would leave the Great Lakes region with only one office, in Cincinnati, and would obliterate the institutional memory that is so vital to Army Corps operations in this region. Losing the Chicago division office to Cincinnati will mean that the Great Lakes will most likely lose resources, funds, and priority consideration for projects in this region.

Last year, when this Congress passed the Energy and Water Development Appropriations Act for fiscal year 1997, the Army Corps was directed to reduce its divisions to no less than six and no more than eight. The Department of the Army's Office of Civil Works submitted a plan to the Congress which detailed the restructuring plan, approved by the Secretary. This plan stated that, ''The Great Lakes districts of the North Central Division will be combined with the districts of the Ohio River Division to form the Great Lakes and Ohio River Division. Division headquarters will remain in both Chicago and Cincinnati, each with a regional deputy commander and SES.''

The closure of the Chicago office would affect my State as well as the entire Great Lakes region, and I am troubled by this action on the part of the Army Corps. When the Appropriations Committee wrote the language directing the Army Corps to reduce its overall division structure, I do not believe that it was the Committee's intention that a region with projects as important as those in the Great Lakes should suffer disproportionately. The operations directed at the Chicago office are vital to projects conducted on the Great Lakes, and its closure would impede progress on many projects that my colleagues in the Great Lakes and I consider important.

Mr. Speaker, I would like to include for the RECORD two documents that are the basis for my concern. The first is a January 22, 1997, outline of the plan submitted by the Army Corps and approved by the Secretary of the Army to reorganize its division structure pursuant to the Energy and Water Development Appropriations Act of fiscal year 1997. This plan clearly indicated that the Army Corps intended to maintain dual Division headquarters offices in both Chicago and Cincinnati, each with decision-making staff. The second document that I am submitting for the RECORD was provided by the International Federation of Professional and Technical Engineers Local 777 in Chicago, IL. It includes an internal Army Corps memorandum from the Commander of the Great Lakes and Ohio Division regarding Division restructuring dated May 27, 1997. This memo states clearly the Army Corps' intention to severely reduce and eventually to close the Chicago Division office of the Great Lakes and Ohio Division. Mr. Speaker, thank you for allowing me this opportunity to bring this matter to my colleagues' attention.

DEPARTMENT OF THE ARMY, OFFICE OF THE SECRETARY OF THE ARMY,
Washington, DC.

Information for Members of Congress

The Energy and Water Development Appropriations Act of fiscal year 1997 (PL 104–206) requires that the Secretary of the Army develop a plan that reduces the number of U.S. Army Corps of Engineers divisions to no less than six and no more than eight, with each division responsible for at least four district offices. The Secretary has approved such a plan; the purpose of this paper is to inform you of its provisions.

An outline of the plan is attached. The key elements of this plan are as follows:

1. The Corps will convert New England Division to district status and assign it under the North Atlantic Division.

2. The Alaska District will be transferred from the North Pacific Division to the Pacific Ocean Division (POD). POD headquarters will remain in Honolulu.

3. The Great Lakes districts of the North Central Division (NCD) will be combined with the districts of the Ohio River Division to form the Great Lakes and Ohio River Division. Division headquarters offices will remain in both Chicago and Cincinnati, each with a regional deputy commander and SES.

4. The districts of the North Pacific Division (less Alaska) will be combined with the districts of the Missouri River Division to form the Northwestern Division. Division headquarters offices will remain in both Portland and Omaha, each with a regional deputy commander and SES.

5. Two districts located along the Mississippi River (currently assigned to NCD) will be combined with the districts currently assigned to the Lower Mississippi Valley Division. The division will be renamed as the Mississippi Valley Division.

6. One district will be transferred from the Southwestern Division to the South Pacific Division.

A briefing on the components of this plan will be provided, if desired. Please contact the Director of Civil Works, Headquarters, U.S. Army Corps of Engineers at (202) 761–0108 to request such a briefing.

Furnished by: Office, Assistant Secretary of the Army (Civil Works)

U.S. ARMY CORPS OF ENGINEERS DIVISION RESTRUCTURING PLAN, Jan. 22, 1997

Current alignment	Final configuration
Engineering and Support Center, Huntsville, Alabama.	No change.
Transatlantic Programs Center, Winchester, VA.. Transatlantic Programs Center (Europe).	No change.
South Atlantic Division. Mobile, Jacksonville, Savannah, Charleston, Wilmington.	No change.
North Pacific Division. Alaska, Portland, Seattle, Walla Walla.	North Pacific and Missouri River divisions combined to form the Northwestern Division. Alaska District transferred to POD. Division HQ offices retained in Omaha and Portland, each with regional deputy commander and SES.
Missouri River Division. Omaha, Kansas City.	Omaha, Portland, Seattle, Kansas City, Walla Walla.
Pacific Ocean Division. Honolulu, Far East (Korea), Japan.	Pacific Ocean Division. Honolulu, Far East (Korea), Japan, Alaska.
New England Division	Division functions eliminated; renamed New England District (office remains in Waltham). Assigned to North Atlantic Division.
North Atlantic Division. New York, Philadelphia, Baltimore, Norfolk.	North Atlantic Division: New York, Philadelphia, Baltimore, Norfolk, New England.
Southwestern Division. Little Rock, Albuquerque, Fort Worth, Galveston, Tulsa.	Southwestern Division: Albuquerque District transferred to South Pacific Division. Little Rock, Fort Worth, Galveston, Tulsa.
South Pacific Division. San Francisco, Sacramento, Los Angeles.	South Pacific Division: San Francisco, Sacramento, Los Angeles, Albuquerque.
North Central Division. Chicago, St. Paul, Rock Island, Detroit, Buffalo.	Ohio River and North Central divisions combined to form the Great Lakes and Ohio River Division. St. Paul and Rock Island districts transferred to Mississippi Valley Division. Division HQ offices retained in Chicago and Cincinnati, each regional deputy commander and SES.
Ohio River Division. Louisville, Huntington, Pittsburgh, Nashville.	Louisville, Chicago, Pittsburgh, Nashville, Buffalo, Huntington, Detroit.
Lower Mississippi Valley Division. Memphis, Vicksburg, New Orleans, St. Louis.	Mississippi Valley Division: Memphis, Vicksburg, New Orleans, St. Louis, Rock Island, St. Paul

INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS,
Chicago, IL, July 21, 1997.

MS. ROCHELLE STURTEVANT,
Great Lakes Task Force, Office of Senator J. Glenn, U.S. Senate, Washington, DC.

DEAR MS. STURTEVANT: The employees of the former North Central Division are extremely grateful for the support provided by Senator Glenn and the other representatives within the Great Lakes Region. We are remiss in not passing that sentiment on sooner. We waited because many feared what General Ballard outlined was not what would occur. Unfortunately, this appears to be the case.

I want to share with you some correspondence with significant implications for any continued presence, let alone a full service, functional and decision making Great Lakes Regional Office in Chicago.

The first is a memo from the Chief of Engineers Lieutenant General Joe Ballard, dated 27 May 1997, which approved the Chicago Division Office as the Great Lakes Regional Office under the Great Lakes and Ohio River Division (LRD). It includes a request that the LRD Commander personally contact LTG Ballard on designation of functional chiefs (where the functional chiefs, i.e., Planning, Engineers, Construction who will

have most decision-making authority, will be located). Note that the Chief made at least two of the decisions himself.

The second item is Permanent Orders No. 29–1, from the Headquarters Chief of Staff, dated 10 June 1997, which directs that LRD will INITIALLY maintain two Division Regional Headquarters, one of which is Chicago (emphases added). Note that the Great Lakes Regional Office has its own Unit Identification Code (UICs) while the Ohio River Regional Headquarters has the same UICs as the Great Lakes and Ohio River Division Office. That identifies that the Ohio River Regional Headquarters and the Division Office are one and the same.

The third item is a memo from Colonel Jasen, the Acting Commander of LRD, dated 23 June 1997. This memo formalizes his decision designating the division POC's. Thirteen of the functional chiefs are Cincinnati employees. Only two are Chicago employees, Mr. Dwight Beranek and Mr. Mike Lee. Mr. Beranek is an SES and could be transferred on short notice. Mr. Lee is the contract administrator and does not make decisions approving studies or projects. We question the legality of creating a new division office and staffing it non-competitively, with the only apparent qualification being the state of residency.

The last item is a May 7 e-mail memo from General Jeo Ballard to General Albert Genetti in response to my May 2 e-mail message. Note that one month after implementation, the Chief of Engineers already identifies that the two regional office concept ''would not last forever.''

Despite what we have been told, it appears that all future decisions will be stacked against the Chicago office. The decision making for the LRD will be controlled from Cincinnati, and our ability to influence decisions on Great Lakes projects and funding diminished. The number of Great Lakes Regional Office employees will be reduced to 20–25. It is questionable if we can be effective as such a small staff, and it is probable that the Chicago Division office will ultimately close. The new LRD Commander, General Van Winkle, assumes command this week. He could reverse or at least postpone the decision made by Colonel Jansen.

We believe that the whole dual Regional Office concept was simply a sham to allow the Chief of Engineers to transfer half of our workload, and slash our budget allotment. It also allowed time to drive employees out of our office with cash incentives to retire or take early retirements. These actions were taken before any consideration was given to what mission this office would accomplish or what competencies would be required. Our staff is being used to reduce the impact to Ohio employees caused by the loss of Ohio's military workload. By the time the truth becomes obvious to others, the destruction of this office's capability to function will be destroyed to the point that it will be irreversible. Of course, the true intentions are more obvious to those of us that see the continual indications of betrayal.

For several years, the Great Lakes Region has fought to keep this office open. Congress has rejected earlier plans prepared by General Williams and his deputy, General Genetti, as well as others. Congressional representatives were duped into acceptance of a plan that had no facts to substantiate it other than ''trust me'' we'll do what's right. At our Townhall meeting, General Ballard proudly proclaimed that he had no Corps experience. He was briefed on this issue by General Williams and other HQUSACE staff members that had long supported our closure. He made his decision in about one month. General Genetti is currently General Ballard's Deputy and is still available to continue to influence decisions. General Genetti is also a former Ohio River Division Commander and an excellent conduit to Colonel Jansen his former deputy. General Van Winkle also has no Corps experience and was briefed by his predecessor Colonel Jansen. The deck was stacked from the start.

We are looking to Senator Glenn, the Great Lakes Congressional Task Force and Great Lakes Commission for counsel on how we should proceed. Perhaps the Corps should be asked to brief certain Representatives or staff, perhaps slowing down the process while we collectively develop language to be added to the next COE appropriations. The language could note that the intention of Congress is to preserve a functional, full service, decision making Corps Division-level presence in Chicago to service the Great Lakes.

Thank you for your time.

DUANE A. KOWALSKI,
President.

CECG, 27 May 1997.

Memorandum for Commander, Great Lakes and Ohio River Division.

Subject: Division restructuring.

1. Reference:

a. Public Law 104–206.

b. HQUSACE CECG memo dated 31 March 1997; Division Restructuring Implementation Guidance.

c. U.S. Army Corps of Engineers Great Lakes and Ohio River Division Implementation Plan for Division Restructuring, dated 2 May 1997.

2. This headquarters has completed its review of the restructuring plan submitted in reference 1c. Your plan is approved for execution consistent with the comments which follow.

3. General comments for all division commanders:

a. The pace of change. Each commander has presented a timeline which aggressively implements the new organizational structure. I appreciate the work that went into developing your plans and commend all of you for the personal support you are investing to ensure the plan becomes a reality. However, I want to emphasize that there is no need to rush into this restructuring. It is my intent that the pace of transition to this new structure be deliberate and measured. I want you to ensure we are properly taking care of our people who may be impacted by these changes as well as keep interested parties informed of our progress. So pace yourself to do this right; it is more important that we do this smart rather than fast.

b. Resourcing. I also want to make it clear that I expect real savings in General Expenses (GE) funding, GE full time equivalent (FTE) staffing, and Operations and Maintenance, Army (OMA) funding to emerge from this restructuring. Some commanders have asked for staff increases. I am willing to consider modest increases in specific situations where individual division staff workload has truly been increased. But these increases will be made in a zero-sum environment, achieved through cross leveling throughout the Corps. There will be no net increase in overall Corps staffing levels. You need to understand and plan for the fact that division staffs will likely decrease in size even more over the next few years. Further guidance is provided in paragraph 4 below.

c. Information management. The alignment of our automated information systems (AIS) within the new organizational structure is the most complex aspect of this restructuring. We have identified 36 separate, Corps-wide systems that require changes. Many of these are interconnected, sharing data with external Department of Army systems and other Corps systems. Converting these systems to the new EROC, UIC, and office symbols will be time consuming and will directly impact your execution timelines. I have appointed a taskforce to determine the best way to accomplish this. This task force will publish a detailed conversion schedule by mid-June. Other AIS issues:

(1) The CEAP cap and billing algorithm will remain as currently structured for the remainder of FY97. The FY98 guidance will align billing with the new Division structure. CEAP circuit relocations and upgrades will be based on individual requirements of impacted Divisions.

(2) For distress transferring from one division to another, the transfer of FY97 AIS data and other electronic records will be made to the gaining division. For divisions giving up districts, plans must be developed to archive prior year AIS data and electronic records at the current location (to include the regional Omaha and Chicago offices). These plans will be submitted along with the plan for records management as requested in CEIM–IR memo, dated 4 April 1997, subject: Division Restructuring Implementation—Records Management Impact.

(3) POC for information management issues is Ms. Cathy Sheridan, CEIM–L, (202) 761–0468.

d. FY99 Civil Works Operations and Maintenance roll-up. AIS systems will not be converted to the new structure in time to meet the FY99 Civil Works O&M Budget submittal suspense of 20 June. Consequently, districts who now report to a new division headquarters will prepare their submittals in coordination with that new division. Submittals will be made, however, according to the old MSC structure. District and MSC offices are currently engaged in putting their budget submittals into the O&M Automated Budget System (ABS). The budget will be arranged according to the new MSC organizational structure by HQUSACE after the division budget submittals have been received.

4. Resourcing:

a. Operations and Maintenance, Army (OMA): Fiscal Year 1997 OMA funds for division office staffing were distributed to the MSCs at the beginning of the fiscal year. There are no funds remaining in the headquarters for that purpose, nor were any additional OMA funds appropriated specifically for MSC restructuring. Further, Fiscal Year 1998 budget guidance issued earlier this year depicts a 20 percent overall reduction in funding compared with Fiscal Year 1997. Every effort must be made to constrain operating costs within current budgetary guidance. Any requirements over and above the current budgetary guidance must be accommodated through the Unfinanced Requirement (UFR) process through Resource Management channels.

b. General Expenses (GE): Fiscal Year 1998 GE funding and staffing guidance has been developed based on headquarters review of division restructuring plans, the President's Budget request of $148 million, and projected outyear funding levels. This FY 98 funding guidance as well as a five-year resourcing plan will be provided under separate cover.

c. Restructuring Costs ($000): Restructuring implementation costs totaling $2.6 million Civil (GE) and $1 million Military (OMA) were submitted. In some cases, requests for funds duplicated or referred to requirements identified in the joint GE/OMA Mid-Year Review. In other cases, requirements were not clearly related to the restructuring effort, and will require further review and coordination with your staff to determine the appropriate source and level funding needed as events unfold. The amounts shown for FY 97 will be allocated shortly, any additional requirements for FY 97 and FY 98 will require further justification incrementally as funds

are needed, such as the actual number and cost of approved VERA/VSIPs, prior to allocation of funds. However, to the extent funds are available, valid restructuring and related costs will be funded. Additional requests should be presented to the Directorate of Resource Management. ATTN: CERM-B, for review and coordination.

d. LRD specific GE and OMA staffing and restructuring funding guidance:

	FY 97		FY 98	
	FTE	$000	FTE	$000
Requested GE	N/A	209	145	650
Approved GE	.....	[1] 160	121	[1] 650
Requested other civil	N/A	.....	20	.....
Approved other civil	.....	.....	TBD	.....

[1] Costs for ADP upgrades, new equipment purchases in FY 97 totaling $149K and $500K for VERA/VSIPs in FY 98 need further review and justification prior to funding. FY 97 amount excludes $97.3K requested for HR VSIP/VERA actions, which are to be funded as part of the Mid-Year Review.

e. The lead for coordinating FY98 FTE allocations to districts being transferred to a new division is the commander of the gaining division in coordination with the commander of the losing division. Responsibility for reallocation transfers to the gaining commander.

f. POC for resourcing issues is Mr. Bronel Jerrell, CERM-B, (202) 761–1104.

5. Division specific issues.

a. Dam safety: The plans do not discuss the activities required for the transfer of division level Dam Safety responsibilities. Since dam safety is an important function a detailed dam safety transfer plan should be developed at the earliest possible date and a copy of the plan furnished to the HQUSACE Dam Safety Officer for information. The detailed plan should address the 11 dams in the former North Central Division that are being transferred to this division. A portion of the plan should also address the 60 dams in the St. Paul and Rock Island Districts that are being transferred from the former North Central Division to the Mississippi Valley Division. CECW–EP is available to assist as required. POC is Mr. Charles Pearre, (202) 761–4531, or Mr. Robert Bank, (202) 761–1660.

b. Functional office chiefs. We have discussed the issue of how and when to designate chiefs for your various functional areas. Request you contact me personally to review your plans for operating as one staff located in two locations.

c. The Director of Resource Management will coordinate and integrate the timing and structure of EROC code changes to reflect the future division. Our short term policy will be to retain separate EROC codes for each of the regional headquarters. Our long term policy will be to move toward one EROC code per commander for division headquarters. The AIS team will recommend a time line which will coordinate and integrate these changes with all of the other interrelated AIS systems.

6. POC, this headquarters, MG Russ Fuhrman, (202) 761–0099 or COL Rick Mogren, (202) 761–0108.

JOE N. BALLARD,
LIEUTENANT GENERAL, USA,
Commanding.

DEPARTMENT OF THE ARMY,
U.S. ARMY CORPS OF ENGINEERS,
Washington, DC, June 10, 1997.

Permanent Orders
No. 29–1

Restructure within the U.S. Army Corps of Engineers.

Following organization/unit action directed:

1. Action: Great Lakes and Ohio River Division (LRD) LTCs; CEW072AA and CEW2SMAA. restructure will initially maintain two Division Regional Headquarters: Great Lakes Regional Headquarters (located in Chicago). UICs; CEW02208 and CEW2SM08 and, Ohio River Regional Headquarters (located in Cincinnati, UIC, CEW072AA and CEW2SMAA.

Assigned to: Great Lakes and Ohio River Division, U.S. Army Corps of Engineers.

2. Action: Northwestern Division (NWD) UICs; CEW071AA and CEW2SJAA restructure will initially maintain two Division Regional Headquarters: North Pacific Regional Headquarters (located in Portland), UICs; CEW071AA and CEW2SJAA and, Missouri River Regional Headquarters (located in Omaha), UICs; CEW07107 and CEW2SJ08. Assigned to: Northwestern Division, U.S. Army Corps of Engineers

Mission: Not Applicable
Effective Date: 2 June 1997
Military Structure Strength: NA
Military Authorized Strength: NA
Civilian Structure Strength: NA
Civilian Authorized Strength: NA

Accounting Classification: as provided by separate directive.

Authority: Public Law 104–206 and SECARMY approval of Division Restructuring Plan.

Special Instructions: EROCs and UICs will remain as assigned in the initial implementation guidance until conversion to one EROC and UIC for the division.

Format: 740

For the Commander.

OTIS WILLIAMS,
Colonel Corps of Engineers,
Chief of Staff.

JUNE 23, 1997.

Memorandum for Record.

Subject: Commander's action on VSIP/VERA for CELRD regional offices, June 1997.

1. The following records the Division Commander's decisions and guidance related to granting of VSIP and VERA to employees of the division regional offices in Chicago and Cincinnati, and related matters as made in a meeting with key staff on 12 June 1997.

2. Decisions on VSIP and VERA.

a. The effective date for all approved NLT 3 October 1997 unless otherwise indicated. Extension of effective dates for those approved for VERA to 3 October 1997 is made under the delegation of this authority.

b. HQUSACE. CEHR–E memorandum, 5 April 1995 subject: DOD Voluntary Early Retirement Authority (VERA).

b. Specific actions.

(1) Great Lakes Regional Office. Chicago.

AITLAND, Esther: VSIP approved. Effective date not later than 3 January 1998, earlier if possible. Mr. Beranek to attempt to negotiate earlier date. Aitland's position is to be abolished.

BOCHANTIN, Bernard: VSIP and VERA approved. Bochantin's position is to be abolished.

CAVINESS, Marie: VSIP approved. Caviness's position is to be abolished.

CHIN, Bing: VSIP approved. Effective date not later than 3 January 1998, or earlier on Mr. Beranek's decision. Chin's position is to be abolished.

GILLILAND, Betty: VSIP approved. Mr. Beranek to determine position to be abolished from within GL DETS. Surplus HR employee is not to be placed in GL DETS or elsewhere in GL Regional Office as a result of this VSIP; need to get total numbers down, not moved around internally. See additional guidance below.

HAIDINYAK, Julie: VSIP approved. Haidinyak's position is to be abolished.

KANDL, Gregory: VSIP and VERA approved. Kandl's position is to be abolished.

KOWALKOWSKI, Lorraine: VSIP approved. Kowalkowski's position is to be abolished.

Subject: Commander's action on VSIP/VERA for CELRD Regional Offices, 1998.

LATORUNEY, Paul: VSIP approved. Latourney's position is to be abolished.

LEINTZ, Barbara: VSIP and VERA approved. Leintz's position is to be abolished.

LEONARD, Donald: VSIP approved. Mr. Beranek to make recommendation to division commander on how to structure Chicago office for future end-state structure. However, the Chief of DETS Engineering Division will be in OR Regional Office, Mr. Beranek will be the division Director of Engineering and Technical Services.

LISUZZO, Gactano: VSIP and VERA approved. Lisuzzo's position is to be abolished.

METZ, Anada: VSIP and VERA approved. Metz's position is to be abolished.

MUELLER, Jewell: VSIP approved. Mueller's position is to be abolished.

OKONSKI, Jerome: VSIP approved. Effective date not later than 3 January 1998. Okonski's position is to be abolished. Director of Program Management to make recommendation of division commander on future end-state structure. Director of Program Management will be in OR Regional Office and will be director for division.

ORDONEZ, Jose: VSIP approved. Ordonez's position is to be abolished.

PRITCHARD, Barry: VSIP approved. Pritchard's position is to be abolished. Mr. Steiner will be the Planning Division Chief for the division.

SMITH, Robert: VSIP approved. Smith's position is to be abolished.

SORENSON, Rosa: VSIP and VERA approved. Sorenson's position is to be abolished.

WESTALL, William: VSIP approved. Westall's position is to be abolished.

(2) Ohio River Regional Office, Cincannati.

EBERHARDT, Berry Mae: VSIP approved. Eberhardt's position is to be abolished.

EMMERICH, John: VSIP approved. Emmerich's position is to be abolished.

GOLLADAY, Walter: VSIP and VERA approved. IM staff (between two offices, to be reduced by one.)

GREGORY, Phyllis: Disapproved. Key position as CEFMS coordinator, cannot afford to lose her expertise at this critical time.

HUGENBERG, Thomas: VSIP and VERA approved. Effective date not later than 21 November 1997. Hugenberg's position is to be abolished.

JAMES, Jackie: Disapproved. Chief of Audit position will be in end-state structure in all likelihood. As both Chief Auditors have applied, under DOD policy the one with the senior Service Computation Date must be approved first. Therefore VSIP and VERA were approved for Mr. Batburney and disapproved for Mr. James.

PERRY, Norman: VSIP approved. Mr. Mello's position is to be abolished and be reassigned to Mr. Perry's position. Effective date to be not later than 3 January 1998.

STRACHN, Donna: VSIP and VERA approved. Effective date to be not later than 3 January 1998. Strachn's position is to be abolished and duties to be combined with Executive Liaison position, to include supervision over Public Affairs Specialists in both regional offices.

SUPPLE, Mary: VSIP approved. Ms. Rosario's position in Resource Management is to be abolished. Messrs. Basham, Gibson, and White to decide how duties being performed by Ms. McAlister, Rosario and Supple to be combined into remaining positions in the trade directorates.

TOWNSEND, John: VSIP and VERA approved. Townsend's position is to be abolished.

3. Other commander's decisions guidance:

a. As the above actions are effected, the remaining staff principles will be designated as

the division staff officer for both regions and all seven districts. This includes the following directors/office chiefs: (RM action to officially designate)

Programs Management—Mr. Michael White (pending assignment/selection of an SES to the position).

Engineering and Technical Services—Mr. Dwight Beranek; Planning Division—Mr. Daniel Steiner, Engineering Division—To be recruited with duty location in Ohio River Regional Office, Cincinnati, Real Estate Division—Mr. Dominick Lijoi.

Audit—Mr. Jackie James.

Contracting—Mr. Michael Lee (Chicago).

Division Counsel (approved by the Chief of Engineers)—Mr. Terry Kelley.

Equal Employment Opportunity Officer—Ms. Juleana Frierson.

Human Resources—Mr. William St. John.

Information Management—Mr. Walter Golladay.

Logistics Management—Mr. Gary Thomson.

Provost Marshal/Inspector General—MAJ Joanne Dewberry.

Public Affairs—Ms. Donna Strachn (until retirement, then combined as indicated above).

Resource Management (as approved by the Chief of Engineers)—Mr. Paul Gibson.

c. I previously made the decision to abolish all Human Resources (HR) positions in the former NCD operating HR office and conduct a Reduction in Force (RIF); HR employees in that office will be afforded bump and retreat rights under RIF to occupied positions only. All positions in the Great Lakes Regional Office which are not presently permanently encumbered by an employee will be officially abolished along with those indicated above.

d. Mr. Michael Loesch from GL Regional Office is to be offered the position in OR DETS, Construction-Operations Division vice Sherm Gee.

e. Mr. Timothy Monteen is to be offered a management directed reassignment to the OR DETS, Construction-Operations position vice Dave Patuson.

ALEXANDER R. JANSEN,
Colonel, Corps of Engineers,
Commanding.

GENERAL BALLARD: I am writing regarding a problem that has developed during the writing of the Corps' division restructuring plans. The problem is the perception that Regional Offices in Chicago and Omaha are subservient to their co-regional office.

The perception is caused by a general lack of information or communication to the divisions, and HQUSACE staff. The staff in Cincinnati has not had a Town Hall meeting to explain the dual regional office concept or the transition plan. One staff member was reported as saying something to the effect of ''We have 90 new employees and don't know what to do with them''. The transition teams have worked together to prepare a plan that should be acceptable to all.

However our sense of well being falters when we hear statements that are opposite of what we heard from you. What is even worse, is receiving correspondence from HQUSACE that does not exhibit the intent of the restructuring plan. One such example was the 31 Mar 1997 memo on Restructuring Implementation Instructions which identified Office Symbols, EROC's and UIC's for Corps offices. There was no organizational element identified as the Ohio River Regional Office. We understand that those concerns were heard, understood and being acted upon.

The worst example of HQUSACE insensitivity to this issue is the Corps' Home Page on the Internet. Again, there is a Great Lakes Regional Office in Chicago. But, no mention of a Regional Office in Cincinnati, only the Great Lakes Ohio River Division Office.

We have taken you at your word and hope that these are only errors of ignorance, and that the Home Page has not been corrected due to other IM efforts required to implement your restructuring plan. Perhaps a few words to the HQUSACE Chief of Information Management would clarify the perception the Home Page gives to all that see it, and identify it as a high priority item.

Thank you for your assistance.

DUANE A. KOWALSKI,
President,
Local 777, IFPTE.

Friday, July 25, 1997

Daily Digest

HIGHLIGHTS

The House passed H.R. 2203, Energy and Water Development Appropriations Act for FY 1998.

The House appointed conferees for H.R. 1119, Department of Defense Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S8113–S8160

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 1068–1071, and S. Con. Res. 43. **Pages S8153**

Measures Reported: Reports were made as follows: S. Con. Res. 33, authorizing the use of the Capital Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up. **Pages S8153**

Measures Passed:

Global Warming: By a unanimous vote of 95 yeas (Vote No. 205), Senate agreed to S. Res. 98, expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change. **Pages S8113–39**

Howard M. Metzenbaum U.S. Courthouse: Senate passed S. 833, to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio as the ''Howard M. Metzenbaum United States Courthouse''. **Page S8158**

Robert J. Dole U.S. Courthouse: Senate passed S. 1000, to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse''. **Pages S8158–59**

Lloyd D. George U.S. Courthouse: Senate passed S. 1043, to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse''. **Pages S8158–59**

Mexico Antidumping Investigation: Senate agreed to S. Con. Res. 43, urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup. **Pages S8158–60**

International Dolphin Conservation Program Act—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 39, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean. **Pages S8139–40**

Messages From the House: **Page S8152**

Measures Placed on Calendar: **Page S8152**

Communications: **Pages S8152–53**

Statements on Introduced Bills: **Pages S8153–56**

Additional Cosponsors: **Page S8156**

Authority for Committees: **Page S8157**

Additional Statements: **Pages S8157–58**

Record Votes: One record vote was taken today. (Total—205) **Page S8138**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 3:08 p.m., until 12 Noon, on Monday, July 28, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8160.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Maura Harty, of

Florida, to be Ambassador to the Republic of Paraguay, and James F. Mack, of Virginia, to be Ambassador to the Co-operative Republic of Guyana, after the nominees testified and answered questions in their own behalf.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee continued hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Donald K. Stern, United States Attorney for the District of Massachusetts, Boston; and Richard Richards, Young Brothers Development (USA), Inc., Miami, Florida, former Chairman, Republican National Committee.

Hearings continue on Tuesday, July 29.

VETERANS AFFAIRS

Committee on Veterans Affairs: Committee concluded hearings on proposed legislation to codify and clarify VA resource allocation standards, S. 801, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination and sexual harassment within VA, S. 999, to require VA to adopt standards for the provision of mammography services, proposed legislation to reform VA eligibility requirements, proposed legislation to authorize certain legal authorities related to the provision of VA health care services, S. 309, to prohibit parking fees at VA medical centers operated under a sharing agreement with the Department of Defense, proposed legislation to authorize major medical facility projects and leases, S. 987, to provide a cost-of-living-adjustment in the rates of disability compensation for veterans with service connected disabilities and other benefits, S. 464, to allow revision of veterans benefits decisions based on clear and unmistakable error, S. 623, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts as active service for purposes of eligibility for veterans benefits, S. 714, to permanently authorize the Native American Veteran Housing Loan Pilot Program, S. 730, to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, proposed legislation to provide for an increase in the Medal of Honor pension, S. 813, to provide criminal penalties for theft and willful vandalism at national cemeteries, S. 986, to make certain improvements in the housing loan programs for veterans and eligible persons, and proposed legislation to codify the 1997 cost-of-living-adjustment legislation, after receiving testimony from Senator Inouye; Representatives Filner and Gilman; Stephen L. Lemons, Acting Under Secretary for Benefits, and Thomas L. Garthwaite, Deputy Under Secretary for Health, both of the Department of Veterans Affairs; and Jacqueline Garrick, American Legion, Dennis M. Cullinan, Veterans of Foreign Wars of the United States, Joseph A. Violante, Disabled American Veterans, and Kelli R. Willard West, Vietnam Veterans of America, all of Washington, D.C.

NATIONAL SAFE KIDS CAMPAIGN

Committee on Rules and Administration: Committee approved for reporting S. Con. Res. 33, authorizing the use of the Capital Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 2261–2263, 2265, 2268–2276; 1 private bill, H.R. 2277; and 4 resolutions, H. Con. Res. 123–126, were introduced.

Pages H5825–26

Reports Filed: Reports were filed today as follows:

H.R. 1953, to clarify State authority to tax compensation paid to certain employees (H. Rept. 105–203);

H.R. 1348, to amend title 18, United States Code, relating to war crimes, amended (H. Rept. 105–204);

H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–205);

H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998 (H. Rept. 105–206);

H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–207); and

H.R. 695, to amend title 18, United States Code, to affirm the rights of United States persons to use

and sell encryption and to relax export controls on encryption (H. Rept. 105–108 Part II). **Page H5825**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Reverend Bruce Mackenzie of Boulder, Colorado. **Page H5781**

Legislative Branch Appropriations: The House agreed to H. Res. 197, the rule providing for consideration of H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, by a recorded vote of 218 ayes to 203 noes, Roll No. 325. Earlier, agreed to order the previous question by a yea and nay vote of 222 yeas to 201 nays, Roll No. 324. **Pages H5783–93**

Energy and Water Appropriations: By a yea and nay vote of 418 yeas to 7 nays, Roll No. 329, the House passed H.R. 2203, making appropriations for energy and water development for the fiscal year ending September 30, 1998. The House completed debate and considered amendments to the bill on July 24. **Pages H5793–98**

Agreed To:

The Fazio substitute amendment to the Petri amendment that prohibits any funding for the salaries of Department of the Interior employees for the Animas-LaPlata Project in Colorado and New Mexico except for activities required to comply with the applicable provisions of current law; and continuation of activities pursuant to the Colorado Ute Indian Water Rights Settlement Act of 1988 (agreed to by a recorded vote of 223 ayes to 201 noes, Roll No. 328); and **Page H5796**

The Petri amendment, as amended, that prohibits any funding for the salaries of Department of the Interior employees for the Animas-LaPlata Project in Colorado and New Mexico except for activities required to comply with the applicable provisions of current law; and continuation of activities pursuant to the Colorado Ute Indian Water Rights Settlement Act of 1988. **Pages H5796**

Rejected:

The Klug amendment that sought to reduce funding for the Appalachian Regional Commission by $90 million (rejected by a recorded vote of 97 ayes to 328 noes, Roll No. 326); and **Pages H5794–95**

The Markey amendment that sought to prohibit funding for nuclear technology research and development programs to continue the study of treating spent nuclear fuel using electrometallurgical technology or demonstration of this technology at the Fuel Conditioning Facility; and reduces by $45 million the funding for this program (rejected by a recorded vote of 134 ayes to 290 noes, Roll No. 327). **Pages H5795–96**

Agreed to H. Res. 194, the rule that provided for consideration of the bill on July 24. **Pages H5732–44**

Late Reports—Appropriations Committee: The Committee on Appropriations received permission to have until midnight tonight, July 25, to file three reports on bills making fiscal year 1998 appropriations for the Department of Defense; the Departments of Labor, Health and Human Services, and Education, and related agencies; and the Departments of Commerce, Justice, and State, the Judiciary, and related agencies. **Page H5798**

DOD Authorization Act Conference: The House disagreed to the Senate amendments to H.R. 1119, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and agreed to a conference. **Pages H5798–H5805**

Appointed as conferees: From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Spence and Representatives Stump, Hunter, Kasich, Bateman, Hansen, Weldon of Pennsylvania, Hefley, Saxton, Buyer, Fowler, McHugh, Talent, Everett, Bartlett, Lewis of Kentucky, Watts of Oklahoma, Chambliss, Riley, Dellums, Skelton, Sisisky, Spratt, Ortiz, Pickett, Evans, Taylor of Mississippi, Abercrombie, Meehan, Harman, McHale, Kennedy of Rhode Island, Blagojevich, Snyder, and Rodriguez. As additional conferees from the Permanent Select Committee on Intelligence for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Representatives Goss, Lewis of California, and Dicks. As additional conferees from the Committee on Commerce for consideration of sections 344, 601, 654, 735, 1021, 3143, 3144, 3201, 3202, 3402, and 3404 of the House bill, and sections 338, 601, 663, 706, 1064, 2823, 3136, 3140, 3151, 3160, 3201, and 3402 of the Senate amendment, and modifications committed to conference: Representatives Bliley, Dan Schaefer of Colorado, and Dingell. Provided that Representative Oxley is appointed in lieu of Representative Dan Schaefer of Colorado for consideration of sections 344 and 1021 of the House bill and section 2823 of the Senate amendment. Provided that Representative Bilirakis is appointed in lieu of Representative Dan Schaefer of Colorado for consideration of sections 601, 654, and 735 of the House bill, and sections 338, 601, 663, and 706 of the Senate amendment. Provided that Representative Tauzin is appointed in lieu of Representative Dan Schaefer of Colorado for consideration of section 1064 of the Senate amendment. As

additional conferees from the Committee on Education and the Workforce for consideration of sections 374, 658, and 3143 of the House bill, and sections 664 of the Senate amendment, and modifications committed to conference: Representatives Goodling, Fawell, and Sanchez. Provided that Representative Riggs is appointed in lieu of Representative Fawell for consideration of section 658 of the House bill and section 664 of the Senate amendment. As additional conferees from the Committee on Government Reform and Oversight for consideration of sections 322 and 3527 of the House bill, and sections 1068, 1107, 2811, and 3527 of the Senate amendment, and modifications committed to conference: Representatives Burton, Horn, and Waxman. As additional conferees from the Committee on House Oversight for consideration of section 543 of the Senate amendment, and modifications committed to conference: Representatives Thomas, Ney, and Gejdenson. As additional conferees from the Committee on International Relations for consideration of sections 1101–1111, 1202, 1204, 1205, 1207, 1210, and 1231–1234 of the House bill, and sections 1009, 1013, 1021, 1022, 1056, 1057, 1082, and 1085 of the Senate amendment, and modifications committed to conference: Representatives Gilman, Bereuter, and Hamilton. As additional conferees from the Committee on the Judiciary for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill, and sections 831, 1073, 1075, 1106, and 1201–1216 of the Senate amendment, and modifications committed to conference: Representatives Hyde, Smith of Texas, and Conyers. As additional conferees from the Committee on Resources for consideration of sections 214, 601, 653, 1021, 2835, 2901–2914 and 3404 of the House bill, and sections 234, 381–392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference: Representatives Young of Alaska, Tauzin, and Miller of California. Provided that Representative Hefley is appointed in lieu of Representative Saxton for consideration of section 3404 of the House bill. Provided that Representative Delahunt is appointed in lieu of Representative Miller of California for consideration of sections 2901–2914 of the House bill, and sections 381–392 of the Senate amendment. As additional conferees from the Committee on Science for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference: Representatives Sensenbrenner, Calvert, and Brown of California. Provided that Representative Rohrabacher is appointed in lieu of Representative Calvert for consideration of section 1064 of the Senate amendment. As additional conferees from the Committee on Transportation and Infrastructure for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Representatives Shuster, Gilchrest, and Borski. As additional conferees from the Committee on Veterans' Affairs for consideration of sections 751, 752, and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference: Representatives Smith of New Jersey, Bilirakis, and Kennedy of Massachusetts. **Pages H5803–04**

By a yea and nay vote of 414 yeas with none voting "nay", Roll No. 330, agreed to the Dellums motion to instruct managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1119 be instructed to insist upon the provisions contained in section 1207 of the House bill (relating to limitation on payments for cost of NATO expansion). **Pages H5798–H5803**

By a yea and nay vote of 409 yeas to 1 nay, Roll No. 331, agreed to close conference committee meetings to the public at such times as classified national security information is under consideration, provided that any sitting member of Congress shall have the right to attend any closed or open meeting. **Pages H5804–05**

Legislative Program: The Majority Leader announced the legislative program for the week of July 28. **Page H5805**

Memorial Services for the Late Honorable William J. Brennan: The House agreed to H. Con. Res. 123, providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States. **Pages H5805–06**

Late Report—International Relations Committee: The Committee on International Relations received permission to have until midnight tonight, July 25, to file a report on H.R. 695, to amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption. **Page H5806**

Meeting Hour—Monday, July 28: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, July 28 for morning hour debate. **Page H5806**

Calendar Wednesday: Agreed that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 30. **Page H5806**

Senate Messages: Messages received from the Senate today appear on page H5781.

Referrals: S. Con. Res. 40, expressing the sense of Congress regarding the OAS–CIAV Mission in Nicaragua, was referred to the Committee on International Relations. **Page H5824**

Amendments: Amendments ordered printed pursuant to the rule appear on page H5827.

Quorum Calls—Votes: Four yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H5792, H5792–93, H5794–95, H5795–96, H5796, H5797–98, H5803, and H5804–05. There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 4:20 p.m.

Committee Meetings

FINANCIAL SERVICES COMPETITIVENESS ACT

Committee on Commerce: Subcommittee on Finance and Hazardous Materials continued hearings on H.R. 10, Financial Services Competitiveness Act of 1997. Testimony was heard from public witnesses.

FEDERAL MEASURES OF RACE AND ETHNICITY AND IMPLICATIONS FOR THE 2000 CENSUS

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on Federal Measures of Race and Ethnicity and the Implications for the 2000 Census. Testimony was heard from Representatives Sawyer, Petri, Waters and Conyers; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; Isabelle Katz Pinzler, Acting Assistant Attorney General, Civil Rights, Department of Justice; Nancy Gordon, Associate Director, Demographic Programs, Bureau of the Census, Department of Commerce; and public witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of July 28 through August 2, 1997

Senate Chamber

On *Monday,* Senate will consider S. 1048, Transportation Appropriations, 1998, and may consider S. 830, Food and Drug Administration Modernization and Accountability Act.

On *Tuesday,* Senate will resume consideration of S. 1022, Commerce, Justice, State Appropriations, with a vote on final passage to occur thereon.

Also during the week, Senate expects to consider S. 39, International Dolphin Conservation Program Act, Conference reports, when available, and any cleared legislative and executive business.

(Senate will recess on Tuesday, July 29, 1997 from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: July 29, to hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104–127) on price and income volatility, and the proper role of the Federal government to manage volatility and protect the integrity of agricultural markets, 9 a.m., SR–332.

July 31, Full Committee, to hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports, 9 a.m., SR–332.

Committee on Banking, Housing, and Urban Affairs: July 29, to hold hearings to examine automatic teller machine (ATM) surcharges and fees, 10 a.m., SD–538.

July 30, Subcommittee on Financial Services and Technology, to hold hearings to examine how financial institutions' regulators are managing problems leading into the year 2000, 10 a.m., SD–538.

July 31, Full Committee, business meeting, to mark up S. 1026, authorizing funds for the Export-Import Bank of the United States, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: July 29, to hold hearings on proposed legislation relating to the Global Tobacco settlement litigation, 9:30 a.m., SD–G50.

July 30, Subcommittee on Communications, to hold hearings on the regulation of international satellites, 9:30 a.m., SR–253.

July 31, Full Committee, to hold hearings on S. 268, to regulate flights over national parks, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: July 29, to hold hearings on S. 967, to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska natives and rural residents, and S. 1015, to provide for the exchange of lands within Admiralty Island National Monument, 9:30 a.m., SD–366.

July 30, Full Committee, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

July 30, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings to review the management and operations of concession programs within the National Park System, 2 p.m., SD–366.

July 31, Full Committee, to hold oversight hearings to examine the organizational structure, staffing, and budget of the Forest Service for the Alaska region, 9:30 a.m., SD–366.

Committee on Environment and Public Works: July 30, to hold hearings on S. 1059, to amend the National Wildlife Refuge System Administration Act of 1066 to improve the management of the National Wildlife Refuge System, 9:30 a.m., SD–406.

Committee on Foreign Relations: July 29, to hold hearings on the nominations of Richard Dale Kauzlarich, of Virginia, to be Ambassador to the Republic of Bosnia and Herzegovina, James W. Pardew, Jr., of Virginia, for the rank of Ambassador during his tenure of service as U.S. Special Representative for Military Stabilization in the Balkans, Anne Marie Sigmund, of the District of Columbia, to be Ambassador to the Kyrgyz Republic, Keith C. Smith, of California, to be Ambassador to the Republic of Lithuania, and Daniel V. Speckhard, of Wisconsin, to be Ambassador to the Republic of Belarus, 10 a.m., SD–419.

July 30, Full Committee, business meeting, to consider the Agreement between the Government of the United States and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105–3), S. Con. Res. 39, expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors, and pending nominations, 10 a.m., SD–419.

Committee on Governmental Affairs: July 28, to hold hearings on the nominations of George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission, and Janice R. Lachance, of Virginia, to be Deputy Director of the Office of Personnel Management, 2 p.m., SD–342.

July 28, Full Committee, closed business meeting, to discuss certain issues relating to the special investigation on campaign financing, 4:30 p.m., S–407, Capitol.

July 29, 30 and 31, Full Committee, to resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on the Judiciary: July 28, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings on the 1996 bombing at the Olympics in Atlanta, Georgia, and the FBI's interrogation of Richard Jewell in connection with the bombing, 9:30 a.m., SD–226.

July 28, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings on S. 474, to prohibit gambling on the Internet, 2 p.m., SD–226.

July 29, Full Committee, to hold hearings to examine the copyright infringement liability of on-line and Internet service providers, 10 a.m., SD–226.

July 29, Subcommittee on Constitution, Federalism, and Property Rights, to resume hearings to examine issues with regard to the constitutional role of federal judges to decide cases and controversies, focusing on the problem and impact of judicial activism, whereby federal judges' decisions are based on policy preferences, 2 p.m., SD–226.

July 30, Full Committee, to resume hearings to examine the terms and parameters of the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America, 10 a.m., SD–G50.

July 31, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD–226.

July 31, Subcommittee on Immigration, to hold hearings to review annual refugee admissions, 2 p.m., SD–226.

Committee on Labor and Human Resources: July 29, to hold hearings to examine the status of educational opportunities for low-income children, 9:30 a.m., SD–430.

Committee on Rules and Administration: July 30 and 31, business meeting, to consider the status of the investigation into the contested Senate election in Louisiana, 2:30 p.m., SR–301.

Committee on Indian Affairs: July 30, business meeting, to mark up S. 569, to amend the Indian Child Welfare Act of 1978 to provide for retention by an Indian tribe of exclusive jurisdiction over child custody proceedings involving Indian children and other related requirements; to be followed by an oversight hearing on the Bureau of Indian Affairs Special Trustee's strategic plan to reform the management of Indian trust funds, 9:30 a.m., SD–106.

Select Committee on Intelligence: July 29 and 30, closed briefing on intelligence matters, 2 p.m., SH–219.

Special Committee on Aging: July 28, to hold hearings to examine the amount of fraud in the home health care system and ways to identify and deter fraud, waste and abuse in health care, 1 p.m., SD–562.

House Chamber

Monday: Consideration of 11 Suspensions:

1. H.R. 1855, Establishing a Moratorium on Large Fishing Vessels in Atlantic Herring and Mackerel Fisheries;

2. H. Con. Res. 124, Sense of Congress Regarding Acts of Illegal Aggression by Canadian Fishermen with Respect to Pacific Salmon Fishery;

3. H. Con. Res. 98, Authorizing the use of the Capitol for the Safe Kids Buckle Up Car Seat Safety Check;

4. H.R. 2005, Death on the High Seas Act;

5. H.R. 1596, Bankruptcy Judgeship Act of 1997;

6. H.R. 1953, To Clarify State Authority to Tax Compensation Paid to Certain Employees;

7. H. Con. Res. 75, Sense of Congress that States Should Work More Aggressively to Attack the Problem of Repeat Criminals;

8. H.R. 103, Private Security Officer Quality Assurance Act of 1997;

9. H.R. 1109, To Eliminate the Special Transition Rule for Issuance of a Certificate of Citizenship for Children of a U.S. Citizen Born Abroad;

10. H.R. 1348, Expanded War Crimes Act of 1997; and

11. Concur in Senate Amendment to H.R. 1866, Charitable Donation Antitrust Immunity Act; and

Consideration of H.R. 2209, Legislative Branch Appropriations Act for FY 1998 (modified closed rule).

The House will meet at 12:30 p.m. for Morning Hour Debate. No recorded votes are expected before 5:00 p.m.

Tuesday and the balance of the week: Consideration of H.R. 2159, Foreign Operations, Export Financing and Related Programs Appropriations for Fiscal Year 1998 (unanimous consent agreement);

Consideration of H.R. 2266, Department of Defense Appropriations Act for FY 1998 (subject to a rule);

Consideration of H.R. 2267, Commerce, Justice, State Appropriations Act for FY 1998 (subject to a rule);

Consideration of H.R. 2264, Labor, HHS, and Education Appropriations Act for FY 1998 (subject to a rule);

Consideration of H.R. 2015, Balanced Budget Act of 1997 Conference Report (subject to a rule); and

Consideration of H.R. 2014, Taxpayer Relief Act of 1997 Conference Report (subject to a rule).

House Committees

Committee on Agriculture, July 30, to review the U.S. Forest Service's Government Performance and Results Act Strategic Plan, 10:00 a.m., 1300 Longworth.

Committee on Appropriations, July 28, to consider the Treasury, Postal Service, and General Government appropriations for fiscal year 1998, 3:30 p.m., 2359 Rayburn.

Committee on Banking and Financial Services, July 29, hearing on Government Performance And Results Act, 10 a.m., 2128 Rayburn.

July 30, Subcommittee on General Oversight and Investigations, hearing to review the Department of the Treasury's Proposed Regulations for Money Service Businesses, 10 a.m., 2128 Rayburn.

Committee on Commerce, July 28 and 29, Subcommittee on Oversight and Investigations, hearings on the Department of Energy's Implementation of Contract Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9, 1:00 p.m., 2123 Rayburn on July 28 and 10 a.m., 2322 Rayburn on July 29.

July 30, Subcommittee on Finance and Hazardous Materials, to continue hearings on H.R. 10, Financial Services Competitiveness Act of 1997, 10:00 a.m., 2322 Rayburn.

July 30, Subcommittee on Health and Environment, hearing on Title VI of the Clean Air Act and the Ninth Meeting of the Parties to the Montreal Protocol, 10:00 a.m., 2123 Rayburn.

August 1, Subcommittee on Finance and Hazardous Materials, hearing on the Operation of the Superfund Program, 9:30 a.m., 2322 Rayburn.

Committee on Education and the Workforce, July 29, Subcommittee on Postsecondary Education, Training and Life-Long Learning, to continue hearings on H.R. 6, the Higher Education Amendments of 1998, 9:30 a.m., 2175 Rayburn.

July 30, Subcommittee on Workforce Protections and the Subcommittee on Oversight and Investigations, joint hearing to review the Davis-Bacon Act, 10:00 a.m., 2175 Rayburn.

July 31, full Committee, hearing on ''Literacy: A Review of Current Federal Programs'', 10:00 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, July 29, Subcommittee on Government Management, Information, and Technology, oversight hearing of Metropolitan Statistical Areas, 9:30 a.m., 2154 Rayburn.

July 29, Subcommittee on Government Management, Information, and Technology, oversight hearing of Statistical Proposals, 2:00 p.m., 2154 Rayburn.

July 31, Subcommittee on Civil Service, hearing on ''Agency Mistakes in Federal Retirement: Who Pays the Price?'', 9:00 a.m., 2154 Rayburn.

July 31, Subcommittee on Human Resources, oversight hearing on ''FDA Oversight: Blood Safety and the Implications of Pool Sizes in the Manufacture of Plasma Derivatives'', 10 a.m., 2247 Rayburn.

Committee on International Relations, July 30, hearing on the Threat to the United States from Emerging Infectious Diseases, 10:00 a.m., 2172 Rayburn.

Committee on the Judiciary, July 29, Subcommittee on Commercial and Administrative Law, oversight hearing on the EPA's rulemaking on National Ambient Air Quality Standards for Particular Matter and Ozone, 10 a.m., 2226 Rayburn.

July 30, Subcommittee on Crime, to continue oversight hearings on the activities of the FBI, focusing on the Olympic Park bombing and the investigation of Richard Jewell, 9:30 a.m., 2141 Rayburn.

July 31, Subcommittee on Immigration and Claims, to consider a motion to request a report by the Immigration and Naturalization Service on a private bill, time to be announced, Rayburn Room, Capitol.

Committee on National Security, July 29, Subcommittee on Military Personnel, hearing on Reserve Component issues resulting from the Quardrennial Defense Review, 2:00 p.m., 2118 Rayburn.

July 30, full Committee, hearing on H.R. 695, Security and Freedom Through Encryption Act, and its impact on U.S. national security, 10:00 a.m., 2118 Rayburn.

Committee on Resources, July 29, Subcommittee on Water and Power, hearing on H.R. 2007, to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; followed by a markup of the following bills: H.R. 2007, and H.R. 134, to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain Water Storage Project, and for other purposes, 2:00 p.m., 1324 Longworth.

July 30, full Committee, hearing on H.R. 1948, the Hood Bay Land Exchange Act of 1997, 11:00 a.m., 1324 Longworth.

July 31, Subcommittee on Energy and Mineral Resources, oversight hearing on Royalty-In-Kind for Federal oil and gas production, 2:00 p.m., 1334 Longworth.

July 31, Subcommittee on Fisheries Conservation, Wildlife and Oceans hearing on H.R. 1787, the Asian Elephant Conservation Act of 1997; to be followed by a markup of pending business, 10:00 a.m., 1334 Longworth.

July 31, Subcommittee on Forests and Forest Health, oversight hearing on Forest Service Strategic Plan under the Government Performance and Results Act, 10:00 a.m., 1324 Longworth.

July 31, Subcommittee on National Parks and Public Lands, to markup the following bills: S. 430, to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; H.R. 1567, to provide for the designation of additional wilderness lands in the eastern United States; H.R. 136, to amend the National Parks and Recreation Act of 1978 to designate the Marjory Stoneman Douglas Wilderness and to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Ernest F. Coe Vistor Center; and H.R. 708 to require the Secretary of the Interior to conduct a study concerning grazing use of certain lands within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges, 2 p.m., 1324 Longworth.

Committee on Rules, July 28, to consider the following: H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998; and H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, 7 p.m., H–313 Capitol.

Committee on Science, July 28, Subcommittee on Technology, to markup H.R. 1903, Computer Security Enhancement Act of 1997, 4 p.m., 2318 Rayburn.

July 29, full Committee, to markup the following bills: H.R. 1903, Computer Security Enhancement Act of 1997: H.R. 922, Human Cloning Research Prohibition Act of 1997; and H.R. 2249, to reauthorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1997 for fiscal years 1998 and 1999, 1 p.m., 2318 Rayburn.

July 30, hearing on Demanding Results: Implementing the Government Performance and Results Act, 10 a.m, 2318 Rayburn.

July 31, Subcommittee on Energy and Environment, hearing on S. 417, to extend energy conservation programs under the Energy Policy and the Conservation Act through September 30, 2002, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, July 30, to markup the ''AMTRAK Reform and Privatization Act of 1997'', 10:00 a.m., 2167 Rayburn.

July 31, Subcommittee on Aviation, hearing on Aviation Relations between the U. S. and France, 9:30 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, July 30, Subcommittee on Technical and Tactical Intelligence, executive hearing on Defense Airborne Reconnaissance Office (DARO), 10 a.m., H–405 Capitol.

July 31, full Committee, executive, to consider pending business; to be followed by an executive briefing on Encryption, 9:30 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: August 1, to hold hearings to examine the employment-unemployment situation for July, 9:30 a.m., 1334 Longworth Building.

Conferees: July 29, on H.R. 1757, to consolidate international affairs agencies and to authorize appropriations for the Department of State and related agencies for the fiscal years 1998 and 1999, 10 a.m., room to be announced.

Next Meeting of the SENATE

12 noon, Monday, July 28

Senate Chamber

Program for Monday: Senate may consider S. 830, Food and Drug Administration Modernization and Accountability Act.

At 3 p.m., Senate will begin a period of morning business (not to extend beyond 5 p.m.).

At 5 p.m., Senate will consider S. 1048, Transportation Appropriations, 1998.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, July 28

House Chamber

Program for Monday: Consideration of 11 Suspensions:

1. H.R. 1855, Establishing a Moratorium on Large Fishing Vessels in Atlantic Herring and Mackerel Fisheries;
2. H. Con. Res. 124, Sense of Congress Regarding Acts of Illegal Aggression by Canadian Fishermen with Respect to Pacific Salmon Fishery;
3. H. Con. Res. 98, Authorizing the use of the Capitol for the Safe Kids Buckle Up Car Seat Safety Check;
4. H.R. 2005, Death on the High Seas Act;
5. H.R. 1596, Bankruptcy Judgeship Act of 1997;
6. H.R. 1953, To Clarify State Authority to Tax Compensation Paid to Certain Employees;
7. H. Con. Res. 75, Sense of Congress that States Should Work More Aggressively to Attack the Problem of Repeat Criminals;
8. H.R. 103, Private Security Officer Quality Assurance Act of 1997;
9. H.R. 1109, To Eliminate the Special Transition Rule for Issuance of a Certificate of Citizenship for Children of a U.S. Citizen Born Abroad;
10. H.R. 1348, Expanded War Crimes Act of 1997; and
11. Concur in Senate Amendment to H.R. 1866, Charitable Donation Antitrust Immunity Act; and

Consideration of H.R. 2209, Legislative Branch Appropriations Act for FY 1998 (modified closed rule).

The House will meet at 12:30 p.m. for Morning Hour Debate. No recorded votes are expected before 5:00 p.m.

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