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House of Representatives

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer: Grant us, O God, the vision to see not only what is before us, but to lift our eyes to those things eternal and lasting. May the verities of faith and hope and love ennoble our souls and give solace and grace to us at every hour. With the cluttered and crowded days of work and the endless demands on time and attention, may we seek Your still small voice that pardons and forgives, that enables great acts of justice, that grants peace and serenity, that strengthens and makes whole. O gracious God from whom all blessings flow, bless our lives this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS 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 recognize 15 Members on each side for one-minute speeches.

D.C. SCHOOL CHOICE

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

Mr. GINGRICH. Mr. Speaker, I think we all in this Congress have a unique moral burden for the children of Washington, D.C. We can talk about education in America, but education in most of America is the legitimate responsibility of the States, of the local school boards and of folks back home.

The District of Columbia is a Federal burden and a Federal responsibility. The tragedy is that the children of our national capital have been failed by a system which spends over $10,000 per student. This is a system which traps children in schools that fail. It traps them in a system where they are not learning. It has a very high dropout rate.

Recently, several very patriotic Americans gave of their own money to establish a scholarship program. Over 7,500 children applied for those scholarships. It is clear that the parents of Washington, D.C., want a choice, and as William Raspberry said in a recent column, even if you disagree that this will save the entire system, if it is only a lifeboat to save a few thousand, should we not at least try to save some children, to give them a chance to go to college instead of prison, to give them a chance to learn instead of drop out, to give them a chance to be in a safe, disciplined education environment rather than in a dangerous, undisciplined place where no education occurs?

I commend the majority leader, the gentleman from Texas (Mr. ARMEY) for the passion and the effort he has put into an unending effort to make sure that every child in our national capital has a choice and that we have a scholarship program that will give every child a better future. The D.C. Opportunity Scholarship program, I think, is vital, and I hope every Member will decide to vote for the children when the time comes.

ISTEA

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

Mr. ROTHMAN. Mr. Speaker, as of March 31, just a few weeks away, there will be no more Federal dollars going for highway or mass transit funding going to our States. No more money, period.

This is the construction season and businesses and builders are making their decisions now. If we miss this building season because the House is unable to get its act together about the refunding of highway and mass transit infrastructure money in the United States, then we are going to lose out in New Jersey where I am from and we are going to lose out all across America. A delay will cost our States more money because they will have to close down their projects and then reopen them.

For every billion dollars that we do not send to the States to rebuild our highways, roads and mass transit, 1,400 projects nationwide will be stalled, 42,000 men and women will be out of work.

And what are we talking about? We are talking about jobs, businesses being able to compete in the global economy; and we are talking about the quality of life for ourselves and our children. I call upon the leaders in the House of Representatives to get their act together, to pass the reauthorization of highway, road and mass transit funding so we can get our country moving again.

SCHOOL OPTIONS FOR SCHOOL CHILDREN IN DISTRICT OF COLUMBIA

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

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Mr. ARMEY. Mr. Speaker, tomorrow the Committee on Education and the Workforce subcommittee under the direction of the gentleman from California (Mr. RIGGS) is going to hold a special hearing on the question of school choice options for the children of D.C.

As we know, Washington, D.C., has some very, very good schools and schools that we can be proud of. But unfortunately, it has some very tragic failures of schools. And in these hearings tomorrow, the gentleman from California (Mr. RIGGS) and his committee are going to focus on this number, 7,573, one out of every 10 families in the city who qualified for low-income scholarships to take their children from a school that was failing the children to a school where they would have new opportunity, who are left disappointed because we have not yet been able to convince the President to sign a simple bill that takes $7 million of additional money and allocates it to scholarships for these children.

I would like to talk for a moment about just one of these children, little David, nine years old, finally got from a school where he was frightened, where he was intimidated, where he felt himself to be a failure, to a school where the other students respected him, appreciated him, the teachers nurtured him.

He was liked and popular because he got good grades in math and science. Because he got good grades in math and science, he was popular with the other students, he was popular with the teachers, and he had a new self-esteem.

David's mother unhappily does not do well in her personal life. She is not often there for David. His father, unfortunately, is even more rarely there for David and uses him as a lookout for illegal transactions when he does pay any attention to him.

But David has found a joy in his life. Because somebody thought enough of this child to give him a helping hand, David gets himself up every morning, gets himself on the bus, gets himself to school where he will make of himself a successful and happy man in his adulthood, caring more than he was ever cared, for his own children.

These are the things we can do if we just care enough to reach out to these children, one child at a time.

HELP FOR D.C. SCHOOLS

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

Ms. NORTON. Mr. Speaker, I just want to correct the record. The District is nobody's burden and no one's responsibility except the responsibility of the residents of the District. I correct what the Speaker said in that regard.

The majority claims it wants to help, it wants a D.C. voucher bill to help D.C. youngsters. How can such a claim be credible when a veto of vouchers has been promised and a lawsuit would be inevitable?

Do Members want to help? Our youngsters need help now. Twenty-five percent of our students will be attending a newly established summer program to keep them from failing, to quickly improve their performance and even to offer advanced work and enrichment as the city pressures themselves to new and more vigorous standards.

Do my colleagues want to help? Help these 25 percent who need our help now. Vouchers for 7,000 kids will not do it.

BOUNTY HUNTERS

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

Mr. HUTCHINSON. Mr. Speaker, in July of 1994, Jrae Mason, a grandmother, was sitting on the front porch of her house in Manhattan when she was approached by two strangers, bounty hunters who believed her to be a woman who had skipped bail in Tuscaloosa, Alabama. Despite Ms. Mason's protests to the contrary, these strangers handcuffed her and forcibly took her to the police station. Despite police verification that she was who she said she was, the bounty hunters forcibly took her from New York to Alabama in handcuffs, in essence, kidnapped her.

In Alabama, Ms. Mason finally convinced authorities that she was the wrong person. It was not hard to do since she looked nothing like the bail jumper.

Three-and-a-half days and 910 miles later the bounty hunters finally acknowledged their error. Did they send her back to New York on an airplane? Of course not. They paid for a bus ticket to send Ms. Mason home.

Is it not time for a little accountability in the bounty hunter profession? Skilled professional bounty hunters want it. Our law enforcement community wants it. And certainly innocent Americans want it.

This will be the subject of a hearing in the Committee on the Judiciary tomorrow. I urge my colleagues to support the Citizens Protection Act.

PASS SCHOOL CONSTRUCTION LEGISLATION

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

Mr. ETHERIDGE. Mr. Speaker, this Congress must take action to address the serious need for school construction in this country for our children.

Across this country at this very moment more than 52 million school children are attending class. Unfortunately, far too many of these children are not being educated in modern, well-equipped facilities where discipline and order foster academic achievement. Unfortunately for many of our Nation's school children, class is being taught in a trailer, in a closet, in an overstuffed or run-down classroom.

Mr. Speaker, the General Accounting Office has identified more than $112 billion in school construction needs in America. As a former State superintendent of our State's schools, I know that North Carolina needs more than $6 billion to build new school facilities for our children.

For example, there are as many as 13,000 children in Wake County, North Carolina, alone right now being educated in trailers. Experts at the Department of Education project that my State's high school enrollment will grow by more than 27 percent in the next decade.

Mr. Speaker, no student in America should be forced to attend class in substandard facilities. No teacher in America should be required to struggle in overcrowded classrooms, and no child in America should be condemned to school in a trailer. We need to fix it now.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, why is enactment of the Marriage Tax Elimination Act so important? Do Americans feel that it is fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million American married working couples pay $1,400 more in taxes than an identical couple with identical incomes living together outside a marriage? Do Americans feel that it is right that our tax code actually provides an incentive to get divorced? Of course not.

The marriage tax penalty is unfair and it is wrong. The marriage tax penalty results when you have two individuals who choose to marry and their combined income, when they file jointly, pushes them into a higher tax bracket.

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Twenty-one million married working couples pay this tax penalty, on average $1,400 a year. And on the south side of Chicago and the south suburbs I represent, that is 1 year's tuition at a local community college; that is 3 months' worth of day care at a local child care center.

The Marriage Tax Elimination Act now has 238 bipartisan sponsors and would immediately eliminate the marriage tax penalty. The marriage tax penalty is unfair, it is wrong. Let us eliminate it and let us eliminate it now.

CONGRESS MUST STEP IN AND SOLVE IRS ABUSE

(Mr. TRAFICANT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Imagine this, Mr. Speaker. The IRS kicks down your door without a warrant and takes everything. Then the IRS, without a warrant, raids your partner's home. They arrest him at gunpoint in front of his small children and take everything. Then the IRS goes to your business, they question your customers, they threaten your employees, they take everything that is not nailed down.

Sound incredible? Not for the IRS. It was later ruled that the IRS was guilty, guilty, guilty. Guilty of assault, guilty of illegal search and seizure and guilty of false imprisonment.

Beam me up, Congress. When the IRS starts acting like Nazis, that is right, listen to the word, Nazis, Congress must step in and Congress must solve this dilemma for the American people.

I am asking you to cosponsor H.R. 3277, my bill that will stop illegal searches and illegal seizures.

100TH ANNIVERSARY OF MONROE REGIONAL MEDICAL CENTER

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

Mr. STEARNS. Mr. Speaker, I had the privilege of serving on the board of trustees for the Monroe Regional Medical Center in my hometown of Ocala, Florida. It is an honor for me this morning to take the floor to recognize the 100th anniversary of this wonderful hospital.

In 1898, the Marion Surgical Hospital was organized into two rooms on the third floor of an office building in Ocala, Florida. Since then, the hospital has been in different locations under different names but its mission has remained constant, serving the medical needs of those within the community.

We are proud that our hospital provides care for patients without regard to race, religion, national origin or financial status. The Monroe Regional Medical Center has changed dramatically from its modest beginnings. It is now a modern 323-bed, acute-care facility. This is a not-for-profit hospital. It is owned and supported by our community.

I appreciate this opportunity to pay tribute to the fourth oldest hospital in the State of Florida for 100 years of service. Congratulations.

CONGRESS MUST ENSURE THAT MANAGED CARE IS QUALITY CARE

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

Mr. ALLEN. Mr. Speaker, health care is in transition. Private and public purchasers of health care are turning to managed care. Today, more than 160 million Americans are in managed care plans.

The shift to managed care has implications for health care quality. Managed care must be more than managed cost.

On the cover of today's Washington Post is a story about a woman who fell from a cliff while hiking. She had fractures to her skull, arm and pelvis. Her HMO refused to pay her hospital bills, saying she had failed to obtain preauthorization. Only after several court battles did the HMO pay anything for this woman's care.

This is unacceptable. Individuals must have access to and payment for emergency care in any situation that a prudent layperson would regard as an emergency. Every American deserves quality care. Managed care reforms are necessary to ensure that managed care is quality care.

AMERICANS DEMAND COMPLETE OVERHAUL OF IRS AND REFORM OF TAX CODE

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

Mr. GIBBONS. Mr. Speaker, yesterday the Associated Press released its results on the latest survey conducted on how much Americans trust their government. Well, not surprisingly, it found that out of every 10 Americans only three or four believe their government will do the right thing most or all the time. Mr. Speaker, more than 60 percent of Americans do not trust their government.

This survey also asked people what they felt about various government agencies in Washington that increasingly intrude into their daily lives. Well, not surprisingly, the numbers showed that the IRS has dropped significantly. Of all the government agencies, the IRS has the lowest approval rating of all. Truly shocking? Not really.

Now, even though there is a strong message here, I have absolute total confidence that my liberal colleagues and defenders of big government will ignore it. However, the message is clear: The people demand a complete overhaul of the IRS and real reform of our Tax Code and now is the time to act.

REPUBLICAN INACTION ON TOBACCO

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

Mr. PALLONE. Mr. Speaker, this year Congress has been the do-nothing Congress. The Republican leadership sits idle while each day 3,000 children get hooked on tobacco products. Of those, 1,000 who start today will die early because of tobacco-related diseases. This is an epidemic that deserves congressional action now.

While the Republican leadership continues to cash in on big tobacco campaign contributions, Democrats today will roll out legislation that stops tobacco companies dead in their tracks from peddling their poison to children.

So far in this Congress we have managed to rename airports, post offices and public buildings. Congress needs to step up to the plate and pass tobacco legislation for America's children. The evidence is clear: Big tobacco has pushed their product onto children.

Democrats are fighting to prevent tobacco companies from this nasty habit. The Republican leadership would rather protect their special interest friends than protect the Nation's children from joining the tobacco ranks. The American people will not stand for this inaction.

CONGRESS MUST TAKE ACTION NOW TO STOP IRS ABUSE

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

Mrs. CHENOWETH. Mr. Speaker, I learned as a child from reading the Bible that tax collectors have never been popular, and that, I suspect, will never change. But I do not think that that can explain the growing hostility of more and more taxpayers towards the IRS.

Now, I know that our liberal friends will dismiss that out of hand, saying how easy it is to bash the IRS. But they demonstrate in doing this that once again they simply do not care how good decent American taxpayers are treated by the IRS. We were elected to care and to do something about this runaway agency.

The fact is people are unhappy with the IRS for a very good reason. There is clearly an abuse of power. I am talking about honest, average Americans facing an audit, who make an honest mistake and then are treated as criminals by the IRS, while the courts turn their back on the fact that these people deserve due process. Mr. Speaker, we must, in the Congress, do something about this abuse.

LOIS CAPPS WINS 22ND CONGRESSIONAL DISTRICT ELECTION IN CALIFORNIA

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise to congratulate my soon-to-be colleague, Lois Capps. Lois won an impressive victory in yesterday's special election in California's 22nd Congressional District. She won the election 53 percent to 45 percent with a margin of more than 12,000 votes.

The message from this special election is clear: The Democratic agenda, providing education opportunities, putting 100,000 new teachers in our classrooms, providing affordable and safe child care, access to health care and

livable wages, is striking a responsive note with American voters.

Lois, we look forward to having you here in Congress working on the issues that people in your district and across the Nation really care about. Congratulations, Lois. We will see you soon.

PRESIDENT'S BUDGET DOES NOT AGREE WITH DECLARATION THAT ERA OF BIG GOVERNMENT IS OVER

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

Mr. TIAHRT. Mr. Speaker, I often go home to my district and I ask my constituents: Is there any message for Washington? I would like to pass on some of the responses that I have been getting.

They say: Do not spend the surplus; do not bust the budget deal that you agreed to last summer; do not start any new government programs; do not create new entitlement programs; and do not add more people to Medicare until we first figure out how we are going to save Medicare from going bankrupt. Oh, yes, the big one is, do not raise taxes.

In fact, Mr. Speaker, I hear over and over again that the President's budget is going in the wrong direction because it does all those things that most people are opposed to: Taxes are raised by billions and billions of dollars, spending is increased by hundreds of billions of dollars, entitlements are expanded, and new spending programs are created. It simply does not agree with the President's declaration to the American people 2 years ago that the era of big government is over.

Mr. Speaker, the American people tell me that words mean something and that it is time that here in Washington we start honoring the pledges we make.

CONGRESS FACES HISTORIC OPPORTUNITY TO ACT ON TOBACCO-RELATED DISEASES AND CHILD CARE ISSUES

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

Ms. DELAURO. Mr. Speaker, yesterday the President came to Connecticut and talked about the many challenges facing American parents as they try to raise happy and healthy children. On one hand there is an epidemic of teen smoking. Three thousand kids start smoking every day, a thousand of whom will die from tobacco-related illnesses.

On the other hand, there is an appalling lack of affordable and quality child care for working parents in this country. Multi-State studies have proven that nearly half of the care in this country for very young children is of such poor quality that it threatens their health and their safety.

Luckily, as the President said yesterday, we have a historic opportunity to act on both of these issues. By supporting tobacco legislation that stops this billion dollar special interest from killing our kids, we can make a difference.

We can save our children. We can save their lives and provide them with quality, affordable, accessible child care. I urge my colleagues to support our children and stop supporting the special interests.

PHONY SURPLUS WILL NOT END RAID ON GOVERNMENT TRUST FUNDS

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

Mr. BARTLETT of Maryland. Mr. Speaker, just an aside. I understand that when the President was in Connecticut, that he was at a fundraiser at a tobacco lawyer's house.

Mr. Speaker, this is a riddle: If you are in debt but you balance your budget and have surpluses for 5 years in a row, at the end of that time will you owe more or less money? If you are an individual, you will owe less money. But if you are the Federal Government, you will owe more money, almost $1 trillion more between now and 2002.

How can this be? Here is the ugly truth. There is no budget surplus. The so-called budget surplus is a figment of clever Federal Government accounting. In 1988, the Congressional Budget Office, CBO, projects there will be a surplus of $8 billion and the national debt will be $5.5 trillion this year. In 2002, after 5 years of balanced budgets and surpluses, the national debt will be $6.4 trillion, almost $1 trillion more.

The national debt will grow because the Federal Government does not count the billions spent each year from government trust funds like Social Security. Clearly, there is no surplus and the budget, obviously, is not balanced.

ABUSES BY IRS REVEALED TO BE EVEN WORSE THAN FIRST THOUGHT

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

Mr. HEFLEY. Mr. Speaker, it is amazing what a little sunshine will do.

Political corruption, fraud, criminal activity and wrongdoing cannot operate in the light of day. When corrupt practices are opened up to public scrutiny, wrongdoers are held accountable for their actions.

The White House Travel Office abuse of power; the 900 FBI files of Republicans that were discovered; the entertaining of drug dealers and arms smugglers in the White House; the use of the Lincoln bedroom for fund-raising; dialing for dollars from the White House; the selling of trade missions to raise money; the laundering of money at a Buddhist temple; putting $25,000 price tags on White House coffees; returning over $2 million in campaign contributions because they came from illegal sources. All these were activities that were not conducted in the light of day and had to be exposed by journalists and congressional investigators.

And now we have the IRS. The abusive practices of the IRS, known to millions of individual Americans, began to be open to public scrutiny last year as a result of the Senate hearings. The first rays of sunshine are starting to come through, and the IRS looks even worse than we thought.

Free people cannot tolerate any of these abuses, at the White House or at the IRS.

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THREE STRIKES AND YOU ARE OUT

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

Mr. KINGSTON. Mr. Speaker, we need a three-strikes-and-you-are-out law in Washington, and we can change this administration real quickly. And here is what I mean: Strike number one: 1990, the Congressional Bipartisan Budget deal broken by President Clinton; 1993, the President sets his own budget deal, broken in 1994 and 1995; now 1997, there was yet another deal, and Clinton is out to break it by $56 billion. Three strikes; you are out. That should be what we can do to turn the budget around and turn around our fiscal picture.

Our spending right now is $268 billion higher than during the Carter administration after you adjust it for inflation. Reagan cut the budget by 15 percent, and I am talking about domestic discretionary spending, but now it is up 23 percent over that. We are very proud that the budget is about to be balanced, but that is no excuse for continuing to spend. And that is what is going on.

Three strikes and you are out. Stick with your word, Mr. President. Let us surprise everybody.

DEVELOPMENT OF CRITICAL TELEVISION VIEWING SKILLS IN ELEMENTARY SCHOOL STUDENTS

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

Mr. PITTS. Mr. Speaker, I rise to bring another example of wasted Federal education tax dollars to your attention. Through the Department of Education, we funded an education study entitled, ''The Development of Critical Television Viewing Skills in Elementary School Students.''

Our kids do not need Federal assistance to watch television to develop,

''television viewing skills.'' Rather, they should be learning to read and write, finding solutions to math problems and perform science experiments. While American schoolchildren lag behind the rest of the developed world in basic academic skills, our Federal education dollars are paying for our children to watch television effectively.

If my colleagues believe that Federal education dollars should be made available to kids in classrooms instead of funding studies like this one, I urge them to cosponsor the dollars to the Classroom Act, which will require 95 cents of every Federal dollar to be used in the classroom where learning basic skills occur.

LOIS CAPPS ELECTED TO HOUSE OF REPRESENTATIVES

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

Mr. MCDERMOTT. Mr. Speaker, yesterday was a very important day. I suppose that gets said a lot of times here in the well. But yesterday, the American people, in the form of the California delegation, elected Lois Capps to the House of Representatives. It was a campaign filled with millions of dollars of advertisement about abortion and about term limits and about a lot of other irrelevant issues.

But the American people voted for a candidate who said she wanted to come back here and work on education, who wanted to come back here and work on a patients' bill of rights, who wanted to come back here and do the things that affect the American people.

People of her district listened to all these television ads. I mean, they cannot get away from it. The air was filled with it. She spent $1,600,000. And this House has never yet brought out on this floor for debate a campaign finance reform bill. The people said we want somebody who is going to work on our problems.

D.C. SCHOOL CHOICE

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute.)

Mrs. NORTHUP. Mr. Speaker, I know what it is like to worry every day about how your child is doing in school. It must be terrible if your child is trapped in a school that is unsafe and unworkable; your daughter's sleepless nights become your own sleepless nights.

Most parents with children in the D.C. public schools live under these intolerable conditions. D.C. Schools have received national attention. In spite of funding per student that ranks among one of the highest districts in the Nation, education in this district has reached crisis proportions. Decrepid school buildings are literally falling part.

Just this year, a high school student interned in my office because opening day was delayed 3 weeks. The local news here is filled with stories of fire code violations, violence in schools, and failing test scores.

The problem with D.C. schools is that the entire system is broken. It is not just a bad teacher or disorganized principal or leaking roof or unrestrained bully in fourth grade; it is all of these and more. Parents cannot just change their child's class or even their child's school. They simply cannot escape. And so, their children are trapped.

Hopefully, the District will begin the long process of improvement. But, in the meantime, we need to give children a choice.

CONGRATULATIONS TO LOIS CAPPS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the people of the 22nd District of California have spoken. Congratulations, Lois Capps, newly elected Democrat to the United States Congress, someone who stood for education, patients' rights, the preservation of social security, understanding the needs of the people, and, yes, understanding the rights of women. Lois Capps will come and take her place. We salute her because this is a place where we need to stand by those who need us most.

I would like to encourage my colleagues this morning, as we proceed historically to support the first African trade bill that this United States Congress has ever debated, give Africa a chance and equal partnership, a chance to do trade, a chance to improve their economic standing, a chance to create jobs, a chance to work with Americans. We can do great things together. I know that Lois Capps will help us do it. Today let us pass the African trade bill.

TRIBUTE TO NEW HAMPSHIRE OLYMPIANS

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

Mr. BASS. Mr. Speaker, I know that my colleagues will join me in paying tribute to several New Hampshire Olympians who skated their way into America's heart last month. Their dazzling talent and can-do spirit and proud patriotism gave the world a glimpse of what makes our Nation so special.

As an American, I can think of few prouder moments in our history than when the U.S. women's hockey team claimed the Gold Medal for our country. As a Nation, we felt the magic of this newest miracle on ice as our heroes collected their hard-earned prize and secured their place in Olympic history.

Like all great champions, Team USA gave us something greater than a victory; they inspired girls all over the world to dream new Olympic dreams and strive to achieve their goals with grace and class. As a father of such a little girl, I thank them for being such wonderful world models.

Today, as New Hampshire pays tribute to Team USA, I congratulate the New Hampshire natives and Dartmouth and UNH grads who represented our State so proudly: Tricia Dunn, Katie King, Tara Mounsey, Colleen Coyne, Sue Merze, Kayrn Bye, Gretchen Ulion, Sarah Tueting. May your spirits always shine as brightly as the gold that you have won.

SCHOOL CHOICE WORKS

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

Mr. SHIMKUS. Mr. Speaker, school choice works. Consider the recent example of Albany, New York. Philanthropist Virginia Gilder identified one of the worst schools in the entire city and offered every student a scholarship of $2,000. One-sixth of the children at that school took her up on the offer and transferred to private schools.

What was the result? Here is what the Washington Post reports: ''It worked. The school board ousted the principal, brought in nine new teachers, added two assistant principals and invested in books, equipment and teacher training after years of neglect.''

Faced with the prospect of losing its students to the competition, Albany's school system reformed itself. Albany's example shows that school choice helps not only the students who receive scholarships, it also helps the children who remain in public schools.

Mr. Speaker, if it worked in Albany, it can work in Anacostia. Next month, the House will consider school choice legislation for the children of the District. I urge my colleagues to support it.

AFRICA GROWTH AND OPPORTUNITY ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

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. 1432) to authorize a new trade and investment policy for sub-Saharan Africa. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations and one hour equally divided and controlled

by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered 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, and shall not be subject to amendment. 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. Any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.R. 383 is a structured rule providing for consideration of H.R. 1432, the Africa Growth and Opportunity Act, a bill designed to usher in a new era in U.S. African relations by stimulating market incentives and increasing trade.

H. Res. 383 provides for 2 hours of general debate with 1 hour divided equally between the chairman and ranking minority member of the Committee on International Relations, and 1 hour divided equally between the chairman and ranking minority member of the Committee on Ways and Means.

The rule provides for the consideration of the Committee on Ways and Means' amendment in the nature of a substitute now printed in the bill as modified by the amendments printed in Part I of the report of the Committee on Rules as an original bill for the purpose of amendment and considered as read.

H. Res. 383 also waives points of orders against the committee amendment for failure to comply with clause 7 of rule XVI, that is, the rule on germaneness.

The resolution also makes in order six amendments printed in Part II of the Committee on Rules' report. The amendments shall be considered only in the order specified in the report, may be offered only by the Member designated by the report, and shall be considered as read, shall be debatable for the time specified in the report, equally divided between a proponent and opponent, and the amendments are not subject to amendment.

This rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and reduce to 5 minutes the voting time after the first of the series of votes provided that the first vote is not less than 15 minutes. This provision will facilitate consideration of amendments.

House Resolution 338 also provides for one motion to recommit with or without instructions as is the right of the minority.

Mr. Speaker, this legislation is designed to reinforce the positive developments taking place in the sub-Saharan African region by promoting a United States trade policy with those countries that are committed to market incentives, human rights reforms, and private sector growth.

The countries affected by this legislation are moving toward democracy and opening their economies. This legislation will help expand this move by encouraging sub-Saharan countries that are truly reform minded to expand their trade and investment ties with the United States.

I think it is important to note that this bill requires the President to identify those countries that are moving toward the establishment of a market-based economy and that there is a strong eligibility criteria to ensure human rights and penalize those caught engaging in illegal behavior.

These conditions will continue to be helpful in terms of reforms that might otherwise not be made because these nations view this as a partnership and an opportunity to improve relations with the United States.

The United States has proven adept at providing developmental aid and humanitarian relief to this region in the past. However, as we move into the 21st Century, this legislation is part of a new strategy designed to stimulate growth by promoting free trade and market economies. If we do not open these new markets, I fear that we will lose valuable economic activities and thwart job creation for American business and workers.

The Committee on International Relations informs us that trade between the United States and Africa can be greatly expanded with over 11 million United States jobs, including one in five manufacturing jobs being supported by our exports. The potential for job creation is high.

□ 1045

Over the last 4 years alone U.S. exports have created 1.4 million new American jobs. However, if the United States continues to opt not to participate, we all know that other nations will move forward in our place, forge free trade agreements with those countries and leave us behind.

With regard to the consideration of amendments, the Committee on Rules has done its best to permit the consideration of amendments to this legislation that do not touch upon the Committee on Ways and Means' portions of H.R. 1432. In testimony yesterday, the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, and the gentleman from New York (Mr. RANGEL), the ranking minority member of the House Committee on Ways and Means, argued for the traditional protections for tax and trade provisions under the jurisdiction of the Committee on Ways and Means. In permitting only these amendments, the committee has followed precedent during the consideration of Ways and Means bills in an effort to preserve the integrity of the trade laws.

H.R. 1432 was ordered reported unanimously from both the Committee on International Relations' Subcommittee on Africa and the full Committee on International Relations. In addition, H.R. 1432 was ordered reported out of the Committee on Ways and Means unanimously with only a single amendment offered and considered.

I urge my colleagues to support this rule so that we may proceed with general debate and consideration of the amendments and the merits of this important bill.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, over the last month I have been very impressed by the gentleman from New York (Mr. SOLOMON), my chairman, who has made in order open rule after open rule. Unfortunately, today, Mr. Speaker, it appears that that open rule streak has come to an end.

The rule we are considering today is a modified closed rule for a very, very important bill to which Members really have a lot of amendments. But this closed rule, Mr. Speaker, will prohibit all but a very few amendments. For that reason, I urge my colleagues to oppose the rule.

This African trade bill is designed to stimulate growth and reduce poverty in eligible sub-Saharan countries. It encourages investment in some African

countries which are already turning out to be rich markets for American technologies and exports. It also enables African countries to have the kind of trade consideration that countries in Europe, Asia, Mexico and Canada have enjoyed for years. Mr. Speaker, that is to say, it is about time.

But unfortunately, Mr. Speaker, unless we can make some major changes in this bill, any help this bill gives African countries will be at the expense of American workers, particularly American textile workers. Unless we change this bill, huge Asian textile corporations will be able to transship their products through Africa and will avoid an 18 percent import duty. Mr. Speaker, that does not help African workers and it sure does not help American workers.

They can make the clothes in Asia, in Chinese sweatshops if they want. They can ship them to Africa to be packaged and avoid all kinds of quotas, all kinds of tariffs. Meanwhile, slave trade in China continues to flourish, African workers do not get much of anything to do, and American workers are laid off left, right and center.

But since my Republican colleagues have closed the rule to keep us from improving this bill, we cannot require progress on workers' rights, on child labor. We cannot prevent transshipping, we cannot require African countries to open markets for American goods like clothing, footwear and yarn.

Mr. Speaker, if my colleagues thought NAFTA was bad for American workers' rights, if they thought NAFTA would cause irreparable environmental damage, wait until they get a load of this African trade bill. It looks like we have not learned anything from NAFTA's mistakes.

This bill helps powerful Asian manufacturers at the expense of both African workers and American workers. It turns a blind eye to child labor, to basic workers' rights, and it will hurt the American textile business.

This bill purports to help Africans, which it may not, and it does so at the expense of African Americans who make up one-third to one-half of all textile and apparel workers here in the United States.

In the past few years, there has been a remarkable economic and political transformation in sub-Saharan Africa. President Clinton is going to Africa in less than 2 weeks. He would like to open up more trade. But right now, Mr. Speaker, he can do that only at a very high price to American taxpayers and to American workers.

So in the interest of all working people, I urge my colleagues to oppose this closed rule. We can send the bill back to the Committee on Rules, we can make these improving amendments in order, and this would vastly improve the bill. Mr. Speaker, I think we should.

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

Mr. LINDER. Mr. 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. I thank the gentleman for yielding me this time.

Mr. Speaker, I am shocked to hear the words coming out of the gentleman from Massachusetts (Mr. MOAKLEY), the former chairman of the Committee on Rules, criticizing this rule as a closed rule. I just have to remind the membership, Mr. Speaker, that I labored for 6 years under the tutelage and the leadership of the gentleman from Massachusetts (Mr. MOAKLEY), and time after time after time he took to this floor and said we must not, under any circumstances, open up a Ways and Means section of any bill to amendment, because the Tax Code in this country is so complicated that we must make sure that hearings have been held before we ever, ever allow amendments on the floor.

Mr. Speaker, I have simply followed the leadership of my chairman, which means so much.

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

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

Mr. MOAKLEY. Mr. Speaker, I am afraid the gentleman has watched too closely. But also he may remember the most-favored-nation status China trade bill that I opened the rule because there were some very-much-needed amendments, and it is very reminiscent of what we are doing today.

Mr. SOLOMON. I do not recall that, and I will discuss it with the gentleman later. But, Mr. Speaker, the truth is that this is a controversial bill. I have a lot of concerns about it myself. I am concerned with the people that used to work in the trade, of making the shirts that we are wearing on our backs today. I was in several department stores and several discount stores like Kmart and Wal-Mart not too long ago, looking at all the shirts, the dress shirts like these that they had on display, and there were nine different countries that have brought these shirts into this country. I could not find one American shirt being manufactured here.

The gentleman from New York (Mr. RANGEL) used to represent a lot of those people in New York City, I represented them in the Hudson Valley. There are practically none left.

But notwithstanding that, Mr. Speaker, this is a fair rule. What we have done is to make every amendment in order, every single amendment coming out of the Committee on International Relations, the committee of jurisdiction. We have made amendments for the gentlewoman from Washington (Mrs. LINDA SMITH), the gentlewoman from California (Ms. WATERS) we made 3 amendments in order, the gentleman from Illinois (Mr. DAVIS), all Democrats. Every single amendment that was filed with the Committee on Rules was made in order except those that would interfere with the U.S. Tax Code.

The gentleman from Ohio (Mr. TRAFICANT), sitting over there, had several amendments that were good amendments and that I would support, but we just cannot bring those amendments to the floor under these circumstances because it would open up the U.S. Tax Code. Therefore, I would ask the gentlewoman from California (Ms. WATERS), I know she is chairman of the Black Caucus, I would ask her when she comes over here to urge support of this rule because it is a fair rule.

We need to at least debate this issue on the floor and then let the chips fall where they may. But please come over and support the rule. It is a very fair rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, I rise in support of the rule.

One of the reasons why certain amendments were not allowed under the rule is because it would preclude the African people from exporting their goods to the United States. It would seem to me that if we are going to have a trade bill, then certainly removing the ability of people that are really trying to build up some industry in these poor, impoverished countries, that we should not deny them the opportunity to develop their own fabrics, sew them together and send them to the United States.

Under the amendment that was not accepted by the Committee on Rules, the African workers in these countries would not be able to manufacture their own goods. They would have to accept American-manufactured goods, cut in America, sent across the Atlantic, sewed together and sent back over. They say, ''Well, it's been done in Mexico.''

There is a big difference between the line on the map between Mexico and the United States and the Atlantic Ocean, and it is just not feasible. The amendment would have precluded all of the GSP provisions in the trade bill. And so let us not hear that if we had had a better rule, we would have voted for the African trade bill. What would be better to say is that if you want to kill the African Growth and Economic Opportunity bill, if you want to deny the people in this part of the world participation in world trade, then you deny us the opportunity to bring it on the floor. And if you do not want the bill on the floor, then you have to vote against the rule.

The rule gives us an opportunity to vote up or down. It denies us the opportunity to take a lot of amendments and to change what the bill was.

And about transshipment. Transshipment is an international problem.

Let me make it abundantly clear that transshipment is a problem for the United States and that is the reason why special consideration was given in this bill where the offending countries are not only penalized, but it is governed by the International Trade Commission, the World Trade Organization, and if these countries in the sub-Saharan can manage to export and reimport the type of goods that the supporters of the amendments are talking about, we would know it in a hurry. Believe me, these countries are in such despair economically that they are only trying to participate.

I ask Members to support the rule, give these African countries a chance. We promised it to them. Let us not deny it through a parliamentary procedure.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in opposition to the rule on H.R. 1432, the Africa Growth and Opportunity Act. Unfortunately, the rule does not permit a perfecting amendment which would require that apparel receiving duty-free and quota-free treatment be constructed of U.S.-manufactured yarn and fabric, as is the law today on imports from the Caribbean basin, another group of impoverished people.

In its current form, H.R. 1432 poses a serious risk to our domestic textile industry and its employees. The bill does not prevent the illegal transshipment of apparel from other countries, particularly China that has avoided quotas in the past. In actuality, the bill could throw thousands of U.S. workers out of their jobs.

Over my years in Congress, I have supported many trade agreements that have produced positive results. However, I believe trade agreements should give American workers a fair shake, not hurt them. As it stands, the Africa Growth and Opportunity Act will only produce negative results.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

□ 1100

Mr. MILLER of California. Mr. Speaker and members of the committee, I rise in strong opposition to the rule and H.R. 1432, the African Growth and Opportunity Act. This restrictive rule prevents most Members of Congress from offering any amendments to perfect this bill and to ensure that it is the people of Africa who will benefit from this legislation.

This rule makes it impossible to require that the benefits provided by the United States under this legislation be granted only if the countries of Sub-Saharan Africa employ African workers in the production of goods granted preferential market access to the United States.

I favor the goals of this bill to provide a foundation for strong democracy and a sustainable social and economic development in Africa. However, I cannot sanction legislation that, in its current form, promotes these goals at the expense of African workers, the very sector of society upon which future economic development relies. At the very least, we must promote an economic foundation for Africa which has as its cornerstone the provision of the ample employment opportunities for the indigenous citizens and permanent residents.

Were this a fair rule, I would have been allowed to offer a simple but vital amendment. My amendment would have required that the benefits provided in this legislation, including duty-free and quota-free access to U.S. markets, only be afforded to those African countries if the goods produced were created by a work force that is composed of at least 80 percent permanent resident workers. In addition, my amendment would have required that these countries avoid the use of indentured, bonded, forced, convict or exploited child labor in the manufacture of these goods.

My colleagues say that this is not going to happen, that this is not possible, that the ocean is too far. Well, let me explain to my colleagues that the Chinese garment makers send to the northern Mariana Islands goods woven in China, cut in China, and assembled in the northern Marianas by the Chinese workers, a totally controlled work force that is indentured, that is bonded, where the young people are forced into forced abortions and into prostitution. It is a simple matter for the Chinese to do the same thing in Africa, because it is very clear why they are there. They can get there under the U.S. quota.

This is just legalizing transshipment, and what happens is that those workers can be imported from China, from India, from Bangladesh, as they are in the Northern Marianas, and they will be there to do the work, to create the goods that my colleague held up here; they will not be created by African workers because those workers will work for far less than any of the wages that are offered to them in Africa.

This is a fact of life. We deal with it now. Almost a billion and a half dollars worth of garments comes in quota-free, duty-free from the Marianas. We should not set up a parallel system. We should not set up a parallel system in Africa.

This legislation should bestow the benefits of this bill on the African people, not on the corporations that will set up in these zones and then import their workers, workers who will have paid large amounts of money, who in fact become indentured and work for pennies a day in violation of all, all working conditions that we would consider acceptable. This bill should be sent back to the Committee on Rules.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), a member of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. This is actually a very great day for this institution. I believe that the American people would be very proud of the process that went into fashioning this measure. It is clearly bipartisan; it crosses ideological lines. We have some of the most conservative Members of this institution strongly supportive of the measure, and some of the most liberal.

On the Committee on Ways and Means we have the leadership, including the gentleman from California (Mr. THOMAS) who is here on the floor, along with the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. MATSUI), the gentleman from Washington (Mr. MCDERMOTT) and others who have played a role in looking at this issue.

And quite frankly, while we hear about this question of whether or not we are allowing for the free flow of ideas here on the floor, the opportunity existed there in the Committee on Ways and Means. And frankly, as this measure moved, there was very little debate, but opportunity for it, and we also saw that there were no amendments when this measure moved out on a voice vote.

Mr. Speaker, I would also say that there is a complete open process with every germane amendment that is considered under the international relations portion, and I should praise my colleague, the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa, who has also worked long and hard on this.

So what we have here, Mr. Speaker, is I believe a measure which is really based on goals that we as Americans and as Democrats and Republicans share. Every one of us clearly wants to help the poorest and most disadvantaged among us. Every one of us wants to encourage individuals to help themselves, and so this measure is really based on the proverb, ''Give a man a fish and he will eat for a day. Teach him to fish and he will eat for a lifetime.''

As we look at the problems that my friend Mr. RANGEL mentioned of Sub-Saharan Africa, it is a very tragic history that I am very pleased to say is beginning to turn around. Sub-Saharan Africa is the only place on the face of the Earth where actually the children are doing worse than their grandparents.

As we look at the last 2 decades, what has existed in the United States? We have continued to funnel more and

more U.S. taxpayer assistance to Africa. We, in fact, have followed the policy of aid, not trade. Well, with this measure we are by 180 degrees, I am happy to say, reversing that pattern, and we know that it is going to create the kind of opportunity that is necessary there, not only for people who are recognizing free markets and political pluralism in Sub-Saharan Africa, but also for the people of the United States of America who are going to also be beneficiaries.

The gentleman from New York (Mr. RANGEL), was also right as he in the Committee on Rules yesterday talked about how we have spent years focusing on Asia and Latin America, and unfortunately, we have not put enough attention on that very, very important and most impoverished spot on the face of the Earth, Sub-Saharan Africa.

So this measure, Mr. Speaker, is going to be beneficial. We are not going to be seeing countries using Sub-Saharan Africa as a launching pad to export into the United States, because again, as Mr. RANGEL said, we clearly will be able to differentiate between those goods that are coming from Sub-Saharan Africa and those that might come from other parts of the world, and we know that there is a 35 percent value-added content that is required, so we will have U.S. customs and, as the gentleman from New York (Mr. RANGEL) said, the World Trade Organization and other entities very closely monitoring that.

Mr. Speaker, this is a very good measure. I am very pleased that it has come out under Republican leadership here in the House of Representatives, and I urge my colleagues to support this rule and support the measure as we move forward.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, every Member in this body wants to help Africa and African workers. So do I. But I do not want to help Africa and African workers at the expense of America and American workers.

Now, I support the gentleman from New York (Mr. RANGEL), his philosophy and ideology all the way through, and I believe him when he says that we will minimize that transshipment opportunity that exists in the bill. But quite frankly, I believe the gentleman, but the law says something else.

I say to my colleagues, this is not the African Growth and Opportunity Act, this is the Chinese-Japanese Growth and Opportunity Act for the following reason. I would like to explain it.

The bill defines an African product as one that contains at least 35 percent local value, African local value. Now, that is the standard minimum for the GSP program, which is the Generalized System of Preference. And understand that this bill does not specifically address that, but by God, we should, with record trade deficits year in and year out. And the silence is deafening.

I have not opposed the rule because quite frankly, I think the Republicans have had some fair and generous open rules, and Mr. LINDER and Mr. SOLOMON have done a great job, but let me tell my colleagues something. I believe this rule should be defeated because I believe we open up a window of opportunity for Japan and China and other competitors who have great access, who deny American access, and they will use that window of opportunity to continue to penetrate our markets.

How many more record trade deficits will we experience? How many more jobs do we send overseas? Our biggest export is American jobs. In addition, this bill authorizes the program for 10 years. I believe Congress should limit that so that we can actually find out, not guesstimate, what the impact will be on our jobs and our economy, and then we could have revisited this in Congress with statistics. But I understand the program, and this is a political good one because everybody does want to help Africa, and Africa deserves our help.

Mr. Speaker, let me just say this to my colleagues on the Democrat side. We have been talking about trade for years. We have done nothing about trade, except open up our markets and allow us to get the shaft. If Congress embraces and challenges any stupid policy, it will be our trade policy, and we are failing to do that. So I cannot support this rule.

I will support Chairman MOAKLEY, and I will say this. I would like to see it go back to the Committee on Rules so we could put these protections in, and mine says it shall be at least 50 percent local value. That will help Africa, that will help African workers, and that will protect the American economy and American workers. We do not have to kill the bill. Send it back for another rule.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. THOMAS), a member of the Committee on Ways and Means.

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

Mr. THOMAS. Mr. Speaker, I had the privilege of hearing my colleague, the gentleman from California (Mr. MILLER) and my colleague, the gentleman from Ohio (Mr. TRAFICANT) and rarely do they wind up on the same side. My hope would have been that they wound up on the same side that was right. Unfortunately, I believe they wound up on the side that was wrong, because when we analyze this legislation, it will do none of what they claim, quite frankly.

Just as my colleague, the gentleman from California (Mr. DREIER), indicated that we want to exchange aid for trade, it makes sense to do it with Sub-Saharan Africa, it makes sense to do it with Israel. We created a free trade agreement with Israel which allowed them to earn rather than to receive the aid that we provided. There should be no one who would fear a textile import flood from Sub-Saharan Africa. It just is not going to happen. The two countries that do have a bit of a textile production, Mauritius and Kenya, are less than 1 percent of United States imports.

The thing I think everyone has to realize is that because the United States signed the World Trade Organization, quotas will be phased out beginning in 2005. All this does is give those Sub-Saharan African nations a few years' head start before we phase out the quotas. That is entirely appropriate and fair to allow them to begin to earn their way instead of welfare.

Mr. Speaker, in addition to that, if my colleagues are concerned about point of origin or transshipment, and we certainly are, there are many parts of the world that utilize their locations as a drop stop, repackage and send-on. That is not what we intend and that this bill does not allow. The country of origin rules are as stringent as we have in place anywhere for any country.

The gentleman from Ohio (Mr. TRAFICANT) was concerned about the 35 percent domestic content. It requires a 35 percent domestic content and substantial transformation. That is, one has to do things to the product. One cannot just pass it through.

The gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, placed an amendment in the bill denying the opportunity to be involved in this trade for 2 years if one is found guilty of transshipment, a very rigid penalty that had not been included before. I think it is appropriate. We need to make sure that people do not violate the rules.

Mr. Speaker, my colleagues need to understand that all of the other trade rules that we have in place are not suspended. The arguments that were made for the textile concerns in the Caribbean I think carried great weight. Given the proximity of the Caribbean, given the ability to move product through the Caribbean, there was some concern.

No one can present a credible economic argument for the utilization of Sub-Saharan Africa the way that the Caribbean could have been used because it is simply not economic, dealing with textiles, to make the same argument. One cannot pencil out a cost-effective argument the way one could this in the Caribbean.

Besides all of that, the Generalized System of Preference, which protects sensitive industries in the United States, is completely available to that textile industry or any other industry if they have import-sensitive products and make their point. The full weight of the Federal Government in denying the importation of products is available under the Generalized System of Preferences.

So this bill is not, unfortunately, all that its strongest proponents claim it

to be; it is a modest, modest, long overdue, self-help structure. And it is nowhere near its strongest proponents' arguments because it simply is not going to open the flood gates the way my colleagues have intimated.

□ 1115

It is a well-crafted bill. The thing I could say most about it is that it is probably long overdue. It is entirely appropriate.

The United States has nothing to fear from sub-Sahara Africa, and if we do, we have in place a number of protections that are automatic and they trigger severe penalties. This is a reasonable rule. More importantly, it is a modest and reasonable proposal. We should vote yes on the rule; we should vote yes on this long overdue opportunity to allow people to earn their own way with a free trade zone between the United States and sub-Sahara Africa.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MATSUI).

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from California.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from California (Mr. MATSUI) is recognized for 2 minutes.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts and the gentleman from Georgia for yielding the time to me.

Mr. Speaker, I urge very strong support of the rule. A vote against this rule will really be a vote against this bill. This bill will not come back up if this rule fails today. If in fact we lose this rule, we are not going to be able to bring this bill because the whole essence of this bill is the whole issue of trade and textiles.

I will tell the Members, there is a lot of misleading information that has been passed around over the last few months. This bill will not do any damage to the U.S. textile industry. The fact of the matter is that right now, Africa gives about two-thirds of 1 percent of all U.S. textiles to the United States. In 10 years under this legislation, it will only go up to about 1½ percent. That is not going to do any damage.

In fact the reality is it probably will not result in any more textiles coming to the United States than currently, mainly because we will see a displacement. Other countries in Asia will probably have less shipments of textiles as a result of this. This will only create, according to the International Trade Commission, which has done an objective study, about 600 jobs lost in the United States.

The job gain will be phenomenal over the next 10 or 20 years. Africa has 680 million people. There are 48 nations in this region that we are talking about. Thirty of them right now are moving to a market system of government and a market system of the economy, just like the United States. Twenty-five of them have fledgling democracies. Are we going to turn our backs on this great region of the world that over the next 20, 30, 50 years will be one of the regions of which all of us are going to want to be part?

Because for national security purposes, for obvious purposes of making sure that the Asian nations remain stable and the Middle East remains stable, Africa will be essential to the security of the free world and certainly of the United States.

A vote against this bill will break up the partnership between the United States and the African nations. The fact is that the President, in the next 3 weeks, will be going to Africa. If we turn this bill down, it will be a disgrace to this country.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I rise in opposition to this rule. I find it unfortunate that those of us who are not members of the Committee on Ways and Means are unable to offer amendments to this bill. As someone who is a member of the Committee on Appropriations, we have 13 bills a year. Each one is brought here under an open rule. So we have open opportunity in our bills for people to offer amendments, and it is unfortunate we are not allowed to on this bill.

I went to the Committee on Rules yesterday with an amendment that I thought was a very fair amendment, that was going to be good to help improve the bill, which was basically to take unused sugar quota and give it to the countries of sub-Saharan Africa. It was going to help those countries. But just because of a blanket opposition to all amendments, it was unfortunate, but it was turned down.

What my amendment was proposing was to take these unused quotas. We have this program called the Sugar Program, one of the last of its type in this country, thank goodness. It is a command and control type system where we control the supply of sugar in America, and force the price of sugar at twice the world price in this country, so we pay twice the world price. When we buy sugar from around the world, and we have to buy sugar because we cannot grow enough in this country, we pay places like Australia twice the world price. Some countries cannot fill their quotas.

All we want to do is say if you cannot fill your quota, let us give it to the 10 countries of sub-Saharan Africa that need to have this economic growth. They would love to sell us more sugar because we will pay them twice as much as anywhere else around the world.

We have this crazy program that makes no economic sense. It costs jobs already in this country. It is bad for the environment, it is bad for the economy, it is just big government at its worst. All we are saying is let this program exist. We have these quotas, but some of them are not filled. Why not give them to the 10 countries of sub-Sahara Africa, rather than leave them unused and no one else can use them?

I am disappointed that the Committee on Rules has a blanket opposition to all amendments without considering the merits. I rise in opposition to the rule and urge its defeat.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

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

Mr. Speaker, this bill embodies a very, very important ideal, which I have long supported; namely, that the countries of sub-Saharan Africa should improve their economic lot through development and trade. This bill would begin the process of leading these countries from our traditional direct aid relationship.

However, Mr. Speaker, charity begins at home. I and other bipartisan Members with legitimate concerns for the health of the already suffering textile and apparel industries that we represent feel that we have not been allowed an adequate voice in this process. For this reason, my colleagues and I proposed a bipartisan substitute that we hoped that the Committee on Rules would have ruled in order.

I firmly believe that our substitute, if it were ruled in order, would result in a healthier U.S. textile and cotton industry, and sorely needed economic development and employment for the peoples of sub-Saharan Africa. The sponsors of this substitute only ask for the chance to vote for a good bill on the floor.

We ask this, despite assurances from some of our colleagues, that the bill will be fixed in the Senate. But as I have reminded those Members, those of us who occupy the seats in this House only have a vote in this House, and trusting the Senate to fix what we do not do properly in the House is not a good idea.

Mr. Speaker, I urge my colleagues to vote no on this rule, send it back, allow us to adopt the substitute, which is a win-win for American textiles as well as for sub-Saharan Africa. Help us defeat this rule, vote no on the rule, and then let us put a good bill on the floor so we can help Africa and help American workers.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. COLLINS) is recognized for 3 minutes.

Mr. COLLINS of Georgia. Mr. Speaker, I will talk slowly, because I want him to understand what I have to say. Mr. Speaker, I have been asked: What has been the most difficult vote for you to cast in Congress? The most difficult votes for me are those on trade issues.

I fully understand the importance of expanding trade legislation, and the American worker understands its importance, also. There is not an American worker who does not take pride in manufacturing a product and having it sold worldwide. But that same worker knows that while the U.S. has aggressively lowered or eliminated many of its barriers to foreign products, most countries are still closed to U.S. products. These workers believe that trade bills export jobs and not products. Time after time they have seen the trade agreements we have enacted result in a few hundred jobs lost here, a few hundred jobs lost there, and Mr. Speaker, those numbers add up.

More importantly, those numbers represent families in communities losing income and economic strength. Those are the same workers that used to walk in a store and see the ''Made in the U.S.A.'' label sewn in the garment. Today, that same worker sees the same label ''Made Anywhere But the U.S.A.'' That is salt in the wound to those who have seen their jobs exported and the products they used to make imported.

Yesterday, a Member of this body, as well as a member of the Committee on Ways and Means, made a powerful statement before the Committee on Rules. He said, it is time that we give up on textile jobs. He added, we need to recognize, too, that it is too late to save these industries.

Mr. Speaker, that kind of a statement is exactly what the people of this country are angry about. They know that there are Members of Congress who have forgotten that the U.S. textile industry employs some 2 million people in this country, and most of those workers do not have the security of a higher education or the security of a trade or profession, as does a lawyer or a college professor.

Mr. Speaker, just this past week the Bibb Company textile mill located in Columbus, Georgia, announced that it would close its door March 20. That means that of thousands of textile jobs in Georgia, we lose some 250 more. Mr. Speaker, textile workers in this country deserve to know that legislators have not given up on their jobs.

The amendment I would have offered today, if the Committee on Rules had made it in order, would have provided that American workers receive some benefits from this trade bill. It would have guaranteed that the demand for U.S. products is as important to this body as creating jobs in Africa. Mr. Speaker, if the rules of origin and the GSP product exemptions were good enough to put in NAFTA, then they are good enough to put in this sub-Saharan Africa trade bill.

Mr. Speaker, I have tremendous respect for my colleagues in this Chamber, particularly the chairman of the Committee on Ways and Means, but Mr. Speaker, I must represent the people of the Third District of Georgia. I strongly urge defeat of this rule, defeat of this bill. I will not give up on American textile jobs, which represent the livelihoods of families in Georgia and the economic strength of communities all across this country.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, this is not a textile bill. This is a bill that gives Africa the same opportunities to enter the world economy that Asia had. We gave it to them 35 or 40 years ago.

When I was in Africa in 1961 in Ghana, Ghana and Korea were exactly in the same place. Today, Korea has risen to the 11th largest economy in the world, and Ghana is down from where they were in 1961.

This bill has been endorsed by the President and Prime Minister of every Asian and African country. Andrew Young, a former United Nations Ambassador, C. Payne Lewis of Africare, the Urban Institute, the National Conference of Mayors, Mayor Dinkins of New York, and the Constituency for Africa, all these groups have looked at this and said this gives Africa an opportunity to play the game.

The amendment that was being discussed here could have been offered in the Committee on Ways and Means. It was not. We went out of there without that being discussed, because people knew that it was not, in the long run, a good amendment. It is not a textile amendment. It sets the bar so high that no one could start a textile industry in Africa.

If we say that every piece of cloth that is going to be worked in Africa has to be shipped from the United States, cut, and only can be sold in Africa, and then shipped back, it would not work fiscally, even. It is not a good amendment. I support the rule.

Mr. Speaker, I include for the RECORD a letter from the President and Secretary of State to the gentleman from New York (Mr. RANGEL), as well as an editorial from the Washington Post.

The material referred to is as follows:

[From the Washington Post, Mar. 7, 1998]

HOW TO HELP AFRICA

The House is scheduled to vote next week on an African trade bill. In the past, that would have been an oxymoron. The United States traded with Asia and Europe but sent aid to sub-Saharan Africa. This new approach, which treats African nations more as partners than as charities, is welcome—though not sufficient.

Many of the world's poorest people inhabit Africa, their economies in danger of being left behind altogether as trade and investment unite the rest of the world. But in recent years, the true picture has not been quite as gloomy as news reports on civil wars and coups d'etat might suggest. Many African countries have moved toward democracy and free-market reforms. Many are trying to spend more on basic health and primary education. Many want to help themselves and not depend forever on foreign aid.

This bill is aimed at those nations. It was put together by Republican Rep. Philip Crane and Democrats Charles Rangel, Jim McDermott and William Jefferson, and embraced by the Clinton administration. It would seek to encourage trade between Africa and the United States by removing quotas and many tariffs from the kinds of products these poor nations could most plausibly export: textiles, clothing, footwear. It would stimulate and insure private U.S. investment in Africa, and create forums for African and American businessmen to cooperate.

The legislation carries a tiny price tag, but some in the House and Senate oppose it for protectionist reasons. Yet African textiles now account for only two-thirds of one percent of total U.S. textile imports and are unlikely to rise above 2 percent even in the most optimistic (by African lights) scenarios. Africa's industry is not a threat to the U.S. economy.

A more serious objection—though not a disqualifying one—is that this bill will accomplish less than some rhetoric suggests. For countries as poor as those in sub-Saharan Africa, where average annual per capita income hovers below $500, trade and investment alone can't do the job. Aid remains essential, as the bill's authors acknowledge, and yet U.S. assistance to Africa declined by 25 percent during the past two years. This trade bill can help, but only in combination with effective aid and substantial debt relief.

THE SECRETARY OF STATE,
Washington.

DEAR MR. RANGEL: The African Growth and Opportunity Act, H.R. 1432, is scheduled for a floor vote today. Passage of this landmark legislation is one of our highest legislative priorities. As you know, President Clinton made a strong statement in support of the bill during the State of the Union speech.

Passage of the African Growth and Opportunity Act will send an important signal to Africa that we will help those countries which help themselves by pursuing sound economic and political reform policies. The Act will provide substantial trade and debt relief benefits to those African countries which are undertaking significant economic reforms. The African Growth and Opportunity Act will help African countries improve their own business climates so that U.S. companies can better compete in the important emerging markets of Africa.

We believe the legislation contains adequate provisions to prevent injury to U.S. industries and jobs. The impact on U.S. consumers, workers and industries must be assessed by the International Trade Commission (ITC) before the President is authorized to grant the additional duty-free preferential market access provided by the Bill. A recent ITC study of the textile provisions in the Act concluded that duty-free, quota-free entry of textile and apparel products from Africa would have a negligible impact on U.S. industries and workers.

This critical legislation will advance one of our most important foreign policy goals in Africa—integration of African countries into the global economy. The approximately 600 million consumers in Africa deserve a better future. The African Growth and Opportunity Act is an important first step in that direction, and I strongly urge you to support it.

Sincerely,

MADELEINE K. ALBRIGHT.

THE WHITE HOUSE,
Washington, March 11, 1998.

Hon. CHARLES B. RANGEL,
House of Representatives,
Washington, DC.

DEAR CHARLIE: I strongly support passage of H.R. 1432, the African Growth and Opportunity Act, which would provide enhanced trade benefits for sub-Saharan countries engaged in meaningful reform efforts.

The United States strongly supports a stable, prosperous Africa. Africa is a continent on the doorstep of a new era of democracy and prosperity, and many countries have adopted market-oriented economic and political reforms in the past seven years. A stronger, stable, prosperous Africa will be a better economic partner, a better partner for security and peace, and a better partner in the fight against drug trafficking, international crime, terrorism, the spread of disease and environmental degradation. Africa is already an important trading partner for the United States. Our exports to Africa are over $6 billion annually.

In addition, America has its own special reasons to contribute to Africa's economic development. Over thirty million Americans have ancestral origins in Africa. We should work to help African nations achieve greater prosperity and stronger democracies, which will improve the lives of the African people. This bill helps us do that.

This bill is supported by a bipartisan and diverse cross-section of Americans and concerned groups—including Jack Kemp, David Dinkins, Andrew Young, the United States Conference of Mayors and the National Urban League. They know this bill is good for both Africa and America.

We face a historic opportunity to assist the renaissance in Africa. Congress has the chance to help this transformation by enacting the African Growth and Opportunity Act. When it comes time to cast your vote, I urge you to support this legislation.

Sincerely,

BILL.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I must urge my colleagues to vote in favor of this rule. I do it, raising the question as to why this Congress ought to treat Africa any differently than it treats any other continent in the world.

Why would we say to the African nations that we must send all of our cloth to them and have them work on it, when we do not say it to other countries in the world? Why do we say to Africa, we cannot trust you to work with our customs people, with our government, on the transshipments issue, when we do not say it to every other country in the world?

Transshipment is not an issue, it is an issue as old as time. Every time we had to do a trading arrangement, we worried about transshipment, and every time we do that, we deal with the transshipment question as best we can. The African nations, to me, ought to be insulted by the way we are approaching this bill, because what we are saying is we trust them less than we trust the rest of the world to cooperate with us on transshipment questions. What is the basis for that?

We have the facts in front of us. The facts say that the entry of textiles in our marketplace will have little to no effect. We disregard that and argue, as I have heard some argue, that it is going to have a tremendously deleterious effect on the jobs in our country.

It is not true at all. What it will do is have almost no effect here and a huge effect there. We ought to treat Africa the way we treat the rest of the world. There is no reason to discriminate against that continent. I hope we vote for the rule.

□ 1130

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

(Ms. CHRISTIAN-GREEN asked and was given permission to revise and extend her remarks.)

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER) for yielding me this time.

As one of the 30 million proud Americans of African descent, I rise today in support of the rule on H.R. 1432, the African Growth and Opportunity Act, a bill which would provide significant economic opportunities and incentives, fueling economic growth in that region of the continent of Africa known as sub-Saharan Africa.

Mr. Speaker, H.R. 1432 is a good bill for both Africa and the United States, for Africa because this bill, which was drafted with the full input of African governments, will position Africa to favorably compete with other countries that have well-established industries and global market shares.

It is our duty and responsibility to see to it that Africa is not left behind. In addition and importantly, H.R. 1432 represents a shift from dependence on foreign assistance to a private sector and market incentives approach which will create a sustainable development strategy for the region.

This bill is important to us because it will strengthen an already important trading partner; a stronger, more stable Africa will be a better partner for us in the fight against drug trafficking, international crime, terrorism, the spread of disease and environmental degradation.

Mr. Speaker, H.R. 1432 represents, I think, a fair compromise of all of the differing concerns that were raised about it. My colleagues and I intend to do all that we can to make sure that if this bill becomes law we continue to reinforce the positive developments taking place in Africa and see to it that it benefits, rather than harms, our American work force. I would vote for it if I could and I urge my colleagues to vote in favor of the passage of both the rule and the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to be able to follow my colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) for her very able remarks and simply to say that I disdain a closed rule. I believe in an open rule. But, frankly, if we vote against this rule, we defeat the bill.

I think it is extremely important that we get the basic facts. This is a real opportunity for the first time in the history of this Nation to promote opportunities between the United States business community, small and medium, and the continent of Africa, 48 sub-Saharan states.

I believe in the sensitivities and the needs of my friends in the textile industry. I believe in workers' rights. I believe in helping Africa cure its HIV problem. But I think that as we move toward trade and creating opportunities, we can work on these concerns, insist upon working and resolving these concerns, not only in conference committee but in the Senate.

If Members take the opportunity away to move this bill forward, they take the opportunity away for us to get legislation passed that does several things: $500 million in infrastructure that American businesses can engage with Africa and help them to produce the infrastructure system that they need, $150 million in joint venturing. When I had a conference in my district, many, many people came to that conference, small- and medium-sized businesses, the backbone of America, because they want a joint venture with Africans creating jobs in the respective districts and communities around this Nation.

We have a real opportunity, Mr. Speaker, to do something good to establish a relationship with a continent that has been colonized by our brothers and sisters in Europe. We have not had that kind of baggage. Americans can create the kind of economic security for its citizens by supporting this bill, supporting this rule, working with us in conference, working with us in the United States Senate and helping our friends in the textile community, as well as encouraging them to work in combination with Africa.

The transshipment question has been answered. Diplomats have told me, we are strengthening our Customs laws. Diplomats have told me, we will be watching for dumping and we have a monitoring system. This bill takes care of human rights. This bill allows these countries to move their economic standards up.

Mr. Speaker, this is a new day for Africa. This is not an exclusion of aid, for aid is needed. My personal commitment is to work on the question of HIV infection. But this does create a partnership for aid and trade and opportunities for Americans in inner city communities all over this country.

Vote for the rule and let us move to a new level with the continent of Africa.

Mr. MOAKLEY. Mr. Speaker, could the Chair inform my colleague and me of the remaining time?

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 5 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise in opposition to the rule. There has been a lot of discussion this morning about the merits or lack of merits of particular amendments. Unfortunately, a number of those amendments will never get to be debated on the floor, and that is why we should be opposing the rule.

If the Committee on Rules had made various amendments in order for debate, we could have debated and understood the pros and cons of those amendments and the body could have worked its will. That is what democracy is all about. We could have tried to improve this bill. And if the majority had voted against our improvements, then at least the opportunity would have been provided. That is what democracy is all about.

Instead, the Committee on Rules decided that it was going to enact its own fast track legislation. Basically what it said was, we are not going to give you an opportunity to allow democracy to work. We are going to bring this bill to the floor, not give you an opportunity to offer amendments, not give you an opportunity for debate, not give the body the opportunity to work its will on a majority basis. We are going to deprive you of your rights as Members of this body. That, in and of itself, regardless of the merits of the amendments, is enough to justify a vote against the rule.

I urge my colleagues to oppose this rule, send it back, send out these amendments and let us debate them on the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this rule. This is a modified closed rule and it does not permit the consideration of vital elements that are missing from H.R. 1432, the African Growth and Opportunity Act, which should indeed be an historical beginning. The act is well-meaning legislation, a purpose and concept which I support, and in fact I am an original cosponsor of this bill. If perfected by the proposed substitute, it could help facilitate the economic growth, opportunity and self-reliance in Africa that each of us supports.

First, while it intends to provide jobs for Africa in its current form, it will take jobs from America. It takes jobs from America because it allows yarn to be imported to Africa from other countries, countries whose labor standards are lower, and would give them an unfair advantage over American workers.

Second, the act proposes to encourage the building of a textile industry in Africa, but instead it discourages and destroys because only as little as 35 percent of the textile or apparel must be manufactured in Africa. Under the act in its current form, nations such as China and other Asian nations with cheaper labor could benefit, leaving Africa as a nation to benefit very little.

Third, the act makes a weak and feeble attempt at preventing the illegal shipping of apparel by an unintended beneficiary nation and would again leave Africa in a deficit position.

Finally, the act does not effectively address human and workers' rights and does not effectively address child labor restrictions.

For these and many other reasons, I urge my colleagues to defeat the rule and make sure we have a historical, meaningful bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise to oppose this closed rule. Several of us have tried in the Committee on Rules to offer amendments to attach labor, environmental, and human rights standards to this measure. We were denied that by the Committee on Rules and by the closed rule.

The Africa Growth and Opportunity Act, so-called, is just like fast track. There are no environmental, there are no human rights, there are no labor rights safeguards. It is just like CBI, the Caribbean Basin Initiative. There are no labor standards, there are no environmental standards, there are no human rights standards. And it is just like the North American Free Trade Agreement. Again, there are no environmental standards, there are no worker safety standards.

There are no labor standards of any kind, or human rights standards, in this bill. In fact, Mr. Speaker, this bill is misnamed. The Africa Growth and Opportunity Act should be known as the ''NAFTA Expansion to Africa Act.''

We should have learned something from the North American Free Trade Agreement. When we pass these trade agreements and we do not put environmental standards in, we do not put labor standards in, we do not protect workers in both, in all the countries involved, ours and theirs, we end up costing American jobs. We end up exploiting workers in those countries, whether it is Mexico, whether it is in the Caribbean, whether it is in Africa, whether it is in China, however we write these trade agreements.

And we ultimately hurt people in both countries. We hurt workers in the United States. We hurt workers in Africa. You lock in the exploitative conditions of those workers in those countries so their standards of living never improve.

Go to the Mexican border, go into homes in Mexico where two people, a home I visited, two people, both working for a major American auto company, do not make enough money, husband and wife, to have electricity in their home, to have running water in the home. That is what we are doing when we lock in these kinds of trade agreements without human rights, without worker safety standards, without labor rights, without environmental standards.

Mr. Speaker, I ask for defeat of the closed rule.

Mr. LINDER. Mr. Speaker, that last speaker has just energized my chairman, and I yield 1 minute to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I have said enough on the bill and the rule itself, but I have to take exception with my good friend, the gentleman from Ohio (Mr. BROWN).

The gentleman appeared before the Committee on Rules. He had a very complex amendment. It dealt with both the Ways and Means aspects and the International Relations aspects. We explained to him that if he could remove the Ways and Means implication from his amendment, we would certainly make it in order. I know that he attempted to do that, but nevertheless the Parliamentarian still ruled that his amendment dealt with the Ways and Means implications and, therefore, could not be made in order.

The gentleman should not take the well and talk about a closed rule when it is not a closed rule. It is a modified open rule, and it would behoove him to state the explanation of the rule correctly, especially if he wants to come up to the Committee on Rules and have us treat him fairly, as we usually do.

Mr. MOAKLEY. Mr. Speaker, my last speaker on this modified closed rule is the gentleman from South Carolina.

Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) is recognized for 3 minutes.

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

Mr. SPRATT. Mr. Speaker, let us be clear what this bill is about. This bill will allow 42 African countries to ship textile and apparel products, clothing, to this country free of any duties, that run as high as 30 percent and average 18 percent, and free of any quotas now and forever more.

How good a deal is this? This is a better deal than Mexico gets under NAFTA. It is a better deal than any of 26 Caribbean countries get under the Caribbean Basin Initiative. It is unprecedented. It is unilateral. We get nothing in return. There is no reciprocity for our textile and apparel products entering these 42 countries. It is wide-open access.

Let us be clear about this. When we open our ports wide open to exports from these 42 African countries, we will not see African goods coming through our ports. We are going to see goods made in Asia. They may make the labels in Africa, but they will be transshipped through Africa from countries like China and Hong Kong and Pakistan and Macao, who already are notorious for transshipping. The volumes run into the billions and the problems that are sweeping Asia now are only going to make them more prone to transshipment. And the prospect of Africa as a duty-free, quota-free transit

point will be too much for them to resist and too much for our Customs Service to police.

□ 1145

And who will bear the brunt of all these imports? Sixty percent of all apparel workers, 60 to 70 percent in this country, are women. More than half of them are minorities. Most of them are African-Americans.

This bill not only affects textiles and apparel, it also affects carbon and stainless steel, ferroalloys, footwear, leather products and wine. That is because these products now enjoy an exemption from the Generalized System of Preferences, GSP, and this bill removes that full or limited exemption.

Now, everybody knows where I am coming from. I have a constituency with a lot of good, hard-working textile workers who simply want the right to earn their way in our economy, nothing more. So my colleagues know what my interest in it is.

But do not take my word for it. Listen to what Randall Robinson said in a scathing critique of this bill. Everybody knows he is an eloquent, outspoken advocate for Africa, and has been for many years. He calls this bill, his words, ''an Africa de facto re-colonization act.'' At the end of his scathing analysis he says, ''Absent significant changes, this bill combines the worst of NAFTA and the harsh IMF structural adjustment program.''

Well, we have significant changes. We have an amendment offered by two Republicans and three Democrats, offered yesterday in the Committee on Rules, which would give Africa special access, give them basically the same kind of access that the Caribbean countries and Mexico enjoy today, gives them substantial privileges and, furthermore, imposes some realistic, tough transshipment remedies here, if indeed the transshipment problem does occur after these special access benefits kick in.

Mr. Speaker, all we wanted was a chance to argue the merits of our amendment. It is a sad day in the House when we cannot come here and argue on behalf of our constituents. I urge a ''no'' vote against this rule so we can have that opportunity.

Mr. Speaker, ''The Africa Growth and Opportunity Act'' will allow textile and apparel imports to come from Africa to our country duty free and quota free Neither Mexico under NAFTA nor the Caribbean countries under the Caribbean Basin Initiative (CBI) enjoy such wide-open access to our markets. Most of the imports will not be made in Africa. They will be made in Asia and transshipped through Africa to avoid quotas and tariffs. Countries like China and Pakistan and Hong Kong are notorious for transshipping now; the financial problems sweeping Asia will make them only more prone to transship; and the prospect of Africa as a duty-free, quota-free transit will be too much to resist.

Who will bear the brunt of all these imports? 60% of all U.S. apparel workers are women, 35% are minorities, mostly African-American. U.S. apparel workers earn better wages than ever and many enjoy health benefits. The local apparel plant is often the anchor business in a small town or one of the few job sources in the inner city. These are the workers this bill will hurt.

Eight countries in Africa have been identified by the U.S. Customs Service as transit points for illegal shipments of Chinese textile and apparel goods. This transshipment is occurring now just to evade China's quotas. The Africa Free Trade Bill will increase the rewards of quota evasion by eliminating all tariffs. Profits from transshipment will increase by the amount of the tariffs evaded, which average 18% on apparel and run as high as 30%. The result will be an explosion of transshipment through Africa, which will be all but impossible for customs to police. Another result: rampant transshipment will remove the incentive for investment in African apparel production.

This bill not only affects textiles and apparel; it also affects carbon and stainless steel, ferroalloys, footwear, leather, and wine. These products now enjoy either an exemption from the Generalized System of Preferences (GSP) or limited application of GSP. The Africa Free Trade bill removes all such exemptions, and subjects these products to competition with duty-free imports from sub-Saharan Africa. Included among these countries is South Africa, an industrially developed country which recently completed the world's largest, most modern steel plant.

Yesterday, Randall Robinson of TransAfrica blasted this bill as ''an Africa de facto re-colonization act.'' The bill adds a long list of mandates that Africa countries must meet to obtain GSP benefits which no countries anywhere else are required to satisfy. The receive aid and trade benefits under this bill, African countries are required to lower corporate taxes, to sell off government-owned industries, and to give national treatment to foreign capital (aka MAI). But they are not required to protect human rights or religious freedom or the environment.

Randall Robinson has written members of the House a letter saying, ''Under the cover of an appealing name and non-binding preamble, this bill contains numerous provisions aimed at benefiting large foreign private investors and multi-national corporations at the expense of true and equitable African development. The bill assaults the sovereignty of African countries in ways not present in our dealings with other countries . . . Absent significant changes, this bill combines the worse of the North American Free Trade Agreement (NAFTA) and the harsh International Monetary Fund structural adjustment program.''

Our amendment proposes ''significant changes'' to the bill to protect African workers and American workers alike. Our amendment:

Protects U.S. textile workers by limiting duty-free, quota-free access to apparel that is made in Africa out of fabric made and cut in the United States. What we propose is very similar to the ''special access'' benefits enjoyed by Mexico in NAFTA and by Caribbean countries in CBI.

Protects U.S. cotton growers and synthetic fiber producers by requiring use of their yarn in apparel that is eligible for duty-free, quota-free access.

Protects other industries hurt by changes to GSP made in H.R. 1432, such as ferroalloys, footwear, stainless steel, and wine.

Adds accountability to the bill. Every African garment sold in the U.S. can be traced to U.S. fabric pieces shipped to Africa, which greatly reduces the opportunity for transshipment.

Adds tough enforcement measures to punish transshipment, including higher penalties for fraud and gross negligence. It limits the mitigation process, which allows Customs to forgive up to 100% of transshipment fines, and restores Customs' authority to seize transshipped goods.

Requires African countries to cooperate with U.S. Customs and allow full access in its investigations of transshipment.

De-links textile and apparel benefits from GSP benefits, maintaining the textile and apparel exemption from GSP.

In summary, our amendment raises the benefits of the bill to Africa by ensuring that apparel imports coming from Africa will be produced in Africa by Africans.

Some $43 billion in clothing and apparel were imported into this country last year. This industry has surrendered well over half the domestic market to developing countries. Before we decimate what is left of our domestic market with a new barrage of low-wage imports, or open the door to even more transshipment and evasion, let us have a chance to make the case for our amendment. It allows sub-Saharan Africa special access that is as good in most respects as NAFTA and CBI, and that in some respects is better because it levies no duties at all on eligible textiles and apparel. Our amendment is well conceived and carefully crafted; it deserves to be part of this debate; and members deserve the chance to vote on it. Since the rule denies us this chance, we should vote it down.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time to urge everyone in the Chamber and everyone listening and watching to vote for this rule.

There is no question on the resolution that some of the amendments others had wished to be debated were not put in order and will not be debated, under a longstanding practice in this House of not opening up the Ways and Means jurisdictional areas with respect to taxes. Anyone can imagine the kinds of mischief that could be created on this floor if people could openly amend any portion of the Ways and Means jurisdiction in respect to taxes.

So to the extent it is a closed rule, it is a modified closed rule. There will be several amendments offered, longstanding opportunity for debate on this bill, and I urge all my colleagues to support the rule.

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

The previous question was ordered.

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

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

Mr. MOAKLEY. 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 227, nays 190, not voting 14, as follows:

[Roll No. 43]

YEAS—227

Ackerman
Allen
Archer
Armey
Baker
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chabot
Chenoweth
Christensen
Cook
Cox
Coyne
Crane
Crapo
Cubin
Davis (FL)
Davis (VA)
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Dunn
Ehlers
Engel
English
Ensign
Eshoo
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Granger
Greenwood
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hutchinson
Hyde
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Livingston
Lofgren
Lowey
Lucas
Manzullo
Markey
Martinez
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sanchez
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Stearns
Stump
Sununu
Talent
Tauscher
Tauzin
Thomas
Thune
Tiahrt
Towns
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wolf
Woolsey
Wynn

NAYS—190

Abercrombie
Aderholt
Andrews
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Berry
Bishop
Blagojevich
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Bunning
Callahan
Canady
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cramer
Cummings
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doyle
Duncan
Edwards
Ehrlich
Emerson
Etheridge
Evans
Everett
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Goode
Gordon
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Hoyer
Hunter
Inglis
Istook
Jackson (IL)
John
Johnson (WI)
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
McCarthy (MO)
McCollum
McGovern
McHale
McIntyre
Meehan
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pickering
Pickett
Price (NC)
Rahall
Reyes
Riley
Rivers
Rogers
Rothman
Roybal-Allard
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Slaughter
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wicker
Wise
Yates
Young (AK)
Young (FL)

NOT VOTING—14

Barton
Brady
Fattah
Furse
Gekas
Gonzalez
Harman
Pascrell
Poshard
Redmond
Riggs
Rodriguez
Schiff
Weldon (PA)

□ 1211

Ms. STABENOW, Ms. MILLENDER-MCDONALD, and Messrs. NEY, YOUNG of Alaska, LAMPSON, CUNNINGHAM, WISE, HALL of Texas, RAHALL, DIXON, OWENS, SERRANO and SCHUMER changed their vote from ''yea'' to ''nay.''

Mr. LEWIS of Georgia and Mr. ENGEL changed their vote from ''nay'' to ''yea.''

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.

The SPEAKER pro tempore (Mr. BARRETT). Pursuant to House Resolution 383 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1432.

□ 1213

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Illinois, (Mr. CRANE), and the gentleman from New York, (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

□ 1215

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

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

Mr. GILMAN. Mr. Chairman, while I have some reservations concerning the textile provisions in this bill, I do rise in strong support of the Africa Growth and Opportunity Act, H.R. 1432.

This legislation is a result of years of bipartisan congressional efforts to develop a comprehensive trade and development policy toward the countries of sub-Saharan Africa. On May 22 and June 25 of last year, the Subcommittee on Africa and the full Committee on International Relations held markups on this important legislation. On both dates, it was approved by voice with strong backing on both sides of the aisle.

This legislation promotes economic reform through free trade initiatives, creation of equity and infrastructure funds, the refocusing of development assistance, and the creation of special advisory committees on sub-Saharan Africa for the Export-Import Bank and the Overseas Private Investment Corporation. Under its provisions, the President is directed to determine eligibility for benefits under this bill based on a sub-Saharan country's adherence to human rights norms and a demonstrated commitment to economic policy reforms.

Africa, as we all know, is comprised of some 48 nations. It includes over 500 million people and supplies many important natural resources to our Nation, from petroleum to uranium to timber. Trade between our Nation and Africa is greater than that between the United States and the former Soviet Union and Eastern Europe combined. Yet there exist great possibilities for this trade to be expanded.

With the end of the Cold War and the demise of the apartheid regime in South Africa, sub-Saharan Africa is opening up to the world as never before. Many nations in that region are moving toward democracy, liberalizing their economies and seeking a better standard of living for their people. For the first time in almost a generation, most African countries are participating in a marked economic upturn. Often perceived as a continent of failed

or declining states, Africa is now in the midst of an economic and political rebound with overall growth rates of nearly 5 percent.

As African entrepreneurs are working to convince their own governments to reduce state regulations and constraints on domestic and foreign investment, so too should we be providing the trade and investment opportunities for these emerging-market-oriented economies.

The bill before us today provides a framework and a structure to accomplish those goals. Up to the present, our development assistance programs have been at the center of our relationship with many of the countries of sub-Saharan Africa. There is little doubt that these development programs, including the Development Fund for Africa, will continue to play an important role in bilateral relations with the countries of that continent. But for aid to achieve its real objectives, to be no longer necessary, it must be accompanied by the right trade and investment policies. Under this bill, we can help African governments strengthen their capacity to make good policy choices and to carry through on their effective implementation.

In 1996, trade between our Nation and sub-Saharan Africa grew at an impressive 18 percent rate. This growth rate shows no signs of declining as our trade with this emerging region continues to outpace the growth in United States global trade. Several African countries, including Senegal, Ghana, Ethiopia and Cote d'Ivoire are among the fastest growing economies in the world. The United States is the largest recipient of African exports, at nearly 20 percent, but we are only the fifth largest exporter to Africa. In short, we have ample opportunity to increase our export and investment opportunities in the region.

One of the provisions in this bill creating a U.S.-Africa Trade and Economic Cooperation will help to accomplish this objective. This forum will provide a focal point for Africa policy efforts in the U.S. Government in the same way that APEC annual meetings do for our overall economic policy toward Asia. It will also help promote the policy reform process in Africa, particularly in the trade and investment area.

Mr. Speaker, the Africa Growth and Opportunity Act, with its bipartisan backing from Speaker GINGRICH to the gentleman from New York (Mr. RANGEL), support our interests in Africa and the aspirations of African entrepreneurs across the continent. The lowering of tariffs, the expansion of trade, the encouragement of free markets over the past decade has benefited American companies and workers alike and has served our overall foreign policy interests.

Now I urge my colleagues to let us include Africa in our trade policy for the next century. I urge adoption of the African Growth and Opportunity Act.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. ROYCE), the chairman of our Subcommittee on Africa, who has ably managed this important measure through the committee. We look forward to his continued strong leadership today.

Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. ROYCE) the distinguished chairman of the Subcommittee on Africa, control the balance of my time in general debate.

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

There was no objection.

Mr. MENENDEZ. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the winds of change are blowing in Africa. From the end of apartheid in South Africa to the successful democratic transition of power in Botswana, tremendous economic growth in Uganda, infrastructure improvements in Ghana, the privatization of formerly state-owned industries in Mozambique, and growing stock markets in Zimbabwe and Ghana, African nations are taking the requisite steps to shed Africa's media image of poverty and conflict and recast Africa as a new frontier for investors. Today, a majority of sub-Saharan Africa's 48 countries have adopted market-oriented economic and political reforms, including open markets, privatizing industries, stabilizing their currencies, and simply making their countries more investor friendly.

As President Clinton noted, there really is a dynamic new Africa out there. African nations are looking to enhance trade, not aid, to foster their economic development and political stability. While trade cannot supplant aid entirely, at least not yet, trade is a missing link in the final leg of U.S. policy towards the continent.

The Africa Growth and Opportunity Act is America's response to positive changes in Africa, and it seeks to harness Africa's potential in a manner which benefits Africans and Americans.

Africa is already an important trading partner for the United States. Our exports to Africa have grown 14 percent over the last 2 years and are now more than $6 billion annually. Exports from my own home State of New Jersey to sub-Saharan Africa are more than $200 million. In fact, exports to Africa are 27 percent greater than our exports to all of the former Soviet Union combined. When former Secretary Ron Brown traveled to Africa, he pointed out that while investment in Africa was sometimes more difficult than your average foreign investment, it also yields a greater than average return on direct investment, about 25 percent, compared with 8.5 percent for direct investment worldwide.

In 1995, the World Bank estimates that sub-Saharan Africa's GDP grew by 4 percent. Thirty countries reported growth over 3 percent, and four countries, Uganda, Angola, Malawi and Lesotho, grew by more than 10 percent. Many countries have embraced political and economic reforms which are encouraging foreign investors to look at new investment in the continent.

This legislation provides opportunities both for Africans and for Americans. The bill is a comprehensive program. Not only will it facilitate trade and investment, but it is a landmark piece of legislation because it places new emphasis on the importance of Africa to America, and as a result, it will engage Americans and American businesses in Africa.

Before the 1990s, Africa was an ideological Cold War battleground where U.S. policy focused largely on promoting Cold War interests and responding to imminent humanitarian concerns. Africa's tremendous economic potential was ignored. This legislation says, no more. More economic opportunity means less poverty, less emergency humanitarian relief, more peace. Less likely to have U.S. troops deployed to end mass slaughters, we can save money and we can make money as trading partners; we can limit the risk to American lives and also, ultimately, we can encourage greater stability and peace within Africa itself. And that is good for Africans. That is a win-win situation.

We are ready for a new era in America's policy toward Africa. With the passage of this legislation, we will launch that era, an era where America wholeheartedly embraces Africa, its people and its enormous wealth of opportunity, an era in which we pursue policies that seek to improve the lives of Africans as part of our policy, not just as an afterthought.

I urge my colleagues to support this historic opportunity for America and Africa by supporting this legislation.

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

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

Mr. Chairman, this legislation is long overdue. This African Growth and Opportunity Act is long overdue. For too many years, we have thought of Africa in terms of aid only. All of our attempts to promote economic development in Africa have been a matter of sending aid and more aid. Yet many African countries are poorer today than they were at the time of their independence in the early 1960s.

There are many reasons for this. Some African countries have been crippled by civil wars, some which were fueled by the Cold War. Some African countries have been hit by natural disasters, including droughts. Downward changes in the world prices of some African commodities have hurt.

But our aid has been part of the problem, too, part of the problem because it has often sustained what have proven to be unsustainable economic policies in Africa. Like other areas of the world, Africa went the route of socialism in the 1960s and 1970s. It was fashionable then for African governments

to nationalize industries, to close economies to imports, to try to manage commerce down to setting the price on a bag of corn and otherwise kill the entrepreneurial spirit in Africans that is common to people all over the world. Africa's poverty today has much to do with these disastrous policies.

Like other regions of the world, though, Africa has been changing. Over the last 10 years, many African countries have been reforming their economies, allowing everyday Africans to seize their own economic destinies. State-controlled companies have been sold, commerce-crippling red tape has been cut, and partnerships with foreign investors have been permitted. In short, African nations have begun to give themselves a chance to develop just like other countries in the world.

There have been impressive results. Many of my colleagues today will tell the story of what some are calling the African Renaissance. Many African countries are having real economic growth of up to 10 percent for the first time in years.

□ 1230

One country, Uganda, probably the most aggressive economic reformer in Africa, has been growing at 10 percent for several years running. Uganda is now being called the African lion.

This growing economy means that the development, better health, nutrition, education, the things that everyone in this House wants to see for Africa, is beginning to happen. And it does not take too many years of 10 percent economic growth to make some real progress. That is why Americans are thinking about Africa in new terms. All this is a new beginning for Africa. Though we should not ignore the real challenges these countries face, more reforms are needed, and economic reform can be trying, but if African countries meet this challenge, then the Africa of the 21st century will be a far different Africa than the Africa of the recent past.

The African Growth and Opportunity Act is all about helping these countries along with this reform plan. It does this by identifying those countries that are committed to reform as the countries the United States wants to develop a special economic relationship with. These countries, those that are giving themselves the best chance to develop, that are giving U.S. businesses the chance to take part in their development through American exports and investment, will take part in annual trade forums with the United States. They will also have greater opportunities to sell some of their goods to American consumers. These are real benefits, benefits that should be incentives to African countries to continue their reform path, allowing their citizens to reach their potential, and helping American businesses too.

Now, this bill will not cure all of Africa's ills, but it helps in a big way. It also puts Africa on the map for America, not as a place of famine and poverty and of endless aid spending, but as a place where growth is offering American businesses new opportunities. Africa is changing. It is time for U.S. policy to change too. This is what this bipartisan act is about. For the sake of a brighter future for Americans and a brighter future for Africans, let us pass this very significant legislation.

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

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time.

I rise today in strong support of the African Growth and Opportunity Act, a bill which I am pleased to be a cosponsor of.

Now I realize this is not a perfect bill and that there are concerns, and I hope those concerns can be worked out, but let me emphasize today in dealing with the continent of Africa we should not let the perfect be the enemy of the good. In the past we have had a very limited trade relationship with Africa, based primarily on Cold War objectives. I am pleased to say that with this bill we are moving forward into the new millennium to develop and cultivate new trade relationships. I think that is good for America.

Currently, Europe has 30 percent of the African market. By comparison, we only have about 6 to 7 percent. It is in our national interests to support better trade relationships with Africa. It is in our interests to develop new markets. It is in our interests to avoid costly conflicts where trade replaces warfare. It is in our interests to address these global problems.

Africa does have unique problems and progress is fragile, but progress has been made. Numerous countries have moved to democratic systems and those countries are now prepared to receive our assistance in cultivating trade relationships.

It is important that we offer important reforms, such as eliminating trade barriers, such as encouraging improved fiscal policies, promoting private sector development, fostering good government and fighting corruption, debt forgiveness. All of these are objectives that can be accomplished if we pass this bill.

Let me hasten to point out, however, that this bill will not benefit countries that continue to engage in human rights violations. They will not be eligible for those benefits. But for those countries that are truly moving toward democracy, those countries that are truly eliminating human rights violations, those countries will be able to benefit.

But, more importantly, we in the United States will be able to benefit because a stronger Africa represents new markets for our goods, and to the extent that we can take advantage of these new markets, we can have a more prosperous economy here in the United States.

Mr. Chairman, I strongly urge support for this very excellent bill.

Mr. ROYCE. Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I thank my colleague from California for yielding me this time.

I rise in very strong support for H.R. 1432, a bill to authorize new trade and investment policy for Sub-Saharan Africa.

First, let me commend the distinguished gentleman from Illinois (Mr. CRANE) and many distinguished, informed and thoughtful colleagues on both sides of the aisle for sponsoring this bipartisan initiative. This act is a much-welcome initiative for a continent in need of our focused attention, and I am very proud and pleased to be an original cosponsor.

We hear a lot of hyperbole and exaggeration around here, but I tell my colleagues, in my judgment, without fear of responsible contradiction, this is the most important foreign policy initiative of this Congress. Beyond that, this is the most important thing that we have done potentially for Africa in post-colonial times, and I believe that the potential will be shown to be a reality.

Why do I say that? Well, first of all, we know, of course, that the United States has been committed to Africa in terms of foreign assistance for many years now, but our commitment to Africa in terms of trade has been less steadfast. In fact, our trade policy at times discourages private sector enterprises in Africa. These trade barriers can negate the benefits of U.S. foreign assistance to some of the same African countries that we are trying to help.

Oftentimes, we hear from these countries, ''We want trade,'' and they even go on to say, ''We do not need aid if you give us adequate trade opportunities.'' This is a win/win situation for the United States and these African countries.

As a strong supporter of the aid to Africa through the Development Fund for africa, in fact, Mr. Wolpe I think was the original initiator, and other mechanisms, I believe this legislation finally coordinates and sufficiently focuses America's resources on both trade and aid in Africa, and there are a number of amendments made in order that will improve this legislation.

By requiring African countries to show their commitment to market reform, this bill lays the proper foundation for a very positive, cooperative relationship between the United States and these many countries of Africa. By proposing a framework for investment assistance, export promotion, free trade arrangements, and the abolition of trade barriers, this legislation creates a reward system that ensures those market reforms in Africa are more likely to continue.

Finally, by maintaining our foreign assistance program for sustainable development and humanitarian purposes, this legislation commits us not only to economic liberalization in Africa, but also to equitable and efficient development that does not overlook the poor or those most in need.

Mr. Chairman, I find it very hard to imagine how someone could oppose this legislation once they have examined it. This legislation has received widespread attention both inside the United States and outside this country from our allies and friends. Ask the African countries and their leaders and their people how they feel about it. If they know about it, they are in favor of it. It has been received well as a coordinated, thoughtful component to our foreign policy toward the individual countries of Africa.

I say to my colleagues who know about my involvement in Africa and foreign affairs issues for some time, I say to them, this legislation is a very positive contribution to Africa and to the United States. I strongly urge that my colleagues support the most important foreign policy initiative of this Congress, one that has bipartisan support.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. JACKSON), in recognition of the gentleman's strong concerns about this issue and that it is his birthday, even though he is going to speak in opposition.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me first thank the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ) for this opportunity. I want to thank all of my colleagues for their participation in this discussion which I suspect will be a fruitful debate.

This is an historic day as this Congress discusses and debates U.S. trade with Africa on the House floor. As my colleague noted, I was born on March 11, 1965, and on December 12, 1995, I was elected to Congress as the 91st African-American to serve in this House. There have only been 102 African-Americans elected to Congress out of a total of 11,541 Americans. Ninety-eight have been in the House, 4 elected to the Senate and 2 this last century, including 2 this century, CAROL MOSELEY-BRAUN, the only African-American woman to ever serve in the Senate.

This occasion to debate a respectful and reciprocal trade relation with Africa is a test of fate for the 60 million Africans taken from their native shores and forced to make the transatlantic voyage. It is because of that history that we are compelled to strenuously critique and analyze this bill. So I am periodically, Mr. Speaker, going to raise questions of some of my colleagues on the other side and this side that I hope will be taken in the spirit within which we have engaged in this discourse.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. BEREUTER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

AFRICAN GROWTH AND OPPORTUNITY ACT

The Committee resumed its sitting.

Mr. ROYCE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, Africa is a continent on the move and it is time we recognized that fact. We have neglected the people of Africa and ceded many export opportunities to their former European colonial powers.

This legislation will for the first time focus the attention of the U.S. Government on a comprehensive trade strategy towards Africa. This legislation reinforces the positive developments taking place in that continent. Since 1990, more than 25 African countries have held democratic elections and more than 30 countries have embarked on free-market economic reforms.

Let me give my colleagues a taste of what can happen. Last year I held a hearing before the Subcommittee on Small Business Exports, which I chair, on the subject of the Overseas Private Investment Corporation, OPIC. A wonderful lady born in Africa and now residing in Massachusetts, Monique Maddy, testified how her small telecommunications firm was able to contribute both to economic development in Africa and increased U.S. exports to Africa.

She won a deal, thanks to a political risk insurance package from OPIC, to build wireless public telephones which operate on debit cards instead of coins for Tanzania. This contract resulted in the export of $4.5 million worth of goods and services from 8 supplier companies in 7 States: Texas, New Jersey, Washington, Georgia, Missouri, and North Carolina. In addition, 60 jobs were created in Tanzania.

Because the Africa Communications Group did so well with the Tanzania sale, Ms. Maddy subsequently won a larger sale to Ghana with OPIC's help. This will result in the export of approximately $65 million worth of goods and services from the United States and create 500 jobs in Ghana. Without OPIC, most likely these deals would have gone to our European competitors.

My home State of Illinois is another example of the phenomenal growth of exports to Africa. South Africa alone is Illinois's 20th largest export destination, totaling $389 million for 1996. The leading exports to South Africa are industries where Illinois excells: chemical, earth-moving equipment, agricultural machinery, and aviation parts.

From the Chicago-land area, exports to South Africa grew 148 percent between 1993 and 1996, starting at $74 million and increasing to $184 million. In Rockford, Illinois, exports to South Africa grew 29 percent, jumping from $2 million in 1994 to $2.6 million in 1995, the latest date for which we have export statistics.

South Africa is the locomotive that drives much of Sub-Saharan Africa, and it is critically important we help this big emerging market on the path of democratic and free-market reform.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN).

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

□ 1245

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I join the gentleman in support of H.R. 1432, the African Growth and Opportunity Act. This bill will help sub-Saharan countries build economic self-sufficiency and reduce their isolation in an increasingly interdependent world. The bill supports U.S. aid programs that are vital in the near term, but focus on sustainable development as the only way to substantially boost living standards in some of the world's poorest countries. It promotes trade, foreign investment, debt relief, and private enterprise, including businesses run by women.

At the same time, the bill requires that beneficiary countries have or must be moving towards market-based economies. It requires they be committed to accountable government, the eradication of poverty, observance of human rights: these criteria offer the best chance for prosperity and stability in the region.

The debate today will go into great details on many of the provisions. There will be some amendments which make the bill even better, and others which will be designed to fundamentally gut the key provisions of this bill, but I urge support for the bill and opposition to those amendments, in the context of trying to help H.R. 1432.

Mr. Chairman, opponents of H.R. 1432 say that the United States should not help Sub-Saharan Africa by dropping quotas and tariffs on textiles and apparel, even though these are the goods countries in the region can most readily produce. Opponents argue that reducing trade barriers will make U.S. imports of such goods soar, threatening U.S. textile and apparel manufacturers and workers. They vastly overstate the case.

To address this concern, the Committee on Ways and Means asked the International Trade Commission to assess potential textile and apparel imports from Sub-Saharan Africa under the terms of the bill. The ITC estimated

that even with duty- and quota-free treatment, textile and apparel imports from the region will not exceed three percent of total U.S. imports of such goods over the next 10 years. Sub-Saharan African imports currently account for less than one percent of total U.S. textile and apparel imports. Such modest growth, while important to Africa, clearly would pose no threat to U.S. manufacturers or workers.

The bill provides for a review of the no-tariff, no-quota policy by requiring the President to report annually to Congress on the growth of textile and apparel imports from Sub-Saharan Africa. Even if imports unexpectedly rise dramatically, we can revise the policy before U.S. textile interests suffer substantial harm.

Opponents also warn that the no-tariff, no-quota policy will spark a massive increase in illegal transshipments of goods from Asia. While illegal transshipment is always a concern, they again overstate the case.

The bill contains strong provisions to prevent illegal transshipment. Sub-Saharan African countries will enjoy duty- and quota-free treatment only after they demonstrate that they have effective visa systems in place to guard against transshipments and counterfeit documents. The bill directs the U.S. Customs Service to monitor and report annually to Congress on the operation of those systems.

It also penalizes those who circumvent the visa systems. Exporters who illegaly transship goods will lose duty-free benefits for two years.

H.R. 1432 is a welcome change in U.S. policy that views Sub-Saharan countries as potential partners and not simply aid recipients. Africa's economic progress ultimately will depend on the policies that states in the region adopt. This bill guides them in the right direction. I strongly support H.R. 1432, and I urge my colleagues to do the same.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise in support of H.R. 1432, the African Growth and Opportunity Act. As our Nation enjoys a booming economy, lower unemployment and lower inflation, many countries in sub-Saharan Africa cannot afford medicine to treat their own children or buy nourishing food to satisfy their hunger.

Today, by voting for this bill, the United States Congress and America will give sub-Sahara Africa a chance to prosper. This bill is not perfect. However, I believe it is a positive start to increasing investment in sub-Sahara Africa.

Mr. Chairman, when I visited the countries of Ghana and Zambia in December, I saw firsthand the existing economic crisis. Infrastructure is extremely limited, health care facilities cannot keep up with the cases of chronic illnesses. In Zambia, we have 3.5 million children with no free public education. In Zambia, nearly 650,000 children are orphaned because their parents have died from AIDS. It is because of increased commerce and economic opportunity that sub-Saharan countries can begin to address these concerns.

In 1996, U.S. imports from the 48 countries in sub-Saharan Africa totaled $15.2 billion. However, U.S. trade with the Nation of Japan alone totaled just above $200 billion. We see the inequity and we see the devastation of the absence of economic opportunity.

Mr. Chairman, I urge every Member of this Congress to support this legislation.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. I thank the gentleman for yielding me the time, Mr. Chairman.

Mr. Chairman, I rise in support of the African Growth and Opportunity Act, H.R. 1432. This legislation embodies our philosophy that the United States, as the world's largest and most technologically advanced economy, can and should do more to contribute to Africa's economic development.

This bill could provide a positive framework for the competitive U.S. private sector, in concert with the ingenuity of the sub-Sahara Africa private sector, to help stimulate growth in Africa while increasing economic opportunities and jobs here at home. It encourages closer economic cooperation with the region and supports debt reduction for the poorest countries in Africa. It recognizes that U.S. trade, aid, and investment are all important pillars of the U.S. post-Cold War policy with Africa.

It will enhance market access for African goods and services and promote multilateral debt relief for the poorest African countries. The bill will increase U.S.-Africa economic cooperation, and will help pave the way for the President in his trip to those countries in the latter part of this month. Most importantly, Mr. Chairman, this bill will continue the role of the United States as the catalyst for democracy and the engineer of economic growth around the world.

Mr. MENENDEZ. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. PAYNE), a member of the subcommittee who has traveled quite extensively in Africa, and spent a lot of time and effort in his dedication to the continent and to bringing all of our countries together.

Mr. PAYNE. Mr. Chairman, I rise in support of H.R. 1432, the African Growth and Opportunity Act. I join the rest of my colleagues who are original cosponsors of this bill. We have been talking about this issue for some time now. I am finally pleased that this initiative is happening. The Subcommittee on Africa, of which I am a member, proudly marked up this legislation last year.

I would like to thank the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL), the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Louisiana (Mr. JEFFERSON) of the Committee on Ways and Means, who worked so hard with their vision to bring this particular bill to the floor.

I would also like to commend my chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE), and the ranking member, who we have heard from also, the gentleman from New Jersey (Mr. MENENDEZ) for the time, effort, and energy they have spent in trying to perfect this bill. It is still not a perfect bill, but it would not be in the shape that it is in now had it not been for the work of the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ) and the other Members that I mentioned.

This is a historic and exciting occasion. Today I stand before you to say that the Africa trade bill will improve the lives of many African-Americans on the continent. Imagine, as we approach the new millennium, a new partnership has been forged, a partnership that is not based on dependency on aid. People want to earn their way. They want to earn their keep.

This is an opportunity for people to show that it is trade, not aid. If we give a person a fish, they eat for a day. If we teach a person to fish, they eat for a lifetime. This bill will finally bring Africa into the new millennium.

I must also applaud the Africa diplomatic corps for their constant and unwavering faith that they would one day be active participants in the global economy. They are very supportive of this bill.

What would this bill do? It would enhance market access for African goods and services; it would promote multilateral debt relief for the poorest of the poor; it would open free markets which otherwise would be closed to Africa. It directs OPEC to create a $150 million equity fund and a $500 million infrastructure fund to begin this year. It will increase authority and flexibility to provide assistance under the Development Fund for Africa.

This bill will also establish a U.S. economic forum to facilitate annual high-level discussions of bilateral and multilateral trade and investment. Also, for the first time in over 20 years, a U.S. President will travel to Africa, and President Clinton will be armed with this legislation to talk about his partnership for growth and opportunity in Africa. I commend the President for his trip, going to Africa.

Let me just say that I become disturbed when people say there is no national interest in Africa. We had an interest during the Cold War where we propped up illegal governments, like the Mobutu regime and some of the activities in Angola and other places, Mozambique and around the continent.

Finally, we are able to say, let us forget the Cold War. That time has past. Let us look to the sub-Sahara African countries, and let us have a bill that recognizes that U.S. trade, aid, and investment are all important policy goals.

Mr. Chairman, a foreign trade policy that ignores some 32 Sub-Saharan African nations is a distorted policy. This bill recognizes that

U.S. trade, aid and investment are all important foreign policy goals. 32 countries have joined the new World Trade Organization, and we are helping them to share its benefits and to meet its requirements.

In conclusion, liberalization will not be beneficial without a transformation in the thoughts and attitudes toward Africa. It must no longer be thought of as a region devoid of hope, but a region which the hope of civil society, popular struggle can be fostered to bring Africa to the "center."

I support this bill and urge my colleagues on both sides of the aisle to do the same.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAYNE. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman, is he aware in the bill of any African countries losing foreign aid they are now receiving unless they adopt the economic reforms dictated in this bill?

Mr. PAYNE. Mr. Chairman, I am glad the gentleman brought that question up. This bill is separate from aid. The Development Fund for Africa was an earmarked area that this year is funded for about $700 billion, and $30 million has been allocated or recommended by the administration to go into the aid. Therefore, the answer is, no. This is a separate entity, and it will not take aid from any country that does not conform to the bill.

Secondly, I might say that a country that does not comply with governance and human rights, with transparency and basic human rights, will not be invited to be in the rounds, just as NATO expansion has been done.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, is the gentleman aware of any African countries being forced to cut corporate taxes, privatize, and shrink their government services, or grant expanded rights to foreign investors under the bill?

Mr. PAYNE. To my knowledge, I know of none. If the gentleman knows of any information that I am not privy to, I would certainly appreciate it, but to my knowledge it does not negatively impact on what is going on in those countries. There will be IMF requirements which already are in in many countries. What we are talking about is a new trade and investment opportunity for the various countries.

Mr. JACKSON of Illinois. I thank the gentleman.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Ohio (Mr. CHABOT), on the Subcommittee on Africa.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 1342, the African Growth and Opportunity Act. As the gentleman from New York (Chairman GILMAN) and the gentleman from California (Chairman ROYCE) have pointed out, this legislation creates a transition path from developmental assistance to economic self-reliance for those countries in sub-Saharan Africa committed to economic and political reform, market incentives, and private sector growth.

Mr. Chairman, while we have seen much turmoil and tragedy in Africa in recent years, we have also witnessed a number of positive developments on the continent. Since 1990, for example, more than 25 African countries have held democratic elections. More than 30 nations have taken steps to institute market-oriented economic reforms. Many of us who have worked regularly on African issues are hopeful and confident that those numbers will continue to increase.

I have talked with a number of African leaders, having had the opportunity to travel to Africa recently on a CODEL headed by the distinguished gentleman from Arizona (Mr. KOLBE), and many of the leaders who would greatly like to move away from dependency on foreign assistance and move towards economic self-reliance. The adoption of the African Growth and Opportunity Act will help to move that process forward.

On an editorial which appeared this morning in the Washington Times, after being generally supportive, they stated, ''The problems faced by Africa are not going to be solved by a single piece of U.S. legislation. But too often, our Africa policy has been an ad hoc response to crises. If Congress passes this bill, there is a chance to get the policy on a firm footing at last.'' I agree with the Washington Times editorial this morning.

I want to thank particularly the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa, and also the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations itself, for crafting this legislation and bringing this bill forward. It is a balanced bill and it makes a lot of sense. I strongly encourage my colleagues to support this bill.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking Democrat on the committee and a strong proponent of the bill.

Mr. RANGEL. Mr. Chairman, I have never felt more proud as an American, but more so in being a Member of this Congress during this historic time, where we have dealt with the problems in Europe, we have dealt with the problems of Asia and Central and South America, and now this beautiful, rich continent that tries so desperately hard to struggle out of poverty has now started moving towards a fair market economy, democracy, and all of the things that we said were necessary in order to be trading partners with the United States.

Now that she has done those things, and we see the progress that has been made in the sub-Saharan countries, I think that we are just about to give her a chance to prove that she can compete with the best of the countries, given the opportunity.

For those who fear transshipment, there have been laws put right into the bill to increase the penalty for those who are guilty, but the people who do not want transshipment are the African people, because they want their people to work and improve the quality of life.

But look at it as Americans. Once we develop this market, once we give disposable income for people in Africa, and once they start rebuilding their economies and the infrastructure, who will be providing the technology, the services, and the jobs? With our help, we will be able to beat out the colonial powers and America, once again, will be first, and our friends will be our friends in Africa.

□ 1300

I hope that Members are able to support the bill, because I think, throughout the world, we will be able to see that we were not there as fast as we should have been in apartheid; but once we got there, America has demonstrated to the world, including our friends in Africa, that we will be fair, we will be equitable, and we will make certain that they will be able to play in this market as a free economy.

Mr. MENENDEZ. Mr. Chairman, I yield 6 minutes and 30 seconds to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), whom I traveled with to Africa.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time.

I thank the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL). And the gentleman from California (Mr. ROYCE), we have spent some time together in Africa. I thank him for his leadership.

This past Sunday, a group of us, Members of the United States Congress, traveled to Selma, Alabama, to reenact the march in 1965 of those brave souls who walked across the Edmond Pettus Bridge in Selma, Alabama.

There was a great deal of trepidation and wonderment as to whether or not this approach was right. The reason they were doing it was because there were people in the United States who were disenfranchised from their rights under the Constitution of the United States of America.

The gentleman from Georgia (Mr. LEWIS), my colleague, was in the forefront. And as they proceeded over the bridge, they saw danger ahead. But rather than retreat, they went forward in order to create more opportunity for African Americans, people of color, women in the United States political process. They literally unshackled the very destructive laws by being the true result, or the true basis upon which the Voting Rights Act of 1965 was passed.

Albeit some may argue and say we are not on the precipice of a Civil Rights Act today, I still take the words of Dr. Martin Luther King and say, If not now, then when; for, for the first time in the history of this Nation, I do believe we have elevated the discussion of the continent of Africa, sub-Saharan Africa, 48 countries, to a level of equality and equal partnership in business.

So I would simply like to say that we are on a journey. Danger is ahead. There are many concerns that my good friends have. I am concerned about work safety conditions, the environment. I have, particularly in the last mission that I was honored to be on, the presidential mission headed by the gentleman from New York (Mr. RANGEL), particularly focused and asked to lead out on the question of HIV infection in sub-Saharan Africa. I take that as a special commitment, the ravaging of HIV and AIDs. This bill does not necessarily address it, but it opens the doors of opportunity so that the pharmaceutical industry in this country can itself be involved in trade to provide the much-needed medicine for that devastating disease. That is important to me.

My support of this bill does not in any way cause me to stand aside from my longstanding commitment to safety in the workplace, working conditions respective or responsive to the workers who will work there. Likewise, this bill emphasizes something very near and dear to me, and that is that the continent and sub-Saharan Africa must accord the human rights and dignity that is befitting of an international arena and trade.

I am sorry to say that we have not done that for China in our most-favored-nation debate we debate constantly. But here in this legislation there is a direct provision for making sure that the African countries who will participate adhere to the dignity and the responsibility of human rights. This is key.

In addition, this bill has a provision for my friends from the agricultural belt. In the agricultural belt, $15 million is remaining that allows our agricultural expertise to interact with Africa to develop products and expertise and to open up that market of 800 million citizens who want to be included.

Lastly, let me say that this question of dumping is extremely important. It bothers me, coming through Africa and relabeling it. Diplomats and presidents alike, when spoken to directly, have said, we will enforce our customs laws. We will be the kind of watchdog that refuses to allow Africa and this trade bill to be abused. Can we not give them respect as heads of state? Would we not ask this of China when we vote year after year for most favored nation? Why should not the continent have the same dignity and respect?

We did not enslave Africans, those colonies, colonization; European colonizers did. Why can we not have the same opportunity now to come back and say, we do not have the baggage of Europe. We are ready to do trade and to develop economic opportunities. Do we not realize how important it is to make this continent, this relationship, to put ourselves in front of the colonizers of Europe?

Lastly, let me say for inner-city America, for African Americans, for those who think their jobs will be taken, quite the contrary. Many of those in my district, the 18th congressional district, have said, I can work with this bill, small- and medium-size businesses, which are the backbone of America, creating jobs for people in the inner city because the trade barriers and tariffs are down for the little person to be able to be up.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Speaker, two questions for the gentlewoman.

I am wondering, does the bill require American businesses to invest in the education and training of Africans and to hire and value African employees? And what knowledge, if any, does the gentlewoman have about multinational corporations here in America who stand to benefit from the bill, as to whether or not they have been supportive of affirmative action at home, so that African Americans can also be the beneficiaries of such a trade policy?

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say, two very good questions. This bill gives us the opportunity with that kind of leverage and, yes, this bill opens the doors for small and minority businesses to be engaged. In fact, as we went through Africa with the African presidents, they pointedly said, we want a joint venture, and there is $150 million in this bill just for joint ventures.

And as well on the multinationals, what kind of leverage will we have on the multinationals with 800 million black people in Africa saying, you will not do business with us if you do not support affirmative action. What kind of business will they get? None.

Support this bill.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding. I want to congratulate the gentleman from California (Mr. ROYCE) and thank him for the leadership he has given the body, bringing to our attention the issues surrounding Africa, and for making it a high-profile issue for all of us.

Mr. Chairman, I rise in strong support of this bipartisan legislation. It is heartening for me to see many of my colleagues who oppose granting fast track negotiating authority to the President stand here today and declare their support for expanding trade with sub-Saharan Africa.

As my friend, the gentleman from Ohio (Mr. CHABOT) said, last August I had an opportunity to lead an eight-member bipartisan delegation to Africa to view firsthand many of the issues that surround our relations with this important region. During my short time there, I was very impressed with the spirit, the ingenuity and the initiative of the African people. My visit left me with little doubt that the Africa we see today is vastly different than the Africa of yesterday. It is truly remarkable that a continent once racked by the insidious evils of apartheid, civil strife, dependence and economic stagnation is today in the dawn of a new renaissance. The engineers of this renaissance are not the Americans, nor the Europeans, who colonized the continent, nor the Japanese or the Chinese or the Asians who followed them. The engineers of this renaissance are the Africans themselves.

Today there is a new generation of leadership in sub-Saharan Africa, leadership dedicated not to the failed status development models of the past, but to market-based reforms and private sector growth.

This new generation does not ask America for help, but for hope. They do not ask America for food, but for the tools to make their own crops grow. They do not ask America for schools or hospitals or dams, but for capital incentives to build their own. That is precisely what this bill would do.

H.R. 1432 extends and expands the generalized system of preferences program for sub-Saharan Africa. It provides duty-free access to U.S. markets for eligible items, thereby creating incentives for private capital investment. The bill establishes for the first time a U.S.-Africa Trade and Economic Cooperation Forum to facilitate annual high-level meetings to discuss trade and economic issues.

Mr. Chairman, through their actions, the African people have asked us to hear their call for hope, opportunity and self-sufficiency and sustainable economic growth. We should give them that. We should support H.R. 1432.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, this debate is in serious need of a historical perspective. The earliest trade policy of the United States, even before the Declaration of Independence, in 1619, involved African kings and potentates selling other common Africans to shipping companies owned by whites to be sold as exploited slaves and slave masters in the new territory.

I have been to West Africa. I have seen the infrastructure of West African participation in the transatlantic slave trade. I have been to Jamestown and Charleston and seen the historic sites of events which precipitated the Civil War, the bloodiest war in American history. The agricultural, shipping and plantation companies and communities served primarily as the infrastructure for American complicity in this trade policy.

The question before this Congress today of who benefited then and who

benefits now is really the gravamen of this debate. As we seek to establish a new trading paradigm between African nations and America, it is critically important that the new trading arrangement create a mutually beneficial partnership between black people in Africa and African Americans in the United States, which I believe will benefit all Americans.

It is the only way that historical boats stuck at the bottom will become participants in a new trading relationship.

Mr. MENENDEZ. Mr. Chairman, could the Chair advise what time remains on both sides?

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) has 5 minutes remaining, and the gentleman from California (Mr. ROYCE) has 6½ minutes remaining.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CAMPBELL), who also serves on the Subcommittee on Africa.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for his leadership in bringing this bill to the floor. I am strongly in favor of this resolution. I emphasize the importance of allowing free market economics to provide the means of economic development and freedom for the people of Africa.

One of the most striking things that I have studied over the last couple of years (and I want to particularly single out the good friendship and support of my colleague, the gentleman from New Jersey (Mr. PAYNE), who sits across from me today in doing so) is that the horrors that have occasionally surfaced, such as in Rwanda, such as in Burundi, are in countries that are internally focused, that do not have large links of trade with the world, that are not largely export-oriented, that are at best self-sufficient in a good year. The key to diminishing the likelihood of such occurrences is to give Africa the opportunity to be looking to the world, and not just internally where the strife has arisen.

I wish to emphasize a second point also—that those of our colleagues who mistrust American aid to African governments sometimes are right, and sometimes they are wrong, but they ought to be supportive of this bill in that it does not give money to a government. It rather empowers the individual to build his or her own economic future.

Mr. Chairman, I strongly support this bill and urge all of my colleagues to do so.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

I am in favor of free trade around the world and free trade with Africa, I think, is extremely important. But there are provisions in this law that really concern me. For instance, only 35 percent of the product that is produced has to be completed or made in Africa. That means 65 percent of it can be transshipped from another country.

Right now, Communist China, one of the worst violators of human rights in the world, is violating people's human rights with impunity. We have not done anything in this body, and many of our friends, other countries around the world, have done virtually nothing to put pressure on the Chinese Government to bring about changes in their human rights activities.

□ 1315

Just last week two people were arrested in New York from China who were selling body parts, if my colleagues can believe that. They sell retinas for $5,000 a pair; they will sell a kidney for $10,000 or $20,000. What they do is go to these concentration camps, these gulags, and they shoot these people and then take orders for their livers or kidneys and hearts and sell them in the United States and around the world.

This country, China, is going to transship through Africa billions of dollars of products because of the provision in this law that allows 65 percent of the product to be manufactured outside of Africa and then the remaining 35 percent can be completed in Africa and then sold to the United States or wherever. We are already buying billions of dollars in products from China today.

I can remember when Wal-Mart said only buy American. They had ''Buy America'' advertisements all over the place. If we go into Wal-Mart today, probably 75 percent of the products we see are made in China by slave labor, by women and children, people whose human rights are being violated. And now we are going to expand their ability to garner a large part of the world market by saying that two-thirds of the product that is made in Africa can be made in China and transshipped through Africa to the United States and elsewhere.

We need to be concerned about human rights throughout the world, and that provision in this law does concern me. We should have a different percentage in the bill.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I thank the gentleman for yielding me this time.

For many years we have tried to dictate policies for other countries and tell them what they ought to do. We have had a year-long meeting with the African diplomatic corps, and many of them are offended by the statements that we hear that we are going to transship through them. They say they have been dealing with other countries before.

There is the ECOWAS community of 16 West African countries; we have SADC, made up of the 12 southern; we have the east and southern countries. And the African diplomatic corps indicate that they want this bill to come through. They think it is best for them.

It is racism when we try to apply our views on other people, whether they are countries in Africa or whether they are minorities in this country. And if African diplomats and African presidents feel that this bill is at least a step up in the right direction, then who are we to tell them that it is wrong for them?

Mr. MENENDEZ. Mr. Chairman, I yield myself the balance of my time, and would like to say to the gentleman from California, the chairman, that I have enjoyed very much working with him as the ranking Democrat on the subcommittee and thank him for all his courtesies during the process of this markup.

Mr. Chairman, a stronger, stable, prosperous Africa will be a better partner for security and peace in the fight against drug trafficking, international crime, terrorism, the spread of disease and environmental degradation.

The philosophy of this bill is simple: America stands ready to help those African countries that help themselves. The bill gives greater trade benefits to those countries that undertake sustained reform. Those efforts should include, for example, eliminating trade barriers, improving fiscal policies, promoting private sector development, fostering good governance, fighting corruption, and investment and social development. And countries engaging in gross violations of human rights would not be eligible.

Increased trade and investment would be good for Africa and good for American workers. Africa constitutes a market of over 660 million people, potentially one of the largest markets in the world. More people than Japan and all of the Asian nations combined. If reform spurs growth, it will create new and bigger markets for U.S. exports.

Our exports to Africa already are intensive in high-wage industries such as machinery, transportation equipment, electronics and services. Exports to Africa are already much greater, 27 percent greater than our exports to all the former Soviet Union combined.

Mr. Chairman, this bill can also bolster nascent African democracies, which can decrease the need for U.S. military, humanitarian and disaster relief. Let us consider the example of Mozambique.

After 16 years of civil war, democratic elections were held in Mozambique in 1994 and economic stability has been restored. Inflation has been reduced from a high of 70 percent to approximately 5 percent in just 3 years. Over 780 State-owned industries have been privatized, some purchased by U.S. companies. The economic recovery has helped provide jobs for demobilized fighters and made it possible for the government to boost investment in education and health, the building blocks for the future of that nation.

Mozambique's dramatic turnaround underscores what investment and trade can do, how they can help economies, governments and people recover from the trauma of war and build successful, stable, democratic societies. Increased trade and investment complements continuing assistance, and we cannot afford to let Africa fail. We must seize upon the opportunity to help Africa help itself.

We have policy interests that are clear and compelling. Let us not lose, let us not lose this historic opportunity to make a difference in the annals of history. Let us not lose this opportunity now at the turn of the century. It is time for a new paradigm as it relates to Africa, and we should be taking advantage of that opportunity by the adoption of this legislation.

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

Mr. ROYCE. Mr. Chairman, I yield myself the balance of my time, and I want to commend the gentleman from New Jersey (Mr. MENENDEZ), who I have enjoyed working with on shaping this bill and on other legislation that has come before our committee.

Let me respond quickly to some of the discussions on the criteria in the bill. The criteria call for such participation requirements as protection of property rights, reduction of high import taxes, elimination of corruption, observance of the rule of law. These and other criteria are minimal reasonable standards for nations doing business with one another.

The criteria in this bill represent international standards. They are not U.S.-imposed standards that are unworkable in the African context. Ugandan Ambassador Edith Ssempala has said they are necessary to encourage African nations to address issues they might choose to ignore otherwise.

Human rights, the importation, the development of a court system, the rule of law, these are important policies. And, frankly, these are policies, these are criteria that have brought economic progress worldwide, and they are supported by the African ambassadors. They have embraced this bill.

As chairman of the Africa subcommittee, I have had the chance to speak with many Africans, both at home and in their own countries, about this bill. I will be traveling with President Clinton and a few of my House colleagues in 2 weeks. For my colleagues, I cannot overestimate this bill's importance to Africa. It is so well received because Africans desperately want to be part of the world economy and they realize that a special economic relationship with the United States, not a perpetual aid relationship, is a big step in that direction.

Now, this body should not pass this bill because of that alone. It should pass this bill because it helps Americans. We have heard of the growing American business interests in Africa, brought about by the reforms this bill encourages. We have heard about why a prosperous Africa matters to the United States.

Africans can reach their limitless potential, or Africa's many social and environmental problems, problems that increasingly impact Americans, can overwhelm the continent. So the stakes are high, but I believe the future of many African countries is bright. This bill will help make it brighter, and I urge my colleagues to support this landmark piece of legislation.

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

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of H.R. 1432, the African Growth and Opportunity Act, which represents the culmination of 3 years of bipartisan work to develop a trade and investment policy toward the 48 countries in sub-Saharan Africa. I am pleased that the bill will take this important step forward today.

I believe that this legislation comes at a time of great hope and opportunity for sub-Saharan Africa. In recent years the region has undergone a quiet but persistent evolution toward democratic transformation as well as free market reforms. Indeed, 25 of the 48 countries in sub-Saharan Africa have held democratic elections and 30 have embarked on significant economic reforms, including tightening their fiscal discipline, the privatization of state enterprises, and the liberalization of trade and investment regimes.

Due in no small part to these reform efforts, African economic growth is picking up, and U.S.-Africa trade has grown at nearly 20 percent a year for the past 2 years. Perhaps nothing describes the changes underway better than an African diplomat's statement at the Committee on Ways and Means markup of this bill that ''Africa is open for business.''

In recognition of the progress sub-Saharan Africa has made, H.R. 1432 moves our African policy away from its historical focus on aid towards a focus on trade. In particular, the bill promotes mutually beneficial trade relationships and partnerships with those countries in the region committed to economic and political reform.

First, to facilitate trade and investment policy discussions, the bill creates a U.S.-Africa Trade and Economic Cooperation Forum similar to the successful APEC model in the Asia-Pacific region.

Second, to provide enhanced export opportunities for nonimport-sensitive products from Africa, the bill provides a 10-year extension of the Generalized System of Preferences program for sub-Saharan African countries committed to economic and political reform.

Third, to promote trade liberalization in the region, the bill requires the President to formulate a plan to enter into free trade agreements with countries meeting the bill's economic criteria.

And just as a side comment, I would like to reassure colleagues present, because this issue has arisen already, that the bill in no way, in no way cuts back or eliminates the aid programs that are currently in place.

While this legislation offers many important benefits for sub-Saharan Africa, the bill also furthers important policy goals of the United States. Clearly, it is in our interest to support the democratic and free market trends in Africa, because a stronger, more stable and prosperous Africa will be a greater and better partner for security and peace in the region and a better ally in our mutual fight against narcotics trafficking, international crime, terrorism, the spread of disease and environmental degradation.

At the same time, a strong and stable sub-Saharan Africa constitutes a combined market of nearly 700 million people, more than Japan and all of the ASEAN nations combined. Already U.S. exports to sub-Saharan Africa are 27 percent greater than our exports to all of the former Soviet Union, and yet our exports, which were valued at $6.2 billion in 1997, have just begun to tap into the rapidly growing markets in the region. At present, our exports are intensive in high-wage industries, such as machinery, transportation equipment, electronics and services.

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As sub-Saharan Africa benefits from its own decision to embrace free market principles, U.S. firms and workers will benefit in terms of higher levels of U.S. exports. I also believe that it is important that we hear the voices of Africans themselves in our debate today about what they believe H.R. 1432 means to their future.

As the sponsor of this legislation, I believe that it will establish sub-Saharan Africa as a priority in U.S. trade policy and will encourage countries in the region to continue and perhaps redouble their economic and political reform efforts.

In addition, H.R. 1432 is important to the advancement of the wide range of U.S. policy and security interests in the region and to codify many significant initiatives already underway by this administration. I urge its favorable consideration by the House today.

Mr. Chairman, I include for the RECORD the following:

EMBASSY OF THE REPUBLIC OF DJIBOUTI,
Washington, DC, July 8, 1997.

Re passage of the African Growth and Opportunity Act.

Hon. PHILLIP CRANE,
Member of Congress, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN CRANE: As outlined in our statement sent to you on May 15, 1997, we would like to express our strong support for the passage of H.R. 1432, African Growth and Opportunity Act, this year. We urge Congress to pass this legislation based on its merits.

This legislation presents a unique opportunity to build a new relationship between the United States and Africa. It also serves to reinforce the very positive changes that are taking place throughout the continent of Africa.

Please accept the assurances of our highest consideration.

Sincerely,

H.E. Amos Bernard M. Midzi, Ambassador, Zimbabwe; H.E. Gaetan R. Ouedraogo, Ambassador, Burkina Faso; H.E. Willie Chokani, Ambassador, Malawi; H.E. Chitmansing Jesseramsing, Ambassador, Mauritius; H.E. Azouz Ennifar, Ambassador, Tunisia; H.E. Mary M. Kanya, Ambassador, Swaziland; H.E. Archibald M. Mogwe, Ambassador, Botswana; H.E. Paul Boundoukou-Latha, Ambassador, Gabon; Mr. Nana Effah-Apenteng, Charge D'Affaires, Ghana; Mr. John Mathew Mwendwa, Charge D'Affaires, Tanzania; H.E. Berhane Gebre-Christos, Ambassador, Ethiopia; H.E. Dieudonne Antoine Ganga, Ambassador, Congo; Mr. Malamin K. Juwara, Charge D'Affaires, Gambia; H.E. Eunice M. Bulane, Ambassador, Lesotho; H.E. Ahmat Mahamat Saleh, Ambassador, Chad; H.E. Benjamin Edgar Kipkorir, Ambassador, Kenya; H.E. Edith Grace Ssempala, Ambassador, Uganda; H.E. Ramtane Lamamra, Ambassador, Algeria.

H.E. Mamadou Mansour Seck, Ambassador, Senegal; H.E. Ahmed Ould Sid Ahmed, Ambassador, Mauritania; H.E. Jerome Mendouga, Ambassador, Cameroon; Mr. Biclair Andrianantoandro, Charge D'Affaires, Madagascar; Mr. Mustapha Cherkaoui, Charge D'Affaires, Morocco; Rufino Jose Mendes, Ambassador, Guinea Bissau; Mirghani Mohamed Salih, Charge D'Affaires, Sudan; H.E. Kofi Moise Koumoue, Ambassador, Cote D'Ivoire; H.E. Lucien Tonoukouin, Ambassador, Benin; Mr. Manuel De Matos, Charge D'Affaires, Cape Verde; H.E. Joseph Diatta, Ambassador, Niger; H.E. Pastor M.O. Bile, Ambassador, Equitorial Guinea; Mr. Fungbe Ralf Aderele, Minister, Nigeria; H.E. Marcos G. Namashulua, Ambassador, Mozambique; H.E. Veiccoh K. Nghiwete, Ambassador, Namibia; Mr. George Rowe Nzala, Charge D'Affaires, Zambia; H.E. Roble Olhaye, Ambassador, Djibouti.

EMBASSY OF THE REPUBLIC OF ZIMBABWE,
Washington, DC, 15 May 1997.

Re: statement by African Ambassadors to the United States on the US economic agenda toward Africa

Congressman PHILLIP CRANE,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN CRANE: In my capacity as Chairman of the Economic Committee of the African Ambassadors Group, I have the pleasure to forward for your attention, a statement from the African Ambassadors in response to the Partnership for Economic Growth and Opportunity in Africa document and the Bill H.R. 1432. Africa Growth and Opportunity Act.

Please accept the assurances of my highest consideration.

AMOS B.M. MIDZI,
Ambassador.

STATEMENT BY AFRICAN AMBASSADORS TO THE UNITED STATES ON THE US ECONOMIC AGENDA TOWARD AFRICA

We, the African Ambassadors to the United States of America, appreciate the continued efforts by the United States Congress to promote trade and investment ties with Africa, in the spirit of interdependence, as detailed in the Bill H.R. 1432 ''African Growth and Opportunity Act'' (Hereinafter called the Bill).

We further appreciate the United States Administration's continuing efforts and initiatives in this area as espoused in the ''Partnership for Economic Growth and Opportunity in Africa'' document (Hereinafter called the initiative) and the President's second report to Congress entitled ''A Comprehensive Trade and Development Policy For the Countries of Africa.''

As regards the need for eligibility requirements, we trust that there will be bilateral consultations with all countries concerned in order to achieve transparency.

We are pleased to note that the Bill/Initiative emphasize(s) the need to strengthen the various US agencies which facilitate foreign investment enabling them to respond more effectively to the investment needs of Sub-Saharan African countries. We urge the United States to continue to support bilateral and multilateral programs that enhance capacity building, technical assistance and transfer of technology to Africa.

We welcome the recognition of the importance and crucial role the US companies that are already doing business in Sub-Saharan Africa should play in the Inter-agency Credit Risk Assessment System (ICRAS) to render the process of assessment more transparent and objective.

We equally welcome the intention of the Bill/Initiative to support the development and growth of the private sector in particular the Small and Medium scale Enterprises (SMEs), especially women-owned businesses in Africa as a way of achieving self-reliance. In this regard, we hope the Equity Fund that is being proposed will be used for investment in enterprises which add value to our raw materials.

We welcome the proposal in the Bill/Initiative to establish an annual United States-Sub-Saharan Africa Trade and Economic Forum which will facilitate discussions, at Cabinet/Ministerial level, of economic issues.

The proposal for summit meetings between the President of the United States and African Heads of State and Government, at least once every two years is commendable.

The establishment of a Free Trade Area between the United States and Sub-Saharan Africa, is a good long term objective taking into account the differences in the levels of economic development between the United States and Sub-Saharan Africa.

We particularly welcome the provision in the Bill/Initiative to admit Sub-Saharan Africa's textiles and apparel into the United States free of quotas and urge that duty free access be incorporated in the new Bill. We also urge that this provision be extended to other manufactured products. That measure would have a significant and immediate positive impact on the economies of Sub-Saharan African countries.

The expansion and revamping of the GSP program is a welcome development as are the proposed rules of origin. We however urge that since GSP for Sub-Saharan Africa represents only 3.4 percent of total U.S. imports under the GSP program, it be re-authorized for a ten year period to facilitate planning by both importers and exporters.

The indebtedness of African countries is a major obstacle to their economic development. The leadership of the United States in debt reduction with respect to both bilateral and multilateral debt is therefore required, particularly in the G–7 forum.

As a complement to our national efforts, we welcome the initiative that recognizes that education, health, the eradication of poverty and the enhancement of human life are necessary for sustainable economic development. We support the United States initiatives to financially strengthen the agencies dealing with these matters.

As is well known, good infrastructure is a prerequisite for investment and economic development. We therefore appreciate the efforts being made to stimulate infrastructure development in Sub-Saharan Africa by creating an Infrastructure Fund.

We welcome the proposal to establish a position of Assistant United States Trade Representative to deal exclusively with issues relating to Africa. We hope this initiative will be replicated in all the agencies of the Administration.

We express our appreciation to the people, the Administration and the Congress of the United States for their long-standing economic and financial assistance to our continent. We reiterate that economic assistance remains an indispensable and crucial complement to the development efforts of African countries to enable them to become more viable economic partners.

As always, we express our readiness to work with Congress, the Administration and other interested parties to enhance the position of Sub-Saharan Africa as a meaningful player in the international marketplace in view of the globalization of the world economy.

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

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

I rise with great pride in support of this legislation. How many bills can come before this House supported by the President of the United States, the Speaker of the House, the minority leader of the House, and the support of the leadership in the Senate? It has been long overdue that we recognize the potential in trading with Africa.

And it is not just helping a people that have been excised from economic development because of colonialism, but it is certainly in our best interest to develop those markets and to be able to see, as countries rebuild themselves, that these European countries not having the priority, but the friendship would be with those that were there when they needed them. That is why it amazes me how some of the so-called friends of Africa have now found out what they think is best for Africans, when we have been working with their leadership here.

African economists, African leaders have come and they have said that they want to be able to work in that same atmosphere as other countries in terms of encouraging investment and allowing the free marketplace to work for them, to support their ever-growing democracies. And yet, we have people that say, oh, no, that is not good enough for Africa.

I do not know where they were with the Europeans, where they were with Asia, where they were in South America. But Africa does not need those kinds of friends now. What they need are people to support the beginning. And that is all this is, the beginning.

There are no provisions in this bill that mandates that any African nation succumbs to it. They decide, based on the rules, whether they want to participate. All of the suggestions that are in the bill, the President of the United States does not have to have all of those requirements. This weak continent, and certainly the few countries that are the beneficiary, now has become a threat to the powerful industrial United States of America.

We are now importing 1 percent, the International Trade Commission said that it could be 2 percent, of textiles. And now the industry is shaking at its foundation, and we are going to lose African-American jobs. Well, I represent the Harlem community, which is the African-American capital of the world, and if we lose one job as a result of some African working in the sub-Saharan, I would like to see it. It just does not make any sense at all to believe that with these low-skilled jobs, anyone in this continent, much less in this country, would be adversely affected.

But the arrogance of saying that we want to trade with Africa, knowing that the low-skilled jobs are in textiles, and what would we say to them; we will trade with you if you only use American fabrics. That is to say that, we will manufacture the fabrics, we will send it to you, you can put a couple of stitchings on the label on it, and send it back to us.

When the Africans say it does not make sense, when we supporters say it does not make sense, they say, well, we do it for Mexico. I would suggest to those people taking that position that in terms of transportation costs, it is a heck of a lot different bringing goods from Mexico to Texas than it is to take it from New York to Africa.

In any event, we do have an opportunity for an historic vote here. I want to thank the gentleman from Illinois (Mr. CRANE), because without his help, the input of the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from New Jersey (Mr. PAYNE), and so many others on the Committee on Ways and Means, the leadership of both sides of the House. And we should not go to bed when this becomes law thinking that we have done it all, because it has been too long that Africa has been shut out from international trade. But one thing that we will know is that we were a part of the beginning.

And just as many of my colleagues remember the conditions that existed in Korea 10 years ago, for those who would be around to be able to hopefully see an Africa that is thriving in economy, thriving in democracy, and competing with the best of the world, that is what makes us feel so good to be a part of the Congress and to be able to say we made a difference.

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

Mr. CRANE. Mr. Chairman, I yield 2½ minutes to our distinguished colleague, the gentleman from Pennsylvania (Mr. ENGLISH), who has been conscientious and worked strenuously on behalf of the advancement of this bill.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for that acknowledgment.

I would like to associate myself with the gentleman from New York, as a friend of Africa, who supports this legislation that establishes a transitional path from development assistance to economic reliance for sub-Saharan African countries committed to economic and political reform.

Sadly, the story of sub-Sahara Africa in the past few decades has too often been one of economic decline and stagnation, fostered by statist economic policies too often imbedded by the perverse design of well-intentioned international aid programs.

In recent years, this grim vista has given way to mild regional economic growth. This legislation would promote further growth by creating new incentives for economic reform and by bolstering free economies and free institutions.

H.R. 1432 develops a partnership between the competitive U.S. private sector and the creative sub-Saharan African private sector to help stimulate growth in Africa, while increasing economic opportunities and jobs back home. This legislation establishes a cooperative forum between our countries to facilitate high-level discussions of bilateral and multilateral trade and investment policy initiatives.

The bill extends GSP benefits to those countries eligible to participate in the bill for the next 10 years. On top of that, quotas on textile and apparel projects from Kenya and Mauritius are eliminated after these countries adopt a visa system to guard against transshipment.

There is very strong language in this bill to protect the American economy against transshipment. These provisions will not, as has been argued on the floor of this House, lead to a surge of apparel and textile imports into the U.S. that damages American workers.

In fact, given that these imports account for less than 1 percent of total imports of such goods, removing the tariffs and quotas would only increase these imports by less than another 1 percent. The import-sensitive products, as determined by the ITC, would be excluded from duty-free treatment altogether.

This legislation would create 200,000 new jobs in Africa, without significant job loss to the U.S. economy. It would reduce the dependence of this poverty-wracked region on direct U.S. financial assistance.

I urge its passage.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, I would like to thank the gentleman from New York (Mr. RANGEL), obviously the gentleman from Illinois (Mr. CRANE), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Louisiana (Mr. JEFFERSON), and many others who have been really pushing this very historic piece of legislation.

I really urge strong support of this African trade act. It will go a long ways in showing our relationship and our involvement with the African nations. What we really have here are 48 nations in the lower sub-Saharan area, 680 million people. The average per capita income of all the 48 nations is $500 per individual.

Anybody in this country who thinks that we cannot compete with these 48 nations who think that, with their $500 per capita income, with our education levels, with our universities, with our research and development, with our infrastructure, I just cannot believe that anyone would think that those 48 nations are a threat to us. They are not a threat to us in textiles. They are not a threat to us in any way.

What we would be doing with these nations, by joining them in an African trade agreement, is to bring these 48 nations into the cooperative trading worlds of the nations that we have with us.

Essentially, what we are talking about is providing a democratic foundation for these countries. Right now, of the 48, 30 of them are democracies. In addition, as you know, another 30 or so are market-oriented countries.

What we want to do is establish a relationship that will go well into the 21st Century, because this continent, this region will be one of the great regions over the next 20, 30, and 50 years.

That is why this legislation, it is a small start, but it is so very important in terms of the free world and in terms of working together in a cooperative fashion.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from North Carolina (Mr. COBLE), who unfortunately is on the wrong side of this issue, to represent his point of view.

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

Mr. COBLE. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time.

Mr. Chairman, I do not come to the floor wrapped in the cloak of protectionism today. Many people vote on trade issues very rigidly and very inflexibly. I try to examine each trade issue separately as to how it affects our country.

For example, if the gentleman from Illinois will remember, I voted for MFN for China, thanks in no small part for his having twisted my arm; and, finally, he did convert me on that. I voted for NAFTA. But this is a matter, Mr. Chairman, that I cannot support.

This House just rejected fast track several weeks ago. As I interpret this bill before us, it would allow the President to negotiate a free trade agreement with Africa. What is this, fast track light? I think we are going down the wrong road.

While attempting to help the people of sub-Saharan Africa, the proposal would do so at a cost of numerous jobs in the U.S. fiber, textile and, apparel industries, rich in my district, by the way, very prominent. Thirty-five thousand textile workers probably live in my district. Nearly 2 million Americans are employed by this industry.

Approximately one-quarter of those are African-Americans.

In reality, this legislation before us, it seems to me, would not help the people of sub-Saharan Africa; rather, the bill would benefit the countries of the Far East and the Indian subcontinent, nations that already have viable textile industries and stand ready to exploit the opportunities presented by this proposal.

I believe we can do better. I urge my colleagues to vote against this bill.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), the person that initiated the concept of working with the gentleman from Illinois (Mr. CRANE).

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

Mr. MCDERMOTT. Mr. Chairman, we are seeing today the end of a process that began 4 years ago. When I came to the Congress, I had just been working for the State Department and traveled all over Africa. I had been in 21 of the countries of Africa. I knew what the conditions were there.

When I saw the GATT legislation, I asked my staff, what does this do for Africa? They said nothing. We have no policy toward Africa. So we put an amendment in the GATT legislation in 1994 saying that the United States should have a policy toward Africa.

That is really where this started. It would not have happened just with me. Without the gentleman from Illinois (Mr. CRANE), who took the idea and embellished it, and the gentleman from New York (Mr. RANGEL), and the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from New York (Mr. HOUGHTON), and the gentleman from California (Mr. ROYCE), a whole group of people, including the Speaker, have played an important role in putting this policy together.

I saw Africa in 1961 for the first time when everybody was excited about how it was going to go. Africa, Ghana where I was, and Korea were exactly in the same place. Thirty years later, the 11th largest economy in the world is Korea, and Ghana is right where it was then. That, to me, said it was American policy about what we were going to do for Asia that we could do for Africa. That is really what this bill does.

Everyone says there is a free trade agreement in this. There is no free trade agreement. There is no free trade with Asia. We have no free trade agreement negotiated with Asia. We are working toward that. This bill sets us on a transitional path to work toward that with Africa. But it is not something that is going to happen within 1 year.

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There are other things in this bill that people do not talk about. The United States Government, when they put their stamp of approval on something, all kinds of good things start to happen.

For instance, we have the Eximbank. The Eximbank loans 99.8 percent of its money somewhere else in the world, two-tenths percent for Africa. This bill changes things like that. It changes our government toward Africa and says we want to be trading partners with you. It is a good bill.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to the distinguished the gentleman from Florida (Mr. SHAW), a member of the committee.

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to speak just briefly about what is happening in Africa. We have heard other speakers talk about the emerging democracies and free market systems that are coming around, but I think also it is important to realize that the colonial powers, the old colonial powers still exist. Even though it is not by law, it is custom on the continent of Africa.

There are a lot of things going on in Africa that really demand an American presence. The natural resources are really unsurpassed in the world as the potential for oil and other minerals.

Also, of course, the environment of Africa is something we have to be very concerned about. The clear-cutting that is going on in those forests is something that should concern us here in the United States not only because of the preservation of the environment in Africa, but the effect that that has upon our own environment. The hurricanes are formed just off the coast of Africa that affect the East Coast of the United States. If the clear-cutting of the forests is to continue, this is going to have a drastic effect on weather here in the United States.

I saw firsthand in the Republic of the Congo some of the problems that they are having with the clear-cutting in that area and the use of the animals as camp meat, everything from the gorillas to the other types of animals that exist in that part of the world. Also, that the Asians are moving into the Africa, and they are doing the clear-cutting; just as happened in Indonesia, it is now continuing on the continent of Africa.

I think it is time for us to have the responsible presence of the United States and the United States businesspeople, who have the highest standards of any in the world, to have a continuing presence or a growing presence in Africa. Of course, we know from experience that, and the prior speaker spoke of this, all of the aid that we have thrown into that continent really has not done that much; but I think trade certainly will. We have seen this in other parts of the world. If we adopt a policy of trade, not aid, I think that we are going to see a lot of wonderful things happen on that continent.

The future of the world is going to be shared very greatly by the continent of Africa, and I think it is extremely important that we have a United States presence on that continent.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I would like to ask the gentleman a question, and I hope he can give me an answer to it.

The current language of H.R. 1432 suggests absolutely no relationship between the development of businesses in Africa and the participation of African-American entrepreneurs, negotiators, lawyers, accountants, brokers to facilitate that business.

I am interested, on either side, of those who are proponents of the bill whether or not they can name just a company, one African-American shipping company that will be the beneficiary under this bill.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SHAW) has expired.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a long-time friend of Africa, one of the greatest supporters of the bill.

Mr. JEFFERSON. I thank the gentleman for yielding the time to me.

Mr. Chairman, I want to tell Members about an exciting mission that we took to Africa on behalf of the President of the United States, a mission that was led by the gentleman from New York (Mr. RANGEL) that involved some 42 individuals, some six or so Congresspeople, people who represented the business sector and others who represented the administration.

What we found was an Africa that it was ready to deal with trading and investing with the United States in a true partnership, an Africa that had felt neglected over the years, that was cheered on by the policy we were discussing, that had had a great hand in redacting the policy.

This is not a bill that has come out of nowhere. It has been 2½ years in the making, ever since we were dealing with GATT and found out, to our surprise and to the surprise of many on our committee, that we addressed every continent in the world with respect to our trading and investing relationship, but we did not address Africa.

We thought it was important to turn the attention of the administration toward that. We got African nations involved in it. We are now seeing the benefit of their input into this bill. They are hugely behind it; they are ready to work with us, and Africa is ready.

This is not an Africa that it was 15 years ago. This is an Africa under great new leadership that has turned toward market-oriented economies, that is trying very hard to budget its affairs appropriately, and that is ready to do business with the United States. It would be to our detriment if we do not take advantage of it now.

This bill is not perfect, as no bill is perfect, but it does take a huge step in the right direction of putting us on the map of dealing with a continent that

has been neglected as a true and important trade and investment destination. It also does some important things here that will help the African nations manage their own investments in education and health much better than they have invested and managed them now.

About a quarter of the African nations' budgets are taken up by debt. This bill purports to take care of debt relief.

Another good part of the bill deals with an issue that the gentleman from Illinois (Mr. JACKSON) raised a minute ago, that deals with equity investing in small business opportunities there that helps to put together chances for people to gain wealth in Africa. And also microenterprises. It addresses the issue of poor women in Africa, the most repressed population in the world.

This is a great bill, it is mutually beneficial to our country and to Africa, and I hope this Congress will pass it.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, I do not have any great words of wisdom on this that have not already been expressed. I just can talk from my own experience.

On the negative side, there is always the worry that this will put some of our textile people out of business. There is always the worry of transshipment. There is always the worry that people who already have been hit very hard and have a minority of the share of our business in this country are going to be further hurt; and they can say, If you do this to textiles, why do you not do it to the plastics industry? Why do you not do it to some other industry? I understand that.

But it just seems to me in terms of the magnitude of the economic impact and also the fact that, in effect, this will be so dispersed that there will not be this transshipment issue to quite the degree that people think. So that is a negative side, but I think there is an answer such as I have just tried to explain.

The other side, which I think is even more important, is this: Many times Africans, ambassadors, delegations from countries, come into our offices and say, please invest in our country. What they are really doing is thinking of foreign aid, and we do not have very much foreign aid. I have been around for a long time. It has slowly decreased bit by bit by bit. But even if it were at the old-time levels, it would not do what those nations need to have done in order to jump-start their economies. This does a very, very important, subtle thing. What it does is, it creates the atmosphere for individual and private investment. That is a multiplication investment which really is going to have the most impact on those countries.

Therefore, recognizing the potential issue on the other side, but being offset by other considerations, I am strongly in favor of this bill.

Mr. RANGEL. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. HEFNER).

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

Mr. HEFNER. Mr. Chairman, I rise in opposition to the bill. I think it is unfortunate that we were not able to offer an amendment that would have corrected this bill. I rise in opposition to the bill and urge my colleagues to vote against it.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from New York (Mr. RANGEL) for his leadership and for this opportunity to speak. I think today is a great day for our country as well as for the hundreds of millions of people who live on the continent of Africa, the largest continent in the world; the richest continent in the world, with its minerals, its gold, its silver, its ivory.

I think this is a good opportunity, and I commend the Committee on Ways and Means and all those who have worked on this bill over these years to begin the partnerships that Africa wants, that our country needs, to stimulate both growth and development here in this country and on the continent of Africa.

Is it a perfect bill? No, it is not. But as we worked through the process, it is very much a beginning, a beginning where our American businesses can partner with African businesses to employ hundreds of thousands of people, to increase tax revenues on this side of the Atlantic, as well as improve our schools and offer more revenues for our national treasury.

I participated in the most recent presidential mission to Africa last December. It was a fine mission. We visited six different African countries. It was my fifth visit to Africa. All six of those prime ministers, heads of state that we met with want this bill. All of the ambassador corps who work with us in Washington want this bill.

They know it is not perfect. But what it will do is begin to allow American businesses and African countries to partner in such a way that we stimulate employment on the continent and revenue-generating, enterprising government, American businesses growth on this side of the Atlantic.

I commend the Committee on Ways and Means, the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL) for their leadership. We have a long way to go. This is a first step to that.

I believe that as we move to the 21st century, the wellness of Africa and the wellness of America are inextricably tied together. This legislation begins to operate what I see and what I view as a real win for both countries.

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

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I am very concerned about majority participation, i.e. African Americans, in the African trade bill. If the gentleman would indicate any provision of the bill for the general audience about how African-American shipping companies and businesses are participants in this bill, I would be grateful for an answer.

I thank the gentleman for yielding.

Mr. CRANE. All I can say is any American business can be a participant in the bill. They are all welcomed. We do not discriminate. We are not really concerned about whether they are white, whether they are black, whether they are Hispanic, whether they are Asian.

We want to encourage business across the board, one and all. That specific kind of provision is not incorporated in the language of the bill.

Mr. JACKSON of Illinois. If those businesses are found to be discriminatory at home, not hiring African Americans, then it is problematic for the bill; is it not?

Mr. CRANE. I do not know of any business that is guilty of that and that would violate our guidelines, anyway.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), our distinguished colleague on the Committee on Ways and Means.

Mr. PORTMAN. Mr. Chairman, I will not take 2 minutes, but I do want to stand here to support the legislation and what the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL) and others have put together.

It is a good bill. It is exactly the right approach to take in terms of trade because it is going to benefit the United States and sub-Saharan Africa.

Many nations in sub-Saharan Africa are beginning to implement democratic reforms, Mr. Chairman, expand economic growth in ways that they can to try to bring greater prosperity and stabilize the region. For too long, in my view, we have relied simply on foreign assistance, and frankly, that is drying up as well, to help facilitate these changes. This is a much better approach.

Through this legislation today we have got an opportunity to assist this changing region in a much better way, and that is through commerce. The legislation allows the U.S. to take a very positive role in encouraging an economic and political renaissance really throughout sub-Saharan Africa, it establishes a free trade area to serve as a catalyst for increasing trade and for increasing private-sector development in the region. It also helps the U.S. facilitate these market-led economic reforms in 48 countries in this region.

The bottom line for me, really the big picture here, is that the United States, by passing this legislation, is supporting economic self-reliance for sub-Saharan African countries, particularly those who are committed to the kind of economic and political reform that many countries in the region are going toward anyway, and market incentives, private-sector growth, eradication of poverty. I urge my colleagues to support it as an important trade initiative, but also something that is good for the United States and good for the African continent as a whole.

□ 1400

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank my colleague from New York for yielding me this time.

Let me make two points. First of all, I am a strong supporter of African development. Second of all, I have the greatest respect for the sponsors of this bill, as well as people who are opposed to the bill. Having said that, I want to rise in opposition to this bill.

When I was growing up, there was a saying that if it looks like a duck and quacks like a duck, it probably is a duck. But every once in a while, what looks like a duck and quacks like a duck is a decoy, and this bill, it seems to me, is a decoy at this point. It falls short of being a true development bill for Africa in several respects.

There were opportunities to improve this bill and actually make it a duck if the Committee on Rules had allowed amendments to be offered on the floor of the House. They would have addressed worker rights and human rights. They would have addressed the control of the African countries over development. They would have addressed the textile and apparel concerns of people in this country.

Unfortunately, the Committee on Rules saw fit not to make those proposed amendments in order on this bill. Therefore, the bill must be considered as it is currently written. Right now, the bill falls short of being a bill that I believe merits support, and I encourage my colleagues to vote against the bill.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BALLENGER), our distinguished colleague.

Mr. BALLENGER. Mr. Chairman, I rise today in opposition to H.R. 1432. How can we call this bill the African Growth and Opportunity Act when there is a question about growth and opportunity for anyone in this bill, except for Asians. Only 35 percent of a product must be produced in Africa, and the rest can be produced in China or Bangladesh.

In its current form, H.R. 1432 poses a serious risk to our domestic textile industry and its employees. Thousands of American workers and many in my district could be without jobs because this bill does not stop the illegal transshipment of apparel from other countries, particularly China.

We need to add safeguard provisions that would ensure that U.S. textile workers, not Asian textile workers, manufacturers, get to produce the fabric that the African workers turn into clothes. This would not only help American workers but would provide more jobs to Africans. Without these provisions, we are looking at a lose/lose scenario for Africans and American workers.

Unfortunately, the Committee on Rules denied the opportunity to vote on an amendment to require that the apparel receiving duty-free and quota-free treatment be constructed of U.S.-manufactured yarn and fabric, so I ask for a vote against the bill.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I am strongly in favor of this bill. It is about time we had a bill that actually respected the people of Africa, that was not based upon colluding with their corrupt leaders or exploiting them but finally treats the people of Africa with respect. It will empower the laborers of Africa, particularly the women, to get microenterprise loans, and to have a competitive market in this country to sell their handmade apparel and other handicraft products.

This is the least we can do. There is not another continent in the world that this country has exploited more than Africa. The African people were the underpinnings of our slave agricultural economy for our first two centuries of growth. It is about time we turned American policy toward Africa around and showed some recognition of the inherent value of the people of Africa.

Africa is the only continent in the world whose poverty is expected to increase over the next decade. Given our history of exploitation and enslavement of African men and women is it not now at least partly our responsibility to turn that around, to see to it that they progress with the rest of the world into the 21st century and enjoy some respect and dignity. We should all be voting ''aye'' on this bill.

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

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank my colleague for yielding me this time.

The time has come for our Nation to give the continent of Africa the same opportunities for economic growth that we have given to virtually every other region of the world. When all is said and done, my colleagues, that is what H.R. 1432 is all about and seeks to do.

Many of the 48 countries that make up Sub-Saharan Africa have undergone remarkable changes in recent years. More than 30 of them have begun programs to replace outdated and corrupt centralized economies with freer markets. If we pass this bill we will be saying to those countries that we support their efforts and want to join them in going even further.

This is an historic moment, Mr. Chairman. It is an opportunity to give Sub-Saharan Africa the same incentives to address their problems of chronic poverty, poor infrastructure and limited economic opportunity that we have given to other nations.

The concerns of some of our colleagues can be addressed, so let us not derail this opportunity which will be beneficial to both us and Africa. It is not a perfect bill, but it is a good beginning.

My colleagues, the continent of Africa deserves our support. We should give it to her. Pass H.R. 1432.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume to take the opportunity to speak to some of the concerns that some of my colleagues have had as relates to transshipment, which is always an issue when we are dealing with any type of a trade bill. Because of this concern, the Committee on Ways and Means had put in specific language to increase the penalties for any country that is found guilty of transshipment. But the interesting thing is that these African countries, more than any other countries that we are dealing with in trade, are so sorely in need of jobs that they would be the ones that are looking forward to getting assistance and having their people trained and having the ability to participate in international trade.

The World Trade Organization has rules against violations of transshipment, and certainly we will have the resources as well as the customs agencies to see what is coming into the United States. We certainly can determine whether it came from the continent of Africa, and since they only penetrate our market 1 percent, and it is believed that they do not have the ability or the capability to penetrate it more than 2 percent, if there was a question of transshipment, it should be something that would be easily found.

I also would like to deal with the question of human rights and the question of workers' rights. As most people know, these are included in the GSP, and the President of the United States has responsibility before he signs off on any agreement to make certain that that agreement is in the international interests as well as the interests of the people of the United States of America.

So whether we are talking about environment or human rights or workers' rights incorporated in the concept, the language in the bill would certainly take care of that.

I am particularly concerned that the people in these developing African countries have not only looked forward to the United States executive branch for leadership, but have worked very

closely with the members of the committee and their staff to make certain that the relationship was one of mutual respect. I think those are the magic words when we are dealing with any country: mutual respect. Whatever guidelines and conditions are necessary in order to give assurances to investors, it is not the United States who sets the guidelines, it is the international community that does that.

So the bill was drafted not only with the concerns of the Africans, but something that could get the support of liberals and conservatives, Republicans and Democrats, because even though some people may think this is a decoy and not a duck, the President of the United States believes it is a trade bill, the Secretary of State believes it is a trade bill, the members of the committee believe it is a trade bill, but most importantly, our African friends who are dependent on this, who are looking forward to this and having hope for the future, believe it gives them an opportunity as a trade bill.

So I do hope that those that have reservations would understand that this is far from a perfect document. How could it be, with so many people coming from so many directions? And the fact that these are countries in Africa does not mean that they do not have differences among themselves in terms of what should be in the bill.

Mr. Chairman, this is something to work toward. This is something to give opportunities to people in the United States to look forward to having a better working relationship with our friends in Africa, but just as important, to develop markets in Africa.

So it is hoped, as when we went and traveled throughout the Sub-Sahara, that African Americans with talent, many of whom were on the trip with us, would get the opportunity to show to our African brothers and sisters what we will be able to contribute, not mandate relationships but to contribute through joint ventures in working with them. Indeed, on the trip some of these concepts became deals, and we were able to work out arrangements, working with the Department of Commerce, working with the Eximbank, working with OPIC.

All of this is a part of it, and of course this is not a substitute for assistance in terms of education and health and economic development, but it is also an opportunity for us to continue to give assistance and at the same time be able to make certain that one day this type of assistance would not be necessary.

So I think that all of us who would want to be able to say that we played some very small part in bringing the countries of Africa into international trade will be proud of the opportunities that have been given to us, and we look forward to this bill not only becoming law, but when our President of the United States visits Africa, he will be armed with a document of friendship, a document, a working document that can improve the quality of life not only for the Africans, but to give opportunity to those people in these great United States.

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

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume to commend our distinguished ranking minority member for his comments, his insights and his explanation as to why this legislation is in the mutual interests of the countries affected in Sub-Saharan Africa, as well as in our own national interests. I think that is why it has attracted the kind of bipartisan support that we have enjoyed.

I want to pay tribute to the gentleman from Washington, (Mr. MCDERMOTT), the gentleman from New York (Mr. RANGEL), the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from California (Mr. MATSUI) over there, all the people that were there from the beginning and fighting the good fight.

Mr. Chairman, on this question of transshipment, because it has come up and it does excite a degree of paranoia, and I think a legitimate paranoia on the part of those who could be adversely affected, I think that in this legislation we have gone further than any legislation heretofore in trying to cope with the situation. To that end, our bill directs the President to require the exporting countries in Africa to adopt effective visa systems to guard against transshipments and the use of counterfeit documents. In order to receive benefits under the bill, African countries are required to cooperate fully with customs in combating transshipments. This means enforcement of domestic laws and procedures, and assisting customs in efforts to verify manufacturing operations through visits of so-called jump teams and other measures.

Finally, H.R. 1432 provides that exporters who engage in illegal transshipments and their successors would lose trade benefits under the bill for two years. With no market for their product, this sanction will have the effect of putting the bad actors out of business.

We have in this bill, Mr. Chairman, the strongest language dealing with transshipment that we have ever legislated.

□ 1415

That is not to say that crime still cannot exist, but what I am saying is that we have gone further than we have ever gone before. I think we have a stronger position on this legislation than anything heretofore, and I think it will address the problem more effectively than it has ever been addressed before.

Let me make one other observation, too. We have the understandable concern of our textile and apparel manufacturers in this country, and one of our colleagues today showed me an article of a plant in his district that is closing. I think it employed like 350 people. That is sad. That has been going on for some time.

But his plant in his district is not closing because of our bill that is under consideration on the floor today. His plant is closing because of inefficiencies, and the inability of most of our production here in the United States to keep pace with competition. It is not competition coming from Africa.

Our textile and apparel imports in the year 1996 totaled $46 billion, billion. Of that $46 billion, the portion that came from sub-Saharan Africa totaled roughly $380 million, out of $46 billion. The ITC, International Trade Commission, has estimated that with the passage of this bill, our imports from sub-Saharan Africa will increase from $100 to $170 million. It will be less than 2 percent of our total imports, out of that $46 to $50 billion in imports from around the world.

In addition to that, ITC has projected out that at the end of 10 years, it will be 3 percent of our imports. So when we read these articles about plant closings, do not point the accusing finger at sub-Saharan Africa. That is not what is causing the problem. It is a worldwide development, and it is one that has adversely impacted us, to be sure, because we do have more efficient competition to face worldwide. But do not make it look like that is coming from sub-Saharan Africa, and do not make it look like the passage of 1432 is going to have any significant impact on it.

I urge all of our colleagues to wholeheartedly support this legislation.

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

Mr. RANGEL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK), who recently returned from Africa to Florida.

Mrs. MEEK of Florida. Mr. Chairman, I am pleased and privileged to stand on the floor and support H.R. 1432, the African Growth and Opportunity Act. If we all understand what this act is supposed to do, it is supposed to provide opportunity for trade with sub-Saharan Africa. It is supposed to bring growth as to the African countries.

Two things that are outstanding to me in this bill are political growth and certainly economic growth. That is a two-way street. It is political growth for us in the United States, it is political growth for sub-Saharan Africa, and it is also economic growth for both of us.

I do not think that the Africans, as I talked to them, as we visited these African countries, they are not looking for a handout from the United States. They are very proud people. They have a history that goes all the way back to the Tigris and Euphrates Rivers. They understand what makes political and educational and economic reform. They are very, very pleased with this bill.

I traveled with the gentleman from New York (Mr. RANGEL) to Africa, and day-to-day and word-for-word, the African leaders want this bill. I do not think this bill is going to threaten in any way what we are already doing with Africa and with other countries. This is the beginning of a very, very good start to develop trade with Africa, and bring the respect and some of the economies of our economy to sub-Saharan Africa.

I beg my colleagues to vote, yes, on the African Growth and Opportunity Act, because it will help the world understand that we want to develop trade with this country. They strongly deserve the same opportunities that we are giving other countries, and now it is our time to step up to the plate and say, yes. Let us vote yes on 1432, and give growth and give opportunity, both economic and political, to sub-Saharan African countries.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank he and the gentleman from Illinois (Mr. CRANE) for the bill.

Mr. Chairman, I want to emphasize the good news of this legislation, for as the legislation was initially offered, there were op eds popping up around the country saying, ''Trade, Not Aid.'' For those of us who understand the vast needs of the continent, and particularly sub-Saharan Africa, our ears perked and our hearts hurt, because we recognized that the two are not mutually exclusive.

We have now come full circle to have a bill that really confronts the hard core issues of the continent, particularly the fact of giving them dignity and respect on the equal playing field of trade throughout the world, but as well, emphasizing that there is a value to the humanitarian aid that this country provides. And in fact, it is not enough. So this bill is not trade and not aid, it is trade and aid.

Specifically, in the bill we have $150 million for joint venturing and $500 million for infrastructure. I agree with my colleague, the gentlewoman from Florida (Mrs. MEEK), that two for one, the Heads of State said, we are ready, and we will not engage in abuse, and we are likewise sensitive to the issue of human rights.

I hope nothing we do today diminishes section 4(a), that has to do with the responsibility of our African countries to maintain the human rights of its citizens. I cannot talk about the Most Favored Nation status. I do not like it continuously going back and forth again, with China's human rights abuses growing and growing and growing. We should contend with that. But I do think the Heads of State in Africa are concerned enough that they want to work on the question of human rights and the responsibility to all of their citizens.

Lastly, let me say, Mr. Chairman, this is an ideal opportunity for a continent which saw so many of its own shipped as slaves to this continent, a devastating time in our history, a tragic time. Here we now have an opportunity to change those chains of slavery into the uplifting of all of the boats of economic opportunity, providing 800 million Africans, with African Americans and others in this country, and challenging our multinational companies once and for all to open the doors of opportunity.

I ask my colleagues to vote for the bill and lift all the boats at sea at this time.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I thank the distinguished gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the African Growth and Opportunity Act, and in strong support of this legislation. As I said during our Subcommittee on Trade hearing on this bill, Mr. Chairman, it sets up a win-win situation for both the United States and countries in sub-Saharan Africa. This bill will mean a tax cut for consumers here at home, who depend on reasonably priced clothing, and it will promote continued political and market liberalization in sub-Saharan Africa.

As a strong supporter generally of free trade and liberalization, I know the trade elements of this bill are extremely important. Inexpensive imports are good for consumers here in America, and increased exports are good for U.S. workers and employers.

I want to focus on the significant goals of this legislation, because this legislation before us today, Mr. Chairman, sends a strong signal of encouragement to the peoples of the sub-Saharan nations.

Just since 1990, more than 25 African nations have held democratic elections. Over 30, 30 of these nations have instituted programs to replace their centralized economies with free markets, a very, very significant fact. We all know stronger economies contribute to social and political stability, and we must, we must, Mr. Chairman, take steps to help secure that stability.

Increased investment and trade activity with the United States will help improve the economic conditions of all the sub-Saharan nations, and as our Committee on Ways and Means has heard from many African officials, they want the opportunity to industrialize their economies and to facilitate technology transfers. They support the bill's efforts to encourage foreign investment and direct private sector involvement in further economic development in the region.

The Ambassador of Tanzania, Mr. Chairman, has made one simple yet a very crucial request of us. He said at the hearing, and I am quoting now, ''Please, please give Africa a chance to prove that she can become a valuable and viable trading partner with the United States.''

Mr. Ambassador, we want to give you that chance. We have the opportunity to give you that chance today by passing this legislation, and I urge all Members to vote for H.R. 1432 and give Africa this chance.

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

As we close this debate, Mr. Chairman, I would like to submit for the RECORD letters that have been sent to me by the President and the Secretary of State, and with the consent of this body, just to read the last paragraph of each.

From Madeleine Albright, our Secretary of State, she says, ''This critical legislation will advance one of our most important foreign policy goals in Africa: Integration of African countries into the global economy. The approximately 600 million consumers in Africa deserve a better future. The African Growth and Opportunity Act is an important first step in that direction, and I strongly urge you to support it.''

Mr. Chairman, I include this letter for the RECORD.

The letter referred to is as follows:

THE SECRETARY OF STATE,
Washington.

Hon. CHARLES RANGEL,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. RANGEL: The African Growth and Opportunity Act, H.R. 1432, is scheduled for a floor vote today. Passage of this landmark legislation is one of our highest legislative priorities. As you know, President Clinton made a strong statement in support of the bill during the State of the Union speech.

Passage of the African Growth and Opportunity Act will send an important signal to Africa that we will help those countries which help themselves by pursuing sound economic and political reform policies. The Act will provide substantial trade and debt relief benefits to those African countries which are undertaking significant economic reforms. The African Growth and Opportunity Act will help African countries improve their own business climates so that U.S. companies can better compete in the important emerging markets of Africa.

We believe the legislation contains adequate provisions to prevent injury to U.S. industries and jobs. The impact on U.S. consumers, workers and industries must be assessed by the International Trade Commission (ITC) before the President is authorized to grant the additional duty-free preferential market access provided by the Bill. A recent ITC study of the textile provisions in the Act concluded that duty-free, quota-free entry of textile and apparel products from Africa would have a negligible impact on U.S. industries and workers.

This critical legislation will advance one of our most important foreign policy goals in Africa—integration of African countries into the global economy. The approximately 600 million consumers in Africa deserve a better future. The African Growth and Opportunity Act is an important first step in that direction, and I strongly urge you to support it.

Sincerely,

MADELEINE K. ALBRIGHT.

Mr. Chairman, I also would like to read from a letter from the President, who says, ''We face a historic opportunity to assist the renaissance in Africa. Congress has the chance to help this transformation by enacting the African Growth and Opportunity Act. When it comes time to cast your vote, I urge you to support this legislation.''

Mr. Chairman, I include for the RECORD the entire letter from the President.

The letter referred to is as follows:

THE WHITE HOUSE,
Washington, DC, March 11, 1998.

Hon. CHARLES B. RANGEL,
House of Representatives,
Washington, DC.

DEAR CHARLIE: I strongly support passage of H.R. 1432, the African Growth and Opportunity Act, which would provide enhanced trade benefits for sub-Saharan countries engaged in meaningful reform efforts.

The United States strongly supports a stable, prosperous Africa. Africa is a continent on the doorstep of a new era of democracy and prosperity, and many countries have adopted market-oriented economic and political reforms in the past seven years. A stronger, stable, prosperous Africa will be a better economic partner, a better partner for security and peace, and a better partner in the fight against drug trafficking, international crime, terrorism, and the spread of disease and environmental degradation. Africa is already an important trading partner for the United States. Our exports to Africa are over $6 billion annually.

In addition, America has its own special reasons to contribute to Africa's economic development. Over thirty million Americans have ancestral origins in Africa. We should work to help African nations achieve greater prosperity and stronger democracies, which will improve the lives of the African people. The bill helps us do that.

This bill is supported by a bipartisan and diverse cross-section of Americans and concerned groups—including Jack Kemp, David Dinkins, Andrew Young, the United States Conference of Mayors and the National Urban League. They know this bill is good for both Africa and America.

We face a historic opportunity to assist the renaissance in Africa. Congress has the chance to help this transformation by enacting the African Growth and Opportunity Act. When it comes time to cast your vote, I urge you to support this legislation.

Sincerely,

BILL.

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

Mr. Chairman, I thank the gentleman from New York for his remarks.

Mr. Chairman, I would like to conclude with a letter that was sent to all of our colleagues by a former colleague, Jack Kemp.

He wrote,

I am writing to ask you to support important legislation that is expected to come to the House floor for a vote on the African Growth and Opportunity Act. Much of Africa is growing dynamically. Political and market liberalization are revitalizing and energizing the continent.

There is a new generation of leaders implementing democratic reforms, expanding economic growth, and unleashing the human spirit that will help bring greater stability, prosperity and democracy to African nations.

African leaders would like some help building this hopeful start on a full-scale boom, yet they aren't for the most part asking for more development assistance. They would like expanded trade, not aid. They would like an opportunity for their people to become self-reliant.

To that end, the African Growth and Opportunity Act would create a trade component of U.S. policy towards sub-Saharan Africa. In particular, it would establish a goal of achieving a free trade area with countries that meet the economic criteria of the bill.

In addition, H.R. 1432 calls for a trade and economic cooperation forum between the United States and economic reformers in sub-Saharan Africa to facilitate discussion on the elimination of trade and investment barriers.

In the near term, the bill offers countries in the region enhanced opportunities for duty-free trade with the U.S. under the Generalized System of Preferences program. I firmly believe that we have an historic opportunity to open a new era in our relations with this region. This bill will foster a brighter future for sub-Saharan Africa based on free market reforms, expanded economic activity, and enhanced self-reliance. I urge you to vote yes on H.R. 1432.

Sincerely,

JACK KEMP.

Mr. HASTINGS of Florida. Mr. Chairman, I would like to express my strong support for H.R. 1432, ''the African Growth and Opportunity Act,'' a primary tool for expanding trade and investment with Africa.

Mr. Speaker, I believe that this bill is a major milestone in U.S.-Africa relations as it brings focus on Africa in a positive manner. This bipartisan legislation will not only provide new jobs for African workers, and greater opportunities for the American business community to invest in Africa, it will contribute to peace, stability and democracy throughout that continent.

For the past several years the United States has always traded with Asia and Europe. Today, the wind of change is finally blowing in Africa which will create U.S. investment and forums for African and American businessmen to cooperate.

Africa remains a vital place with abundant natural resources. As the world's largest and most technologically advanced economy, the U.S. can and must continue to do more to contribute to Africa's economic development, if not for any other reason than the mere fact that if we don't help them someone else will.

I am excited about the prospect for this legislation and the enormous benefits it will bring to both the United States and the countries of sub-Saharan Africa.

However, there are some legislators who oppose the bill. Some would have us believe that the bill would lead to a surge of apparel and textile imports into the U.S. and damage U.S. workers. This is a myth! U.S. imports of textiles and apparel from sub-Saharan Africa account for less than 1 percent of total U.S. imports of such goods. Others will have us further believe that the bill will encourage illegal transshipments from other countries under quota. That, too, is a myth. There are current U.S. customs laws to prevent transshipments and would apply. Moreover, the bill requires exporting countries in sub-Saharan Africa to adopt a visa system to guard against transshipments, and to cooperate fully with the United States in preventing transshipments as required by the WTO.

Among other provisions in the bill are the equity and infrastructure funds to be supported by the Overseas Private Investment Corporation (OPIC). OPIC would establish a $150 million equity fund and a $500 million infrastructure fund to support African entrepreneurs in developing private sector enterprises. This will create new jobs for Africans and new export opportunities for U.S. companies and American workers.

Finally, Mr. Speaker, this bill enables the U.S. to play a positive role in Africa's future. We have now entered into a ''new and promising phase'' in Africa, and while I applaud the previous efforts of the administration and the United Nations, as well as other organizations, I believe that we must now step up our efforts and rise to this occasion.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the African Growth and Opportunity Act. This legislation promises to diverge from the United States historical role of provider to Africa and establish instead a bilateral agreement for trade. Trade promises growth in our country's economy and in the nations of Sub-Sahara Africa. However, I would also like to take opportunity to raise concerns that industries in my district have voiced. The African Growth and Opportunity Act provides opportunity for free trade but doesn't protect some of our product-sensitive industries quite enough.

The Generalized System of Preferences (GSP) and free trade area preference provisions of the Sub-Sahara African trade bill pose special concerns for the California cling peach industry because of the possibility that under those provisions, duty-free access might be extended to South Africa and other competitive African producers of cling peach products.

Even with existing U.S. tariff rates, South Africa is already a low-cost, choice quality supplier of canned peaches, fruit mixtures and other cling peach products to U.S. markets. We must ensure that South Africa will not sell their products at a significantly lower price than U.S. products at the expense of our farmers and processors.

The California cling peach industry's product sensitivity is undisputed. The industry has long suffered the adverse effects of canned fruit subsidies provided by the European Union. Our government has recognized the unfairness of these EU practices and has sought to correct that unfairness through GATT dispute settlement, a bilateral agreement, numerous consultations, and most recently multilateral pressure through the WTO Committee on Agriculture.

I urge our government to take all necessary steps to preserve the current U.S. tariffs on canned peaches, canned fruit mixtures, and other cling peach products. This valuable sector of U.S. agriculture, which for too long has been denied relief from EU subsidies, deserves no less than this from the U.S. government.

Ms. KILPATRICK. Mr. Chairman, if you support self sufficiency for Africa, you must support the African Growth and Opportunity Act. Once you separate fact from fiction, the African Growth and Opportunity Act deserves your support by removing many of the hurdles impeding free-market reform.

Myth: The African Growth and Opportunity Act Does Not Have Labor Protections

Fact: The bill requires the President, as a condition for eligibility for benefits, to determine that African countries do not engage in gross violations of internationally-recognized

human right, including core labor standards. Also, African nations must observe existing statutory criteria on internationally-recognized worker rights as a condition for duty-free benefits under the Generalized System of Preferences (GSP).

Myth: The African Growth and Opportunity Act Does Not Help African Self-Sufficiency

Fact: The bill was developed with the full input of African governments and represents a shift from dependence on foreign assistance to a private sector, market oriented incentive approach.

Myth: The African Growth and Opportunity Act Hurts U.S. Textile Imports

Fact: U.S. imports of textiles and apparel from Africa accounts for less than one percent of total U.S. imports of textiles and apparel. The impact on the U.S. textile industry would be negligible.

We have a unique opportunity, and a window of opportunity, for self-determination—kujichagulia—for the countries of sub-saharan Africa. According to the Congressional Research Service:

Most of U.S. trade with sub-Saharan Africa is with only a few countries. In 1997, three-quarters of U.S. exports to the region went to five countries: South Africa (49% of U.S. exports to the region), Nigeria (13%), Ghana (5%), Angola (5%), and Kenya (4%). The other 43 countries accounted for the remaining one-quarter of U.S. exports to the region. In 1997, 84% of U.S. imports from the region came from four countries: Nigeria (37% of U.S. imports from the region), Angola (17%), South Africa(15%) and Gabon (13%). The other 44 countries accounted for only 16% of U.S. imports from the region. (CRS Issue Brief for Congress, Number 98015, March 5, 1998, page 3.)

We need to expand trade and development with the continent that is the cradle of civilization—Africa. In combination with continued effective aid, this bill will expand trade beyond these four nations. This legislation is but a start in the right direction toward encouraging private investment and development in sub-saharan Africa. I have attached an editorial article in the Washington Post in support of this bill on final passage, and encourage the support of all of my colleagues on this great opportunity and fantastic initiative toward empowerment for Africa. I thank the Speaker and my colleagues for this time.

[From the Washington Post, Mar. 7, 1998]

HOW TO HELP AFRICA

The House is scheduled to vote next week on an African trade bill. In the past, that would have been an oxymoron. The United States traded with Asia and Europe but sent aid to sub-Saharan Africa. This new approach, which treats African nations more as partners than as charities, is welcome—though not sufficient.

Many of the world's poorest people inhabit Africa, their economies in danger of being left behind altogether as trade and investment unite the rest of the world. But in recent years, the true picture has not been quite as gloomy as news reports on civil wars and coups d'etat might suggest. Many African countries have moved toward democracy and free-market reforms. Many are trying to spend more on basic health and primary education. Many want to help themselves and not depend forever on foreign aid.

This bill is aimed at those nations. It was put together by Republican Rep. Philip Crane and Democrats Charles Rangel, Jim McDermott and William Jefferson, and embraced by the Clinton administration. It would seek to encourage trade between Africa and the United States by removing quotas and many tariffs from the kinds of products these poor nations could most plausibly export: textiles, clothing, footwear. It would stimulate and insure private U.S. investment in Africa, and create forums for African and American businessmen to cooperate.

The legislation carries a tiny price tag, but some in the House and Senate oppose it for protectionist reasons. Yet African textiles now account for only two-thirds of one percent of total U.S. textile imports and are unlikely to rise above 2 percent even in the most optimistic (by African lights) scenarios. Africa's industry is not a threat to the U.S. economy.

A more serious objection—though not a disqualifying one—is that this bill will accomplish less than some rhetoric suggests. For countries as poor as those in sub-Saharan Africa, where average annual per capita income hovers below $500, trade and investment alone can't do the job. Aid remains essential, as the bill's authors acknowledge, and yet U.S. assistance to Africa declined by 25 percent during the past two years. This trade bill can help, but only in combination with effective aid and substantial debt relief.

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment offered by Representative LINDA SMITH to the Africa Growth and Opportunity Act (H.R. 1432). The amendment would require the President to consider, when deciding whether a country is eligible to participate in the trade benefits provided in the bill, whether that country is cooperating with the United States to eliminate slavery in Africa.

Real life chattel slavery is not a thing of the past, Mr. Chairman. It exists today in the Sudan—a country I have visited three times. Today, any member here could board a plane, fly to Kenya and get on a transport plane in Lokichokio air base in Northern Kenya. Several hours later, you would land at a remote air strip in Southern Sudan. You would walk several hours through tough, dry and desolate terrain, where you could then visit a slave market where women and children are sold for money. Some for as little as $15 a piece.

Slavery in Sudan has been well documented. The State Department has known about it since 1993. I submit for the record a State Department cable which I had declassified in 1993, which states ''credible sources say Government of Sudan forces, especially in the PDF [People's Defense Forces], routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform labor on Kordofan farms or are exported, notably to Libya. Many Dinka are reported to be performing forced labor in the areas of Meiram and Abyei.''

In 1996, two Baltimore Sun reporters visited Sudan, bought back children who had been enslaved and returned them to their families. They interviewed former slaves and published a provocative series of articles about their experience.

There is no doubt. Slavery is taking place in the Sudan. We must encourage governments to end it.

The amendment offered by Representative SMITH sends an important message. No trade benefits with the United States until you eliminate this brutal human rights abuse. I urge my colleagues to support it.

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. FRANK R. WOLF,
House of Representatives.

DEAR MR. WOLF: Thank you for your letter of May 5, regarding human rights abuses in Sudan. The Embassy in Khartoum provided the information you requested, which is enclosed. Assistant Secretary Moose provided much of this information in his testimony on May 4 to the Senate Foreign Relations Subcommittee on Africa.

Sincerely,

ROBERT A. BRADTKE,
Acting Assistant Secretary for Legislative Affairs.

Sudanese Government personnel appear to be perpetrating widespread human rights abuses in parts of the Bahr El Ghazal and the Nuba Mountains. There are recent, credible reports of massacres, kidnapping and forced labor, conscription of children, forced displacement and Arabization, and other abuses in these regions. There is evidence that some abuses, notably kidnapping, may be carried out by poorly-controlled militias without the approval and perhaps against the wishes of the authorities. Other abuses, however, are occurring with a frequency and on a scale that make it difficult to think that they are happening without the knowledge of the authorities.

Reliable information on the western ''transition zone''—south Kordofan, including the Nuba Mountains, and Bahr El Ghazal—is hard to obtain. Access to the area is restricted. Recently, however, there has been evidence from credible, well-informed sources of widespread GOS abuses in this zone.

According to several sources, forces of the Government of Sudan regard the entire Bahr El Ghazal south of Babanusa, outside of government-held towns, as an ''operational area.'' Anyone found there is considered a SPLA member or supporter and killed or captured. For example:

In late 1992 and in February–March 1993 two military trains, each with about 3,000 troops aboard, proceeded from Babanusa to Wau. Some of the troops were from the army, but most were members of former Arab tribal militias, which the Government of Sudan/National Islamic Front (GOS/NIF) has incorporated into the Popular Defense Forces (PDF).

The first train advanced preceded by foot soldiers who killed or captured the civilians on their path. They burned houses, fields, and granaries, and stole thousands of cattle. Hundreds are estimated to have died.

The March 1993 train carried horses that extended the soldiers' range. In five days, they reportedly killed almost a thousand persons between Manwal Station and Aweil and captured 300 women and children. The burning of granaries and fields and theft of cattle caused many who escaped the troops to die later of starvation.

The sources state that when military convoys moving in the Bahr El Ghazal lose vehicles to SPLA mines, the troops typically burn the first village they find and kill its inhabitants.

Credible sources report heavy fighting from December 1992 to March 1993 in the Nuba Mountains, particularly in the Tulisci Range. Fleeing Nubans speak of widespread destruction of villages and killings near Dilling and Kadugli—including a massacre at Belenya, which reportedly was razed.

Credible sources say GOS forces, especially the PDF, routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform forced labor on Kordofan farms or are exported, notably to Libya. Many Dinka are reported to

be performing forced labor in the areas of Meiram and Abyei. Others are said to be on farms throughout Kordofan.

There are also credible reports of kidnappings in Kordofan. In March 1993 hundreds of Nuer displaced reached northern Kordofan, saying that Arab militias between Abyei and Muglad had taken children by force, killing the adults who resisted. The town of Hamarat el Sheikh, northwest of Sodiri in north Kordofan, is reported to be a transit point for Dinka and Nuba children who are then trucked to Libya.

While PDF kidnapping of women and children seems recurrent, it is not, however, condoned by all GOS authorities. When the March train from Babanusa arrived in Wau, authorities forced the PDF to release the 300 women and children they had captured. Later that month, army forces at Aweil searched a train of PDF returning from Wau. They found and freed women and children who were being held in boxcars. In early 1993 the PDF captured near Meiram five children between 7 and 12. When a relative learned of their whereabouts and contacted the police, the children were released.

Credible sources say that when the March military train to Wau reached Meiram, soldiers raped scores of displaced women. Thousands of displaced are currently reaching northern Kordofan from Bentiu and the Nuba Mountains. Medical workers note an unusually high rate of pregnancies among the women, who say the PDF raped them.

There are credible reports of widespread conscription into government militias of children 10 or 11 and above from ''peace camps'' (resettlement camps) in the Nuba Mountains. In late January, 1993, soldiers in El Obeid impressed into the PDF scores of boys 13 and above. (The families, however, later secured the release of the children who could prove they were enrolled in school.)

Credible sources state that since November 1992, thousands of displaced Nubans, particularly from the Tulisci, Habila, Koalib, Mendi, Tima, Lagawa, Sellara, Dilling, Kadugli, and Miri areas have been passing through El Obeid. Some are fleeing on their own, but others are being moved by the authorities. The governor of Kordofan has publicly said that the Government has moved many civilians from ''unsafe to secure areas.'' Some 2000 Nubans from En Nahud were left in rags last November outside El Obeid, without money, food, or shelter.

Credible sources describe different forms of forced Arabization. Under a policy sometimes known as ''the marriage of fifty,'' Arab soldiers are encouraged to wed southern women they capture. Soldiers who have children from these marriages get special premiums. In displaced camps in Meiram and Abyei, some Islamic charities reportedly offer to feed, clothe, and educate destitute Dinka children—but in return, parents may not have contact with their offspring. Some areas are closed to Christian charities, even indigenous ones, while Muslim charities operate freely.

There are reports that thousands died of starvation in Meiram displaced camp last year, while local authorities would not release donated relief food stored in Babanusa. There are consistent, credible reports that the PDF routinely steals large amounts of relief food donated for the displaced. Credible sources state that if the populations in the displaced camps at Meiram, Abyei, and Daeim do not receive food urgently, thousands more will die this year.

Some casualty figures and other details may have been exaggerated by frightened and shocked witnesses, but the general tenor of the above reports appears credible. It tracks with fragmentary reports of abuses in the Nuba Mountains and Bahr El Ghazal that have become available from other sources over a period of months.

To be fair, it must be said that many of these abuses, including the massacres, kidnapping and forced Arabization, have occurred time and again in these areas for years. Moreover, the reaction of the authorities in specific cases of kidnapping and enslavement suggest that the latter may be the fact of poorly-controlled militias acting without official approval—although, if this is the case, the authorities are derelict for not energetically curbing PDF excess. Other abuses, however, are occurring with a frequency, and, in the case of the massacres in particular, on a scale that make it difficult to think that they are happening without the knowledge of the Government of Sudan.

Mr. KLINK. Mr. Chairman, I am opposed to this legislation for both process and policy reasons.

On process, the rule for this bill has shut out those who will be most affected by the bill: those Members who represent American textile workers.

We have denied the textile caucus the ability and the opportunity to fix this bill and protect those jobs, and for that reason alone, we should oppose this bill.

However, my opposition to this legislation goes beyond process. This bill will create a ''free trade'' area in Africa.

Mr. Speaker, I don't care if it is Africa or Pluto, we don't need any more ''free trade'' areas like those created by NAFTA because NAFTA is a job losing failure.

In 1993, before NAFTA, the U.S. ran a trade surplus with Mexico of $1.7 billion. In 1996, the U.S. trade deficit with Mexico was more than $16 billion.

By my calculations, we are already running a trade deficit of $9 billion with sub-Saharan Africa. This legislation will only make that worse.

Officially, Pennsylvania has lost more than 13,000 jobs because of NAFTA, and those are Labor Department NAFTA-TAA numbers. Actual losses are probably higher, and the economic policy institute estimates that Pennsylvania has lost almost 20,000 jobs due to increased trade deficits with NAFTA countries.

Nationwide, the official NAFTA-TAA job losses are almost 141,000. Other estimates are much higher than that: some say 625,000.

Another ''free trade'' area, in Africa or anywhere else, will only mean most lost jobs, and this particular ''free trade'' bill will mean lost jobs for textile workers.

Another ''free trade'' area will only give big multinational corporations another platform from which to use lower cost labor, weaker environmental regulations and minimal protections for worker or human rights, to ship cheaper goods to the United States, just like they are using Mexico as a platform. That will only mean more jobs lost.

Mr. Speaker, we have tried the ''free trade'' model and it has failed. We need to look for a new trade model that recognizes human rights, democracy, worker safety and health. That trade model would benefit all the people of the world, Americans, Mexicans, and Africans, not just big corporations.

I urge my colleagues to oppose this job loss legislation.

Mr. HAMILTON. Mr. Chairman, I rise in support of H.R. 1432.

This bill is an innovative measure that holds considerable promise for Africa and for U.S. relations with African nations.

Several of our colleagues deserve credit for bringing this important measure before us today. I would like to commend the principal authors of this bill—Congressmen CRANE, MCDERMOTT, and RANGEL. Other members of the African Trade and Investment Caucus and of the Ways and Means Committee also made important contributions to this bill. I would also like to commend several members of the International Relations Committee—Congressmen ROYCE and MENENDEZ, and our Chairman, Mr. GILMAN—for starting this bill on its way last June.

WHAT THE BILL DOES

H.R. 1432 will alter the U.S. economic relationship with Africa.

To African countries that are prepared for it, the bill offers a new economic compact: In exchange for economic reforms necessary to benefit from expanded commercial ties, H.R. 1432 would offer increased U.S. trade and investment.

This compact will not only reward reforms that have already been implemented: It will serve as an incentive for reforms elsewhere. And by strengthening commercial ties between the United States and Africa, this bill will not only benefit Africans: It will also help build new U.S. export markets, boosting our own economy.

The bill has several key components:

First, the bill restricts eligibility to African countries that are not committing human rights abuses and are progressing toward market-based economies.

Second, eligible countries would be invited to participate in a U.S.-sponsored annual meeting aimed at promoting trade and investment. The United States would be represented at these meetings by the Secretaries of Commerce and Treasury and by the U.S. Trade Representative. The President would also be required to convene a summit meeting of African heads of state every two years.

Third, the bill would require the President to develop a strategy for negotiating free trade agreements between the United States and African countries.

Fourth, the bill will eliminate U.S. quotas on imports of textiles—an important industry in the developing world—from each African country that the President determines has in place an effective system for preventing the violation of U.S. import laws.

Fifth, the bill gives the President authority to extend tariff-free treatment under the Generalized System of Preferences program to additional imports from Africa, as long as those imports pose no threat to domestic industries.

Sixth, the bill directs the U.S. Oversees Private Investment Corporation to establish two new investment-promotion funds for Africa, and to expand its regular programs in Africa. The bill also directs the Export-Import Bank to expand its export-promotion programs in Africa, and it requires both OPIC and the Eximbank to establish new advisory committees on Africa.

Finally, the bill creates a new Assistant U.S. Trade Representative for Africa, and it urges an increase in the number of U.S. Commercial officers stationed there.

Taken together, these measures will create a more intensive and mutually beneficial economic relationship between the United States and Africa.

A stronger economic relationship will serve other U.S. interests in Africa.

By helping move African nations and the United States away from donor-recipient relationships, and toward economic partnership, the bill will strengthen bilateral political ties.

By promoting growth, the bill will bolster political stability and give African nations the wherewithal to address environmental crime, health, and other problems of mutual concern.

AID VS. TRADE

Mr. Chairman, the premise of this bill—which I support—is that increased trade and investment can promote economic growth in Africa in ways that aid alone cannot.

We need to do more to promote trade and investment in Africa because foreign assistance budgets are declining worldwide, and because a number of African countries have taken the tough steps necessary to benefit from expanding commercial ties.

But many other African countries are not yet ready to graduate from aid recipient to trading partner. The poorest countries in Africa still need substantial foreign assistance and debt relief to accomplish things that increased trade and investment will not address: Relieving hunger and satisfying other basic needs; developing the human and physical capital necessary for an industrial economy; building democratic political institutions; and strengthening indigenous conflict-resolution capabilities.

H.R. 1432 does not diminish U.S. foreign assistance programs. In fact, two of the bill's provisions strengthen our programs:

Our provision gives the President additional flexibility to shift funds among different African aid priorities.

Another provision urges the President to push for ''deep debt reduction'' for the poorest countries.

But, regrettably, Congress has already diminished the effectiveness of our foreign assistance program in Africa by cutting spending too far. Appropriations for the Development Fund for Africa were cut from $802 million in fiscal year 1995 to roughly $665 million in fiscal year 1996. The 1998 figure is $700 million, still $100 million below where we were in 1995.

As we begin with H.R. 1432 to build new commercial relationships with African countries, I hope we will not lose sight of the continuing, critical importance of aid in Africa. As we seek to expand trade and investment with some African nations, we should rededicate ourselves to strengthening aid programs that can help all Africans participate more fully in the world economy.

Mr. HALL of Ohio. Mr. Chairman, I am proud to be an original co-sponsor of this bill, and I want to extend a hearty congratulations to my colleagues Mr. CRANE, Mr. RANGEL, and Mr. MCDERMOTT in particular for their tremendous achievement in bringing this landmark piece of legislation to fruition. It could not have happened without their vision and tireless leadership in championing a new era in U.S.-Africa relations.

The bill establishes a new U.S. trade and investment policy toward Africa. While I am a strong believer in the potential benefits of free trade and open markets, I was initially skeptical that this bill sought to prematurely substitute such reforms for direct human and social development and poverty alleviation goals on the continent.

The fact is, Africa sorely needs both. Increased trade and investment are critically important to the successful integration of African countries into the global economy, and this bill takes us in the right direction in that regard. If carefully implemented, it may help reduce poverty in Africa in the long run. But it is not an overnight fix for Africa's formidable human development challenges and pressing humanitarian needs.

That reality is recognized in the bill's policy language recognizing the vital supporting role of sustainable development, grassroots initiatives, conflict resolution, and debt relief in helping trade an investment initiatives to succeed. We ignore Africa's massive food security concerns, in particular, at our own peril; trade and investment cannot thrive in a region where USDA predicts that left unaddressed, two-thirds of Africa's people will be malnourished by the year 2010. In that light, I would have liked to see the bill call for an increased investment of foreign assistance funds in such programs, to reverse steep cuts of recent years.

As it is, I am pleased that my proposed language is retained in the bill, which protects and exempts essential humanitarian and development programs from being shifted to other purposes. I supported the bill on the condition that child survival activities, immunization programs, health and nutrition programs, HIV/AIDS funding, basic education, and support for UNICEF would be expressly protected from the bill's waiver authority. Those programs that are directly saving and improving lives every day should not be sacrificed to other goals, however important, in fact such funding should be increased.

This bill, and the policy direction it sets, would be strongly enhanced and complemented by a future Africa assistance package that more directly targets African farmers and struggling rural communities, and provides more adequate levels of support for investments in basic health, nutrition, and education programs. Those investments will vastly increase this bill's prospects for making a real dent in poverty and hunger in Africa. I urge my colleagues to support the bill, and to lend similar support in the future to enhanced development and humanitarian assistance funding for Africa when this year's foreign aid bill is formulated.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in Part I of House Report 105–431, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''African Growth and Opportunity Act''.

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors and other measures to create an environment conducive to domestic and foreign investment;

(7) supporting the growth of regional markets within a free trade area framework;

(8) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(9) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(10) encouraging the private ownership of government-controlled economic enterprises through divestiture programs;

(11) removing restrictions on investment; and

(12) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) Where applicable, the extent to which such country is in material compliance with its obligations to the International Monetary Fund and other international financial institutions.

(5) The extent to which such country has a recognizable commitment to reducing poverty, providing basic health and education for poor citizens, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees.

(6) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 15.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

(d) VIOLATIONS OF HUMAN RIGHTS AND INELIGIBLE COUNTRIES.—It is the sense of the Congress that a sub-Saharan African country should not be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the government of that country is determined by the President to engage in a consistent pattern of gross violations of internationally recognized human rights.

SEC. 5. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) USE OF SUSTAINABLE DEVELOPMENT ASSISTANCE TO SUPPORT FURTHER ECONOMIC GROWTH.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Strengthening family planning service delivery systems.

(D) Supporting democratization, good governance and civil society and conflict resolution efforts.

(E) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(F) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(G) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(H) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(I) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

(c) ADDITIONAL AUTHORITIES.—

(1) IN GENERAL.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) DEMOCRATIZATION AND CONFLICT RESOLUTION CAPABILITIES.—Assistance under this section may also include program assistance—

''(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

''(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.''.

(2) CONFORMING AMENDMENT.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking ''paragraphs (1) and (2)'' in the first sentence and inserting ''paragraphs (1), (2), and (3)''.

(d) WAIVER AUTHORITY.—Section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) is amended by adding at the end the following:

''(p) WAIVER AUTHORITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the President may waive any provision of law that earmarks, for a specified country, organization, or purpose, funds made available to carry out this chapter if the President determines, subject to the notification procedures under section 634A, that the waiver of such provision of law would provide improved conditions for the people of Africa. The President shall notify the appropriate congressional committees, in accordance with the procedures applicable to reprogramming notifications under section 634A of this Act, at least 15 days before any determination under this paragraph takes effect.

''(2) EXCEPTIONS.—

''(A) CHILD SURVIVAL ACTIVITIES.—The authority contained in paragraph (1) may not be used to waive a provision of law that earmarks funds made available to carry out this chapter for the following purposes:

''(i) Immunization programs.

''(ii) Oral rehydration programs.

''(iii) Health and nutrition programs, and related education programs, which address the needs of mothers and children.

''(iv) Water and sanitation programs.

''(v) Assistance for displaced and orphaned children.

''(vi) Programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria, and other diseases.

''(vii) Basic education programs for children.

''(viii) Contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of this Act.

''(B) REQUIREMENT TO SUPERSEDE WAIVER AUTHORITY.—The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the African Growth and Opportunity Act which specifically repeals, modifies, or supersedes such provisions.''.

SEC. 6. UNITED STATES–SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with the governments concerned, shall establish a United States–Sub-Saharan Africa Trade and Economic Cooperation Forum (hereafter in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual

meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. UNITED STATES–SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that a United States-Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of Sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States-Sub-Saharan Africa Free Trade Area (hereafter in this section referred to as the ''Free Trade Area'').

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 8. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $45,932,000,000 in 1996.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1998 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1998 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts a cost-effective and efficient visa system to guard against unlawful transshipment of textile and apparel goods; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary assistance to Kenya and Mauritius in the development and implementation of those visa systems. The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of those visa systems during the preceding calendar year.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy. The President should ensure that any country in sub-Saharan Africa that intends to export substantial textile and apparel goods to the United States has in place a functioning and efficient visa system to guard against unlawful transshipment of textile and apparel goods.

(d) DEFINITION.—For purposes of this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 9. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).''.

(b) RULES OF ORIGIN.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

''(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

''(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.''.

(c) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.''.

(d) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

''SEC. 505. DATE OF TERMINATION.

''(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after May 31, 2007, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

''(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after May 31, 1997, with respect to beneficiary developing countries other than those provided for in subsection (a).''.

(e) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AFRICA.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' means a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.''.

SEC. 10. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the ''Heavily Indebted Poor Countries'' (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

(c) EXECUTIVE BRANCH INITIATIVES.—The Congress supports and encourages the implementation of the following initiatives of the executive branch:

(1) AMERICAN-AFRICAN BUSINESS PARTNERSHIP.—The Agency for International Development devoting up to $1,000,000 annually to help catalyze relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks.

(2) TECHNICAL ASSISTANCE TO PROMOTE REFORMS.—The Agency for International Development providing up to $5,000,000 annually in short-term technical assistance programs to help the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization; and

(C) make financial and fiscal reforms, as well as the United States Department of Agriculture providing support to promote greater agribusiness linkages.

(3) AGRICULTURAL MARKET LIBERALIZATION.—The Agency for International Development devoting up to $15,000,000 annually as part of the multi-year Africa Food Security Initiative to help address such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities.

(4) TRADE PROMOTION.—The Trade Development Agency increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa.

(5) TRADE IN SERVICES.—Efforts by United States embassies in the countries in sub-Saharan Africa to encourage their host governments—

(A) to participate in the ongoing negotiations on financial services in the World Trade Organization;

(B) to revise their existing schedules to the General Agreement on Trade in Services of the World Trade Organization in light of the successful conclusion of negotiations on basic telecommunications services; and

(C) to make further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers and to foster competition in the services sector in those countries.

SEC. 11. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should, within 12 months after the date of the enactment of this Act, exercise the authorities it has to initiate 2 or more equity funds in support of projects in the countries in sub-Saharan Africa.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—

(A) EQUITY FUND FOR SUB-SAHARAN AFRICA.—One of the funds should be an equity fund, with assets of up to $150,000,000, the primary purpose of which is to achieve long-term capital appreciation through equity investments in support of projects in countries in sub-Saharan Africa.

(B) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa. The primary purpose of any such fund would be to achieve long-term capital appreciation through investing in financing for infrastructure projects in sub-Saharan Africa, including for the expansion of businesses in sub-Saharan Africa, restructurings, management buyouts and buyins, businesses with local ownership, and privatizations.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 12. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

''(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (8) the following:

''(9)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

''(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

''(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

''(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(9)(B) of the Export-Import Bank Act of 1945 and any recommendations of the advisory committee established pursuant to such section.

SEC. 13. ESTABLISHMENT OF ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) ESTABLISHMENT.—The President shall establish a position of Assistant United States Trade Representative within the Office of the United States Trade Representative to focus on trade issues relating to sub-Saharan Africa.

(b) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative appointed pursuant to paragraph (1) has adequate funding and staff to carry out the duties described in paragraph (1) subject to the availability of appropriations.

SEC. 14. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States and Foreign Commercial Service should expand its presence in sub-Saharan Africa by increasing the number of posts and the number of personnel it allocates to sub-Saharan Africa.

(b) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, should report to the Congress on the feasibility of expanding the presence in sub-Saharan Africa of the United States and Foreign Commercial Service.

SEC. 15. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 4 1-year periods thereafter, a report on the implementation of this Act.

SEC. 16. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)

Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''African Growth and Opportunity Act''.

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors and other measures to create an environment conducive to domestic and foreign investment;

(7) supporting the growth of regional markets within a free trade area framework;

(8) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(9) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(10) encouraging the private ownership of government-controlled economic enterprises through divestiture programs;

(11) removing restrictions on investment; and

(12) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) Where applicable, the extent to which such country is in material compliance with its obligations to the International Monetary Fund and other international financial institutions.

(5) The extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises.

(6) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 15.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

(d) VIOLATIONS OF HUMAN RIGHTS AND INELIGIBLE COUNTRIES.—It is the sense of the Congress that a sub-Saharan African country should not be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the government of that country is determined by the President to engage in a consistent pattern of gross violations of internationally recognized human rights.

SEC. 5. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) USE OF SUSTAINABLE DEVELOPMENT ASSISTANCE TO SUPPORT FURTHER ECONOMIC GROWTH.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Strengthening family planning service delivery systems.

(D) Supporting democratization, good governance and civil society and conflict resolution efforts.

(E) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(F) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(G) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(H) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(I) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

(c) ADDITIONAL AUTHORITIES.—

(1) IN GENERAL.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) DEMOCRATIZATION AND CONFLICT RESOLUTION CAPABILITIES.—Assistance under this section may also include program assistance—

''(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

''(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.''.

(2) CONFORMING AMENDMENT.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking ''paragraphs (1) and (2)'' in the first sentence and inserting ''paragraphs (1), (2), and (3)''.

SEC. 6. UNITED STATES–SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with the governments concerned, shall establish a United States–Sub-Saharan Africa Trade and Economic Cooperation Forum (hereafter in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used to create or support any nongovernmental organization for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

SEC. 7. UNITED STATES–SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that a United States–Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States–Sub-Saharan Africa Free Trade Area (hereafter in this section referred to as the ''Free Trade Area'').

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 8. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $45,932,000,000 in 1996.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1998 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1998 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification

of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of those visa systems.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) ACTIONS BY COUNTRIES AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President should ensure that any country in sub-Saharan Africa that intends to export textile and apparel goods to the United States—

(A) has in place a functioning and effective visa system and domestic laws and enforcement procedures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the Agreement on Textiles and Clothing.

(2) PENALTIES AGAINST EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has willfully falsified information regarding the country of origin, manufacture, processing, or assembly of a textile or apparel article for which duty-free treatment under section 503(a)(1)(C) of the Trade Act of 1974 is claimed, then the President shall deny to such exporter, and any successors of such exporter, for a period of 2 years, duty-free treatment under such section for textile and apparel articles.

(3) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws shall apply to imports from Sub-Saharan countries.

(4) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems described in subsection (c)(1) and paragraph (1) of this subsection and on measures taken by countries in Sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(e) DEFINITION.—For purposes of this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 9. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).''.

(b) RULES OF ORIGIN.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

''(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

''(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.''.

(c) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.''.

(d) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

''SEC. 505. DATE OF TERMINATION.

''(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after June 30, 2008, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

''(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after June 30, 1998, with respect to beneficiary developing countries other than those provided for in subsection (a).''.

(e) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AFRICA.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' mean a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.''.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1998.

SEC. 10. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the ''Heavily Indebted Poor Countries'' (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

(c) EXECUTIVE BRANCH INITIATIVES.—The Congress supports and encourages the implementation of the following initiatives of the executive branch:

(1) AMERICAN-AFRICAN BUSINESS PARTNERSHIP.—The Agency for International Development devoting up to $1,000,000 annually to help catalyze relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks.

(2) TECHNICAL ASSISTANCE TO PROMOTE REFORMS.—The Agency for International Development providing up to $5,000,000 annually in short-term technical assistance programs to help the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization; and

(C) make financial and fiscal reforms, as well as the United States Department of Agriculture providing support to promote greater agribusiness linkages.

(3) AGRICULTURAL MARKET LIBERALIZATION.—The Agency for International Development devoting up to $15,000,000 annually as part of the multi-year Africa Food Security Initiative to help address such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities.

(4) TRADE PROMOTION.—The Trade Development Agency increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa.

(5) TRADE IN SERVICES.—Efforts by United States embassies in the countries in sub-Saharan Africa to encourage their host governments—

(A) to participate in the ongoing negotiations on financial services in the World Trade Organization;

(B) to revise their existing schedules to the General Agreement on Trade in Services of the World Trade Organization in light of the successful conclusion of negotiations on basic telecommunications services; and

(C) to make further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers and to foster competition in the services sector in those countries.

SEC. 11. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should, within 12 months after the date of the enactment of this Act, exercise the authorities it has to initiate 2 or more equity funds in support of projects in the countries in sub-Saharan Africa.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—

(A) EQUITY FUND FOR SUB-SAHARAN AFRICA.—One of the funds should be an equity fund, with assets of up to $150,000,000, the primary purpose of which is to achieve long-term capital appreciation through equity investments in support of projects in countries in sub-Saharan Africa.

(B) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa. The primary purpose of any such fund would be to achieve long-term capital appreciation through investing in financing for infrastructure projects in sub-Saharan Africa, including for the expansion of businesses in sub-Saharan Africa, restructurings, management buyouts and buyins, businesses with local ownership, and privatizations.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 12. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

''(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (12) the following:

''(13)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

''(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

''(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

''(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(13)(B) of the Export-Import Bank Act of 1945 (as added by paragraph (1)) and any recommendations of the advisory committee established pursuant to such section.

SEC. 13. ESTABLISHMENT OF ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) ESTABLISHMENT.—The President shall establish a position of Assistant United States Trade Representative within the Office of the United States Trade Representative to focus on trade issues relating to sub-Saharan Africa.

(b) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative appointed pursuant to subsection (a) has adequate funding and staff to carry out the duties described in subsection (a).

SEC. 14. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States and Foreign Commercial Service should expand its presence in sub-Saharan Africa by increasing the number of posts and the number of personnel it allocates to sub-Saharan Africa.

(b) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, should report to the Congress on the feasibility of expanding the presence in sub-Saharan Africa of the United States and Foreign Commercial Service.

SEC. 15. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 4 1-year periods thereafter, a report on the implementation of this Act.

SEC. 16. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

SEC. 17. CLARIFICATION OF DEDUCTION FOR SEVERANCE PAY.

(a) IN GENERAL.—Section 404(a) of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

''(11) DETERMINATIONS RELATING TO SEVERANCE PAY.—For purposes of determining under this section—

''(A) whether severance pay is deferred compensation, and

''(B) when severance pay is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by subsection (a) to

change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute will be in order except those printed in Part II of House Report 105–431. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

□ 1430

It is now in order to consider amendment No. 1 printed in Part II of House Report 105–431.

AMENDMENT NO. 1 OFFERED BY MRS. LINDA SMITH OF WASHINGTON

Mrs. LINDA SMITH of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mrs. LINDA SMITH of Washington:

In subsection (b) of section 4 (Eligibility Requirements), redesignate paragraph (6) as paragraph (7) and insert after paragraph (5) the following:

(6) Whether or not such country is cooperating with the United States in efforts to eliminate slavery in Africa.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from Washington (Mrs. LINDA SMITH) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

I would first like to thank the gentleman from Illinois (Mr. CRANE) for his consideration of this amendment which is also cosponsored by the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Virginia (Mr. WOLF).

The Africa Growth and Opportunity Act already has in place specific eligibility requirements, and I am encouraged that certain protections for human rights are involved and in place in the bill. However, one condition is missing: ensuring the freedom of African people who are daily threatened by slavery.

Today is March 11, 1998. Today, in America, we breathe freedom, but today, right now today in Africa, innocent men, women and children are violently pulled from their families by Arab slave raiders. One Sudanese woman witnessed all five of her children, late last year, tied to horses and screaming as they were taken away.

Today, this amendment sends a strong message from this Congress that we will not turn a blind eye to this grieving mother or to these people. The value and dignity of all people in all nations will be honored and protected.

Trade recognizes the value and worth of another nation's economy, an economy built and sustained by the sweat and toil of its citizens. To advance trade without advancing the rights of a nation's citizens rejects the principles of liberty and justice.

Let us resolve today, by passing this amendment, that human rights and trade are bound together and can advance the global cause of freedom. We must not veil freedom's light with the shadow of slavery.

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

Mr. ROYCE. Mr. Chairman, I am not opposed to the amendment, and I do not see any Member seeking to oppose the amendment. I ask unanimous consent to control the time.

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

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, I support this amendment, and I yield to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, there seems to be no problem with this amendment. Our State Department has said that there is a problem with slavery, and they have also stated we cannot allow countries to continue this practice.

I would also like to submit for the RECORD an article from the Chicago Tribune which illustrates how important this amendment is.

[From the Chicago Tribune, Feb. 22, 1998]

TRAFFICKING IN HUMANS; FED BY A 14-YEAR-OLD CIVIL WAR, SLAVE TRADE THRIVES IN SUDAN

(By Karin Davies)

MADHOL, SUDAN.—Stacks of money pass from the Christian foreigner to the Muslim trader, an exchange anxiously watched by a 13-year-old girl with diamonds of sweat on her brow.

The Sudanese trader, his lap buried by currency worth $13,200, waves carelessly to free his merchandise—132 slaves.

Akuac Malong, the young Dinka girl, is among them. She has spent seven years—more than half her life—enslaved by an Arab in northern Sudan.

Her brilliant smile belies the beatings, near-starvation, mutilation and attempted brainwashing she endured. ''I thought it would be better to die than to reman a slave,'' Akuac says.

Trafficking in humans has resurged with civil war in Africa's largest and poorest country, said John Eibner of Christian Solidarity International, a humanitarian group that brought Akuac's freedom.

For all but a decade since Sudan's independence in 1956, southern rebels, mainly black Christians and followers of tribal religions, have fought for autonomy from the national government in Khartoum, which is dominated by northern Arabs. The southerners believe the north is trying to impose Islam and the Arabic language and to monopolize Sudan's wealth.

Since the rebellion resumed 14 years ago, fighting, famine and disease have killed an estimated 1.5 million Sudanese—more than died in the genocides and civil wars in Rwanda or Bosnia. More than 3 million people have fled or been forced from their homes.

Much of the fighting on the government side is done by local militias. Unpaid, their bounty is as old as war itself—slaves. Sudan's radical Islamic leaders encourage soldiers to take slaves as their compensation, according United Nations investigators and the U.S. State Department.

Young women and children are the most valuable war booty. Eibner said old people are beaten and robbed while young men are killed because they cannot be trained into useful, harmless slaves.

''According to the Khartoum's regime ideology of jihad, members of this resistant black African community—be they men, women or children—are infidels, and may be arbitrarily killed, enslaved, looted or otherwise abused,'' Eibner said.

The Sudanese government denies condoning slavery, insisting the practice persists because holding prisoners for ransom is a tradition rooted in tribal disputes.

No side has a claim on morality in this war. The rebel Sudan People's Liberation Army has been accused of forcibly inducting teenage boys into its ragtag army. But the southern blacks do not take Arab prisoners for slaves.

Paul Malong Awan, a regional rebel commander, said enslavement is a government tactic to weaken the morale and military might of the south.

Many of the blacks taken away are Dinkas, a million-member tribe that is the biggest ethnic group in southern Sudan. Dinkas are vulnerable because they predominate in northern Bahr el Ghazal, a region that is close to the front between north and south.

Christian Solidarity International estimates tens of thousands of black slaves are owned by Arabs in northern Sudan. The Swiss-based charity has made more than a dozen risky, clandestine bush flights to southern Sudan to redeem 800 slaves since 1995, most recently in Madhol, 720 miles southwest of Khartoum.

Some criticize its work.

Alex de Waal, of the London-based group African Rights, said that by paying large sums to free slaves, the Swiss charity undercuts Dinkas living in the north who do the same secretive work for a fraction of the cost.

Eibner countered: ''There is no evidence to suggest that our work has undermined efforts to redeem abducted women and children. In fact, Dinka elders encourage us to press ahead with our activities.''

Gaspar Biro, a researcher for the UN Commission on Human Rights for Sudan, has cited ''an alarming increase'' in ''cases of slavery, servitude, slave trade and forced labor'' since February 1994.

''The total passivity of the government can only be regarded as tacit political approval

and support of the institution of slavery,'' he said.

A U.S. State Department report said accounts it received on the taking of slaves in the south ''indicates the direct and general involvement'' of Sudan's army and militias ''backed by the government.''

The centuries-old tensions between Arabs and blacks in Sudan are linked to slaving expeditions by Arabs to the upper Nile, a trade that the 19th Century explorer David Livingstone called ''an open sore on the world.''

Akuac's mother, Abuong Malong, sobs when she sees her daughter for the first time in seven years. ''It's like she's been born again.''

She recognizes her only from her straight, square teeth. ''She was very small when she was taken, her features have changed, but she came back with the same spirit.''

Recalling that traumatic day, Abuong Malong says they were fetching water when Arab militiamen on camels and horses thundered into their village, Rumalong. The raiders began shooting at the clusters of mud and wattle huts and rounding up cows and goats.

''I was running with Akuac for the trees when a horseman grabbed her,'' Abuong Malong says. ''I was afraid that if I chased the horseman, he would kill me.''

Akuac and her older brother were tied to horsebacks and taken north with more than a dozen others from their village, a short walk southeast of Madhol. The women and older children had to carry the booty of their captors.

In Kordofan, Akuac was sold to an Arab who made her wash clothes, haul water, gather firewood and help with cooking.

She survived on table scraps, and slept in the kitchen.

''I was badly treated,'' Akuac says.

Her master also tried to make her a Muslim—taking her to mosque and giving her the Arabic name of Fatima.

But Akuac says she maintained her Christian faith, praying and singing hymns in secret and never forgetting her true name. ''My name is my name and nobody can change that.''

She does bear scars—in the local Muslim tradition, she was forcibly circumcised with her master's daughters when she was 11.

''It was very brutal. It is strange to our culture,'' Akuac says. ''The master told me, 'If I don't circumcise you, I will have to kill you because you will still hold the ideas of your people, and you will try to escape.'''

Her heart is scarred, too. Her older brother, Makol, was killed two years ago at age 13 while trying to escape.

Another returnee, Akec Kwol Kiir, who is in her 40s, says she was repeatedly raped by four soldiers who took her north. She ended up in a camp where slaves were bought and sold. ''They treated us like cattle,'' she says.

Her Arab master insisted that she, too, be circumcised. She refused, and was brutally slashed. Her ear is notched and her chin and neck scarred.

Kwol finally submitted. ''Otherwise, they would have killed me. Because I was a slave, they had the right to do whatever they wanted to me,'' she says.

Akuac and Kwol have been brought back to Madhol along with 130 other former slaves by a trader who calls himself Ahmed el-Noor Bashir.

Slipping into a cowhide-strung chair beneath a shade tree, the 27-year-old dressed in a fine white cotton robe and a close-fitting embroidered cap denies he rescues slaves for the money.

''To others it may seem 6.6 million Sudanese pounds ($13,200) is a lot of money. But how can you put a price on human life? I do it for humanitarian reasons, not for the money,'' he says.

''My father is Arab but my mother is Dinka. When I see my mother's people are suffering, I must do something.''

But many families among the Dinka, particularly those who also lose cattle and crops to raiders, cannot afford Bashir's price—five cows or the equivalent of $100 in cash for each slave returned.

He says he rescues slaves by buying some from owners, takes others from wives jealous of their husbands' concubines, and protects escapees who seek him out.

Though Bashir insists he loses money, he flaunts the Sudanese signs of wealth—on his feet are tasseled, leather loafers, on his wrist a Casio watch, in his hand a shortwave radio.

Eibner says he doesn't begrudge the trader his money. ''If this man is caught, he's a dead man.''

For that reason, the slave caravan traveled only by the light of a melon slice of moon to reach Madhol.

The three-night walk wearied the 132 freed women and children. Infants of Arab fathers were carried on their raped mother's backs.

Years of abuse are written in bruises and scars on their long, dust-caked limbs. Some wear tattered rags; others are naked.

Yet Akuac's joy at freedom beams from her animated face and chocolately eyes. She sings a song of praise for the Sudan People's Liberation Army and dances with family and friends to the twangs of a homemade, stringed rababa.

The first Sunday after her release. Akuac worships beneath a tree with a crucifix nailed to the trunk. Roman Catholic hymns are sung to the beat of drums and the mewling of infants.

On Monday, she goes to school—but is clearly bewildered as other children practice writing letters in the dirt with sticks and add up four-digit figures.

''I'll have to catch up,'' she says.

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

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Washington (Mrs. LINDA SMITH).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part II of House Report 105–431.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:

In subsection (a) of section 4 (Eligibility Requirements), insert after paragraph (12) the following:

A country need not meet all the requirements set forth in paragraphs (1) through (12) in order to be eligible under this subsection.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

I rise today to present several amendments. This is one of three amendments. I rise today to present these amendments in an attempt to answer some of the concerns that have been raised about this bill.

I take this opportunity to say that I am deeply respectful of all who have spoken on the bill. I am deeply respectful of the proponents and the opponents of the Africa Growth and Opportunity Act. It is incumbent upon those of us who have identified concerns with this bill to not only try to make it a better bill, but to acknowledge that none of us are right on this bill.

Some of us have advanced this bill as the best thing that could ever happen for Africa. While I wish that was true, it is not necessarily true. And for others, who have condemned this as the worst thing that could have ever happened, that is not true either.

What we have, I think, is an attempt by those of us who care about Africa to try to advance something that will lead us to a trade agreement.

I think all of the Members of this House who are involved in this legislation would like to get to the point where we can do a good trade bill. We differ on what the guiding policy should be to get to that point. Some Members think that everything in this bill is good and should be embraced. I am one who believes that there are some things in the bill that are unnecessary, that may be harmful and need to be dealt with. I take this opportunity to try to deal with some of this in amendments.

My first amendment is a very simple amendment that says, no country would be forced to have to comply with all of the requirements of this bill. This underscores the flexibility of the President to take a look at countries and make some determination about whether or not they are in compliance with some things, whether or not they are working toward compliance, whether or not they are making progress, whether or not they are, in fact, acting in good faith despite the fact they do not meet all of the strict requirements. When I talked with the proponents of this bill, they said to me, that was the intent of the bill. I said to them, that was not clear. As I looked at the laundry list, I became concerned. I pointed out some of my concerns.

For example, if we take a look at page 40 of the legislation, line 20, item 5, it says, appropriate fiscal systems such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties and the harmonization of such treaties to avoid double taxation.

I would have struck that from the bill if I had had my way. I attempted to do that. That amendment was not accepted. However, this amendment would at least give the President the opportunity to evaluate whether or not a country is moving in that direction, whether or not they should move in that direction in a strict way or whether or not there is some flexibility, as

we look as things such as controlling government consumption.

What does that mean? For some Members, they would spend less money on education and health. For some Members, that would mean we would spend less money on the infrastructure. For some Members, that would mean something quite different than what I would be concerned about.

I think that we need some flexibility to review these kinds of things, and for the President, who will be making some determination about these things, to determine exactly what is meant in this policy direction and to have the ability not to force anyone to have to be in strict compliance with every aspect of this bill as it tries to give us some direction for public policy.

I do not think there should be any opposition to that. That, I am told, is the intent anyway. I said to those who told me that that was the intent that then they should have no problems with me just restating it in ways that are understood.

I have talked with many of those who represent nongovernment organizations. I have talked with some of the proponents of the bill. I have talked with Members on the opposite side of the aisle; to date and since this amendment was placed in order in the Committee on Rules, I have not heard any objections. Certainly, I would ask that my colleagues would support me, given this kind of flexibility and documenting it as it was intended when the bill was constructed.

Again, let me bring to the attention of the Members that this is not a bill that is perfect. As a matter of fact, there are many things that I would strike in the bill if I had an opportunity to. I think that if we have enough flexibility to at least act in good faith by supporting this kind of amendment, it may go a long way to getting Members who have some trouble with the bill to support this legislation.

In the final analysis, I think what we all want is, we want to develop guiding policies. We want to give the direction. We want to make the flame work by which to have a treaty, by which to have an agreement, by which to work out with Africa ways by which we can do trade that respects Africa and respects the guiding principles of this country.

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

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

The CHAIRMAN. The gentleman from California (Mr. ROYCE) is recognized for 10 minutes.

Mr. ROYCE. Mr. Chairman, before I speak in opposition to the amendment, I yield 3 minutes to the gentleman from New Jersey (Mr. PAYNE), my colleague on the Subcommittee on Africa, who wished to speak on the last amendment.

Mr. PAYNE. Mr. Chairman, let me thank the chairman of our subcommittee for yielding me this time.

I arrived on the floor just as the vote was called, but as the Members know, the Smith-Payne amendment is the amendment that said that we cannot condone slavery and that anywhere this is practiced should certainly not be considered for this bill. I thank the House for the endorsement of our amendment.

I have personally continued to address the issue of slavery throughout the world. I have introduced H. Con. Res. 234 which calls on both Sudan and Mauritania to stop all overt and covert practices of chattel slavery and all other forms of booty. While acknowledging the prolonged campaign of human rights abuses and discrimination, especially on women and children, the bill commends the Clinton administration for sanctioning Sudan and monitoring acts of Mauritania.

Similar proof of the existence of slavery in Mauritania has been provided by a variety of sources, yet at our hearing in March of last year, Assistant Secretary Shattuck reported in the Country Report on Human Rights that no vestiges of slavery existed in Mauritania, even though 3 years prior to the report it stated that 90,000 slaves were repressed at the hands of the government. I just wonder how such a transformation could have taken place without significant reporting and international coverage.

I contend that the successful abolition of slavery has not taken place in Mauritania and additional steps must be taken to completely eradicate the practice from the country. I am pleased, though, that this year Ambassador Shattuck testified that in its latest annual human rights report a system of officially sanctioned slavery in which government and society join to force individuals to serve masters is not the case; however, slavery in the form of unofficial voluntary or forced and involuntary servitude persists.

Let me just move quickly to the Sudan. Sudan has been a problem for a long time, and I want to submit for the record these three copies of the Baltimore Sun report where two reporters went to Sudan and purchased two slaves several years ago.

The Sudanese Government Popular Defense Force enslaved 18 women and children during the slave raid on four villages.

□ 1445

There is continued support from the NIF as they continue to get predominantly Christians and animists who live in the south and in the Nuba Mountains.

I say that the fact that slavery is still existing in these countries is an abomination today. The ongoing abduction in northern Uganda, where young people are taken into armies to fight for the Liberation Army in the north of Uganda, the LRA, should end. And so I am glad that this issue has been raised in this very important bill.

I think as this bill moves forward, as we say it, it is not a perfect instrument, but it is certainly giving us an opportunity to highlight some of the problems that occur there on the continent, and gives us an opportunity to work towards the elimination of some of the atrocities that still exist. I know this bill will go a long way into making the continent move, and I certainly wholeheartedly support the bill.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California (Ms. WATERS).

Historically, small businesses, especially those owned by people of color and women, have not fully enjoyed the benefits of uniform trade agreements negotiated by the United States. I believe that the Waters amendment will allow small businesses, especially those found within inner-city communities, to gain access to the opportunities of uniform trade agreements.

Mr. Chairman, I support the gentlewoman's second amendment, which ensures that the Development Fund of Africa will not be reduced below $700 million.

Finally, I support the gentlewoman's third amendment, which will limit the mandate for each participating country to comply with all stated requirements of section 4(a).

Ms. WATERS. Mr. Chairman, may I inquire how much time is remaining on this amendment?

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 2 minutes remaining, and the gentleman from California (Mr. ROYCE) has 7 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I thank her for her leadership.

This is an excellent amendment. I think that this helps to make this bill realistic in that it allows the 12 items that are being required to have some flexibility, while still leaving intact the very important requirement of human rights. This is absolutely making this bill work. Without it, this would be an onerous piece of legislation that might make it very difficult for the countries to even participate.

Let me also add my support for her amendment dealing with the African Development Fund, certainly creating greater opportunities for small and medium-sized businesses to be engaged in this trade bill, making it work for inner-city America and for minority businesses throughout this Nation.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time.

I believe all that has been said is all that can be said. This is not a complicated amendment. What we do is simply codify the intent of the bill to allow for flexibility; to say that no country would have to be in absolute

strict compliance with every item that is required in the bill; that there could be some recognition of countries that are making every effort, of countries that are working in ways that are acceptable in forging a trade agreement with that country.

So I would ask that my colleagues support the idea that this bill that we have before us today is the framework, it is the guidepost, it is the direction leading toward an agreement with Africa on trade. We want to be as fair as we can possibly be. We do not want to be overly harsh. We do not want to be overly punitive. We do not want to do anything that will interfere with their ability to really get involved with trade in ways that will benefit them and their people.

I think that we do not know everything and we are not always as wise as we would like to be. We come up with the best ideas that we can when we try and forge these agreements. And recognizing that, let us allow for this flexibility so we do not make the kinds of mistakes that are not easily corrected.

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

We have put a lot of time in in crafting this bill, and I understand what the gentlewoman is trying to accomplish here, but I want to make a couple of points.

The bill does not now require compliance with each criteria, which represent at any rate general guidelines and are not specific in the sense of quantifiable percentages or levels of compliance. The criteria call for countries to make, as we say, and let me quote, ''continual progress toward establishing a market-based economy'' relative to the 12 items listed in the bill.

The application of the criteria have been left somewhat vague, even though the parameters are specific. The intention is to reward nations that are making progress without requiring they meet a specific target. However, it is expected that nations will make a good-faith effort to address all the concerns expressed as participation criteria.

To delete the need to address them all says that they can do well in some areas and absolutely ignore others. This would be our concern. Would we be satisfied in seeing nations participate in this process if they made reforms in governance but failed to reform human rights? Would we find it acceptable to accept a nation that made changes in tax laws but refused to honor the rule of law?

So let me explain our concerns, and that is, by waiving the need to deal with all the criteria, we would encourage African nations to pick and choose what reforms they will address, which could result in their failing to take advantage of potentially valuable opportunity. That is why I speak in opposition, Mr. Chairman.

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

Mr. ROYCE. I yield to the gentlewoman from California.

Ms. WATERS. One of the criticisms of the NGOs about this bill is precisely what we are trying to cure. This amendment in no way allows anybody to pick and choose anything. As a matter of fact, the flexibility that is codified in this kind of amendment speaks to the responsibility of the President in negotiating the agreement, not to countries to pick and choose. And this bill in no way allows that to happen.

The intent that the gentleman described is the intent that I have captured in language to satisfy the criticisms and the objections of some who do not wish to vote for this bill because they do not understand that implicit in the bill is that kind of flexibility.

I would suggest to the gentleman that we are basically saying the same thing, and that if we are interested in not only helping to communicate this to those who have some concerns but ensuring that we do not have the kind of legislation that would be misread or be misimplemented in ways that will take all of the requirements and strictly review them and strictly hold them to a certain kind of standard, then I think there is no need to oppose this simple amendment.

As a matter of fact, I really do believe that the gentleman would gain friends and votes by simply codifying the intent that the gentleman described.

Mr. ROYCE. Mr. Chairman, reclaiming my time, I will close and respond by saying that I guess partly it is a question of perspective. From the perspective that many of us who have worked on the bill have, the bill itself gives that flexibility. The bill itself says, as I said, ''continual progress towards establishing a market-based economy'' relative to 12 different items.

So in our view it is general guidelines that are in the bill itself at this time. We have a difference of perspective, but let me just close at this time and thank the gentlewoman from California for bringing her concerns to us.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

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

The CHAIRMAN. Pursuant to House Resolution 383, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

It is now in order to consider amendment No. 3 printed in part II of House Report 105–431.

AMENDMENT NO. 3 OFFERED BY MS. WATERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. WATERS:

In section 5 (Additional Authorities and Increased Flexibility to Provide Assistance under the Development Fund For Africa), add the following at the end:

(e) FUNDING LEVELS.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended by adding at the end the following: ''Amounts to carry this chapter for each of fiscal years 1999 through 2007 shall be made available at not less than the amount made available for such purpose for fiscal year 1998.''.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

Mr. Chairman, this amendment achieves an important goal of supporters of development assistance for Africa. This amendment sets a floor for appropriations of not less than the funding year levels for the crucial monies that have historically made up the Development Fund for Africa. The amount appropriated for these purposes for funding year 1998 is $700 million.

This amendment achieves this goal by amending section 497 of the Foreign Assistance Act to specify that the amounts to carry this chapter for each fiscal year from 1999 to 2007 shall be at least the amount funded for fiscal year 1998.

As I attempted to describe in the last amendment, we have criticisms that have come from many nongovernmental organizations who have spent years working on the question of Africa. I recognize that some of the work that is being done today by opponents and proponents of this bill is work that is new to them, and that they do not bring with them the same kind of historical background and perspective on Africa as some of the nongovernmental organizations who have spent years working on these kinds of questions.

And so when I advance this amendment, I advance it because of concerns about what are we doing. Are we simply trying to undermine the support that we give to Africa with trade that will take some time to realize? Are we committed to the proposition that they deserve to have assistance and that that assistance should not in any way be eliminated or diminished or reduced; that we should be going forward, not only from the base that was established last year, but we should increase it? As a matter of fact, the President has an increase in his budget for it.

Mr. Chairman, I would ask my colleagues for an ''aye'' vote.

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

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington State (Mr. MCDERMOTT).

Mr. McDERMOTT. Mr. Chairman, I must say that I rise with mixed feelings about this, because when I started in this process some years ago, it was with a concern for the fact that many people were talking about we had to end aid toward Africa, and I strongly oppose ending aid for Africa. There are many countries for whom it is an integral part of their ability to respond and grow and become democracies and participate in the other provisions of this bill. So in no way do I want aid to Africa to be cut at this point.

It was really with that in mind I started to talking to the gentleman from Illinois (Mr. CRANE). This amendment does something I think which is, while laudable in intent, I think not good public policy, and that is it sets in law an entitlement for Africa which I do not think makes good sense.

□ 1500

We meet here every 2 years. We vote on budgets. We go over these issues. And the appropriation or the authorization committee, which is the Committee on International Relations, sets a level for foreign aid and then the Committee on Appropriations considers that authorization and decides what is an appropriate amount. I think that that is the appropriate way that we ought to do that.

I think that to say to put a number amount in here and say that that is how much ought to go to Africa, putting it out for 9 years into the future, is a little bit more crystal-balling than I think makes sense. I really think that the gentleman from California (Mr. ROYCE) has been a very good supporter of this bill and of this whole process of aid for Africa. And I do not think there is any reason to put this kind of thing in this bill.

I think, if anything, it makes people unwilling to vote for it. I do not want to lose the support of many who are supporting aid and trade. I do not want to split them off and say they just want to go for trade, and they want to get rid of aid. I want to keep them in the tent. And I think that the important thing, then, is not to take this particular issue, and put it in this bill at this time. For that reason, I would have to oppose this amendment.

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I rise in strong support of the amendment and in support of passage of this bill. This Africa Growth and Opportunity Act is not a fast track trade bill. It does not hand out great advantages to competing economies. It does not hand out advantages to nations that prosper by ruthlessly exploiting their own people. This is a slow track bill that is long overdue. This is a bill which places Africa on the playing field of world trade.

Africa has not only been left behind, Africa has been left out. This is a comprehensive bill with many positive components, and this amendment suggests one of those positive components. It is not perfect and there are pitfalls. We must not fall into the trap of throwing away programs that work as we move to initiate new components. The development needs our continued support. Instead of allowing any decrease in our commitment, we should work towards expansions and increases.

I cannot emphasize too much the fact that Africa has not only been left behind by the U.S. trade and assistance programs, it has been left out of any significant involvement. Africa has not enjoyed the kind of general recognition that we have shown to Mexico or China or Indonesia. No country in Africa has its hands out for a 40 to $50 billion bailout from the United States and International Monetary Fund. Do not cut off one hand to Africa while we offer it another hand.

Levels of this kind as proposed by this amendment are often set in legislation without being accused of seeking entitlement status. We should understand the difference between principles and dogma. There are certain kinds of principles we want to continue to support. I certainly wholeheartedly support the principles established by the informal caucus against the fast track caucus last November. But the principles there need to be looked at as principle and not as dogma. Let us not get into the ceremony of opposing all trade bills just because they are trade bills.

Africa needs to have a chance; it needs to be put on the playing field. If we look at the statistics, we will find that Africa, as opposed to China or Mexico or South Korea or Hong Kong, in a very sensitive area like textiles, it is way, way behind.

Less than .6 percent allowed textiles came from Africa last year, while China is way up there with Mexico and they have all the advantages. China, which, of course, has no organized labor laws, and China is quite ruthless in the way they handle their trade. They have 8.6 percent of our textile imports. Mexico has 11.5 percent. Mexico is right across the border. How can we compare competition between Mexico and the textile industries in this country versus Africa, which has whole oceans between us and the continents.

Let me just point out that in sub-Saharan Africa, all the countries of sub-Sahara Africa and together, as I said before, have less than .6 percent of our textile trade. The per capita income of these countries is way down, around $400 a year, $400 a year; while per capita income of Taiwan, which has 8.6 percent of the trade, is way up at $12,000 a year.

If there are going to be any offsets, if Africa is going to take away any of the textile business from anybody, it is going to be in these countries that are already outside the United States and already have taken jobs from our textile workers. They are going to underbid these countries because their labor costs will be lower. They are lower than anybody else, and they will be competing with these countries that have taken trade away already.

If we are not going to try to balance out things and take some trade back from Mexico and China, then at least let Africa into the game. And right across the board, we have a great deal to gain because Africa is one of the last great markets in the world. We have a billion dollars in exports to Africa right now. We can greatly increase that. Let us not be dogmatic. Let us vote for a bill which opens up the playing field for Africa.

Mr. Chairman, I rise in strong support of H.R. 1432, the ''Africa Growth and Opportunity Act.'' H.R. 1432 would authorize a new trade and investment policy toward the countries of sub-Saharan Africa. It is not a perfect bill; however, it represents a positive, historic, comprehensive effort to reach out to the continent of Africa and enhance and share in its vast economic possibilities. Africa, the mother of civilization, the victim of imperialism, and the beholder of natural riches, is the last region virtually ignored by U.S. trade policy. Its acceptance into the world trade arena, spearheaded by the United States, is long overdue. The arguments against opening up U.S. trade policy to Africa pale in comparison to the economic, social, moral and historic reasons for supporting the bill. Unequivocally, we must admit Africa to the world trade playing field.

Contrary to the argument made by opponents of the bill, H.R. 1432 will not harm the domestic textile industry. Research has shown that workers in the U.S. textile industry will not be displaced by workers in the African textile industry. In fact, should there be any loss of jobs, it will occur in those countries that have already suffered a loss of jobs because of an expansion of trade opportunities to those areas. The countries most likely to be hurt by Africa's imminent trading status with the U.S. are those which already export the largest percentage of textiles to the U.S.: Mexico, China, Taiwan, and Hong Kong. In 1996, Mexican textile imports represented 11.57% of total textile imports. In addition, textile imports from China represented 8.63% of total imports. Moreover, imports from Taiwan represented 6.31% of total U.S. textile imports. On the other hand, imports from sub-Saharan Africa represent a paltry 0.67%. The point is clear: The fear that the African textile industry will benefit economically at the expense of the U.S. textile industry is unfounded. Mexico is more to blame for a loss of U.S. jobs in the textile industry. And no matter how sweet the trade deal with Africa is, the continent will not be able to compete fairly with our bordering neighbor, Mexico.

Again, it must be reiterated that Sub-Saharan Africa does not have the capacity to compete with any industries in the U.S. No American workers will lose jobs as a result of this bill. In the area of textiles, Africa's lower wages may take business away from China or Mexico or Hong Kong, but not from the United States.

H.R. 1432 deserves the support of all members and components of the Caring Majority. The labor community should lend their support to this unique piece of legislation. Expanding trade in any area, including Africa, has been opposed by this community because of a fear

that countries with weaker labor and environmental laws than the U.S. will undermine the availability of jobs here in the America. I want to make a special appeal to those who stood in solidarity with me against the ''fast track'' trade legislative process last fall: Africa must be given a chance to demonstrate its commitments to fair labor laws and to the development of internationally accepted environmental standards. China has no organized labor laws, and it is quite ruthless in its treatment of Chinese citizens. Yet, it is the country that is able to secure regularly Most-Favored-Nation trading status.

The principles we all enunciated against ''fast track'' trade legislation remain sound and necessary; however, we must not allow our principles to degenerate into the dogma of a religion. We must not begin to oppose all trade opportunities blindly and ceremoniously. This is true especially of those trade bills applied to desperately poor countries in Africa and the Caribbean. Our goal is justice and a decent standard of living for workers and common people all over the world. At the hands of European and American powers, Africa has been made to suffer for centuries. It is important now to support opportunity in Africa.

H.R. 1432 helps correct a situation where trade and assistance to Africa has been MIA—missing in action. I cannot emphasize too much the fact that Africa has not only been left behind by the U.S. trade and assistance programs, it has been left out of any significant involvement. Africa has not enjoyed the generosity we have shown to Mexico, China and Indonesia. No country in Africa has its hands out for a $40 to $50 billion bailout from the U.S. and the International Monetary Fund.

It is high time for alarmists to put H.R. 1432 in its proper perspective. It is not a fast track trade bill which hands out great advantages to competing economies or to nations that prosper by ruthlessly exploiting their own people. It is not the billion dollar budget buster or bailout swindle for Africa. It is not a fat check from the U.S. Treasury to underwrite Africa's economic policies that will injure working people in America. Those benefits have already accrued to other countries. H.R. 1432 is a slow track bill that deserves our enthusiastic support. I urge my colleagues to say ''YES'' to ''growth'' and ''opportunity'' for Africa.

Mr. ROYCE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

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

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

I rise in opposition to the amendment of the gentlelady from California (Ms. WATERS), and rise in support of the statement made by the gentleman from Washington. Never, to my recollection, can I ever find that this Congress or any other Congress in the history of this country has ever mandated with a floor of foreign appropriations to a foreign country. I think this is a very dangerous precedence to begin to obligate future Congresses. I think possibly it might not even pass the constitutional test.

But regardless of that, we are facing this issue here today; and for the first time in history, what we are saying is that we are going to give one country, one area of the world, a floor as to the amount of money any Congress in the future can appropriate. And that, my colleagues, is absolutely wrong and certainly a precedent we do not want to set.

At the request of the gentlewoman from California, among others, last year, they came to me, as did the President, and said, we would like to have $700 million for sub-Saharan Africa. We did that. We complied with your request then. But to obligate me or this Congress for 9 years into the future is something that is very, very rare and unique and unprecedented, as I have said.

Let me give an example. Latin America, which is our closest neighbor and our greatest trade potential and ally, only gets $293 million; and there are efforts being made to even reduce that. So what we are saying, if we impose this $700 million floor on the amount of money we can give to any country or any nation, regardless of what activities are taking place at that time in the future, we are going to have to take money away from Latin America to do it.

All countries of the world recognize that we have limited resources for foreign policy. Even the State of Israel has come to us and said, we recognize your problems; we recognize your limitation, and they have made a bold initiative to come to us and tell us they recognize our plight and that they are requesting that we begin to downsize our economic support for them.

So in the middle of our session here, second session of this Congress, we are going to say to the next Congress, you guys have to do this. We do not care what is taking place there now. We do not care what the governments are doing there now. We do not care what insurrection is taking place. No matter what you do, here is a check for $700 million.

Go back to your district, and ask your constituents if they believe we ought to do that. We can go back and we can justify today the $700 million we appropriated this year because progress is being made, and we are assisting that nation.

But to obligate in this forum is not only unconstitutional, as far as I am concerned, it certainly is unprecedented in the history of the country to do such a thing for this period of time, for such an extended period of time.

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

Mr. CALLAHAN. I yield briefly to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I would like the gentleman to enlighten me. When he said that if we have a floor like this for one country or one set of countries, we would have to take it from South America or somewhere else, do we have the same situation with respect to the International Monetary Fund. We are about to be asked to vote $18 billion more into the fund. We have a lot of money in there already. There is a limitation on the amount of money we put in this.

Mr. CALLAHAN. Reclaiming my time, this Congress has the ability to make this decision on the International Monetary Fund, but we do not commit to future Congresses. I mean, what if we came to the Congress, we said we need $3 billion for the International Monetary Fund and said, we are going to do it for the next 10 years.

Mr. OWENS. Is there a ceiling on the amount we put into the International Monetary Fund? Do we stop somewhere?

Mr. CALLAHAN. We are talking about floors, an unprecedented amendment being introduced in this House.

I urge my colleagues to vote against it.

Mr. OWENS. I thank the gentleman.

Ms. WATERS. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 4 minutes remaining, and the gentleman from California (Mr. ROYCE) has 3½ minutes remaining.

Ms. WATERS. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, this is a very important and enlightening debate, and this is precisely what I wanted to happen. I wanted to hear arguments against a kind of real commitment to ongoing funding for Africa and sub-Saharan Africa. Of course, it is easy to talk about other countries who may be indicating that somehow they are sensitive to the problems of our country and they would like to do something to be helpful.

Sub-Saharan Africa has been the stepchild of appropriations from this country in relationship to their needs and their numbers. While I appreciate what the gentleman did last year, and I hope the gentleman will do even better this year. I want this debate to go forward.

I want the debate to go forward because the NGOs who have been pointing to the problems of this bill, pointing to the problems that we have, as we try to be good advocates for Africa, I wanted them to know that there is some of us who are committed to this fight and committed to this struggle, even in light of tough opposition and the kind of arguments that have been raised by the chairman.

I will not yield because this is the only time that I am going to get to tell the Members publicly what I think about the way that Africa has been treated.

Those of us who have spent years, not only trying to dismantle, get rid of apartheid in South Africa, but those of us who have tried to give support to places like Angola, where people on the other side of the aisle were supporting Savimbi, and a country whose resources have been drained because we

were on the wrong side of history, just as we were on the wrong side of history with Mobuto, countries that have been in desperate need of our help, yes, I want to send a signal that we are going to give ongoing support for them.

So, yes, I created this debate about it. I am glad that the chairman rose to the challenge. I am glad that the chairman described it in some of the ways that he did. I think the chairman is interested in giving ongoing support to Africa.

I am going to be asking him again, as many of us will be asking him again, to do even better, to meet the President's mark with an increase for Africa.

Yes, I know this sets out and identifies an amount for a period of time because it puts the light on the need. It sheds the light on a section of this world that we have not really paid attention to.

We can travel on all the CODELs we want to, and we can go over and speak to all the heads of government, and tell them how much we love them. But if you do not bring the resources, and you do not bring the money, and you do not treat them the way you treat other countries, your words are shallow, and they mean nothing.

So, yes, I dare to come to this floor and challenge my colleagues to make a strong commitment to Africa, put it in the legislation, where we dare put do you not have too much government consumption, where you tell them to privatize, where you tell them what they will do with their land reforms.

If you are bold enough to dictate to sub-Saharan Africa, how they should control their country and take away from them the right to guarantee the things that protect and secure their countries by not allowing investment in some sectors, then I have the audacity to tell you to come and put the money in the bill and guarantee it.

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

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

Mr. ROYCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CALLAHAN) from the Subcommittee on Foreign Operations, Export Financing, and Related Programs.

Mr. CALLAHAN. Mr. Chairman, I want to say that I have great respect for the gentlewoman of California (Ms. WATERS). But I recall about a year ago next month when I was trying to handle the foreign operations bill giving sub-Saharan Africa $700 million that I mentioned that the limited $293 million we sent in Latin America created a peace; that there was no country in this hemisphere at war.

As I recall, the gentlewoman from California jumped my case and chastised me for not giving that money to Watts and not giving that money to poverty areas who have drug problems.

So I just want to remind the gentlewoman from California that, while we gave the $700 million when we attempted to do something for our neighbors just to the south of us who do have the same similar problems of sub-Saharan Africa, she really jumped my case to the point that I had really no available response to what she said.

□ 1515

She also has some problems in southern California that she ought to be addressing. While she is addressing all of this $700 million for the next 9 years to Africa, why is she not protecting her own district and saying that we are going to have drug programs for the next 9 years? That, Mr. Chairman, is the response to what I have to say about this, to remind the gentlewoman that I cannot do one thing one year and another thing the next year.

I am trying to comply with her wishes, trying to grant her the audience and an appearance before our committee and trying to do everything we can to give assistance to sub-Saharan Africa. At the same time, she must be fair in her debate.

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

Let me close by noting that by earmarking a set level of spending for Africa aid, we would take away the ability of Congress to discuss and debate for the next decade what the level of aid spending should be. Earmarking a specific level of aid to Africa for 9 years also locks up dollars that requires the administration to go forward with a level of spending on Africa that might be contrary to U.S. policy at some point during the next 9 years.

The administration has consistently opposed setting minimum levels for regional accounts, including Asia, Africa and Latin America.

Mr. Chairman, I will conclude by making a couple of points that I think need to be made. It makes no sense to authorize 9 years down the line.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I appreciate the gentleman's perspective. Let me just add one point as he finishes his remarks.

I think the distinction that we may be trying to make here is the fact that this has been done in a budget year, a balanced budget year, and the $700 million is within a balanced budget, and sub-Saharan Africa has been light-years behind other continents in getting funding for economic development. I thank the gentleman for yielding.

Mr. ROYCE. But let me make the point, since this bill does not require a cutoff of aid to Africa, the aid floor is unnecessary in the bill.

I will close by saying that the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, opposes this amendment to the bill as well. I close, in opposition, with that argument.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in Part II of House Report 105–431.

AMENDMENT NO. 4 OFFERED BY MS. WATERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. WATERS:

In subsection (c) of section 6 (United States-Sub-Saharan Africa Trade and Economic Cooperation Forum), insert before the period at the end of paragraph (1) the following: '', including encouraging joint ventures between small and large businesses''.

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume. I continue with discussion on this legislation by way of amendment.

Mr. Chairman, I proudly stand before this House as an advocate for Africa, but I proudly stand before this House as an advocate for my district and for my people. I do not take a back seat to anybody when it comes to taking this floor or taking my place in committee to talk about the needs of people in this country or people in other places in the world.

As a matter of fact, not only do I ask for money for Africa, I ask for money for south central Los Angeles, I ask for money for Harlem, I ask for money for Philadelphia, I ask for money for St. Louis, I ask for money for communities in this Nation and sections of this world where I think resources should be directed. I do it without taking a back seat to anybody.

Do not forget, those of us who do this are oftentimes referred to as those who wish to tax and spend, as we would say. And so anybody who has any mistakes about what my priorities are, let me set them straight right now. I ask for money for Africa and I ask for money for Los Angeles and I ask for money for other communities that I think are in need.

Having said that, let me also talk about what I have gone to the Committee on Appropriations for. There seems to be some belated debate about drugs. In the Congressional Black Caucus agenda that is published, the number one priority is the eradication of drugs in this society. I, as Chair of the Congressional Black Caucus, have gone to every appropriate Appropriations subcommittee to support an increase in the Drug Czar's budget to make sure we have money for prevention and education and outreach and all of those things.

There is this funny little game that is going on now where some of the people on the other side of the aisle would like to pretend that somehow they are

more for the eradication of drugs in our society than people on this side of the aisle, and some attempts to undermine the Drug Czar.

That little game will not work. Everybody knows that those on the other side of the aisle, who have been with the Just Say No policy for years, have done nothing, have accomplished nothing and have done nothing for the children of this society, nor have they been about the business of prevention and education.

Having said that, with this bill and with this amendment, in an effort to try and make it a better bill, given all that I have said and my concerns about the fact that there are requirements in this legislation that you will see in no other trade agreement, and I have looked at them all, including the Caribbean Basin Initiative; and you have gone overboard in trying to dictate what the trade relationship will be with Africa in ways that it has not been done before, but I recognize many of you who have worked on the bill really do believe that you are doing the right thing when you try to dictate land reform policies, and when you try to dictate how much money will be spent by government on its own needs, when you try to dictate that there will be no exclusion of any industries to invest in. I understand that.

But the amendment that I have brought before you today that would allow some flexibility in the review when these countries are being looked at was a simple amendment that simply codified what you said your intent was. This amendment that I have before you at this moment goes beyond simply allowing major corporations to swoop into Africa with all of its money and do the kind of investments that others will not have an opportunity to compete with.

This amendment that I have before you will continue the debate, will force more conversation about what are the best ways by which to have trade agreements. In addition to that, it will encourage cooperation for joint ventures between large businesses and small businesses.

We hear a lot in this Congress all the time about how much we care about small business. You ask any person on the other side of the aisle on any given day of the week, and you will hear them talk about being advocates for small business, we want to reduce the taxes, do not want to support an increase in the minimum wage, would like to do something with one-stop shopping to make it possible for small businesses to get their licenses and other kinds of things without having to go through bureaucracies, want to do more in having subsidies and loans available to small businesses.

Let me tell you how you can help small businesses with this legislation. You can encourage in the conferences that are dictated, the meetings, the advisory boards, all of those things where you identify encouraging in this bill, you can encourage joint ventures between large businesses, corporations, and small businesses. That is essentially what this is all about.

In the final analysis, these amendments are not tough amendments. They are not complicated amendments. They are not amendments that would undo the bill. These amendments for the most part are clarifying amendments. These amendments for the most part are good-faith amendments. These amendments for the most part are amendments that will show that those of you who have little experience in Africa are willing to at least listen to some of the information and advice that is coming from NGOs and those who have worked in Africa for many, many years.

I would commend to you not only this amendment. Even though the other amendment that I advanced was just voted down and one is waiting for a vote when the votes will be taken up, and even if this work does not get done while this bill is going through the House, there will be attempts, if this bill passes, to continue to work to make it a better bill. There will be attempts to continue to work on the Senate side to make this a better bill.

And then there are other opportunities where attempts will be made. Those opportunities lie with trying to influence the President of the United States when these kinds of agreements are forged. I say to you, in ways that you perhaps do not understand when you talk about Africa, Africa is not simply another place in the world for many of us. Whether you know it or not, it is from whence we come. It is the land of my ancestors. It is a place that is as dear to me as Ireland is to the Irish, as Israel is to the Jewish community, as other places in the country are to those whose families, whose histories emanate from those countries.

And so I do not speak about this simply in an intellectual way and not simply in a policy way in the tradition that you understand. Yes, this is an emotional issue with me, and even though we have members of the Congressional Black Caucus who will stand here in the finest tradition and try to promote and be advocates on behalf of Africa in ways that make you all comfortable, I really do not care if you get uncomfortable with my advocacy for Africa. It is a place that I hold dear. It is part of my legislative agenda. It is a place that I care about in ways that perhaps you will never understand.

I do not think that you understand that what I do for Africa, what I advocate for Africa comes from deep within my heart. It is not a political game. It is not about trying to send the message that perhaps ''I'm okay, you're okay.'' This is serious business about saving a continent. This is serious business about being concerned about the resources of Africa and what happens to them.

This is serious business about not having the United States or any other country do what we have done in too many places in Africa. This is about never ever having another Mobuto; this is about never ever having another Savimbi; this is about never ever seeing another catastrophe in Rwanda like we saw.

This is about trying to get ahold of a direction for this country as it relates to Africa. This is about trying to be fair in the dissemination of resources. This is about respect. It is about saying to those heads of Africa, you have a voice, and while we want to help you, we are not going to run roughshod over you.

This is not about trying to open up opportunities to go in and drill oil without compensating. This is not about trying to take out the diamonds and the gold without compensating. This is about creating that debate at this moment, this time in history, that will give a direction to Africa that will never have us go back again, but move forward with good will and with a conscience and get rid of the kind of policies we have had in the past on this continent.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

Does any Member rise in opposition to the amendment?

Mr. ROYCE. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time in opposition.

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

There was no objection.

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

Mr. Chairman, I have spoken previously about my perception that this bill does allow flexibility. We do have concerns about equal access to U.S. firms. And, yes, there are guidelines in the bill regarding equal access to U.S. firms. But let us go to the subject of this amendment.

□ 1530

I applaud the gentlewoman from California (Ms. WATERS) for this good amendment to the bill.

Many Members have visited Africa and have spoken with African and American businesses, both large and small, on the issue of U.S.-Africa trade. Indeed, the gentlewoman and myself were on a CODEL where we met with business interests across the continent in Africa. It is entirely appropriate that language be included to support joint ventures between large and small businesses. So this is a good amendment and I support this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS) for a statement that he would like to make on the bill at this time.

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

I rise to express my concern over certain provisions in this bill. While we

certainly support all of the efforts to expand trade between our Nation and the rest of the world, we also must take action to ensure that the trade is not a one-way trade.

This bill outlines several criteria that the President must consider before granting preferential trade status to any Sub-Saharan African nation. Specifically, the President must consider a country's progress in reducing tariffs on American products, eliminating other nontariff barriers to American imports, and abiding by internationally accepted trading practices.

Mr. Chairman, this bill is very clear that free and open trade ought to be the goal of the administration in this country. Prohibitive actions against U.S. products run counter to the intent of this bill and, by definition, would preclude those countries from being granted preferential treatment under this bill.

A number of my constituents have already attempted to pry open the doors of African nations. In particular, our domestic apple, pear and peach producers and processors have on a number of occasions attempted to export their products to South Africa. On each occasion they have been rejected. Potential recipients should therefore be put on notice: Any effort to continue to block access to U.S. products violates the provisions of this bill and would preclude receiving the benefits of this proposal.

I and my colleagues from the Northwest will certainly be monitoring the administration's implementation of this bill. We expect the administration to abide by the eligibility factors contained in this bill, and we will continue to work closely with the U.S. Trade Representative to ensure that all trade with Sub-Saharan Africa is both free and fair for U.S. producers, processors and consumers.

Mr. ROYCE. Mr. Chairman, I support this amendment, and I yield back the balance of my time

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in Part II of House Report 105–431.

AMENDMENT NO.5 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DAVIS of Illinois:

At the end add the following:

SEC. 18. DONATION OF OBSOLETE AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries (determined to be eligible under section 4 of this Act) obsolete air traffic control equipment, including appropriate related reimbursable technical assistance for such equipment.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, the amendment which I offer today does not change the intent of this bill in any way. Rather, it seeks to ensure that as we increase trade with Sub-Saharan African countries, we do so knowing that the infrastructure for air traffic is sound and safe. Therefore, this amendment expresses the sense of Congress that the United States should make every effort to donate surplus traffic control equipment, including related reimbursable technical equipment, to eligible Sub-Saharan countries.

This amendment primarily does three things. First, it reaffirms our commitment as the leader in technology to bridge the gap in technology that currently exists in Sub-Saharan African countries with regard to air traffic control equipment. Secondly, we seek to ensure that our planes and personnel traveling in African airspace will be safe. Essentially, we are investing in the infrastructure of our trading partner. Finally, this amendment increases the communication between our two nations.

Currently, the International Federation of Airline Pilots Association and others have declared that the majority of airspace over Africa is critically deficient in air traffic control. Moreover, pilots have stated that the deficiencies such as lack of radars, no VHF radio coverage, inconsistencies in air traffic control, and sparse meteorological information, have contributed to Africa's poor safety record. In fact, according to recent articles, in much of the uncontrolled airspace pilots generally provide their own form of air traffic control from the cockpit by broadcasting their next position in hopes that crews from other aircraft will be listening.

In 1996, the International Airline Pilots Association reported that there were 77 near-midair collisions in the African airspace. Thirty of the 77 near-midair collisions occurred over the following Sub-Saharan countries: Cameroon, Chad, Congo, Madagascar, Mauritania, Niger and Senegal. Most of the airspace north of Zimbabwe is uncontrolled, with little radar and no VHF radio coverage.

As trade has increased in Africa with the lifting of apartheid sanctions in South Africa, air traffic has increased 120 percent in some parts of Africa. However, during this period of growth the aviation infrastructure has remained the same or deteriorated. This has led to a situation where the safety of aircraft flying in the region may be seriously compromised.

Clearly, the need for better air traffic control equipment and communications systems exists in Africa. We stand in a unique position as a world leader in technology, and I believe that we have an obligation to help bridge the technology gap that exists between our country and Africa.

This amendment would be beneficial to both of our countries, and I, therefore, urge its immediate adoption.

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

The CHAIRMAN pro tempore (Mr. WICKER). Does any Member rise in opposition to the amendment?

Mr. ROYCE. Mr. Chairman, I ask unanimous consent to claim the time in opposition to speak in favor of the amendment.

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

There was no objection.

The CHAIRMAN pro tempore (Mr. WICKER). The gentleman from California (Mr. ROYCE) is recognized for 10 minutes.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume to make the point, cash-poor African governments must balance many needs for expenditures, and new air traffic control equipment is not at the top of their list. U.S. obsolete equipment is not obsolete for smaller, less busy African airports, and therefore this is a good amendment to the bill. We support this amendment.

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

Mr. DAVIS of Illinois. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I want to say that I am a strong supporter of the African Growth and Opportunity Act. For many years we have worked to bring Africa to the world table with trade and economic development, and today will be an historical day for our country. I also want to commend President Clinton for his upcoming trip to Africa, where he will be the first sitting United States President to visit Africa to promote relations and trade.

Many Americans are descendents of slaves brought here from Africa. In fact, it is estimated that 400 million Africans died in the slave trade process. This bill is just a first step in reworking our relationship with Africa. I think it makes an incredible statement to finally establish a positive economic cooperation between this country and Africa, and we must take this opportunity to do it.

Infrastructure is a key component of economic growth and development, and it is the country's vision for economic success. As a member of the Committee on Transportation and Infrastructure, I have seen this in our own country.

I support the Davis amendment because it is critical that these countries have the proper equipment with which to grow. Our excess air traffic control

equipment and technical assistance in this area could be very beneficial to these countries.

This bill and this amendment is the first of what I hope are many steps toward developing economic and political relationships with Africa. It will give these African countries an opportunity to expand their economic and political potential through a strong link with the United States.

Mr. DAVIS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, let me commend the gentleman from Illinois (Mr. DAVIS) for his amendment. I have traveled extensively in Africa by land, by rail, by air, and by sea. As we are developing infrastructure in Africa, I think that it is essential and important that as we move towards Africa into the area of trade and development and growth, that we need to take a look at the infrastructure.

In the bill there are dollars that are set aside through OPIC to deal with the infrastructure, to improve the roads and the ports. But I do not think anything could be more important than to shore up the air traffic control.

We have members of our FAA that travel around the world to certify airports. Several airports in Africa are not certified, in particular the airport in Lagos, Nigeria.

We are here saying that there should be standards so that air safety is secure. There should be standards so that air transport can be moved. I have traveled on charter planes and other kinds of aircraft, and I would like to say that the Davis amendment will go far to shore up and improve the air transportation in these countries which is so essential for communications.

So I once again commend the gentleman from Illinois for his amendment and urge support for the Davis amendment.

Mr. DAVIS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time, and urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

The CHAIRMAN pro tempore (Mr. WICKER). It is now in order to consider amendment No. 6 printed in Part II of House Report 105–31.

AMENDMENT NO.6 OFFERED BY MR. BEREUTER

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

The CHAIRMAN pro tempore (Mr. WICKER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BEREUTER:

Add at the end of section 4 the following:

(e) DESIGNATION OF ADDITIONAL COUNTRIES AND A REGION IN AFRICA.—

(1) AUTHORITY OF THE PRESIDENT.—The President may designate any of the countries or the region listed in paragraph (2) as eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country or region otherwise meets the requirements of this section and that the designation is in the national interest of the United States. Any country or region so designated shall be deemed to be an eligible country in sub-Saharan Africa under subsection (a) for purposes of this Act if, within 1 year after such designation, a law is enacted approving the designation.

(2) COUNTRIES.—The countries referred to in paragraph (1) and Mauritania, Morocco, Algeria, Egypt, and Tunisia, and the region referred to is the Western Sahara region of northwest Africa.

The CHAIRMAN pro tempore (Mr. WICKER). Pursuant to House Resolution 383, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

MODIFICATION TO AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I have a modification, and I ask unanimous consent that the Clerk be permitted to read the modification to the amendment and that the amendment be so modified.

The CHAIRMAN pro tempore (Mr. WICKER). The Clerk will report the modification to the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The Clerk read as follows:

Amendment offered by Mr. Bereuter, as modified:

Add at the end of section 4 the following:

(e) DESIGNATION OF MOROCCO.—The President may designate Morocco as eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that Morocco otherwise meets the requirements of this section and that the designation is in the national interest of the United States. If so designated, Morocco shall be deemed to be an eligible country in sub-Saharan Africa under subsection (a) for purposes of this Act, if, within 1 year after such designation, a law is enacted approving the designation.

The CHAIRMAN pro tempore (Mr. WICKER). Is there objection to the modification to the amendment offered by the gentleman from Nebraska (Mr. BEREUTER)?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, this simply narrows the scope of the original amendment to include Morocco. I would like to take this opportunity to thank the distinguished gentleman from Illinois and all of his leading cosponsors for introducing this important legislation.

There is not a better time than on the eve of the President's visit to Africa to send an important message to many countries of Africa that we want them as trade partners, and that we are going to be assisting them in that respect.

□ 1545

The message this legislation sends to governments of the country of Africa is clear: Undertake sustained economic reform and trade liberalization policies, and we will trade with you, and you will benefit.

In fact, Mr. Chairman, this message is so important I think it should not be lost on the countries of North Africa. That is why this Member, along with the distinguished gentleman from New York (Mr. SOLOMON), have proposed this amendment covering Morocco. It still, of course, would permit the President to make a determination that this is in our national interests, that they meet the criteria, it would still come to Congress for approval. Our amendment simply permits that.

Mr. Chairman, it is clear to this Member that there is really no valid reason to exclude Morocco from the scope of this act. For example, there are many sub-Saharan countries with per capita incomes higher than that of Morocco, which desperately needs the direction provided by this act.

Secondly, since the 1990s, the Moroccan government has pursued economic reform programs supported by the IMF and the World Bank. It has restrained spending, revised the tax system, reformed the banking system, lifted import restrictions and lowered tariffs.

Also, Mr. Chairman, let me say that the Congressional Budget Office has determined that our amendment has no direct effect on revenues because any future eligibility designation would require implementing legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

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

I will not take the committee's time, since we are under time constraints now to get out at a reasonable hour tonight. Let me just concur with the remarks of the gentleman from Nebraska (Mr. BEREUTER). Morocco has been such a strong ally and such a stabilizing force in that part of the world that we wanted to make sure they were included in this legislation.

I commend the gentleman and I thank the very distinguished chairman of the Committee on International Relations for his support, as well as the gentleman from New Jersey.

Mr. BEREUTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Chairman, I rise in strong support of the Bereuter and Solomon amendment to provide for the possibility of including Morocco in the African Growth and Opportunity Act, and I want to commend the distinguished chairman of our Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), and our distinguished chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON), for their work on this measure.

As currently written, the bill includes only sub-Saharan African nations, but there is no reason why Morocco in North Africa should not be part of the legislation. Morocco has been a strong ally to our Nation for many years, and under the leadership of King Hassan, Morocco has played a constructive role in the Arab-Israeli peace process and numerous other foreign policy priorities of our Nation.

In addition, Morocco has taken significant steps towards democracy, toward market economics, and respect for human rights. Indeed, it is a model Nation for the entire African region. Accordingly, I fully support the amendment, and I urge my colleagues to do the same.

Mr. BEREUTER. I thank the distinguished chairman, and I reserve the balance of my time, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey (Mr. PAYNE) claim the time in opposition?

Mr. PAYNE. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from New Jersey (Mr. PAYNE) is recognized for 10 minutes.

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

Mr. Chairman, I rise in opposition to this amendment. I think it is utterly preposterous that we have before us the African Growth and Opportunity Act bill with the specific intent of helping countries in sub-Saharan Africa, and there are certain eligibility requirements that are outlined in the bill, which many of the countries in North Africa do not fit in.

The fact that North Africa was separated from Africa was not done by African-Americans, but it was done by the West. During World War II we talked about North Africa, and post-World War II it was referred to as North Africa. At one time we had Asia Minor. It became the Middle East.

How all of a sudden do we now determine that North Africa should be a part of sub-Saharan Africa, when throughout our modern history North Africa was North Africa; not that they wanted it, but that was what the West said it was, and therefore they accepted it? Now, finally, something to help sub-Saharan Africa, 700 million people, 50 countries. We have always heard sub-Saharan Africa referred to as sub-Saharan Africa.

We know that if you take aid to Africa, if you add the Middle East, then Africa would have the greatest amount of aid, because $3 billion goes to Israel, $2 billion goes to Egypt, and if you add that to the $600 million that sub-Saharan Africa gets, you would have $5.6 billion. But we do not do that. We separate sub-Saharan Africa, where you have $1 a person when you take the 600 or $700 million for the 700 million sub-Saharan Africans, the poorest region in the world.

So all of a sudden along comes something positive, and we are saying that Egypt now, that gets $2 billion, that should be accorded the something, when finally sub-Saharan Africa has a bill that might start to have some trading benefit.

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

Mr. PAYNE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding for a clarification.

I wanted the gentleman to know that the modification that I made restricted the amendment to Morocco. It does not include Egypt or other North African countries.

Mr. PAYNE. That certainly eases it a bit. I think also in this bill, we are talking about governance; that the countries, the five or six that will be selected have to go through elections. We are saying that there cannot be human rights abuses. We are saying that there has to be transparency in government. We are saying that there must be elections that are going on in these countries, or they do not fit into the first round.

It is simply like NATO expansion. There are three countries that are going to be selected in NATO expansion. You have the Czech Republic, you have Poland, you have the third country in the NATO expansion, Hungary. It is those countries, because they have proven that they are moving in the right direction.

There are still allegations of people being tortured, and the abuses of detainees, and prison conditions, even in Morocco. The government's use of force to dispel student protesters in Casablanca in January and February resulted in many human rights violations. There have been continued delays in elections, and at the time when the United Nations is finally attempting to broker an agreement between Morocco and western Sahara, the report that came back this week by former Secretary James Baker and Representative Dunbar states that Morocco has stalled the process again just last week. So I say, in conclusion, that we are sending the wrong message if we start to alter sub-Saharan Africa.

If this occurred a decade ago, that would be fine, because then sub-Saharan Africa could have been brought into the benefits that Northern Africa has. But I think it is wrong that we all of a sudden start this. That is simply like calling a new government, Benin, Liberia and Togo, part of the Newly Independent States of central Europe. They are not. They are newly independent States, but they do not qualify for funds of the Newly Independent States in the former Soviet countries.

So I think when we do revisionary government, when we redefine, when we define for the convenience of what we want, I think we move in a wrong direction.

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

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

Mr. Chairman, I would say to my distinguished colleague with whom I serve with on the Committee on International Relations, he is at a bit of a disadvantage. We had modified this, and he was not aware of it, earlier.

I would also say that we do not want to change the criteria for Morocco. They have to meet the same qualifications. The President must actually make a certification that they meet them, and then it must come to the Congress, unlike all of the other sub-Saharan African countries that are named in the bill. There is another step we have added.

I would also say to the gentleman this: This legislation, which is, I think, the outstanding foreign policy legislation this Congress will see, is not a zero sum game. If, in fact, Morocco is deemed eligible by the President and the Congress then agrees, it is not at the loss of sub-Saharan countries. It should be open to all who meet the qualifications, because we benefit from it, and it is not a zero sum game for African countries.

Beyond that, it is important to consider this. It is a delicate matter, but I think it is important that we not give the impression that race or religion has anything to do with respect to this legislation.

Many of the border nations have people of several races, ethnic groups, and religions, so they are already incorporated. I understand that this legislation was careful and sensitive in that respect. But I did want the gentleman to know that all of these protections are there. In fact, there is an additional set of protections before Morocco could come in, but to close off that part of Africa, I think, is the wrong message.

So I hope the gentleman might reconsider when he understands the additional steps we have taken to make sure it is not overextended or there is no free ride. I thank the gentleman for listening.

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

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

Let me just reiterate, Mr. Chairman, I appreciate the clarification, the fact that the $2 billion that Egypt is getting, that it will not be part of this bill.

I still contend that if we are going to deal with sub-Saharan Africa, that has been the forgotten area. The only time we dealt with sub-Saharan Africa was in the Cold War when we dealt with Mobutu, who now has left that country in such bad straits that even a new government, a fledgling government, I question whether the Kabila government will actually make it. And the fact that we have still a Civil War in Angola between Savimbi holding out, and the dos Santos government, we still have remnants of the Cold War, where we used Africa as a vehicle in that war.

I simply say it is time we try to correct those Cold War problems that we

created. I think this is a vehicle that we could do it with. I think it is too little. All of these fears that I hear of organized labor, hundreds of thousands of textile jobs being lost, I just cannot believe that people would believe that this first step would create that. I do not believe it will do that. I think it will really just be a little drop in the bucket and a step in the right direction.

I still say, there are no kings in sub-Saharan Africa. If we are going to have elections, how can, therefore, governance be declared in Morocco when they do not elect their head of State? Right there it would seem to me to eliminate that country from this bill, because how do they have governance at that time?

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

Mr. PAYNE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, in constitutional monarchies the monarchs are never elected, but Morocco has an important, improving elected legislative body. Just last year they added a second Chamber, which is directly elected. So like Britain, like Denmark, like Norway, they are a constitutional monarchy, but of course those bodies and Morocco has an elected legislative body.

Mr. PAYNE. The difference, if I may reclaim my time, Mr. Chairman, the difference is in the countries that the gentleman has explained where the legislature has some authority. They are able, then, to have the will of the people move forward.

In the so-called constitutional monarchies that we find in other areas in the Middle East and in the Far East, we do not find the legislature, as the gentleman mentioned, they are moving into the tier. In Europe they have been into that tier for decades, for centuries.

I have nothing against Morocco, but I simply think there is too little already going into the bill, and I just think to bring in all of North Africa to the bill, when we are talking about three or four initial countries to be included, I think it dilutes the bill.

Mr. BEREUTER. If the gentleman will continue to yield once more, so our colleagues are not confused, this relates to one country only, not all of North Africa. I thank the gentleman for yielding.

Mr. PAYNE. They say, ''Start me with 10 who are stout-hearted men, and I'll soon give you 10,000 more.'' We start one, and then we might find it is good for one and good for another.

I think we should do something in North Africa. I think Tunisia's government is working in the right direction. They are also certainly good. I think this new fledgling western Sahara, once the determination has been made there, should be assisted.

Why not have a North African growth and development bill? That would make a lot of sense. I would just ask the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. SOLOMON), that might be what they want to introduce, a North African growth and development bill. I would be as supportive of that bill as I know the gentlemen are of this. That might be the solution.

Mr. BEREUTER. Mr. Chairman, if the gentleman will continue to yield, I cannot be any more supportive of this legislation. I am an original cosponsor. I think it is the most important foreign policy initiative the United States has even ever taken in post-colonial days with respect to Africa. It deserves to be broadened. If the gentleman would like to add Tunisia by unanimous consent, I would be happy to receive it.

Mr. PAYNE. If the gentleman is willing to introduce his legislation, I would be more than happy to at that time identify Tunisia as one of those that should have the opportunity.

But once again, I just hope that my statement is clearly understood. It is that it is pro sub-Saharan Africa. There is too little, too late at this point. I just fear a dilution of this first step that we are attempting to move forward.

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

□ 1600

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

Just to reiterate, this legislation is not a zero sum game. Adding Morocco as a country, the President may consider to meet all of the criteria, including human rights and everything else that is in the bill; to make a recommendation that it is in our national interest to ask the Congress to approve it is all this legislation does. It sets in place a requirement that Congress take action.

It should not be closed. We should not send that message to North Africa.

This is an excellent bill. The amendments that have been adopted and this amendment will make it an even better one. I urge my colleagues to support the amendment.

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

The CHAIRMAN pro tempore (Mr. WICKER). The question is on the amendment, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, further proceedings on the amendment, as modified, offered by gentleman from Nebraska (Mr. BEREUTER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 2 offered by the gentlewoman from California (Ms. WATERS); modified form of amendment No. 6 offered by the gentleman from Nebraska (Mr. BEREUTER).

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

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 81, noes 334, not voting 15, as follows:

[Roll No. 44]

AYES—81

Abercrombie	Frank (MA)	Millender-McDonald
Barrett (WI)	Gejdenson	Miller (CA)
Berman	Gephardt	Mink
Bishop	Gutierrez	Moran (VA)
Bonior	Hastings (FL)	Nadler
Brown (CA)	Hefner	Olver
Brown (FL)	Hilliard	Owens
Brown (OH)	Hoyer	Pastor
Campbell	Jackson (IL)	Payne
Carson	Jackson-Lee (TX)	Pelosi
Clay	Jefferson	Rangel
Clayton	Johnson, E. B.	Rivers
Clyburn	Kaptur	Roybal-Allard
Conyers	Kennedy (MA)	Rush
Crane	Kennedy (RI)	Sanders
Cummings	Kildee	Scott
Davis (IL)	Kilpatrick	Serrano
Davis (VA)	Kucinich	Stark
DeFazio	Lewis (GA)	Stokes
Delahunt	Maloney (CT)	Thompson
DeLauro	Markey	Thurman
Dixon	Martinez	Towns
Dooley	Matsui	Velazquez
Engel	McKinney	Waters
Farr	Meehan	Watt (NC)
Fattah	Meek (FL)	Wynn
Filner	Meeks (NY)	
Ford		

NOES—334

Ackerman	Bass	Boswell
Aderholt	Bateman	Boucher
Allen	Becerra	Boyd
Andrews	Bentsen	Brady
Archer	Bereuter	Bryant
Armey	Berry	Bunning
Bachus	Bilbray	Burr
Baesler	Bilirakis	Burton
Baker	Blagojevich	Buyer
Baldacci	Bliley	Callahan
Ballenger	Blumenauer	Calvert
Barcia	Blunt	Camp
Barr	Boehlert	Canady
Barrett (NE)	Boehner	Cannon
Bartlett	Bonilla	Cardin
Barton	Borski	Castle

Chabot
Chambliss
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOT VOTING—15

Chenoweth
Deutsch
Furse
Gonzalez
Harman
John
Manton
Poshard
Radanovich
Redmond
Rodriguez
Schiff
Spence
Torres
Waxman

□ 1623

Mr. SAM JOHNSON of Texas and Mr. BILBRAY changed their vote from ''aye'' to ''no.''

Messrs. FARR of California, GEJDENSON, MILLER of California, FRANK of Massachusetts, Ms. DELAURO, Ms. PELOSI, and Messrs. MARKEY, MATSUI and KENNEDY of Massachusetts changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MR. BEREUTER

The CHAIRMAN pro tempore (Mr. WICKER). The pending business is the demand for a recorded vote on the amendment No. 6, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 156, noes 258, not voting 16, as follows:

[Roll No. 45]

AYES—156

Armey
Barr
Barrett (NE)
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Brown (CA)
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Christensen
Clement
Coburn
Cooksey
Cox
Crane
Davis (VA)
DeLay
Diaz-Balart
Doggett
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Eshoo
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hill
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hyde
Johnson (CT)
Kasich
Kelly
Kim
Kind (WI)
Kingston
Klug
Knollenberg
LaFalce
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lucas
Luther
Manzullo
McCollum
McDade
McHugh
McInnis
McIntosh
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Owens
Oxley
Pappas
Paxon
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Portman
Pryce (OH)
Quinn
Ramstad
Rivers
Rogan
Ros-Lehtinen
Roukema
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Sununu
Thune
Tiahrt
Walsh
Watkins
Wexler
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—258

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Berry
Bishop
Blunt
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Cardin
Carson
Castle
Chambliss
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Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
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Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Ensign
Etheridge
Evans
Everett
Farr
Fattah
Fazio
Filner
Ford
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gephardt
Goode
Goodling
Gordon
Granger
Green
Hall (TX)
Hansen
Hastings (FL)
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Parker
Pascrell
Pastor
Paul
Payne
Pelosi
Pickering
Pombo
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Roemer
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shaw
Sisisky
Skelton
Slaughter
Smith, Adam
Smith, Linda
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller

Weygand	Wolf	Wynn
Wise	Woolsey	Yates

NOT VOTING—16

Chenoweth	Manton	Rodriguez
Deutsch	Meek (FL)	Schiff
Furse	Peterson (MN)	Stark
Gonzalez	Poshard	Waxman
Harman	Radanovich	
John	Redmond	

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

Messrs. DELAY, BERMAN and COX of California changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to strike the last word to enter in a colloquy with the gentleman from Illinois (Mr. CRANE).

The CHAIRMAN pro tempore (Mr. WICKER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to thank the gentleman from Illinois (Mr. CRANE), first of all, for his graciousness and the gentleman from New York (Mr. RANGEL), as well. I know we will have to deliberate further on these very important issues and take the time to go through conference and the Senate and have deliberation and further thought on these issues.

Mr. Chairman, I will mention these collectively and acknowledge the need for further thought and deliberation, but these are very important points. One is the devastation of HIV, AIDS, on the continent and the ability of this bill to help with pharmaceuticals getting over to the continent to be able to help with this devastation.

The other issue, of course, is the GSP program, which already helps in workers' safety rights and workers' rights, that certainly under that we would see that applying on the continent or aiding in making sure that we have good conditions for workers.

Lastly, let me say I think it is very important that once this important bill passes, if our colleagues join us in passing it, that it not drop off the deep end and it may be helpful to consider a working committee that in 6 months would look at where we are on the question of how this bill is being implemented.

I would like to bring to both the Chair of the International Relations Committee and the Trade Subcommittee on Ways and Means of my concern of the overwhelming HIV/AIDS epidemic that is currently plaguing Africa and the world. According to the World Health Organization, over 550,000 cases have been reported in Africa alone. The Aids epidemic is affecting the young work force between the ages of 18–55, and if the work force keeps dying, how can they benefit from this bill?

I would like to see, Mr. Chairman, that through this improved trade legislation we can encourage the expeditious exporting of much needed pharmecuticals to the continent in order to combat the AIDS epidemic ravaging Africa. Upon that effort we can build further on solving the AIDS problems in Africa by encouraging more research by various world health agencies on this problem.

I am concerned, Mr. Chairman, that the Africa Growth and Opportunity Act can protect the rights of African workers. I understand and want to make sure that through the GSP (General System of Preferences) program protection for good work place conditions and more importantly worker safety issues will be in place under this legislation. Therefore, I raise with the Chairman of the Trade Subcommittee on Ways and Means the question as to whether this legislation would preclude the putting in place good work place conditions and safe work places in Africa.

I am also concerned that this bill which will allow for increased trade and investment in Africa will ultimately benefit American workers. Africa constitutes a market of 800 million people, potentially one of the largest markets in the world—more people than Japan and all of the Asian nations combined. If this bill works, and I think it will, spur growth and create bigger markets for U.S. exports. Our exports to Africa already are intensive in high-wage industries, such as machinery, transportation equipment, electronics and services.

Exports to Africa are 27% greater than our exports to all of the former Soviet Union combined. By aggressively following the path of reform, African countries can provide prosperity for their people and create robust markets that will help working Americans and small businesses. It is also important that the protection of these workers is inherent in this bill and that this bill will seek to protect the safety of these workers.

As someone who deeply cares about Africa and our American workers, I just want to ensure this bill helps our nation's workers, African workers and creates jobs for us all.

I am concerned, Mr. Chairman, that once the Africa Growth and Opportunity Act passes that its provisions are implemented. I am fully aware that Section 12 of the bill calls for a private advisory committee to assist the Board of Directors of the Overseas Private Investment Corporation in developing policies and programs. I am interested in soliciting the consideration of the Trade Subcommittee Chairman on Ways and Means in including in the report language of this bill a working advisory group established with both Members of the House and Senate, and the administration that would meet within six months of passage to monitor the implementation of the bill.

I thank the Chair of the Trade Subcommittee for his support of the bill language which seeks to bring Members of Congress and the Administration together 6 months after the bill is enacted to monitor the implementation of the bill, see how it can be improved, and to continue to work towards creating more jobs in America and Africa.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. CRANE) to be able to respond to these important points that I think will make this bill better and help the people of Africa.

Mr. CRANE. Mr. Chairman, I think the points that my colleague has just made are valid and will be under consideration.

Under the GSP program and under the bill, the President must consider whether a country is taking steps to afford its workers internationally recognized workers' rights when determining whether to designate a country as eligible for trade benefits.

So I think it addresses the concerns that the gentlewoman raises and raises properly. We appreciate the support that the gentlewoman has given and look forward to working with her in the future, too.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

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

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

Accordingly the Committee rose; and the Speaker pro tempore (Mr. EWING) having assumed the chair, Mr. WICKER, Chairman pro tempore 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. 1432), to authorize a new trade and investment policy for sub-Saharan Africa, pursuant to House Resolution 383, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

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

The amendment was agreed to.

The 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.

MOTION TO RECOMMIT OFFERED BY MR. BISHOP.

Mr. BISHOP. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill.

Mr. BISHOP. Yes. In its current form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BISHOP moves to recommit the bill H.R. 1432 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''African Growth and Opportunity Act''.

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and

sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(6) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(7) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(8) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—For each fiscal year, the President shall determine, on a case-by-case basis after providing an opportunity for public comment, whether each sub-Saharan African country is eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act. The President's determination shall be based on the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, particularly intellectual property rights with respect to textile and apparel goods, improvements in standards, testing, labeling, and certification;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) participation in bilateral investment treaties and the harmonization of such treaties to avoid double taxation;

(6) supporting the growth of regional markets within a free trade area framework;

(7) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(8) encouraging private ownership of government-controlled economic enterprises;

(9) removing restrictions on investment;

(10) engaging in a cooperative effort with the United States Customs Service to monitor and enforce policies necessary to implement the special access program authorized by section 8, including penalties for transshipment of textile and apparel goods in contravention of United States law, and providing to the Customs Service entry into that country, and access to accurate information in that country, in order to monitor and enforce such policies;

(11) progress on human and worker rights, such as the protection of internationally recognized worker rights as defined in section 507(4) of the Trade Act of 1974, especially restrictions on child labor; and

(12) reducing tariffs and eliminating nontariff barriers to United States textile and apparel goods.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) The extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises.

(5) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 16.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

(3) INELIGIBILITY OF COUNTIES NOT COOPERATING WITH UNITED STATES CUSTOMS.—The President shall not renew the eligibility of a sub-Saharan African country which does not fully cooperate with the United States Customs Service in the enforcement of laws against transshipment of textile and apparel goods as set forth in subsection (a)(10).

(d) VIOLATIONS OF HUMAN RIGHTS AND INELIGIBLE COUNTRIES.—It is the sense of the Congress that a sub-Saharan African country should not be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the government of that country is determined by the President to engage in a consistent pattern of gross violations of internationally recognized human rights.

(e) EXCEPTION.—This section does not apply with respect to the amendments made by section 10 of this Act.

SEC. 5. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) USE OF SUSTAINABLE DEVELOPMENT ASSISTANCE TO SUPPORT FURTHER ECONOMIC GROWTH.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Strengthening family planning service delivery systems.

(D) Supporting democratization, good governance and civil society and conflict resolution efforts.

(E) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(F) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(G) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(H) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(I) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small

sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

(c) ADDITIONAL AUTHORITIES.—

(1) IN GENERAL.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) DEMOCRATIZATION AND CONFLICT RESOLUTION CAPABILITIES.—Assistance under this section may also include program assistance—

''(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

''(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.''.

(2) CONFORMING AMENDMENT.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking ''paragraphs (1) and (2)'' in the first sentence and inserting ''paragraphs (1), (2), and (3)''.

SEC. 6. UNITED STATES–SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with the governments concerned, shall establish a United States–Sub-Saharan Africa Trade and Economic Cooperation Forum (hereafter in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used to create or support any nongovernmental organization for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

SEC. 7. UNITED STATES–SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that the President should investigate the establishment of a United States–Sub-Saharan Africa Free Trade Area as a result of a fully reciprocal free trade agreement, if the President determines that increased trade and private sector development have led to open market economies in the countries of sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, may develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States–Sub-Saharan Africa Free Trade Area (hereafter in this section referred to as the ''Free Trade Area'').

(2) ELEMENTS OF PLAN.—The plan may include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—The President shall prepare and transmit to the Congress a report containing the results of his investigation under subsection (a).

SEC. 8. SPECIAL ACCESS PROGRAM FOR TEXTILE AND APPAREL ARTICLES FROM ELIGIBLE COUNTRIES.

(a) SPECIAL ACCESS PROGRAM.—

(1) ESTABLISHMENT.—The President, in consultation with representatives of the domestic textile and apparel industry and with representatives of countries in sub-Saharan Africa that are eligible under section 4 and after providing an opportunity for public comment, shall establish a special access program for imports of textile and apparel articles from such eligible countries in sub-Saharan Africa under which specified levels of imports of eligible textile and apparel articles would not be subject to duties or quotas.

(2) PROGRAM MODELED ON EXISTING PROGRAMS.—The program under paragraph (1) should be modeled on existing programs providing for similar preferential tariff and quota treatment, such as the program in effect for countries in the Caribbean Basin, consistent with the international obligations of the United States under the Agreement on Textiles and Clothing and other trade agreements.

(b) ELIGIBLE GOODS.—

(1) IN GENERAL.—Textile and apparel articles are eligible for the special access program established under subsection (a) only if the articles are—

(A) textile or apparel articles assembled in an eligible sub-Saharan African country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

(i) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(ii) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of such Schedule but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid-washing, perma-pressing, oven-baking, bleaching, garment-dyeing, embroidery, or other similar processes; or

(B) handloomed, handmade, or folklore articles of an eligible sub-Saharan African country identified under paragraph (2) that are certified as such by the competent authority of such country.

(2) DETERMINATION OF HANDLOOMED, HANDMADE, OR FOLKLORE GOODS.—For purposes of paragraph (1)(B), the President, after consultation with the eligible sub-Saharan African country concerned, shall determine which, if any, particular textile and apparel goods of the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) or Appendix 3.1.B.11 of Annex 300–B of the North American Free Trade Agreement.

(3) ACTIONS BY PRESIDENT TO PREVENT MARKET DISRUPTION.—The President may impose the prevailing general column I rates of duty, restrict the quantity of imports, or both, with respect to imports of eligible goods under this subsection from any eligible sub-Saharan African country if such action is necessary to prevent market disruption or the threat thereof.

(c) REPORT.—The President shall include as part of the first annual report under section 16 a report on the establishment of the special access program under subsection (a) and shall report to the Congress annually thereafter on the implementation of the program and its effect on the textile and apparel industry in the United States.

(d) DEFINITION.—For purposes of this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 9. PENALTIES FOR VIOLATIONS OF CUSTOMS LAWS INVOLVING TEXTILE AND APPAREL GOODS.

(a) PENALTIES.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended by adding at the end the following:

''(g) PENALTIES INVOLVING TEXTILE AND APPAREL GOODS.—

''(1) FRAUD.—Notwithstanding subsection (c), the civil penalty for a fraudulent violation of subsection (a) based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa—

''(A) shall, subject to subparagraph (B), be double the amount that would otherwise apply under subsection (c)(1); and

''(B) shall be an amount not to exceed 300 percent of the declared value in the United States of the merchandise if the violation has the effect of circumventing any quota on textile and apparel goods.

''(2) GROSS NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a grossly negligent violation of subsection (a) based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa—

''(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (c)(2);

''(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 200 percent of the declared value of the merchandise; and

''(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a fraudulent violation under paragraph (1) (A) or (B), whichever is applicable.

''(3) NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a negligent violation of subsection (a) based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa—

''(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (a)(3);

''(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 100 percent of the declared value of the merchandise; and

''(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a grossly negligent violation under paragraph (2) (A) or (B), whichever is applicable.''.

(b) MITIGATION.—Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) is amended—

(1) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever'', and

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

''(b) MITIGATION RULES RELATING TO TEXTILE AND APPAREL GOODS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary of the Treasury may remit or mitigate any fine or penalty imposed pursuant to section 592 based on a claim that textile and apparel goods are products of countries in sub-Saharan Africa only if—

''(A) in the case of a first offense, the violation is due to either negligence or gross negligence; and

''(B) in the case of a second or subsequent offense, prior disclosure (as defined in section 592(c)(4)) is made within 180 days after the entry of the goods.

''(2) SPECIAL RULE FOR PRIOR DISCLOSURES AFTER 180 DAYS.—In the case of a second or subsequent offense where prior disclosure (as defined in section 592(c)(4)) is made after 180 days after the entry of the goods, the Secretary of the Treasury may remit or mitigate not more than 50 percent of such fines or penalties.''.

(c) SEIZURE AND FORFEITURE.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking ''or'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by inserting after subparagraph (F) the following:

''(G) it consists of textile or apparel goods that are claimed to be products of countries in sub-Saharan Africa introduced into the United States for entry, transit, or exportation, and

''(i) the merchandise or its container bears false or fraudulent markings with respect to the country of origin, unless the importer of the merchandise demonstrates that the markings were made in order to comply with the rules of origin of the country that is the final destination of the merchandise, or

''(ii) the merchandise or its container is introduced or attempted to be introduced into the United States by means of, or such introduction or attempt is aided or facilitated by means of, a material false statement, act, or omission with the intention or effect of—

''(I) circumventing any quota that applies to the merchandise, or

''(II) undervaluing the merchandise.''.

(d) CERTIFICATES OF ORIGIN.—Notwithstanding any other provision of law, all importations of textile and apparel goods that are claimed to be products of countries in sub-Saharan Africa shall be accompanied by—

(1)(A) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(B) if there is more than one manufacturer or producer, or there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subparagraph (A) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(2) a certification by the importer that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(3) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

Information provided under this subsection shall be sufficient to demonstrate compliance with the United States rules of origin for textile and apparel goods.

SEC. 10. GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

''SEC. 505. DATE OF TERMINATION.

''(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after June 30, 2008, with respect to beneficiary developing countries that are countries in sub-Saharan Africa.

''(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after June 30, 1998, with respect to beneficiary developing countries other than those provided for in subsection (a).''.

(b) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) COUNTRIES IN SUB-SAHARAN AFRICA.—The term 'countries in sub-Saharan Africa' has the meaning given that term in section 17 of the African Growth and Opportunity Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on July 1, 1998.

SEC. 11. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) BETTER MECHANISMS TO FURTHER GOALS FOR SUB-SAHARAN AFRICA.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the ''Heavily Indebted Poor Countries'' (HIPC) debt initiative.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

(c) EXECUTIVE BRANCH INITIATIVES.—The Congress supports and encourages the implementation of the following initiatives of the executive branch:

(1) AMERICAN-AFRICAN BUSINESS PARTNERSHIP.—The Agency for International Development devoting up to $1,000,000 annually to help catalyze relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks.

(2) TECHNICAL ASSISTANCE TO PROMOTE REFORMS.—The Agency for International Development providing up to $5,000,000 annually in short-term technical assistance programs to help the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization; and

(C) make financial and fiscal reforms, as well as the United States Department of Agriculture providing support to promote greater agribusiness linkages.

(3) AGRICULTURAL MARKET LIBERALIZATION.—The Agency for International Development devoting up to $15,000,000 annually as part of the multi-year Africa Food Security Initiative to help address such critical agricultural policy issues as market liberalization, agricultural export development, and

agribusiness investment in processing and transporting agricultural commodities.

(4) TRADE PROMOTION.—The Trade Development Agency increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa.

(5) TRADE IN SERVICES.—Efforts by United States embassies in the countries in sub-Saharan Africa to encourage their host governments—

(A) to participate in the ongoing negotiations on financial services in the World Trade Organization;

(B) to revise their existing schedules to the General Agreement on Trade in Services of the World Trade Organization in light of the successful conclusion of negotiations on basic telecommunications services; and

(C) to make further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers and to foster competition in the services sector in those countries.

SEC. 12. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should, within 12 months after the date of the enactment of this Act, exercise the authorities it has to initiate 2 or more equity funds in support of projects in the countries in sub-Saharan Africa.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—

(A) EQUITY FUND FOR SUB-SAHARAN AFRICA.—One of the funds should be an equity fund, with assets of up to $150,000,000, the primary purpose of which is to achieve long-term capital appreciation through equity investments in support of projects in countries in sub-Saharan Africa.

(B) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa. The primary purpose of any such fund would be to achieve long-term capital appreciation through investing in financing for infrastructure projects in sub-Saharan Africa, including for the expansion of businesses in sub-Saharan Africa, restructurings, management buyouts and buyins, businesses with local ownership, and privatizations.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 13. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) ADVISORY COMMITTEE.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

''(e) ADVISORY COMMITTEE.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (12) the following:

''(13)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

''(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

''(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

''(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(13)(B) of the Export-Import Bank Act of 1945 (as added by paragraph (1)) and any recommendations of the advisory committee established pursuant to such section.

SEC. 14. ESTABLISHMENT OF ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) ESTABLISHMENT.—The President shall establish a position of Assistant United States Trade Representative within the Office of the United States Trade Representative to focus on trade issues relating to sub-Saharan Africa.

(b) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative appointed pursuant to subsection (a) has adequate funding and staff to carry out the duties described in subsection (a), subject to the availability of appropriations.

SEC. 15. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States and Foreign Commercial Service should expand its presence in sub-Saharan Africa by increasing the number of posts and the number of personnel it allocates to sub-Saharan Africa.

(b) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, should report to the Congress on the feasibility of expanding the presence in sub-Saharan Africa of the United States and Foreign Commercial Service.

SEC. 16. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 4 1-year periods thereafter, a report on the implementation of this Act.

SEC. 17. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

SEC. 18. CLARIFICATION OF DEDUCTION FOR SEVERANCE PAY.

(a) IN GENERAL.—Section 404(a) of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

''(11) DETERMINATIONS RELATING TO SEVERANCE PAY.—For purposes of determining under this section—

''(A) whether severance pay is deferred compensation, and

''(B) when severance pay is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

Mr. BISHOP (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP. Mr. Speaker, we do have a motion to recommit H.R. 1432. The African Growth and Opportunity Act embodies an important ideal for which I have long been in support; namely, that the countries of sub-Saharan Africa should improve their economic lot through development and trade.

This bill would begin the process, Mr. Speaker, of weaning these countries from our traditional direct aid relationship.

I became an original cosponsor of this bill for several reasons, and I still believe that this ideal can be obtained. However, Mr. Speaker, charity begins at home.

It was brought to my attention soon after the bill's introduction that the bill's textile and apparel provisions could cause harm to these U.S. industries as well as cause harm to the U.S. market for cotton.

Instead of going to the well and removing my name from the bill, I decided that I should work as an agent of change to convince the bill's sponsors to have these troublesome sections modified.

Indeed, the changes that we push for would have resulted in the textile and cotton industries embracing the bill and working for its passage for the betterment of the economies of the United States and sub-Saharan Africa. The changes that we advocated would be of great mutual benefit.

In April of last year, nearly a year ago, I secured assurances from the ranking member of the Committee on Ways and Means that these concerns would be addressed. Not long after this, the ranking member arranged a meeting between our staff, representatives of the textile and cotton industries, and the Committee on Ways and Means' staff.

We also continued to dialogue with the administration officials and had the issue of illegal textile and apparel transshipment put to the U.S. trade representatives in the course of the Subcommittee on Trade hearing on the bill.

It is worth noting, Mr. Speaker, that throughout the process, the administration has agreed that illegal transshipments and protection of domestic industries remains a concern.

While the full committee made a late attempt to address the illegal transshipment concerns in its markup of the bill, the remedies provided are widely believed not to be adequately protective of American jobs, while still benefiting a well-developed Asian textile market.

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For instance, the bill as offered today would disallow benefits for 2 years to any importer found to be engaged in illegal transshipment. However, I myself have seen at the border that inadequate Customs resources do not allow tracking of successor companies which can be back in business in a few days nor does it allow monitoring of the rules of origin. Furthermore, once the illegal goods flow into the U.S. stream of commerce, the damage is already done.

To address this reality, we offered a bipartisan substitute before the Committee on Rules. Our substitute would have incorporated substantial penalties on the transshipping companies, allow for seizure and forfeiture of textile and apparel goods and reform U.S. Customs mitigation procedures.

Those procedures allow bad actors to escape meaningful fines and penalties and to avoid punitive sanctions. Our substitute would provide that the special access program established by the President should be modeled on the program already in effect for the countries of the Caribbean. This would include only those articles of textile and apparel which have been assembled from fabric formed from the yarn-stage forward in the U.S. and cut in the U.S. The thread used in sewing also must be spun in the U.S.

What I have described is commonly referred to as an 807A-type program. It is in this program where the win-win for the countries of sub-Saharan Africa and the U.S. textile and cotton industries lies.

In short, Mr. Speaker, I urge that this bill be sent back to committee and that it be perfected so that we can do something for sub-Saharan African countries, as well as the U.S. domestic industries.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding. He has graciously advised the House on the importance of this committee and the importance of his motion to recommit, which contains substitute language.

Mr. Speaker, on behalf of the textile workers, agriculture workers, their families and the communities which depend on those jobs as their economic base, I rise in support of the motion to recommit with instructions to insert into this bill the same provisions we have in other trade agreements pertaining to textiles, and also language that will address the transshipment problem.

Mr. CRANE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I want to say a few words about the proposal to require that any apparel products receiving benefits under this bill be sewn in Africa only from U.S.-formed and -cut component parts. That would add, 17 percent are the estimates, to the cost of the product and negate any possibility of any textile and apparel coming from the sub-Saharan continent.

What we are attempting to do here is to provide an opportunity for a section of the world that numbers almost 700 million in population and which, in terms of a component of our textile and apparel imports, which in 1996 totaled $46 billion, their component was $380 million; and ITC says, ''Wow, that could almost double with this bill,'' add another $100 to $170 million.

Be realistic, folks. We are not looking at the kinds of threats that have been raised by some that have spoken in opposition to the legislation. I understand they have constituencies that have concerns. They have had concerns for years, long before this bill came down the pike, and they will have continued concerns.

Mr. Speaker, when all the fine words about encouraging economic development in Africa are set aside, the trade measures in H.R. 1432 stand out as concrete attempts to offer real opportunities and a solid transition path. We are moving from the old ways of transferring billions of dollars in foreign aid and towards the goal that Africans have for themselves, economic health and self-reliance.

I urge my colleagues to defeat the motion to recommit.

Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL), the distinguished ranking minority member.

Mr. RANGEL. I thank the distinguished gentleman for yielding. Mr. Speaker, I oppose the motion to recommit, but I would like to tell the gentleman from Georgia (Mr. BISHOP) that there are things in this bill that can be perfected.

The question of transshipment is always a serious problem with any trade bill. We have tried to tighten it up. The bill has not passed the Senate. It will go to conference. We hope to be working with the President, the WTO and Customs to make certain that we do not lose jobs, that we do not adversely affect the industries here. Of course, to say that Africans cannot manufacture any African fabric does not make a heck of a lot of sense, but I am certain,

working together, we can find some compromise to improve the legislation.

Mr. CRANE. Mr. Speaker, I yield to our distinguished Speaker to make concluding remarks.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, let me say first of all that the Africa Growth and Opportunity Act has taken 3 years of dedicated bipartisan work, led by the gentleman from Illinois (Mr. CRANE), by the gentleman from New York (Mr. RANGEL), by the gentleman from Texas (Mr. ARCHER), by the gentleman from Washington (Mr. MCDERMOTT), by the gentleman from New York (Mr. HOUGHTON), by the gentleman from California (Mr. ROYCE), by the gentleman from California (Mr. MATSUI). A lot of people worked on this bill.

Let me say to my friends, this is a very important bill. It is important, first, because it says to the countries of sub-Saharan Africa that if you meet the test of the rule of law, if you meet the test of private property, if you meet the test of moving towards a market economy, the United States wants to be your trading partner. This bill sets the right standard.

In conversations that I have had with the presidents of Uganda and Ghana, with the vice president of South Africa, all of them regard this as a significant step towards moving away from an aid-based system towards a trade-based system and helping develop real jobs in the world market.

Second, this bill is an important bill because it communicates our commitment to being in the world market where we create American jobs competing successfully with everyone. I would say to any of my friends who are worried about protectionism, look at the European experience where they have 12, 13 and 14 percent unemployment. And then look at the American experience where in November and December alone we created more jobs than Western Europe has created in the last decade. The fact is, being in the world market helps us create jobs because it forces us to be competitive.

Finally, I would say to my good friends from Georgia, both the gentlemen from the Republican side and the Democratic side in their bipartisan effort, if they will read pages 62 to 64 of the bill, they will see that transshipments are specifically blocked, that the President, in fact, certifies that countries have met our standards for transshipment, and that any parent company, if an Asian company, for example, were to attempt to ship goods inappropriately through an African country, we could level triple damages against the quota of the Asian country. So there is in fact a strong, legitimate antitransshipment provision.

This is a good bill. It is an important bill for our relationship with Africa. I urge every Member to vote no on the motion to recommit and then to vote yes on final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 193, noes 224, not voting 13, as follows:

[Roll No. 46]

AYES—193

Abercrombie
Ackerman
Aderholt
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bass
Becerra
Berry
Bishop
Blagojevich
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Canady
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Cunningham
Danner
Deal
DeFazio
Delahunt
DeLauro
Dickey
Dingell
Doyle
Duncan
Emerson
Engel
Etheridge
Evans
Everett
Farr
Filner
Forbes
Fowler
Frank (MA)
Ganske
Gejdenson
Gephardt
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Gutierrez
Hall (TX)
Hayworth
Hefner
Hilleary
Hinchey
Holden
Hunter
Inglis
Jenkins
Johnson (WI)
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lantos
Largent
Lewis (GA)
Lewis (KY)
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McNulty
Meehan
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickering
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Riley
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Sanchez
Sanders
Sanford
Sawyer
Serrano
Sherman
Sisisky
Skelton
Slaughter
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Thompson
Thornberry
Tierney
Torres
Traficant
Velazquez
Vento
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weygand
Wicker
Woolsey
Yates

NOES—224

Allen
Archer
Armey
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Brady
Brown (FL)
Buyer
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chenoweth
Christensen
Cook
Cox
Crane
Crapo
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLay
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Ewing
Fattah
Fawell
Fazio
Foley
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McInnis
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Nussle
Owens
Oxley
Packard
Parker
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Riggs
Roemer
Rogan
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Sununu
Tauscher
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Towns
Turner
Upton
Visclosky
Walsh
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Deutsch
Furse
Gonzalez
Harman
John
Manton
Poshard
Redmond
Rodriguez
Schiff
Schumer
Solomon
Stabenow

☐ 1711

Messrs. CUNNINGHAM, KENNEDY of Rhode Island, CALLAHAN, DICKEY and MORAN of Kansas changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. STABENOW. Mr. Speaker, I missed the vote on rollcall no. 46. On the motion to recommit with instructions for H.R. 1432, the African Growth and Opportunity Act; has I been present, I would have voted yes.

(Mr. ARMEY asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I thank the Members for their attention.

Mr. Speaker, we have been working with the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) about the Tucker Act, the bill to be taken up tonight, and we reached an arrangement that allows us to inform the Members that we will, on the next vote, have the last vote of the evening. There will be general debate and some work on the Tucker Act, for those who are interested in that, but any votes on the Tucker Act will be postponed until tomorrow.

So following the next vote, the Members will have had their last vote for the evening, and I want to thank the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) for their cooperation.

□ 1715

The SPEAKER pro tempore (Mr. EWING). The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 12, as follows:

[Roll No. 47]

AYES—233

Ackerman
Allen
Archer
Armey
Baker
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Boswell
Brady
Brown (FL)
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chabot
Christensen
Cook
Cox
Coyne
Crane
Cubin
Cummings
Davis (FL)
Davis (VA)
DeGette
DeLay
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Ewing
Fattah
Fawell
Fazio
Foley
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Granger
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Minge
Moran (VA)
Morella
Neal
Nethercutt
Northup
Nussle
Owens
Oxley
Packard
Parker
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Riggs
Rivers
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sawyer
Scarborough
Scott
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Stabenow
Sununu
Tauscher
Tauzin
Thomas
Thune
Thurman
Tiahrt
Towns
Turner
Upton
Vento
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
White
Wise
Wolf
Wynn
Yates
Young (FL)

NOES—186

Abercrombie
Aderholt
Andrews
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Bartlett
Berry
Bilirakis
Bishop
Blunt
Bonilla
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Canady
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cramer
Crapo
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
Diaz-Balart
Dickey
Dingell
Doyle
Duncan
Emerson
Ensign
Etheridge
Evans
Everett
Farr
Filner
Forbes
Fowler
Frank (MA)
Gejdenson
Gibbons
Goode
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (TX)
Hefley
Hefner
Hilleary
Holden
Hostettler
Hunter
Inglis
Jackson (IL)
Jenkins
Johnson (WI)
Jones
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lewis (KY)
Lipinski
LoBiondo
Lucas
Maloney (CT)
Mascara
McGovern
McHale
McHugh
McIntyre
Metcalf
Mica
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Pascrell
Pastor
Paul
Peterson (MN)
Pickering
Pickett
Price (NC)
Quinn
Rahall
Reyes
Riley
Rogers
Rohrabacher
Roybal-Allard
Rush
Sanders
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Tierney
Torres
Traficant
Velazquez
Visclosky
Walsh
Wamp
Watt (NC)
Weldon (PA)
Weygand
Whitfield
Wicker
Woolsey
Young (AK)

NOT VOTING—12

Deutsch
Furse
Gonzalez
Harman
John
Manton
Poshard
Redmond
Rodriguez
Sanchez
Schiff
Schumer

□ 1721

Mr. MARKEY and Mr. BARRETT of Wisconsin changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber on Rollcall vote Numbers 44, 45, 46, and 47. Had I been present, I would have voted nay on Rollcall vote 44, nay on Rollcall vote 45, aye on Rollcall vote 46 and aye on Rollcall vote 47.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1432, the African Growth and Opportunity Act.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. FORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2495.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1670

Mr. FROST. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1670.

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

There was no objection.

PERSONAL EXPLANATION

Mr. LUTHER. Mr. Speaker, during the past few weeks I have missed some votes due to an illness in my family.

On January 28, 1998, House Vote 2, Robert K. Dornan Election Challenge—Motion To

Table, by Mr. SOLOMON, R-N.Y., I would have voted nay.

On February 4, 1998, House Vote 3, H.R. 2625. Ronald Reagan National Airport—Previous Question, by Mr. SOLOMON, R-N.Y., I would have voted nay.

On February 25, 1998 House Vote 19, H.R. 1544. Federal Agency Compliance—Internal Revenue Service, by Mr. NADLER, D-N.Y., amendment, I would have voted nay.

On House Vote 20, H.R. 2181. Witness Protection—Death Penalty, by Mr. CONYERS, D-Mich., amendment, I would have voted aye.

On House Vote 21, H.R. 2181. Witness Protection—Passage, I would have voted aye.

On House Vote 22, H.R. 1544. Federal Agency Compliance—Civil Rights, by Ms. JACKSON-LEE, D-Texas, amendment, I would have voted nay.

On House Vote 23, H.R. 1544. Federal Agency Compliance—Foreign Entities, by Ms. JACKSON-LEE, D-Texas, amendment, I would have voted nay.

On House Vote 24, H.R. 1544. Federal Agency Compliance—Passage, I would have voted aye.

On House Vote 25, H.R. 2460. Wireless Telephone Protection—Passage, I would have voted aye.

On March 3, 1998, House Vote 26, H.R. 217. Homeless Housing Programs Consolidation—Passage, by Mr. LAZIO, R-N.Y., I would have voted aye.

On March 4, 1998, House Vote 27, H.R. 856. Puerto Rico Political Status—Rule, I would have voted aye.

On House Vote 28, H.R. 856. Puerto Rico Political Status—Spanish Language, by Mr. GUTIERREZ, D-Ill., amendment to the Solomon amendment, I would have voted nay.

On House Vote 29, H.R. 856. Puerto Rico Political Status—Languages, by Mr. BURTON, R-Ind., amendment to the Solomon, R-N.Y., amendment, I would have voted aye.

On House Vote 30, H.R. 856. Puerto Rico Political Status—English Language, by Mr. SOLOMON, R-N.Y., amendment, I would have voted aye.

On House Vote 31, Quorum Call. 405 Responded, I would have voted present.

On House Vote 32, H.R. 856. Puerto Rico Political Status—Voter Eligibility, by Mr. SERRANO, D-N.Y., amendment, I would have voted nay.

On House Vote 33, H.R. 856. Puerto Rico Political Status—Second Referendum, by Mr. STEARNS, R-Fla., amendment, I would have voted nay.

On House Vote 34, H.R. 856. Puerto Rico Political Status—Supermajority, by Mr. BARR, R-Ga., amendment, I would have voted nay.

On House Vote 35, H.R. 856. Puerto Rico Political Status—Olympics, by Mr. GUTIERREZ, D-Ill., amendment, I would have voted nay.

On House Vote 36, H.R. 856. Puerto Rico Political Status—Languages, by Mr. SOLOMON, R-N.Y., amendment, I would have voted aye.

On House Vote 37, H.R. 856. Puerto Rico Political Status—Passage, I would have voted aye.

On March 5, 1998, House Vote 38, H.R. 2369 Wireless Privacy Enhancement Act (Tauzin)—Passage, I would have voted aye.

On House Vote 39, H.R. 3130 Child Support Performance and Incentive Act—Passage, I would have voted aye.

On March 10, 1998, House Vote 40, On approving the Journal, I would have voted aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from North Carolina (Mr. BALLENGER) as a cosponsor of H.R. 3086, my bill.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2883, GOVERNMENT PERFORMANCE AND RESULTS ACT TECHNICAL AMENDMENTS OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–433) on the resolution (H. Res. 384) providing for consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–434) on the resolution (H. Res. 385) waiving points of order against the conference report to accompany the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT OF 1997

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 382 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 382

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. 992) to end the Tucker Act shuffle. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished 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.

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 382 is an open rule consideration of H.R. 992, the Tucker Act Shuffle Relief Act. The rule provides 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on the Judiciary.

The rule makes in order as an original bill for the purpose of amendment the Committee on the Judiciary amendment in the nature of a substitute, which shall be considered as read. The rule further provides that Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with the House rules.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

□ 1730

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the purpose of H.R. 992 is to end the so-called Tucker Act Shuffle that can bounce private property owners between the U.S. district courts and the court of Federal claims when seeking redress against the government for the taking of their property.

The fifth amendment to the Constitution provides in part, and I quote, ''nor shall private property be taken for public use without just compensation.''

Based on the legal doctrine of sovereign immunity, the Federal Government can only be sued with its consent. In 1887, Congress passed the Tucker Act permitting money claims based on the U.S. Constitution to be brought in the court of claims. However, if a property owner would prefer not to receive compensation for the Federal Government's confiscation of property, but to challenge the government's right to confiscate the property, the owner should go to the U.S. district court.

If a property owner wishes to both challenge the appropriateness of a taking of property and pursue monetary damages arising from the taking, the owner must choose to pursue one claim before the other. Both claims, in other words, may not be pursued at the same time.

To make matters worse, the owner cannot go to the court of Federal claims until a final decision, including appeals, has been reached in the district court.

The court of Federal claims statute of limitations prevents the owner from bringing suit for more than 6 years after a claim first accrues. Thus, incredibly and through no fault of his own, under current law the property owner may be left with no legal remedy.

This problem and property rights in general are of special concern throughout the West, and in central Washington which I represent. Far too often landowners facing the prospect of long and costly litigation against the Federal Government feel they have no choice but to accept a settlement that they believe is unfair. This is wrong and it must stop; that is the goal of H.R. 992.

Mr. Speaker, the Tucker Act Shuffle Relief Act seeks to correct this injustice by granting the U.S. district courts and the court of Federal claims the power to determine all claims arising out of Federal agency actions alleged to constitute takings in violation of the fifth amendment. The property owner then would choose which court would hear his case.

Mr. Speaker, the Committee on Rules has reported an open rule in order to permit Members seeking to amend H.R. 992 the fullest possible opportunity to offer any germane amendment during floor consideration of the bill.

Accordingly, I urge my colleagues to pass not only the rule, but H.R. 992 as well.

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

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

House Resolution 382 is an open rule providing for the consideration of H.R. 992, the Tucker Act Shuffle Relief Act. The rule allows for the consideration of all germane amendments and accords priority recognition to those Members who have preprinted their amendments in the Congressional RECORD.

Mr. Speaker, it is especially important that H.R. 992 be considered under an open rule because it was a matter of some controversy during its consideration in the Committee on the Judiciary. It was reported on a vote of 17 to 13, and eight Democratic members signed dissenting views in the committee report.

H.R. 992 seeks to simplify the resolution of disputes between landowners whose property has been subject to a government taking and the Federal Government by allowing such suits to be heard in either the U.S. district court or the U.S. court of Federal claims.

Under current law, the 1887 Tucker Act, a landowner must go to the court of Federal claims in order to sue for financial award or to a U.S. district court to challenge the validity of the agency action that resulted in the taking. Opponents of this bill make the claim that this legislation simplifies and expedites the process for landowners who seek to challenge the takings of their property. However, the legislation is opposed by the United States Judicial Conference, as well as a wide array of environmental groups, because of the controversy.

I support the open rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

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

Mr. BONILLA. Mr. Speaker, I rise today in support of the rule and in support of the Tucker Act Shuffle Relief Act. It is a mouthful, and to some it might sound like some popular dance step that today's young people are doing. But, in fact, it is a very old dance step that is practiced by the court system all too often.

Private property owners are forced to choose between filing a takings claim in either the U.S. court of Federal claims or Federal district court. The Tucker Act splits jurisdiction between these two courts so no one court can provide full relief to a property owner. Then what happens is, the courts wind up shuffling the property owners back and forth, bouncing them back and forth like ping pong balls between the two court systems, literally dancing around the problem and avoid ruling in the case.

This bill will stop the old song-and-dance routine by giving both courts jurisdiction over all claims relating to property rights. It would not change any current takings law. Property owners who feel they have had their property taken unfairly should be allowed to have their day in court and not spend years waiting while two courts argue over who should hear their case. I believe this will eliminate unnecessary delays and reduce court costs as well.

It is absurd for a landowner's problems to be tied up in court for sometimes up to 10 years or more, Mr. Speaker, waiting on the courts to figure out jurisdiction has forced landowners to watch their time and money waltz away. The time has come to give priority to citizens' constitutional rights over jurisdictional disputes between judges.

The right to private property is one of our most fundamental and sacred constitutional rights. That right should be respected by the Federal court system.

I encourage Members to vote for the rule and for the bill and for the right of every American to have their day in court. I would also like to commend my colleague and friend, the gentleman from Texas (Mr. SMITH) for taking a leadership role in this effort.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LIMITATION ON FURTHER AMENDMENTS AND DEBATE ON H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT OF 1997, ON THURSDAY, MARCH 12, 1998

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 992 in the Committee of the Whole, pursuant to House Resolution 382, after the legislative day of today, no further debate or amendments to the committee amendment in the nature of a substitute shall be in order except as stated below.

On the legislative day of Thursday, March 12, the amendment by Representative WATT of North Carolina, if offered today, shall be further debatable for 20 minutes equally divided and controlled by Representative WATT and an opponent.

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

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I missed that.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I will be happy to respond to the gentleman's question.

Mr. WATT of North Carolina. Mr. Speaker, I just wanted to make sure what it was the gentleman just did.

Mr. SMITH of Texas. Mr. Speaker, if the gentleman will continue to yield, to summarize, what this says is that tomorrow we will still be able to have 20 minutes' debate on the amendment that the gentleman is expected to offer tonight. That 20 minutes will be divided equally between the gentleman and an opponent.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

TUCKER ACT SHUFFLE RELIEF ACT of 1997

The SPEAKER pro tempore. Pursuant to House Resolution 328 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 992.

□ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 992) to end the Tucker Act shuffle, with Mr. EWING in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT), each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The issues we discuss today are those of equity and fairness. Every homeowner and every property owner across America deserves to have their day in court, and not just in court but in the right court. Many legislative initiatives are identified with an individual. We have Megan's Law, the Ryan White Act and the Ricky Ray bill.

Today we consider H.R. 992, the Tucker Act Shuffle Relief Act. Maybe we should call it the Narromore Act or the Presault Act or any of the other names of the property owners whose cases demonstrate the real need for this legislation.

W.O. and Eliza Narromore's property was flooded as a result of the government's operation of the Painted Rock Dam in Arizona. They first filed suit in 1980 in an attempt to force the United States to stop flooding their land. In 1988, their case had gone to the appeals court, and then had been sent back to the lower court for retrial. At that trial, the United States moved for dismissal of the case, saying the Narromores' claim should have been for compensation to the court of Federal claims. The Federal circuit agreed with the government and transferred the case to the court of Federal claims in 1992, sending the Narromores back to square one again. Today, 17 years later, their case is still pending.

In 1981, Paul Presault sued the State of Vermont to reclaim a strip of land that had been used by the State to run a government-operated railroad through his front yard. In 1989, the Supreme Court sent Mr. Presault back to square one because of the Tucker Act. Sixteen years later, after again going all the way to the Supreme Court, Mr. Presault is back in the court of Federal claims awaiting yet another hearing.

These are just a couple of the horror stories that demand equity and fairness. Property owners across America should not be tossed back and forth by the courts when they are simply trying to assert their fifth amendment property rights.

H.R. 992 seeks to provide a solution to an unfair judicial maze that often prevents private property owners from having their day in court. An individual who seeks to contest a government taking or an infringement of his or her property rights currently must deal with unreasonable obstacles and costs in negotiating his or her way through the legal maze built by the Tucker Act.

Current law denies the court of Federal claims authority to hear a claim for injunctive relief and denies the U.S. district courts the authority to hear claims for monetary relief over $10,000. Because of this split jurisdiction, no one court can provide complete relief to a property owner whose property has been taken. An owner can choose to seek only one kind of relief or must go to the expense of seeking relief from both courts. In addition, the Federal Government often claims that property owners have sued in the wrong court, bouncing private property owners back and forth yet once again between the two courts.

We may hear some argue that we should end the Tucker Act Shuffle by giving only U.S. district courts the ability to grant complete relief in takings cases. This is the wrong approach. We should not discard the valuable resource of the court of Federal claims's expertise or its large body of case law, compiled over time, by denying the court the ability to hear takings claims for both monetary and equitable relief.

Why not give property owners the option of going to the court that they think is best? Why should the government tell private property owners where to go?

This legislation provides no new cause of action. Instead, it merely creates an option to go either to the court of Federal claims or to the U.S. district courts for all the plaintiff's remedies concerning only fifth amendment private property takings cases.

We do not change the substantive law that defines a taking. We leave to it current law to determine whether there is in fact a legal claim.

There have been concerns voiced about giving an Article III court's power to an Article I court, that it would somehow be unconstitutional. The answer is, both courts are constitutional. Article III powers have been given to Article I courts many times without a detrimental result to the court system or to the Constitution; and H.R. 992 extends injunctive relief powers to the court of Federal claims only in private property takings litigation.

Furthermore, the bill directs that all appeals, whether from the U.S. district court or the court of Federal claims, will go to the same U.S. court of appeals for the Federal circuit which is in an Article III court.

I understand that some Members have concerns that H.R. 992 would override so-called preclusive review provisions of some environmental statutes. In order to reassure my colleagues that this bill will not modify any environmental statutes, I will be offering an amendment stating that H.R. 992 does not override any preclusive review provision in Federal law. This legislation simply allows private property owners to go to either court for a complete remedy of a takings claim.

H.R. 992 does not allow litigants to challenge agency action in several different courts. Should the plaintiff choose to proceed with their case under this act, once the plaintiff chooses one of the two courts, the case remains in that court only. Private property owners should be given the option and the opportunity to assert their constitutional rights in the court of their choice without being treated like a ping pong ball.

□ 1745

Every property owner in America has the right to obtain a timely resolution one way or the other of their takings claims. They deserve to have their day in court and in the right court, which is the court of their own choosing.

Among many organizations, the Chamber of Commerce, the realtors and the home builders support this legislation. I encourage my colleagues on both sides of the aisle to vote for this bill and support the right of every property owner in America to have their claim heard in either court.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding this time, and today I rise in the strongest

possible support for this bill that is introduced by my good friend, the gentleman from Texas (Mr. SMITH), and I sing his praises. This is a bill that I came here 20 years ago to see enacted into law and finally we are going to have that opportunity.

This legislation represents a very significant step forward in relieving the burdens facing Americans who own property and seek compensation for a taking by the Federal Government. We are all familiar with stories of private property owners whose land values have been disastrously affected by unbridled government regulation. Certainly up in the Adirondack Mountains, where I live, that is so.

Using wetlands restrictions or scenic easements, the government leaves landowners as custodians of their unused land and robs them of their livelihood in too many cases. To find relief from these takings, property land owners such as farmers, small businessmen and homeowners put their trust in the courts to sort out the mess that environmental regulation has made of their lives. But as we all know too well, going to court merely complicates their problems and costs money that they cannot actually afford.

Currently, private property owners have two options to litigate their takings cases. They can seek monetary relief in the U.S. Court of Federal Claims, very expensive; or injunctive relief in a Federal District Court, and that is very expensive, especially for a farmer that might have total income of only $10,000 or $12,000 a year. A property owner must choose between those two courts because of the Tucker Act. This act splits the jurisdiction of takings cases between the Claims and District Courts, requiring a landowner to shuffle back and forth to find relief.

On top of this restriction, section 1500 of the Tucker Act prohibits the Claims Court from even considering a suit that is pending in another court. In many cases, as these property owners find out, the government often claims that they have sued in the wrong court, bouncing the landowners between the two courts, again costing money that these people cannot afford.

For small property owners with limited financial means and time constraints, this shuffle makes it impossible for them to even hope to get some kind of relief. By failing to resolve this situation, we deny the constitutional rights of these property owners.

As my colleague from Texas has ably explained, this bill would put an end to some of this confusion. The bill gives both the District Courts and the Court of Federal Claims concurrent jurisdiction to hear all claims relating to property rights. And through this bill, our constituents can achieve complete relief of their takings cases in just one court and stop this endless game of judicial ping-pong.

To further resolve the difficulties caused by section 1500, this bill would repeal that section. This bill is an efficient and an effective solution to a difficult problem. Without some sort of relief, landowners throughout the country will continue to languish in court for years and years and years as they are shuffled back and forth between District to Claims Courts by government attorneys.

Mr. Chairman, private property takings cases have become the normal way of business for Federal Government agencies in all too many cases. Without the just compensation that the Fifth Amendment requires, private property rights are continually being violated by executive branch agencies that have run amuck throughout this country.

By abusing the Fifth Amendment and chipping away at these rights, we assault the very fabric of our society. H.R. 992 will begin to restore the Fifth Amendment and guarantee the private property rights of all American citizens. By supporting this bill, we can put an end to the Tucker Act shuffle and help private property owners resolve their litigation in a timely manner and, more than that, in a manner that they can afford.

Mr. Chairman, I would again sing the praises of the gentleman from Texas for bringing this legislation to the floor. Let us hope and pray it goes through the Senate and is signed into law. I urge support of the bill.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I want to join with the gentleman from New York (Mr. SOLOMON) in paying a tribute to my colleague, the gentleman from Texas (Mr. SMITH), for bringing a bill to the floor designed to address a serious issue. The difference between that gentleman's part of this debate and my part of the debate is not in the issue of whether a problem exists. We both agree that citizens of our country should not be shuffled back and forth from one court to another. That is not an area of disagreement that we have. The area of disagreement is how we solve that shuffle and eliminate the necessity of having to shuffle back and forth.

Our position on this side is that the problem needs to be solved, deserves to be solved, but must be solved in a constitutional way. And our position is that the bill of the gentleman from Texas does not resolve this issue in a constitutional way, and I will elaborate on that some more later in this debate.

Second, our position is that the solution that is proposed under this bill, in addition to being an unconstitutional solution, is a solution that would encourage forum shopping, and that is something that we should not be encouraging as a Congress.

Third, the solution that has been offered under this bill, and I believe the gentleman from Texas is going to correct this by offering an amendment which we will support, but as the bill is currently structured, the solution that is currently proposed would eliminate some expedited review under the law and delay disposition of cases that now get expedited review and consideration, and we think that is a real problem.

The fourth problem that we have with this proposed solution is that, as the gentleman from Texas has asserted, we want to speed up the process of getting justice and decisions in these cases. We do not want to slow down the process. And we believe this solution will simply slow down the process. Because if there is a question on the resolution, about the constitutionality of it, nothing is going to happen in this area until at least one or more cases moves through the process and moves on up to the Supreme Court and the Supreme Court decides this issue, which is going to, for a period of time, put us all on hold in these cases. And we think that is not justified.

The final argument we will make, and I want to flesh all of these out later in the discussion, is that if we are looking for a solution to this problem, we ought to find one that the administration will support. The administration does not believe that the solution that is offered under this bill is a constitutional solution or a reasonable way to address what they agree is a problem, and they have indicated that the President will veto this bill.

So we can either have a bill which solves the problem or we can create an atmosphere that preserves the issue for continuing debate, and I thought our objective here was to solve the problem, not just preserve the issue.

Those are the five points that I want to try to develop this evening.

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

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. SKEEN).

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

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding me this time and I rise in strong support of ending the Tucker shuffle.

I do so based on a simple and a powerful premise, the Fifth Amendment to the Constitution of the United States, which currently states that no person shall, quote, be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

I strongly contend that our Founding Fathers' intent was crystal clear and that the catalyst for much of the Declaration of Independence and the Constitution was based on a tyrannical government's overzealous abuse of power and constant infringements on individual freedom, including property ownership.

Unfortunately, the courts have found numerous ways to circumvent a constitutional right that is no less important than the right to free speech. They have done so under the guise of due process, which in actuality is being

used to retard the process and prevent citizens' constitutionally guaranteed right to seek compensation and relief from a Federal Government that increasingly seems to disregard the most important document in world history.

In essence, this legislation will facilitate a return of constitutional principle by allowing property owners who have been subjected to a taking the opportunity for real redress without fear of the court's ability to do the Tucker shuffle.

Remember, we all took oaths to uphold the Constitution, and I believe my vote for this legislation will uphold that oath. I can only hope that my colleagues, the Senate and the President, remember their oaths of office.

Mr. WATT of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to H.R. 992. While this bill appears to be an innocuous bill dealing with court jurisdiction, its actual effect would be to unsettle many areas of environmental law, and that concerns me.

Now, the gentleman from Texas (Mr. SMITH) will offer an amendment that will take care of one of the threats this bill poses to environmental law. His amendment will ensure that this bill does not override existing statutes. I appreciate his willingness to do that and I will support his amendment. But his amendment still leaves another problem with the bill, the enormous expansion of the jurisdiction of the Court of Federal Claims.

Now, that sounds like an arcane issue. Why should we care? The reason is that the Court of Federal Claims has no experience in handling these issues. It operates under different procedures than other courts that hear environmental cases and is not bound by all the precedents that bind those other courts. In other words, we will be sending environmental cases into a new, inexperienced, very different venue than we have dealt with for the last several decades. That creates unnecessary uncertainty not just for environmental advocates but for the regulated landowners and companies.

I should point out that the League of Conservation Voters strongly opposes the bill because environmental law cases simply do not belong in the Court of Claims. Moreover, the expansion may well prove to be unconstitutional.

□ 1800

The judicial conference of the United States, chaired by Chief Justice Rehnquist opposes the provisions of this bill because the bill, and I quote, ''represents a major expansion of the jurisdiction and remedial powers of the Court of Claims.'' Continuing the quote, ''These provisions may raise constitutional issues about the appropriate jurisdiction of an Article I court.'' That is, as my colleague, the gentleman from North Carolina (Mr. WATT), has indicated previously, it may have the unintended consequence, if the bill should pass, of actually delaying action rather than expediting action.

Why would we risk venturing into this uncertain territory? Frankly, the committee gives us no real reason at all. There is no evidence whatsoever that the so-called Tucker Shuffle is a real-world problem affecting real people. We are threatening environmental law for the sake of a theory.

I am, frankly, mystified as to why there is a determined effort to open the doors of the Federal Court of Claims. I do not hear any clamor for that. But I do hear genuine opposition to opening up the court for specific real-world reasons. Let us not unsettle environmental law for the sake of a symbolic bill that will help no one and is most certain to be vetoed. Let us defeat H.R. 992 and get back to the legislation that helps real people without threatening the legal safeguards that protect our air, our land, and our water. H.R. 992 does not spell relief. It spells trouble.

Mr. SMITH of Texas. Mr. Chairman, I yield myself as much time as I may consume to respond very briefly to a couple points that my friend, the gentleman from New York (Mr. BOEHLERT) made.

The first point is that he may have unintentionally misstated, because the Claims Court has plenty of experience handling these types of cases. In fact, it handles all the substantial monetary damage for these Fifth Amendment takings. The other is the gentleman said that he did not know that this is of concern to real people.

In my opening statement, I pointed out two horror cases that concerned very real people; and I would say just the opposite. I think the opposition to what I am trying to do is engendered by theory and idealism, not by concern for the real people who have real problems.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. SMITH), chairman of the Committee on Agriculture.

Mr. SMITH of Oregon. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 992, the so-called Tucker Act Shuffle Relief Act. I would like to thank my friend from Texas (Mr. SMITH), who has a great name, for his work on this issue affecting America's private property owners. The takings clause of the Fifth Amendment, as my colleagues have heard, allows the Federal Government to acquire private property as long as the Government provides ''just compensation,'' quote, end quote, to the owner.

But, as many of us know, the Federal Government sometimes does not abide by what we think our constitutional rights really are. In such cases, property owners now have two choices; they can sue for monetary relief, or they can sue for injunctive relief. Because the U.S. Court of Federal Claims lacks the authority to hear cases for injunctive relief and the Federal District Court lacks jurisdiction to hear claims for monetary relief, no one court can provide full relief to an aggrieved property opener.

Land owners filing suit today may, therefore, be shuffled between the courts, resulting in delays, increasing costs of litigation, of course. The Tucker Act Shuffle Relief Act would correct this process and provide full relief to property owners who have suffered by these problems of courts shuffling their concerns back and forth.

Is there no support for this kind of legislation? I am so frustrated with this system and with what is happening to private property rights around the country. As the gentleman knows, I am sure, the courts have been holding lately that if you have 50 percent aggrievement, you might have a standing in court. It costs roughly $250,000 to go to court for a takings issue. This eliminates the man or the woman whose property is taken by the Federal Government under that value, so they just merely give up.

All right, is that a private property right? Should we not be protecting every dollar of every private property owner's rights everywhere we go? Well, part of the frustration is the creation of this kind of legislation. It is essential that we do this to restore the confidence of America to its government again.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds to respond to some of the gentleman's rhetorical questions.

I share the gentleman's objective. He should be aware that there is a solution, there is a constitutional solution that would eliminate the shuffle. We are not opposed to eliminating the shuffle. Our solution would be to give jurisdiction over the monetary relief and the legal issues to the U.S. District Court, which is an Article III court that has the constitutional authority to accept all of that jurisdiction. That will eliminate the shuffle completely.

So I hope the gentleman will support my amendment when it is offered, my amendment with the gentleman from New Jersey (Mr. ROTHMAN).

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for yielding, and I cannot disagree with him at all. We are clearly in support of protecting property rights and recognizing the constitutional privilege that governs property rights and the need to protect such rights.

But, with all due respect to my good friend from Texas, this bill may appropriately be named the Tucker Shuffle

Act because it seems to shuffle, in fact, people away from justice. I say that because this bill would be far better if we were to utilize the Article III courts and to support the Watt-Rothman amendment that will allow these particular challenges by property owners to be in the United States District Court.

Let me tell my colleagues what happens or share. The Court of Federal Claims does have the ability to roll, if you will, but most times we would see constituents in Texas and Iowa, Idaho, going all the way from those faraway locations all the way to Washington D.C. to get justice.

So what we are suggesting here is shuffle justice away from the local community, when in fact the United States District Courts placed in those local communities, which are, in fact, Article III courts, have the local flavor. They understand Mrs. Jones' concern about her property rights and the infringement on those property rights. She is amongst those judges appointed from that community, Federal judges though they may be, appointed from that community sensitive to the value of the relevance of the emotion, the importance of that property issue.

When we start shuffling constituents, mostly partitioners, small land owners, all the way to the big city here in Washington D.C., it is intimidation, it is a question whether there is any sensitivity and whether or not there is justice.

So I would simply say that we have a real way of dealing with this concern, and that is, in place of the Court of Federal Claims, which may have limited exposure and experience to environmental concerns, for example, you would have the United States District Courts in place in your communities that could fully take advantage of the needs of the particular constituents on very important issues like property rights. The property rights are protected by the Constitution and protected by the Fifth Amendment.

I do not know about my colleagues, but I have seen most of the constituents I represent feel far more comfortable to be able to go into courthouses in their community than to travel all the way to Washington, D.C. and subject themselves, their property, and the meager means that they may have in order to be subjected under the Federal Court of Claims.

I think we are going in the wrong direction. It is wrong headed. If we truly want to shuffle justice back to the people, then let them have their day in court in the United States District Courts in their neighborhoods and in their communities.

This is not a good bill unless amended by the Watt/Rothman bill amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to clarify a point, and that is that this bill does not force anybody to go to Washington. In fact, it does just the opposite. It gives property owners the option of either going to a local Federal district court or going to Washington. The point is they should have the choice. That is why we need to support this bill.

Mr. Chairman, I yield 1 minute to my good friend, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in strong support of the Tucker Act Shuffle Relief Act. This important legislation will ensure equal justice under the law for America's property owners.

The Fifth Amendment to the United States Constitution is very clear. It says that private property will not be taken for public use without just compensation. This guarantees essential freedom and fairness.

The legislation offered by the gentleman from Texas (Mr. SMITH) will make sure that this guarantee of just compensation applies to all Americans. It says that each and every American, whether rich or poor, old or young, lawyer or layman will have their day in court to vindicate their rights. It gives each and every American access to justice.

Without this legislation, the right to protect constitutionally guaranteed Fifth Amendment rights is only as broad as your legal brief and as wide as your wallet.

Too many Americans have been unable to have their day in court because the courtroom door is barred with procedural hurdles and technical barriers. These Americans lack the legal fire power or financial wherewithal to surmount these barricades.

The Tucker Act Shuffle Relief Act removes those barriers to justice. It opens up the doors to relief for all of our people.

Support fairness, stand up for equal access to the courts, vote for the Constitution, support the Tucker Act Shuffle Relief Act.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the foundation of our American republic is built upon the idea that citizens have the inherent right to life, liberty, and property. In fact, throughout the writings of our Founding Fathers, the right to property is viewed as fundamental to economic and political liberty.

In the Declaration of Independence, Jefferson cited as a central reason for seeking independence was the King imposing taxes without our consent, the illegal taking of citizens' personal property.

Then, arguing in support of the proposed Constitution, James Madison suggested that government is instituted no less for the protection of the property than of the persons or individuals.

Fortunately for all of us, these views prevailed in the Constitution, and the Fifth Amendment ensures that, in the United States, no one will be deprived of personal property without due process of law and just compensation.

Unfortunately, however, there is currently no single court in which a property owner can seek full relief for a Federal taking. The Tucker Act, which splits jurisdiction on property rights issues between Federal district courts and the Court of Federal Claims, allows the government to argue that property owners are suing in the wrong court. This results in bouncing citizens between two courts, often preventing or significantly delaying a final decision on the underlying issue of an illegal taking.

Today, each of us have the opportunity and the responsibility to protect the constitutional rights of our constituents. The legislation before us today will ensure that Federal agencies and courts cannot sidestep the Constitution through procedural games and delay tactics.

I urge my colleagues to support the Tucker Act Shuffle Relief Act.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to a special friend, my colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I rise in favor of H.R. 992, the Tucker Act Shuffle Relief Act. This bill brings power back to its rightful place, the taxpayer or the property owner.

For too long, our constituents had been denied a quick and painless pursuit of their Fifth Amendment freedom. Our Constitution clearly recognizes that the right to own and manage one's property is essential to protect the other rights delineated in the Constitution.

We must ensure that property owners have the same access to Federal courts as any other individual who claims his constitutional rights had been violated. This bill simply streamlines the process to allow private property owners full recovery for a taking in one court. It does this by granting both Federal district courts and the Court of Federal Claims concurrent jurisdiction to hear all claims related to property rights.

This procedural fix will end the delays and increasing cost of litigation inherent in the Tucker Act as well as provide swift justice for property owners seeking to enforce their constitutional rights under the Fifth Amendment.

I want to thank my good friend, the gentleman from Texas (Mr. SMITH) for offering this very important piece of legislation. His tireless work on this issue will ensure that private property owners across America will receive the protection they deserve under our United States Constitution.

□ 1815

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me start by addressing the last two speakers, the gentleman from Georgia and the gentleman from Texas. First of all, I want to say once again and make it absolutely clear that the problem that this bill addresses, the shuffle back and forth between the U.S. court of claims and the U.S. district court, is one that should be done away with. No citizen should be required to go to two separate courts to deal with the same issue.

This bill gives a person whose property has been taken or who claims to have had their property taken or the value diminished in some way the right to take that claim either to the U.S. Federal court of claims or to take it to the U.S. district court. Those are two entirely different courts.

The U.S. district court, under the Constitution, is what is called an Article III court. An Article III court is one in which the judges are given, once they are appointed to the bench, lifetime tenure. The reason that they are given lifetime tenure is that we want them to be completely independent of the executive branch of the government, and we want them to be completely independent of the legislative branch of the government. We do not want politics or favoritism or any threat to intervene in their decision-making, so we give them lifetime tenure. That is an Article III judge.

The U.S. Federal court of claims, or the court of Federal claims, as it is now called, the judges are appointed for a 15-year term. They do not have the level of independence that an Article III judge has because their tenure is shorter. So you have Article III judges with lifetime tenure; you have Article I judges with a 15-year term.

Now, most folks, when I come to this body and take up for the Constitution, say, that MEL WATT just gets overly worried about the Constitution. So I want to put this in context.

In the drafting of the Declaration of Independence, the Founding Fathers complained that ''King George has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.'' It was for that reason that we wrote into our Constitution the provision for Article III judges. There is an historical basis. We were trying to remove those Article III judges from any influence that the executive branch of the government could exercise over them, and we did it by giving them lifetime tenure so that the executive branch or the legislative branch could not go over and interfere with those folks. They are supposed to be independent.

Now, when you then turn around and say, ''Okay, we're going to give an Article I judge the authority to declare a statute unconstitutional,'' you have stepped over the line. That is what this bill does. It says we are going to give the court of Federal claims judges the authority to declare acts of Congress unconstitutional. The Constitution will not allow that; plain and simple, it will not allow it.

I am not only expressing my opinion on this, I am expressing the administration's opinion on it. They have researched it and written us and said, we will not sign this bill for that reason, among others. I am expressing the opinion of 40 attorneys general whose letter I am holding in my hand, not only Democrats but conservative Republican attorneys general who expressed the exact same opinion.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I just want to reassure the gentleman that in subcommittee we passed an amendment that took care of the concerns of the State attorneys general. They were concerned about the local issues and what impact it might have on that, and we took that out of the bill. So I hope that that concern is addressed.

Mr. WATT of North Carolina. I do not think that concern has been addressed at all. I assume the attorneys general are still concerned about the constitutional ramifications of this bill. I have not seen anything that eliminates that concern.

Let me tell my colleagues how strongly our Founding Fathers felt about this. Our Founding Fathers actually were of the opinion that even Article III judges could not overrule a statute that was passed by Congress. That is how far away they wanted to put them.

Invalidation of Federal statutes is a very, very serious thing. Our Founding Fathers were so convinced of that that Article III judges who serve in the independent judicial branch of our government were not given that authority. It was not until the landmark case of Marbury v. Madison that even Article III judges were given the authority to invalidate a legislative enactment. Now we are going another step and giving that authority, under this bill, to judges who are appointed for 15 years. They do not have lifetime appointment. They are not independent.

Now you have got to wonder why that is happening. That brings me to my second point; that is, that this bill will encourage forum shopping. You should say, as an initial proposition, ''Well, it should not matter whether a judge is a court of Federal claims judge or a U.S. district court judge, the result ought to be the same.'' It should be. But it should not matter to my colleagues over here, either. That is why I am offering the amendment to make all of these claims come to the United States district court, an Article III court that has the constitutional authority to dispose of both the compensation issue and the constitutionality, the legal substantive issue.

But why do my colleagues want court of Federal claims judges to hear this? Let me tell Members my speculation about it. There are 14 judges on the court of Federal claims. Nine of the eleven active judges on the court of Federal claims were appointed by Presidents Reagan or Bush. Is that accidental, or are we looking to encourage people to go to a court that has a judge in it that was appointed by Republicans?

That ought not to be our objective here. If that is what we are trying to achieve, we ought to pack up and go home if we are willing to sacrifice constitutionality for partisanship. If that is the reason we are doing this, that is absolutely unforgivable.

Now, my colleague is going to offer an amendment that addresses the third concern I have. The bill, as it is now postured, would delay expedited consideration of a lot of these new takings laws, the environmental rules, so that under the bill as it is currently written, last fall when the Environmental Protection Agency issued new air quality and ozone standards, you could get an immediate decision with expedited review within 60 to 90 days; this bill as it is currently written would wipe out that expedited review. A number of other examples that I could give you, I will not go into that, because fortunately my colleague has seen the light on that issue and is going to offer an amendment to correct that problem. I am going to support that amendment.

I want to move on to the fourth point, my fourth concern about this bill. That is, this whole notion that we are trying to speed up the process and get people justice quickly. How long is it going to take for this new system, that I have already told you is unconstitutional, to work its way through the system and up to the Supreme Court, and the Supreme Court to hear arguments and come back down, and somebody to take it back up? We will be here 5 years from now trying to decide whether this is constitutional or not, and I just told you it was unconstitutional. It should not be what we are doing. Because there are going to be some real live litigants involved in that, and the cost to them of going all the way to the Supreme Court to have the court say that this is an unconstitutional statute should not have to be borne by individual citizens in this country.

If we value getting to an expedited result, as my colleague says, and with which I agree, we should correct this problem in a constitutional way. Put all of the jurisdiction in the United States district court. I do not know what impact that will have on the outcome of cases. That depends on individual cases.

I do not care what outcome it has on individual cases. What I do care about is that we do this in a way that is constitutional.

The final thing I care about is that we solve this problem, because fairness and equity, as my colleague from Texas has indicated, ought to always be the hallmark of our judicial system. The Narromores that he talked so much

about ought not to be subjected to the shuffle back and forth. The Joneses, the Smiths, no citizen ought to be subjected to that kind of shuffle.

□ 1830

But guess what? In an effort to maintain this as an issue, my colleagues are willing to pass a bill which the President has already indicated is going to be vetoed.

Let me reaffirm, I have the letter right here in my hand. It says, ''The administration is fully committed to the protection of private property, including the payment of just compensation under the Fifth Amendment when private property is taken for public use. The administration is also committed to streamlining and expediting Federal court litigation. However, H.R. 992 presents constitutional concerns, would waste valuable judicial resources, and would lead to significant instability in the law.''

And then it goes on to say, ''The Attorney General, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Chair of the Council on Environmental Quality would recommend that the President veto H.R. 992, as reported by the House Committee on the Judiciary.''

Now, we can either pass a bill and get it vetoed and preserve the debate, or we can pass a bill that is constitutional and solve this problem. We have the choice right here in this body, and I hope that my colleagues here will exercise that choice in a responsible way. I tried to convince my colleague to do that, but he thinks for some reason, the Court of Federal Claims, there is something sacrosanct about it.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume just to point out that in the statement that my colleague from North Carolina just read, it is abundantly clear that the President himself has not said he is going to veto it or has threatened to veto, it is just a few members of his administration that have recommended to veto, and as he knows, there is a great chasm between recommending and threatening, and I am not aware of any controlling authority that any member of the administration has to actually veto anything.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN. Mr. Chairman, I would like to thank my colleague from Texas for allowing me to rise in support of H.R. 992. Right now, property owners who have suffered a ''taking'' must elect between suing for monetary relief in the U.S. Court of Federal Claims or injunctive relief from Federal district courts.

Currently, this split jurisdiction hurts property owners. The Tucker Act makes the property owner choose between the two courts. By doing so, an individual can never receive full relief from an uncompensated Fifth Amendment taking.

H.R. 992 would permit private property owners to fully recover from a taking in either court by amending the Tucker Act. H.R. 992 gives both the district courts and the Court of Federal Claims concurrent jurisdiction to hear all of the claims relating to a Fifth Amendment taking. In essence, we have stripped away the confusion, delays and the procedural issues that may make it difficult for a property owner to have their case heard.

H.R. 992 also addresses the issues revolving around section 1500 of the Tucker Act. Section 1500 denies the Federal Court of Claims jurisdiction to entertain a suit pending in another court brought by the same plaintiff. This makes the filing of the Fifth Amendment takings case more complex and costly.

The Tucker Shuffle Relief Act clarifies the law to state that either the district court or the Federal claims court can have jurisdiction, ending this ambiguity in the law, and that is why, Mr. Chairman, I support H.R. 992 and urge its passage.

Mr. SMITH of Texas. Mr. Chairman, I would say to my colleague from North Carolina that I do not have any other speakers, but I intend to close.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from Texas (Mr. GREEN). We solved the problem in a constitutional way by the Watt-Rothman amendment. I hope the gentleman will support my amendment. I hope the House will support my amendment and we can solve this shuffle in a constitutional way. That is all we are trying to do. I hope my colleagues will join us and help us do it.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

A previous speaker mentioned that the Justice Department had some concern that this bill would encourage forum shopping. However, I want to point out that this is the same Justice Department in 1995 that admitted that under current law, ''The government presumably would have the right to transfer the cases and consolidate them in one forum.''

Also, all appeals in ''takings'' cases will be heard by the Court of Appeals for the Federal circuit, so a court precedent in takings cases will remain uniform regardless of what trial court a citizen initially chooses. The citizen will not be able to avoid unfavorable precedent by going to one court or the other.

Another point is that today a citizen has a choice of three courts to go to in a tax case. If the citizen does not pay the tax owed, he or she can go to a tax court. If the citizen pays the tax, the citizen can choose to go to the district court nearest to where they reside, or they can go to the Court of Federal Claims. As Chief Justice Lawrence Smith has stated, ''All 3 courts have developed their own particular abilities, and this system has provided, in the view of really all the tax bar, even the IRS and the Justice Department, a better system for the United States.''

We should provide U.S. citizens the same flexibility in takings cases that they now enjoy in tax disputes. We should allow them to choose a U.S. district court or the Court of Federal Claims, depending on their needs. Just as detrimental forum shopping has not developed in tax cases, it will not develop in takings cases either.

Mr. Chairman, the gentleman from North Carolina (Mr. WATT) mentioned a while ago his constitutional concerns and I want to lay them to rest. The Constitution clearly allows Congress to provide the Court of Federal Claims with the power providing equitable and declaratory relief in takings cases.

First, each Federal court, whether an Article I court or an Article III court, has the inherent authority and duty to disregard unconstitutional statutes and regulations. So in IBM Corporation v. U.S., the Federal circuit recently affirmed a ruling by the Court of Federal Claims declaring the Federal tax statute to be unconstitutional.

Second, the Court of Federal Claims already can provide the declaratory and equitable relief in various areas which now encompass about 40 percent of its docket.

Third, recent Supreme Court cases of Northern Pipeline Construction Company v. Marathon Pipeline Company and Commodity Futures Trading Commission v. Shore both signal Congress's ability to give the Court of Federal Claims the power to grant total relief in takings cases.

Mr. Chairman, in closing, let me reiterate that this legislation is based on equity and fairness. Every homeowner and every property owner across America deserves to have their day in court and in the right court and the court of their choosing. Property owners in America should not be shuffled back and forth between courts by the Federal Government when they are simply trying to assert their Fifth Amendment property rights.

H.R. 992 provides a solution to the unreasonable obstacles and costs property owners face today because of the Tucker Act. This bill would simplify the process for private property owners by giving them an option to go either to the Court of Federal Claims or the U.S. district courts for remedies concerning only Fifth Amendment private property takings cases. We do not change the substantive law that defines a taking; we leave it to current law to determine whether there is a legal claim.

My amendment on preclusive review assures that this bill will not modify environmental statutes, so the main objection of the League of Conservation Voters and a few of my colleagues has been addressed.

H.R. 992 simplifies the ability of every property owner in America to obtain a timely resolution one way or the other of their takings claim. If one supports giving private property owners their day in court, if one believes property owners, not big government, should choose the court that hears their case, if one believes that property owners do not deserve to be treated like a ping-pong ball by the Federal Government, if one believes in fairness and equity, then I encourage my colleagues on both sides of the aisle to vote for this simple, straightforward, common sense bill and support the right of every property owner across America to have their day in court.

Mr. Chairman, the Chamber of Commerce, the Realtors, and the Home Builders hope my colleagues will vote for this bill, too, and oppose the Watt amendment tomorrow.

Mr. CONYERS. Mr. Chairman, I rise today to urge you to oppose H.R. 992, the so-called "Tucker Act Shuffle Relief Act of 1997."

While I support the protection of private property rights and the payment of just compensation under the Fifth Amendment, I must oppose H.R. 992 because it is unconstitutional, overrides valuable ''preclusive review'' provisions in Federal statutes, and will lead to duplicative litigation and forum shopping. The bill is strongly opposed by the administration and is likely to be vetoed.

H.R. 992 is unconstitutional because it blurs the important distinction between Article III and Article I judges by allowing Article I, Court of Federal Claims judges to invalidate Federal regulations. Only Article III courts have the power of judicial review and the power to enjoin agency actions. The Supreme Court has clearly ruled that Congress cannot grant an Article I court the remedial powers of an Article III court.

Second, H.R. 992 overrides the ''preclusive review'' provisions that are an integral part of many Federal statutes. Preclusive review provisions ensure prompt and definitive resolution of legal challenges to agency decisions by providing that challenges to the validity of a particular statute must be brought in a particular court within 60 to 90 days. Businesses and investors rely on ''preclusive review'' provisions in order to make long-term business and investment decisions with certainty.

The bill would override these ''preclusive review'' provisions and allow challenges to be brought in a variety of different Federal courts at any time. A number of major Federal statutes would be affected, including the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Consumer Product Safety Act, and the Occupational Safety and Health Act. This result would be harmful to the public and the regulated community.

Finally, H.R. 992 will lead to duplicative litigation and forum shopping. By repealing 28 U.S.C. 1500, H.R. 992 eliminates provisions in current law that prevent duplicative litigation when a similar claim has been filed or is pending in another court. This will lead to a rash of wasteful litigation and forum shopping which would unnecessarily expend limited judicial resources.

I urge a "no" vote on H.R. 992.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tucker Act Shuffle Relief Act of 1997''.

SEC. 2. TUCKER ACT SHUFFLE RELIEF.

(a) IN GENERAL.—

(1) GRANT OF CONCURRENT JURISDICTION.—Except as provided in paragraph (3), the United States district courts and the United States Court of Federal Claims shall each have original jurisdiction to hear and determine all claims (whether for monetary or other relief) arising out of agency action alleged—

(A) to constitute a taking in violation of the fifth article of amendment to the Constitution of the United States; or

(B) not to constitute such a taking only because the action was not in accordance with lawful authority.

(2) ELECTION BY PLAINTIFF.—The plaintiff, by commencing an action under this section, elects which court shall hear and determine those claims as to that plaintiff.

(3) PARTIES INVOLUNTARILY JOINED.—No third party may be involuntarily joined to a case, within the jurisdiction of the Court of Federal Claims by reason of this section, if that party would be entitled to a determination of the claim with respect to which that party is joined by a court established by or under article III of the Constitution of the United States.

(b) EQUITABLE AND DECLARATORY REMEDIES.—With respect to any claim within its jurisdiction by reason of this section, the Court of Federal Claims shall have the power to grant equitable and declaratory relief when appropriate.

(c) APPEALS.—Any appeal from any action commenced under this section shall be to the United States Court of Appeals for the Federal Circuit.

(d) DEFINITIONS.—As used in this Act, the term—

(1) ''agency'' means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government; and

(2) ''agency action'' means any action or decision taken by an agency.

(e) CONFORMING AMENDMENT TO TITLE 28, UNITED STATES CODE, RELATING TO JURISDICTION OVER TORT CLAIMS.—Section 1346(b) of title 28, United States Code, is amended by inserting ''and the Tucker Act Shuffle Relief Act of 1997'' after ''chapter 171 of this title''.

SEC. 3. REPEAL OF LIMITATION ON FEDERAL CLAIMS COURT JURISDICTION BECAUSE OF PENDENCY OF CLAIMS IN OTHER COURTS.

(a) IN GENERAL.—Section 1500 of title 28, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1500.

Amend the title so as to read: ''A bill to end the Tucker Act shuffle, and for other purposes.''.

The CHAIRMAN. During consideration of the bill for amendment, the Chairman may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas:

Page 3, after line 12, insert the following:

(4) PRECLUSIVE REVIEW.—The grant of jurisdiction made by this subsection does not extend to matters over which other Federal law has granted exclusive jurisdiction to one or more United States courts of appeals or district courts.

Mr. SMITH of Texas. Mr. Chairman, my colleague, the gentleman from North Carolina (Mr. WATT), has raised a concern that this bill might change the preclusive review provisions that are contained in some Federal environmental statutes. Such provisions specify that the review of the particular statutes must be handled by specified Federal courts.

The preclusive review issue is not one about substantive law, only about which Federal courts get to adjudicate a dispute regarding a particular statute. In any event, I want to reassure my colleagues that the Tucker Act Shuffle Relief Act will not modify any Federal environmental laws, so I am offering this amendment to make sure that the bill does not override preclusive review provisions.

My amendment simply states that the grant of jurisdiction made by the Tucker Act Shuffle Relief Act does not extend to matters over which other Federal law has granted exclusive jurisdiction to one or more United States courts of appeals or district courts. This shows the preclusive provisions will not be touched by this bill.

While the concern raised about preclusive review is unfounded, in my opinion, I do want to make a good faith effort to address it, so I encourage Members to support this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would inquire of my friend from Texas whether he is intending to amend, is asking unanimous consent to amend his amendment? I thought we had talked about that.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, the amendment that I am offering now has language that has been added that the gentleman from North Carolina and I talked about earlier today, and I want to reassure him that that language has been inserted.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for answering that question.

Mr. Chairman, this certainly improves the gentleman's bill, this amendment. I support his amendment fully. It does not go all the way to address the constitutional issue, unfortunately, but it addresses the issue of expedited review of cases, and that needed to be addressed, and I am glad he is doing it. I encourage my colleagues to support the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA.

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. WATT of North Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tucker Act Shuffle Relief Act of 1998''.

SEC. 2. TUCKER ACT SHUFFLE RELIEF.

(a) IN GENERAL.—

(1) GRANT OF JURISDICTION TO UNITED STATES DISTRICT COURTS.—The United States district courts shall have original jurisdiction to hear and determine all claims, notwithstanding the dollar amount, arising out of an agency action alleged to constitute a taking without just compensation under the fifth article of amendment to the Constitution of the United States.

(2) ELECTION BY PLAINTIFF.—The plaintiff may elect to file separate actions relating to such claims in the United States district court and the Court of Federal Claims, or may consolidate all such claims in the United States district court.

(3) PRECLUSIVE OR EXCLUSIVE REVIEW.—Nothing in this section shall be construed to affect any provision of a Federal statute which gives preclusive or exclusive jurisdiction of a specific cause of action to the United States court of appeals or to specific United States district courts.

(4) APPEALS.—Any appeal to a ruling by the United States district court shall be heard in accordance with section 1291 of title 28, United States Code.

(b) DEFINITIONS.—As used in this Act, the term—

(1) ''agency'' means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government; and

(2) ''agency action'' means any action or decision taken by an agency.

SEC. 3. CLARIFICATION OF LIMITATION ON FEDERAL CLAIMS COURT JURISDICTION BECAUSE OF PENDING CLAIMS IN OTHER COURTS.

Section 1500 of title 28, United States Code, is amended by inserting '', arising from the same operative facts and seeking the same relief,'' after ''any suit or process''.

Amend the title so as to read: ''A bill to end the Tucker Act shuffle, and for other purposes.''.

Mr. WATT of North Carolina. Mr. Chairman, this amendment, now that the chairman of our subcommittee has made his amendment, the primary purpose would be to remove the discretion for a litigant to go to the Court of Federal Claims or to the U.S. district court, which I think is an unconstitutional discretion, and still give to a litigant the right to take their claim to the U.S. district court, an Article III court, and have their claim determined in its entirety.

□ 1845

They could litigate the constitutionality of the taking; they can litigate the amount of compensation they are due as a result of the taking. All of that can be addressed in the United States District Court.

In our opinion, to give a litigant the option of going to the U.S. Court of Claims, the Federal Court of Claims, is an unconstitutional act, because those judges are not Article III judges. I have already summarized that. I will not belabor that point anymore.

I do have a severe concern that the reason that this option is being offered under the bill is for political purposes. I misstated in my earlier statement, all of the 14 active judges of the Court of Federal Claims and 9 of the 11 active judges on the Court of Appeals from that court are either Reagan or Bush appointees. I think that is really what is giving this option for people to go to the Court of Federal Claims is all about.

We ought not to worry about political objective, we ought to be worrying about getting a bill that solves the problem in a constitutional way. I hope that my colleagues will support my amendment.

Mr. Chairman, Assistant Attorney General Eleanor Acheson stated precisely why, in her recent testimony before the Subcommittee on Immigration and Claims, we should oppose this amendment.

She said,

The Court of Federal Claims has developed expertise in resolving and streamlining takings litigation, and in the other complex cases within its specialized docket.

She also stated that,

Takings claims may involve extensive discovery and trial on significant issues with which a Federal District Court has little experience.

We should not discard the valuable resource of the Court of Federal Claims' expertise or its large body of case law, which has been compiled over many years. Property owners across America have the right to be heard in either the Claims Court or the Federal District Court.

Why not give property owners the option of bringing a takings claim in a U.S. District Court or the Court of Federal Claims? If the owner wants to pursue his or her claim in a court close to home, the individual can choose a Federal District Court. If the owner wants to utilize the expertise of a specialized court, the owner can choose the Court of Federal Claims. We should make it as easy as possible for property owners to have their claims heard.

My colleague is concerned that Congress cannot constitutionally give the Claims Court the authority to grant injunctive relief, but the Court of Federal Claims already has the power to grant injunctive relief in various areas, totaling about 40 percent of its docket, as I noted a minute ago.

Further, the Supreme Court has provided us with a test to judge whether Congress can give the Court of Federal Claims the power of injunctive relief in different circumstances. If we apply these tests found in the cases of Northern Pipeline and Commodity Futures, the result is very clear. Congress can grant the Claims Court the powers of injunctive relief in Fifth Amendment takings cases.

There are some, and I certainly do not put my friend, the gentleman from North Carolina (Mr. WATT) in this category, but there are some who say they are for property rights. What they mean is that they are for property rights in the abstract, for property rights theoretically, for property rights idealistically, but when it comes to helping real people with real problems, somehow they can never be found.

This bill is a fair, straightforward, commonsense way to give every property owner across America their right to choose the court that they think is best for their claim, either the Claims Court or the Federal District Court.

This amendment would destroy that option for every property owner in America. The underlying bill is supported by such organizations as the National Association of Realtors, the National Association of Home Builders, and the U.S. Chamber of Commerce. These groups also oppose the weakening amendments, such as this one. So I hope tomorrow, when we ultimately vote on this amendment, there will be strong bipartisan opposition to it.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. EWING) having assumed the chair, Mr. SUNUNU, Chairman pro tempore 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. 992) to end the Tucker Act shuffle, had come to no resolution thereon.

WAIVER OF APPLICATION OF SUBSECTIONS 402(a) AND (b) OF TRADE ACT OF 1974 WITH RESPECT TO VIETNAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–227)

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

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the ''Act''), I have determined that a waiver of the application of subsections 402 (a) and (b) with respect to Vietnam will substantially promote the objectives of section 402. A copy of that determination is attached. I also have received assurances with respect to the emigration practices of Vietnam required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to subsection 402(c)(2) of the Act, I shall issue an Executive order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Vietnam.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1998.*

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.

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

(Ms. ROS-LEHTINEN 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 California [Mr. RIGGS] is recognized for 5 minutes.

(Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FILNER 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 the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

(Ms. NORTON 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 New Jersey [Mr. SMITH] is recognized for 5 minutes.

(Mr. SMITH of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

(Ms. WOOLSEY 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 Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

(Mr. KLINK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JUSTICE FOR THE FLATOW FAMILY AND A TOOL AGAINST TERRORIST ATTACKS

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

Mr. SAXTON. Mr. Speaker, today was a momentous day for many of us who have worked for over a year to accomplish what I guess I would describe as a very, very important and worthwhile goal.

On April 9, 1995, a young lady by the name of Alicia Flatow was the victim of a terrorist attack as a college student while riding in a bus in the Gaza strip. Soon after the terrorist attack, the Islamic Jihad claimed responsibility.

Then about a year and a half ago, Alicia's father, who was a resident of New Jersey, Steven Flatow, came to visit me in my office with his attorney, Steve Perles, from Washington, DC. It seems that they had filed suit against the Islamic Republic of Iran for the part they played in this terrorist attack, and for allegedly supporting the terrorist attack.

I was informed by Mr. Flatow and his attorney that in filing and successfully pursuing such a court case, that momentous expenses are incurred, and at the most, under then current law, under then law, that law that existed at that time, a year and a half ago, the most that could be recovered would be something slightly over $1 million, and that in order to pursue a proper remedy, that Federal law would have to be changed to permit recovery for punitive damages.

I went to see the gentleman from Illinois [Mr. HENRY HYDE], explained the situation to him, and he agreed that if the chairman of the Committee on International Relations also agreed, that we would make the appropriate change in the law. We did, and in the Senate, Senator LAUTENBERG lent his hand, and the change in the law was made.

Today, at a little after 10 o'clock this morning, Federal District Judge Royce Lambeth issued the statement in which was embodied his decision. The State of Iran this morning was entered against a judgment for $247 million for the part they played in the killing of young Alicia Flatow. This is justice for the Flatow family. It sadly does little to remedy the damage that was done to the young lady, but it is some form of justice to the family.

But just as importantly, perhaps more importantly, we have established through law and through now judicial process that there is yet another tool that the citizens of the United States of America have available to use against terrorist attacks like the one that occurred on April 9, 1995, in the Gaza strip.

I hope that the message goes out loud and clear to terrorists around the world, wherever they may be, and would-be terrorists, and, importantly, very importantly, today's governments around the world that are known to be supporters of terrorism, that the United States and the citizens of the United States and the Congress of United States and the court system in the United States, that none of us are going to rest easy until every act of terrorism is stopped.

Today was a good day in our fight against terrorism, but we must be determined to carry this battle further in the days ahead. So today I thank all of those who were involved in this process. I thank the gentleman from Illinois [Mr. HENRY HYDE] for the part he played, the gentleman from New York [Mr. BEN GILMAN] for the part he played, and the court system and Judge Royce Lambeth for the part he played.

□ 1900

EVERY AMERICAN MUST COUNT

The SPEAKER pro tempore (Mr. EWING). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, today I rise to discuss an issue that is critical to democracy, fairness and representation in this country. The issue to which I am referring is the year 2000 census.

As a newly appointed member to the Subcommittee on the Census, I look forward to working closely with other members to make sure that every citizen in America is indeed counted. Since 1790, during the first census, there was a significant undercount, especially among the poor and disenfranchised. Two hundred years later, in 1990, it is estimated that the census missed 10 percent of the population or 26 million people. Most of those who were not counted were poor people living in cities and rural communities throughout America, African

Americans, Latinos, immigrants and children.

The City of Chicago's undercount was about 2.4 percent and the African American undercount was about 5.6 percent. We can ill afford to have a count in the year 2000 that does not include every American citizen. Too much is at stake.

The census count determines who receives billions of dollars in Federal aid. Every year census information directs an estimated $170 billion in Federal spending. Census data helps to determine where the money goes for better roads, highways and transit systems, schools, senior citizen centers, health care facilities and programs for Head Start and school lunches. In addition to money, representation is at stake. Congress, State legislatures, city councils, county boards and other political subdivisions are redrawn as a result of the census count.

There are some in this body who would deny representation and resources to millions of citizens in the name of maintaining the status quo. Under the Census Bureau's plan, everybody counts. All Americans will be included in the census. But if we keep taking the census the old way, we will continue to miss millions of people, and one might wonder if we have learned anything since 1790.

I was always taught that those who failed to remember the mistakes of the past are doomed to repeat them. I have learned from the past, and the past dictates that the old way of trying to count every citizen will not work. Therefore, business as usual is unacceptable, and we must begin to do things a new way.

In addition to making sure that every American counts, the Census Bureau's plan of sampling will save the taxpayers hundreds of millions of dollars. Let us put politics aside and use a method that the experts agree will yield the most accurate count. The experts have stated that if statistical sampling is not used to conduct the 2000 census, then the question we will ask is not whether the census was accurate, but how many people did we miss.

I urge grassroots organizations all over America, as well as the more traditional ones like the NAACP, Urban League, fraternities, sororities, churches and other groups to become actively involved in trying to make sure that all of our citizens are counted. Let us remember, if you are not counted, then in reality you do not count. Census-taking must be a high priority and sampling is the most professional way to make sure that there is no significant undercount.

The SPEAKER pro tempore (Mr. SAXTON). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE PLIGHT OF SMALL FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise this evening to urge my colleagues to be a part of legislation that will help many farmers and ranchers who are struggling to survive. There are two initiatives that I and others will introduce to respond to serious problems confronting this Nation's farmers and ranchers, particularly small farmers and ranchers.

First, the onerous provisions of the 1996 farm bill that ban family farmers and ranchers from receiving a loan from the United States Department of Agriculture if a previous loan had been written down are causing many farmers and ranchers to go out of business. We must correct the credit barriers created by the 1996 farm bill.

Farmers who have had credit problems under that bill are treated worse than persons who are declared in bankruptcy. Work is in progress for the legislation to fix this problem.

Another damaging problem is the continuing and very real threat by the Department of Justice to issue an opinion stating that the complainants in discrimination cases that did not file a lawsuit within 2 years cannot get money damages even if they show discrimination. The Department has taken that position because of its interpretation of the law regarding the statute of limitations.

When that decision is issued, and if it holds, complainants in many of the pending cases are at risk of getting nothing for a lifetime of suffering. Again, without relief in cases where relief is merited, small farmers and ranchers who have been discriminated against will be driven out of business. We cannot tolerate that result.

Farmers have been important to this Nation's past and farmers are vital to this Nation's future, especially the small family farmers and ranchers.

American producers, who represent less than 3 percent of the population, provide more than enough food and fiber to meet the needs of our Nation as well as many nations overseas. Our Nation's farms have changed greatly since the late 1950s. In 1959, there were more than 2.4 million small farms, those less than 180 acres in the United States, and over 172,000 farms in North Carolina, representing 6.9 percent. By 1978, the Nation's number of small farms had declined to a little over 1.3, a loss of 1.1 million small farms. In that same period, North Carolina lost 106,262 small farms, bringing its total to 66,091 small farms.

It is important to note that by 1990, almost a quarter of all small farmers had income below the poverty line, more than twice the Nation's average. And by 1992, there were only 1.1 million small farms left in the United States, a 45 percent decline from 1959. North Carolina had only a little over 39,000 farms left in 1992, a decline of 23 percent.

Several factors have accelerated the demise of small producers: globalization of commerce, economies of scale, limited access to capital and technological advances. The existence of worldwide markets for all commodities, not just agriculture commodities, have created unique market forces and pressures that producers of the past did not have to compete with. But now American producers have to cope with the substantially larger and less accommodating world markets in which to vend their merchandise with competitors who play by sometimes significantly different rules.

With regard to technology, inventions have paved the way for substantial high-level mechanization and modern agriculture, but the technological advances usually come at a very high price and one that most often small farmers are unable to afford. Often small producers are also limited-resource producers. These disadvantaged farmers many times have severe constraints in access to capital for various reasons, including the sheer lack of collateral, the inability to demonstrate the wherewithal to repay a loan and the paucity of funds made available by such lending institutions.

However, all these have had an even sharper influence on minority farmers and ranchers. Indeed, we know that we must correct this issue, Mr. Speaker.

I urge my colleagues, as they will consider this legislation as it comes before them, that we cannot allow small farmers and small ranchers not to have this legislation.

Economies of scale are factors as many small producers do not have the tools necessary to achieve the most efficient methods of production as they frequently are priced out of the market for implements, land and other inputs. Also one must be cognizant of the impact of vertical integration, concentration and contract farming on the role of the twentieth-century producer.

However, the aforementioned factors have had an even sharper influence on minority farmers and ranchers. In 1920, there were over 6 million farms in the United States and close to sixth—926,000 were operated by African-Americans. In 1992, the landscape was very, very different. Only 1% of the 1.9 million farms in the United States are operated by African-Americans.

One-percent—18,816, is a paltry sum when African-Americans comprise 13% of the total American population. In my home state of North Carolina, there has been a 64% decline in minority farmers, just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992.

There are several reasons why the number of minority and limited resource farmers are declining so rapidly, but the one that has been documented time and time again is the discrimination in the credit extended from the Department of Agriculture, the very agency established by the U.S. government to accommodate and assist the special needs of all farmers and ranchers.

Mr. Speaker, at the end of each day, those of us in government must be honest and answer the question, by our policies, who have we helped and who have we hurt?

The priorities of the United States, make a statement about who we are and where we stand. It signals to our citizens and to the world the principles by which our lives are governed.

I urge each of my colleagues to be continually dedicated to the small farmers and ranchers of our great nation by becoming an original co-sponsor of legislation that will soon be introduced to fix the credit and statute of limitations problems.

ENACT H.R. 3411, THE COMMISSION ON AMERICAN MATHEMATICS LEADERSHIP ACT, TO REFORM MATH EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Yesterday I introduced a bill, H.R. 3411, establishing the Commission on American Mathematics Leadership to improve the way mathematics is taught in our Nation's schools.

The need for this bill is clear. Just 2 weeks ago the most comprehensive and rigorous international comparison of mathematics education ever undertaken revealed American high school seniors, even our Nation's best students in advanced classes, to be among the world's least prepared. The results of this study, the Third International Mathematics and Science Study, called TIMS, cry out for comprehensive reexamination of our current approach to mathematics education in the United States.

As part of the study, in the spring of 1995, fourth, eighth and twelfth graders from more than 40 countries, including the United States, were tested. Asian countries did not participate. The twelfth grade examination was comprised of four separate parts, testing general mathematics, including fractions and percentages, graphics and algebra, as well as advanced mathematics including calculus, geometry and equations.

In the general knowledge of mathematics, American twelfth graders did better than students in only Cyprus and South Africa. Students in four countries, Italy, Russia, Lithuania and the Czech Republic, performed at the same level as those in the United States. Meanwhile, 14 countries, led by the Netherlands and Sweden, outperformed the United States.

In the category of advanced mathematics, tests given to students who had taken or were taking precalculus, calculus or advanced placement calculus, 11 countries outperformed the United States and no country performed worse.

The study indicates that our Nation's mathematics deficiency lies with the systematic instruction of mathematics and not in the abilities of our students. This is made clear by the fact that fourth graders do well, while eighth and twelfth graders struggle. In fact, the work of American fourth graders is quite strong in math when compared to similar students in other countries.

Equally upsetting is the fact that American students fared poorly in math even though they expressed more enthusiasm for learning the subjects than their peers in other nations. The results of this review are disappointing and unacceptable.

As the chair of the Subcommittee on Technology of the House Committee on Science with jurisdiction over our Nation's technology and competitiveness policy, I find that there is a direct correlation between the ability of the United States to compete internationally and mathematics skills. The requisite expertise needed for technology jobs, in this ever more technologically advanced world marketplace, runs the spectrum from programming, designing systems, trouble shooting and serving clients, among others. All of these talents are reliant upon the concepts of basic and advanced math.

Without these skills, our Nation's technology work force will soon fall far behind our global competitors, further behind, I should say. Exacerbating the international competitiveness concerns is the technology work force shortage facing our Nation. The Department of Labor projects the doubling of the demands for computer scientists, engineers and systems analysts over the next 10 years, an increase of more than 1 million high-skilled high-wage jobs. Yet today many employers report difficulty in recruiting enough workers with these skills despite aggressive retraining and hiring programs.

There is no time to lose, especially for many young Americans. Students must simply become better educated about basic math and their own economic future. Since 1976, workers with wages in the 50th percentile have lost about 15 percent of their earning power while the lowest tenth have lost 25 percent in real wages.

So as we approach the new millennium students underprepared for the workplace are likely to see their wages decline further.

Mr. Speaker, at the start of this decade our Nation's governors set the goal of making American students first in the world in mathematics. The results of the TIMS study demonstrate how far we have to go to reach that goal. So today I urge my colleagues to join with me to renew that lofty goal. We must use the TIMS study as a wake-up call to revamp the culture of math instruction from top to bottom.

I believe the first step necessary to reverse our Nation's declining math proficiency is enactment of the bill that I introduced, the Commission on American Mathematics Leadership Act.

□ 1915

The duties of the blue-ribbon commission will be to review the existing research base on mathematics education leadership, including the status of math education in the United States relative to international competitors, proposed professional development priorities to assure that the teaching of math at all educational levels in the United States is strengthened, and to propose a new direction and new ideas to assure our students are world class achievers in mathematics.

The bill I have introduced is also introduced in the Senate, a companion bill, by my distinguished colleague, Senator FRIST of Tennessee. It has been referred to both the Committee on Science and the Committee on Education and the Workforce. I look forward to working closely with my good friends, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. GOODLING), to enact this important bill.

CONGRESS MUST PASS LEGISLATION REFORMING THE IRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, today we are 35 days away from April the 15th, a dreaded day for every American taxpayer. As we all struggle through this burdensome time of year, please allow me to share with my colleagues some facts.

The average American family today pays more in taxes than it spends on food, clothing and shelter combined. Mr. Speaker, I want to repeat that. The average working family in America today pays more in taxes than it spends on food, clothing and shelter combined.

The Gettysburg address is only 269 words, the Declaration of Independence is only 1,337 words, and the Holy Bible is only 773,000 words. However, the tax law has grown from 11,400 words in 1913, to 7 million words today. I want to repeat that. The tax law has grown from 11,400 words in 1913 to 7 million words today.

There are at least 480 different tax forms. The easiest form, the 1040 EZ, has 33 pages of instructions, all in fine print. As a result, Americans devote 5.4 billion hours, 5.4 billion hours, to complying with the Tax Code each year, which is more time than it takes to produce every car, truck and van made in the United States. I think that is worthy to be repeated also, Mr. Speaker. Americans devote 5.4 billion hours to complying with the Tax Code each year, which is more time than it takes to produce every car, truck and van made in the United States.

Americans also spend $200 billion each year on tax lawyers, accountants and other costs associated with tax law compliance. The IRS sends out 8 billion pages of forms and instructions each year, which, if laid end to end, would stretch 28 times around the earth. I want to repeat that. The Internal Revenue Service sends out 8 billion pages

of forms and instructions each year which, if laid end to end, would stretch 28 times around the earth.

The IRS, the Internal Revenue Service, employs 114,000 people. That is twice as many as the CIA and five times more than the FBI.

Unfortunately, I could go on and on with equally horrifying facts. The American tax system is simply out of control. Our families and businesses are facing a burden that is far too high and this Congress must do something to help them.

Last year we provided the first tax relief in 16 years, and that is a good start, but, Mr. Speaker, it is not enough. The American tax burden is much more than the size of the check we write to the Internal Revenue Service each year. It is also the difficulty in cost of complying with a lengthy and complicated Tax Code.

The best thing that we can do to help families and businesses nationwide is to give them a simpler, fairer tax system. This will give families more time to spend together, it will give businesses more time to do their business, and it will allow everyone to keep more of their hard-earned dollars.

I know that a reduced tax burden is appealing to people in my district, the third district of eastern North Carolina. Somehow I imagine that people throughout this Nation think it is a pretty good idea also.

Mr. Speaker, I urge my colleagues to join those of us in this Congress, bipartisan, to reduce the tremendous burden American taxpayers currently face. Bills have been introduced to sunset the Tax Code and to replace it with a fairer and simpler tax system. It is critical that we pass this legislation and start the debate about how exactly to give the taxpayers the relief they deserve. Whether it be a flat tax or a national sales tax, or another modification of the tax system, the American people need this and deserve this.

This debate will separate those of us on both sides of the aisle who are serious about tax reform from those who simply talk about it. Talk is cheap. Actions speak louder than words. Mr. Speaker, we have an opportunity in this Congress, the 105th Congress, to bring relief to the American taxpayers and it is something we need to do.

I urge my colleagues to pass this legislation for the sake of the American people. Let us eliminate the Internal Revenue Code and replace it with a fairer and simpler tax system.

NATIONAL SECURITY AND MILITARY READINESS

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

Mr. HUNTER. While the Speaker is there in the Speaker's chair, I want to thank the gentleman for what he has done to help bring our military forces at least to the state of readiness they are at today. As a friend on the Committee on National Security, the gentleman has worked long and hard to see to it that we have sufficient airlift to move our forces around the world.

I am here, Mr. Speaker, to speak about national security. We are in this great Chamber, the Chamber where, according to Alexander Hamilton, the people rule, and our first constitutional duty to our people, to our country, is to defend them. And yet, Mr. Speaker, over the last several years, under the leadership, if we can call it that, of the Clinton Administration, we have been abandoning our first duty to the people of the United States in that our military forces are much smaller than they were 6 years ago, and they are not ready, Mr. Speaker, to fight and win two regional conflicts. And that is the standard that we set for our armed forces.

Now 5 years ago when we fought Desert Storm we had 18 army divisions. Today we only have 10. We had 24 fighter air wings. Today we only have 13. The Clinton Administration has cut our air power almost in half. And in those days we had 546 naval ships. Today we only have about 333 ships in the U.S. Navy, so they have cut the Navy by about 40 percent.

Now, Mr. Speaker, we in the Congress obviously produce the defense authorization bill, and if we do not produce a bill that is signed by the President this year, that puts enough money in spare parts, ammunition, fuel, training and other aspects of readiness, as well as in modernization, and that means buying new equipment to replace the old equipment, then we are doing a great disservice to every young man and young woman who goes down to a recruiter and signs up to be in the U.S. military.

We have been having hearings around the country. The other day my great colleague, the gentleman from California (Mr. DUKE CUNNINGHAM), who has also a seat made in San Diego, and I and a number of other Members, the gentleman from Pennsylvania (Mr. MCHALE), and of course the gentleman from Virginia (Mr. HERB BATEMAN), who is the chairman of the Subcommittee on Military Readiness, the gentleman from Texas (Mr. SOLOMON ORTIZ), the gentleman from Guam (Mr. ROBERT UNDERWOOD), and the gentleman from Utah (Mr. JIM HANSEN) all participated in a readiness hearing. We had that hearing on the Constellation, the United States aircraft carrier stationed in San Diego.

The testimony that came back from not only the leadership in the Navy, the people that wear the stars on their shoulders, the admirals, but also the enlisted people, was very disturbing, and I want to give my colleagues some of that testimony today, Mr. Speaker.

First, let us hear from Archie Clemmins, Admiral Archie Clemmins, who is the Commander-in-Chief of the United States Pacific Fleet. And he said this: After decades of requirement driven operations, we are now asset limited. In the past, decisions to commit forces were guided by requirements. Now we determine the level of peacetime commitment based upon forces available. Instead of meeting all requirements, we must prioritize missions and then assign increasingly scarce resources. This is becoming more difficult as U.S. leadership and interests dictate an increase rather than a decrease in forward deployed naval forces.

And he closed with these words in his statement: The net effect is that we are stretching our forces to the limit. He said further: In the past 4 years, we have reduced our personnel force size by over 22 percent while maintaining recruiting standards and keeping faith with the career force. Although we have been manning our deploying ships at adequate level, we are experiencing manning shortfalls that have grown into readiness concerns.

Now that means, Mr. Speaker, that these 333 ships in a Navy that used to be 546 ships are having to operate at an increased OPTEMPO. That means that they are on deployment more often than they were 5 or 10 or 15 years ago, even during the Cold War. And that means that a young sailor who goes off on a 6-month cruise, or a young marine who goes off on a long deployment to Bosnia, or in days past Somalia or Haiti, now comes home and before he can spend time with his family, he is told that he has to leave again on another deployment; or he has to go with his ship while it is being repaired, given an emergency overhaul at some other port, and he is home just in time, has just enough time basically to hug his family, kiss his wife good-bye and leave.

After a period of time, Mr. Speaker, the American personnel who are serving in the uniform say, that is it, I have had it and I am leaving the service. Even today, and this was testimony throughout our hearings, pilots, who are a very, very critical component of our military forces, are in declining number. It is tougher to retain them. They are leaving and going other places.

Now, there are a lot of reasons given for that. Some of the reasons, theoretically, are monetary reasons. They can fly for airlines. It is a little easier job than being deployed for 6 months at a time on an aircraft carrier. But morale is low. And morale is low partly because of that OPTEMPO, because we have this fleet with decreasing resources.

And this budget that President Clinton has given to us is $100 billion less than the budget that Ronald Reagan gave to us in the mid-1980s, using real dollars. So it could be dollar driven, but it is also morale driven in the sense that these people are seeing that we do not have the spare parts that we need. And that means that when a petty officer, and this was testified to us, when

a petty officer goes to a shelf and reaches for a component now for a part, he cannot find that part. It is not there because we did not buy it for him.

So now he has to go to one of the airplanes that we have in the fleet that is stationed on deck and he has to take that part out of the airplane. That is called cannibalization. Eating your own. It is like a farmer who has two hay bailers and he robs parts off one hay bailer so he can make the other one work. The problem with that, of course, is that you get to the point of no return with the first airplane just like you get to the point of no return with the first hay bailer and it becomes just a parts machine. All it is good for now is taking parts off of it. And if we do try to restore it, now we have to spend the manpower getting the extra part that was robbed off it to make the other plane work and you have to spend a lot of time putting that part back into the plane that was robbed.

So we are taking readiness dollars in several ways. We are taking a lot of manpower dollars.

Now, let me go to a statement by General David A. Bramlett, commander of the United States Army Forces Command. He said: Today our biggest concern is resource. The bottom line is that for fiscal year 1998, FORCECOM has fewer dollars than last year in operation and maintenance funding, roughly a 9 percent decrease in constant dollars. In sum, it is and will continue to be increasingly difficult to balance the requirements of go-to-war readiness, infrastructure and quality of life at current and anticipated levels of funding.

What that means is they leave old barracks and old houses for our military families. A corporal and his wife and couple of kids may be asked to live in a home that he can be absolutely ashamed of because Uncle Sam does not have the dollars to fix that home or to give him a better one because of the fact he has had to take that money and use it for fuel or spare parts to keep part of our military operating.

□ 1730

Now, let me refer to another gentleman who testified. This is commander Terry Kraft, United States Navy, Commanding Officer Tactical Electronic Warfare, Squadron 131. Commander Kraft said, ''Another example of one of the frustrations present in our current situation is part support. Available parts go first to deployed squadrons, as they should. The challenge lies in obtaining parts for the jets needed to train when not deployed. Cannibalization has become routine for my squadron.''

Mr. Speaker, we live in a time when our economy is extremely robust. We have lots of money circulating in this economy, lots of government revenue. We are supposed not to have any deficit this year. And yet, we have a military that has to cannibalize some of its airplanes so that the other airplanes can fly.

One other important area, Mr. Speaker, is ammunition. I asked the Marine Corps and the Army and the Navy to tell me if they had enough ammo, and if they did not, how short they were. The Marine Corps is $193 million short of the basic ammunition supply that it needs under its definition of a two MRC. That means two-conflict scenario. Incidentally, a two MRC scenario presumes that we might have to fight Desert Storm again in the Middle East, and we might have to fight almost at the same time as a conflict in Korea.

Well, the United States Marine Corps, which is our 911 force, those are the guys that go in first and sometimes they take enormous casualties. They are $193 million short of their basic ammo supply. We ought to be ashamed of that, Mr. Speaker. The Army is $1.7 billion short of its basic ammunition supply. And the Navy is over $300 million short of its basic ammunition supply.

So Mr. Speaker, we are disserving the American people. And the American people may not think a lot about national defense right now, now that the crises with Saddam Hussein seems to be momentarily past us. But there is going to be a time when we have another conflict, another war, and the American people are going to turn to us and say, ''Why did you follow the Clinton administration when it slashed national defense?''

Mr. Speaker, I hope that in this cycle, in this funding cycle, we restore the massive cuts that have been made in our readiness so that we do not have to stand there before the American people after a lot of casualties have been taken on the Korean Peninsula or in the Middle East with no answers for the American people who are asking that question after their sons and daughters have gone off to fight a war that we did not have them prepared for.

So Mr. Speaker, I see over here I have my good friend, the gentleman from North Carolina (Mr. JONES), who is an outstanding member of the Committee on National Security, along with you, Mr. Speaker; and I would like to yield to my colleague.

Mr. JONES. Mr. Speaker, I thank the gentleman from California very much for yielding.

I really wanted to make a brief statement. Then I have got a couple questions I would like to ask him. I first want to thank him for the leadership he, as well as the Speaker and other Members, provide on the Committee on National Security. It is because of his experience and his knowledge, he is a former veteran himself, that he is able to help those of us who are new on the committee understand the threat and importance of trying to rebuild our military, which I think has taken unbelievable cuts over the last several years. And before I ask the question, I wanted to make the statement, because I know of also his interest in our retirees, those who have served this Nation both in wartime and peacetime.

I believe I read recently, and correct me if I am wrong, that the President has recommended approximately a $300 million cut in veterans health care benefits and at the same time asking for a 38 percent increase in funding for the National Endowment for the Arts and some of his other social programs. To me, that is a tragedy when we turn our back on those who have served our Nation again, whether it be peacetime or wartime.

My colleague touched on deployments earlier. Would the gentleman please verify for me and expand if he can. Is it true that since President Clinton has been our President that we have been on 25 deployments? And if that is true, could you approximate the cost of that and where those monies come from.

Mr. HUNTER. Mr. Speaker, reclaiming my time, yes. In fact, our good colleague, the gentleman from Pennsylvania (Mr. WELDON), who is chairman of the Subcommittee on Research and Development, has developed these facts. In the last 5 years or so, we have deployed over 25 times. And that corresponds or can be compared to about 10 deployments, major deployments, in the previous 10 years.

So the ironic facts are that, while Ronald Reagan and George Bush stood up to the Soviet Union and brought down the Soviet Union with the policy of peace through strength, this President has cut defense almost in half and yet, with a series of operations, so-called peacekeeping operations, in Somalia and Haiti and Bosnia and other places, has stretched our forces to the limit. And the price tag that I have seen on the total of all these deployments is in excess of $13 billion. That is the information that I have on it. And, yes, there have been 25 major deployments.

The other thing that the gentleman needs to know is this: We put together a defense budget that was based on what it would take for us to maintain our Armed Forces and we did not count the deployments. So it is like having a family put together their yearly budget and they say, okay, we are going to spend so much for our house mortgage, so much for our car payments, so much for gas, and we are going to eat at home, so, so much for groceries each month; and then they have a death in the family or sickness in the family and they have to travel halfway across the country and they have got to stay at grandma's, and they have got to help somebody out on a trip that takes 5 weeks or 2 months. They will notice that their family budget goes far beyond what they had programmed it for because they have an emergency or a contingency they did not plan for.

All of those 25 deployments that the gentleman from Pennsylvania (Mr. WELDON) talks about and that the

chairman of the Committee on Armed Services, Committee on National Security Committee, the gentleman from South Carolina (Mr. SPENCE), our great chairman, talks about, all of those deployments were taken out of our budget. We were not given any extra money to do that.

So what happened? We said, okay, the President says we are going to go to Bosnia. He says, ''You go find the money,'' to the military leadership. So they go to the aircraft repair commands. ''You guys cannot repair as many aircraft as you thought you were going to have to repair.'' And the gentlewoman from Florida (Mrs. FOWLER) brought this up today. We have over 100 aircraft awaiting repair. We have over 100 engines that are in repair that are backlogged on depot level maintenance.

So the President's military leadership goes and says stop repairing those planes. We need the money to pay for fuel and to pay for the other necessities to take our forces halfway around the world to Bosnia, and we are going to take it out of your repair budget.

Then they go to the Marines, perhaps; and they say, hold up. Do not buy that ammunition you were going to buy with the money that Congress gave you. We are going to use that money to fly you across the world to Somalia. You are going to run an operation there or to Bosnia. So what happens is, that money is taken out of our hide. It is taken out of the military forces accounts that they were going to use to modernize.

So we now have what is known as a supplemental coming up. That means, when you have an emergency, you try to pay for it. We cannot afford to take that out of the military's own hide right now, because they already have a shortage of spare parts. They have got a shortage of ammunition. They have got a shortage of personnel incentives to keep those pilots in the service.

If we rob them of this money to pay for this commitment in Bosnia that they did not ask for, but we placed on them, then we are disservicing those people.

Mr. JONES. Mr. Speaker, let me tell the gentleman as chairman of the Subcommittee on Military Procurement, I say that respectfully for those who might be watching, the gentleman from Texas does such an outstanding job.

I have three bases in my district. I have Seymour Johnson Air Force Base, I have Camp Lejeune Marine Base in Jacksonville, North Carolina, and I have Cherry Point Marine Air Station in Havelock, North Carolina.

During the Christmas break, I had the occasion to meet with two pilots from Cherry Point off base, out of uniform. I was distressd with what they told me. These are young men in their early thirties, mid thirties and wanting to make a career out of the Marine Corps.

Again, they are telling me how they are being restricted as it relates to their flying time, to their combat practices. When you are making all these comments, I want the people that might be watching tonight, the American people, to know that we are talking about readiness.

We are telling our pilots, as you were saying, we do not have enough money for you to get up there and do what you need to do to be at a razor sharp edge so that you can defend this Nation. You can take care of yourself. You can take care of that plane.

I get a little frustrated, and I guess that is why I am kind of fumbling, to see, as the gentleman made mention in his comments, these fine young men and women that are dedicated to this Nation.

I am afraid that, too many times, all of us as American citizens take our military for granted. We do not think about what they need, what we need to do to have a strong military until they are called upon.

I want to thank the gentleman from California (Mr. HUNTER) and the gentleman from New Jersey (Mr. SAXTON) who is now on the floor. I am sure he wants to engage in some discussion in just a moment.

But I think that the gentleman from California talks about the deployment and what it has cost, and I want to ask him a question because of his experience and expertise being in the position he is in. We talk about China. We talk about Iran. We talk about Iraq. Can you tell me how, let us take China for an example, how they are building their military. Are they somewhat stagnated, or are they spending money to build a strong military?

Mr. HUNTER. I thank my good friend, the gentleman from North Carolina for the question. I want to say, also, that the gentleman from South Carolina is one of the finest members of our committee. We really appreciate him and all the hard work that he does on the subcommittee. He is always there and stays late. He is usually there with the other gentleman who is here right now, the gentleman from New Jersey (Mr. SAXTON).

Mr. JONES. I must tell the gentleman, he said South Carolina. I know he meant North Carolina.

Mr. HUNTER. I meant North Carolina.

Mr. JONES. You have been in that campaign. I want you to come back.

Mr. HUNTER. I am from southern California, so I think everything is the south. But I thank my friend for correcting me.

With respect to China, China is trying to step into the superpower shoes that were left by the Soviet Union, and I think their intent toward the United States is best manifested by the fact that their most recent purchases from Russia have been antiship missile cruisers. Now, those are ships that were built by Russia with one goal in mind, and that is of destroying American aircraft carriers.

You may recall that we embarrassed China with respect to the Taiwan crisis. We moved the fleet in, and we backed them down. They were throwing missiles over the bow as the Taiwanese were trying to hold their elections. They were embarrassed by that, and I am sure their military vowed to never have it happen again.

So they have been going about the task of acquiring a lot of missile capability, some of it supersonic, some of it with the ability to zig and zag so that our antimissile shipboard defense systems will not be able to hit them. They are doing that for one reason. They want to be able to sink our ships and destroy the young men and women that operate those ships.

China is becoming very aggressive. They have made very aggressive statements about us. During the Taiwan crisis, one of the diplomats said we hope the people of America care more about Los Angeles than they do about Taiwan. That is a very naked threat to use nuclear weapons on an American city, something you would never get from the Soviet Union.

We thought the Soviet Union was bellicose and threatening, but the Chinese have been building a lot of military capability. They are buying a lot of high-tech capability from the Russians and from other countries that have technology, some of them western countries, unfortunately.

They have got about 42 supercomputers that they bootlegged out of the United States and that they got past an acquiescent Clinton administration review. The Clinton administration has not done a good job of keeping the supercomputers out of the hands of the people that are now using them, some of them in their military nuclear complex, building nuclear systems that are to be targeted at American cities.

But you mentioned one thing I want to bring back to your district in North Carolina. You mentioned sitting down with your pilots and talking with them and their concern about lack of spare parts. Let me give you the mirror of that discussion that you have had in informal discussions.

We had this hearing on the carrier, the USS *Constellation*, in San Diego last week. This is what one of our people said, Commander John Hults, Commanding Officer of the Strike Fighter Squadron 113. This is what Commander Hults said.

□ 1945

He said, ''Very simply stated, my job is to get all of my pilots into the cockpit enough to make them proficient in all of our primary mission areas.'' That sounds logical. ''In order to achieve that, the training and readiness matrix that we use to report our level of readiness requires that each Hornet pilot,'' that is an F–18, ''fly 32.8 flight hours per month.''

Here he says it. ''The reality is that we don't have the necessary resources available to us to attain or maintain

that level of readiness.'' That means that those young pilots in Commander Hults's squadron, if they have to enter into a combat situation in the Middle East or in Korea in the near future, will not have the training that we said they needed to have to make them proficient. The reason they did not have the training is because this government in Washington, D.C., while they felt we had plenty of money to spend on the National Endowment for the Arts and a lot of other things that have at least what I would call marginal value added to this country, we did not see clear, our government, to give the resources to our pilots and to pilot training.

He goes on and he says this. ''The number one resource challenge that we face is low aircraft availability. The primary reason is that we don't have enough spare parts in the F/A–18 community. This lack of spare parts is the cause of a snowball effect that can be felt throughout the squadron. The fewer parts we have, the more cannibalization we have to do.''

He brings up that word again, robbing one airplane so that another one can fly, ''The more cannibalization we have to do, the more maintenance man-hours required; the more man-hours required, the longer the workday, which affects morale and leads to retention problems.''

So he has brought this back to why people are leaving these critical positions in the armed forces right now. Low morale.

One thing Ronald Reagan did when he came in in 1980 was put in enough increases in our military budget to put those spare parts on the shelf and to pay our people adequate pay, and to carry that flag high, to establish a policy in this country that we would achieve peace with our allies and our adversaries through American strength.

Commander Hults goes on. He says, ''Our noncombat expenditure allowance, which is the ordnance we are given for training, doesn't allow us to practice with the weapons we will realistically use in combat. Among our modern-day weapons of choice for combat are the various laser-guided bombs that provide pinpoint delivery accuracy and, therefore, minimum collateral damage and minimum numbers of aircraft required to send into harm's way.'' We all remember that.

Americans who watched CNN and watched the war in the Gulf remember perhaps the world's luckiest taxicab driver; it was that taxicab that was going across the Iraqi bridge. The American airplane came in and instead of delivering as we did in the old days in World War II, in Vietnam and Korea literally a blanket of hundreds and hundreds of bombs, hoping that one of them or two of them would hit the bridge at a key point and knock it out, we delivered one bomb into that bridge and we set it right into a strategically placed strut on that bridge and just as the taxicab driver got to the end of the bridge and got safely off of it, that bomb hit. One single bomb, that is the precision-guided munition that Commander Hults is talking about. But he says we need to train with those bombs.

Then he goes on to say this. He says, ''Unfortunately, we don't get any of those in our noncombat expenditure allowance, and I currently have only one pilot in my squadron that has ever carried and delivered one.'' That means that if Commander Hults is in a combat situation over Iraq in the next several months and he says, ''I have two bridges I have to knock out. Has anybody ever dropped one of these laser-guided bombs?'' he will have one man who says, ''I've used them before, Commander,'' but he will not have anybody else. So he will have to either take a chance that a brand-new rookie with that piece of equipment can learn enough to do the job, or he is going to have to send that same pilot that knocks out the first bridge, the only guy he has got in the squadron who is qualified, to do the second bridge.

It is just one of thousands of examples, but it is an example of how the policies that we set here and the inadequacy of military spending that we have established as a policy here have a harmful effect on two things, our ability to defeat the enemy in combat, and secondly, the disservice that we do to our young men and women who put on the uniform expecting to get the very best in equipment and training, who are shortchanged as a result of that.

I thank the gentleman for letting me give that lengthy explanation, and I yield to him for any other questions.

Mr. JONES. I just want to thank the gentleman for being on the floor tonight. I know the gentleman from New Jersey (Mr. SAXTON) is going to join him. I thank the gentleman for letting me be a small part of this tonight.

I want to thank the gentleman from California and the gentleman from New Jersey because they are the leaders in the Republican Party; in the House, they are the people that many of us look to for guidance as it relates to helping our military remain the power that it needs to be to protect the freedoms of this country.

I must say to the gentleman from California and to the gentleman from New Jersey that what they are doing tonight is extremely helpful, because every civic club I speak to back in my district, I always close with comments about the needs of our military to protect the freedoms of this country. That is really what it comes down to.

I always close by telling the people that if you have not read the book by Caspar Weinberger called The Next War, you need to read it, because there is a lot of good information as to what is out there that threatens our security and our freedoms.

Again, I thank the gentleman for letting me be a small part of this.

Mr. HUNTER. I thank the gentleman. He has done a lot to help this committee.

I want to recognize the gentleman from New Jersey (Mr. SAXTON), an expert in lots of military areas who really has great expertise, especially in airlift.

Mr. SAXTON. I thank the gentleman for yielding. Before the gentleman from North Carolina leaves the floor, I just want to thank him for being here tonight and making the contribution that he did. I know how deeply and earnestly he feels about the issues that he was talking about relative to our national defense. We value the leadership of the gentleman from North Carolina (Mr. JONES) on these issues. We were delighted he was able to be here with us tonight.

First, let me say how much I enjoy serving on the gentleman's subcommittee, the Procurement Subcommittee. There are darned few things that we have to be thankful for, that is, those of us who disagree with the Clinton administration on our level of military commitment in these days, but one of the things that we do have to be thankful for is that the gentleman is where he is. I watched, actually I helped, I was there by his side last year on the Procurement Subcommittee as we tried to sort out and make those difficult decisions about how to best allocate the very limited resources, relatively limited resources that we have to make use of relative to our national security. It always made me feel good at the end of the day that the gentleman was there holding the reins to make sure that we were guided correctly through that maze of decisions that we had to make.

Mr. HUNTER. If the gentleman will hold on for just a second, I appreciate his kind words. I just wanted to remind him and remind my colleagues that the reason I am the chairman of that Procurement Subcommittee is because one of my dearest friends in the world that I know, the gentleman thinks highly of him too, the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on National Security, appointed me and appointed the other members who are chairmen of the subcommittees.

He basically gave us the ball in all of our respective areas. I have Military Procurement, the gentleman from Pennsylvania (Mr. WELDON) has Research and Development, the gentleman from Virginia (Mr. BATEMAN) has Readiness, the gentleman from Colorado (Mr. HEFLEY) has Military Construction and on down the line. The gentleman from Indiana (Mr. BUYER) has Personnel. He has let us run with the ball.

When we have had a fight with the Clinton administration, he has always stood behind us.

I accept the gentleman's thanks. It is a two-way street because the gentleman from New Jersey is a real hero in my book. But I want to let him

know, too, that it is our leader, the gentleman from South Carolina (Mr. SPENCE) who has really bucked this administration and bucked the numbers that we are forced to live with.

Mr. SAXTON. I could not agree more with regard to the gentleman from South Carolina (Mr. SPENCE), as well. One of the really productive things I believe about the style of leadership that the gentleman from South Carolina provides is that he recognizes that in each committee member there is a little bit different area of expertise, whether it happens to be shipbuilding, and I think of the gentleman from Virginia (Mr. BATEMAN), or whether it happens to be munitions and I think of the gentleman from California (Mr. HUNTER), or whether it happens to be some other area, there are many members of our committee, and I might say on both sides of the aisle, to which the gentleman from South Carolina (Mr. SPENCE) is willing to hand the ball at any given time to carry it through his or her area of expertise. I think that is the mark of a real leader, to be able to dispense the job the way the gentleman from South Carolina has been able to.

I wanted to bring up a bit of history, and fairly recent history, actually when I heard the gentleman's opening statement at the beginning of this hour about how we had built down for the last number of years, I believe since 1985 actually was when the builddown in defense spending started. I think back to those days, I think of the speeches that Ronald Reagan gave about how we would make our country proud again and how we would make our country, the country's national security worthy of the respect of the American people again, and how in 1980 and 1981 he began that buildup.

But I also remember another person who served at the end of the decade of the 1980s and the beginning of the decade of the 1990s, the Secretary of Defense, our friend Dick Cheney, who at the time was Secretary Cheney. I remember one speech that he gave in particular which is most, I believe, noteworthy today in the context of where we find ourselves. That occurred over in the then-Armed Services Committee room.

I believe it was in September of 1990. Saddam had invaded Kuwait. Secretary Cheney came before the Armed Services Committee and he said words that were almost identical to this, one of those phrases or one of those few sentences that I will always remember. He said, ''The Cold War is over, and I am here on the brink of our going to war with Iraq to explain to you why I think we need a smaller defense.'' He was very determined to make sure he got the right message across.

He continued, ''But,'' he said, ''I want to make sure everyone understands that unlike after every other conflict,'' he was saying every other conflict prior to the end of the Cold War, ''unlike at the end of every other conflict, this time,'' he said, ''we're going to do it smart.''

Well, I wish he were still in that chair, because we probably would have done it smart. But I am afraid in the meantime perhaps we have not been so smart. Maybe the builddown has gone too fast.

I do not think he had in mind the speeches we have to give like the one we are giving tonight about cannibalization, OPTEMPO, lack of readiness, modernization problems that we have, making decisions about how we are going to best use the limited resources. That is not what Dick Cheney had in mind, I am sure.

Then after he fully discussed that with us, he said, ''And remember something else, too.'' He said, ''The Soviet threat has diminished. The Soviet Union is on the verge of breaking up.'' He said, ''But remember this. The threat will not go away. It will only change.'' Words to remember.

Earlier I heard the gentleman discussing the situation relative to China. We know the situation relative to South Korea and North Korea. We know that we were on the brink of another conflict in the Middle East just a few weeks ago.

We have got, what is it, 25,000 troops ongoing in Bosnia, give or take a platoon or two? And so the threat has changed. As the gentleman knows, it is not just a conventional threat that we face today, it is new threats that perhaps existed in the past but are even more prevalent today than they were during the Cold War.

The acronym WMD is spoken in these halls quite frequently, particularly in our committee, weapons of mass destruction, WMD, and the technology that we are in the process of developing to deal with the problems involved in weapons of mass destruction. That is what this entire flap over Iraq was about, how to deal with this issue and all of these kinds of threats, I am afraid, are what Dick Cheney was talking about when he said, ''And don't ever forget, the threat may change, but there will be a threat.''

□ 2000

And so today, more than ever, I think it is important that Members of this House and Members of the other House and Members of the American public and people that work over in the Pentagon recognize the need to face today's threat, because it is different, but it has not gone away.

Mr. HUNTER. Mr. Speaker, the gentleman has made a great and eloquent statement, as usual.

Let me ask the gentleman, who specializes, and incidentally, we really value the gentleman's membership on the Committee on National Security, and especially the work that he has done in terms of the task force on terrorism and the fact that the gentleman recognizes, perhaps more than any other Members, although Sonny Bono, our good buddy, was one of the people that recognized that we were entering this era of terrorists with high technology.

Let me ask the gentleman, though, about airlift capability. Where are we going with airlift, and what kind of job is the C–17 doing, for example, the newest addition to our airlift fleet, and how much more work do we have to do?

Mr. SAXTON. Mr. Speaker, we have a ways to go. Our strategic airlift, that is the lift that we use to get to far places around the world, over the last several decades has been carried out in basically 3 fashions. We have the C–141s that started to come on line in 1962; we have C–5s, a great fleet of C–5s, although they are old too. They also came on line in the 1960s. We also have a fleet of aircraft which we in effect rent from the airlines which are called the craft fleet, and they are pressed into service in time of surge when we need to get someplace in a hurry. They are regular commercial aircraft, freight carriers that we use, for the most part, and also passenger carriers, but freight carriers for the most part that we use in conjunction with the C–141s and C–5s.

The C–141s are worn out and absolutely will be out of service, for the most part, with the exception of one wing, that I am aware of, that will be flying out of McGuire Air Force base up in New Jersey, and a few C–141s by aught 3 that will be used by the Reserves. Other than that, the C–141s are going away.

The C–17 buy that we have put in place to replace in effect the worn out C–141s are in the process of coming on line. We are ramping up so that we can produce and bring on line 15 a year. We are currently, I believe, at 10 a year, and we currently have a wing of them down in Charleston, another wing going out at McChord Air Force base on the West Coast, and so between now and aught 3, aught 4, aught 5, that buy will be completed.

In talking with the Air Force leadership just the other day, we have the need, they believe, for about 15 or 20 additional, in addition to the 120 that we have already committed to buy, and that request will be formally made in the 5-year plan as it begins to unfold.

The C–5 fleet is also worn out, and this is a big problem, because there is a debate currently going on in the Air Force. In fact, I am going out to Travis Air Force base in the next few weeks to look at the possibility, a proposal that the Air Force is making on modernization of the C–5 fleet. They need new hydraulics, new engines and new aeronautical devices to bring them up to speed so that they can fly in today's modern world. The problem with the C–5 is that today, because they are old and worn out, they have the ability to take off, on average, only 7 out of 8 times they try.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, I hope that that same average does not apply to landings.

Mr. SAXTON. Mr. Speaker, I hope not, too. Obviously it does not, but for one reason or another, one time out of

every 8 they take off, they cannot take off, so this creates a very big problem if one flies from this country overseas and makes a few landings there, by the time you get back around the loop, if you have landed 6 or 7 or 8 times, and you figure you are not going to take off one of those times, which is very bad. So this modernization proposal that they have is a very good proposal. Actually, the airframe has 80 percent of its life left in it, but the hydraulics and engines and aeronautics all have to be replaced.

So, Mr. Speaker, that is essentially where we are. The craft fleet will remain very important, but basically, our military airlifters are either in need of replacement or very extensive modernization programs.

Mr. HUNTER. Mr. Speaker, I thank the gentleman. Once again, I thank him for his great expertise on the Committee on National Security, and we have a bunch of great Members who have really contributed in these very difficult times. Our motto is that we are going to keep working and we are going to try to build that budget back up to where it should be so that we do a service rather than a disservice to the folks in uniform.

OMISSION FROM THE CONGRESSIONAL RECORD

The following was omitted from the CONGRESSIONAL RECORD of March 10, 1998 at page H–918 following the one-minute speech of the gentleman from Ohio (Mr. TRAFICANT).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MARCH 10, 1998

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse''.

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MARCH 10, 1998

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 347. An act to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center''.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASCRELL (at the request of Mr. GEPHARDT) for today until 2:00 p.m. on account of attending a funeral.

Mr. TANNER (at the request of Mr. GEPHARDT) for after 5:00 p.m. today and Thursday, March 12th on account of serving as pallbearer at former law partner's funeral.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for after 3:30 p.m. today and Thursday, March 12th on account of personal reasons.

Mr. MANTON (at the request of Mr. GEPHARDT) for after 3:00 p.m. today on account of official 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. WATT of North Carolina) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois for 5 minutes.
Mr. FILNER for 5 minutes.
Ms. NORTON for 5 minutes.
Ms. WOOLSEY for 5 minutes.
Mr. KLINK for 5 minutes.
Ms. MALONEY of New York for 5 minutes.
Mrs. CLAYTON for 5 minutes.

The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:

Mrs. MORELLA, today and March 12 for 5 minutes.
Ms. ROS-LEHTINEN, March 17 for 5 minutes.
Mr. SAXTON, today for 5 minutes.
Mr. WELDON of Florida, March 14 for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks were granted to:

The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:

Mr. KIND.
Mr. MASCARA.
Mr. BLUMENAUER.
Mr. HAMILTON.
Mr. VENTO.
Mrs. MCCARTHY of New York.
Mr. CARDIN.
Ms. SANCHEZ.
Mr. SKELTON.
Mr. HASTINGS of Florida.
Ms. STABENOW.
Mr. FARR of California.

The following Members (at the request of Mr. SAXTON) and to include extraneous matter:

Mr. CALVERT.
Mr. FRELINGHUYSEN.
Mrs. KELLY.
Mr. YOUNG of Florida.
Mrs. CHENOWETH.
Mr. RADANOVICH.
Mr. MICA.
Mr. COBLE.
Mr. KNOLLENBERG.
Mr. GEKAS.
Mr. SHIMKUS.

The following Members (at the request of Mr. HUNTER) and to include extraneous matter:

Mr. EVERETT.
Mr. BUNNING.
Mrs. KENNELLY of Connecticut.
Mr. SHERMAN.
Mr. COSTELLO.
Mr. PACKARD.
Mr. BRADY.
Mr. GINGRICH.
Mr. HAMILTON.
Mr. TORRES.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, March 12, 1998, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1997 by various Committees of the U.S. House of Representatives, pursuant to Public Law 95–384, as well as a consolidated report of foreign currencies and U.S. dollars utilized for Speaker-authorized official travel in the first quarter of 1997 and the first quarter of 1998 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 1997 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Paoletta	11/18	11/22	Switzerland		984.00		986.20				1,970.20
Committee total					984.00		986.20				1,970.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Mar. 2, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, 1997 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Carol Murphy	10/10	10/14	Germany		940.00						940
	10/13	10/13	Bosnia								
	10/14	10/18	France		1,087.00						1,087.00
Commercial airfare							4,450.89				4,450.89
Timothy Sanders	10/10	10/14	Germany		940.00						940.00
	10/13	10/13	Bosnia								
	10/14	10/18	France		1,087.00						1,087.00
Commercial airfare							4,057.01				4,057.01
John Ziolkowski	10/10	10/14	Germany		940.00						940.00
	10/13	10/13	Bosnia								
	10/14	10/18	France		1,087.00						1,087.00
Commercial airfare							4,068.33				4,068.33
Hon. C.W. Bill Young	10/13	10/14	Egypt		226.00		(3)				226.00
	10/14	10/14	Baharain				(3)				
	10/14	10/15	Kuwait		387.00		(3)				387.00
	10/15	10/16	Saudi Arabia				(3)				
	10/16	10/16	Bosnia				(3)				
	10/16	10/17	Belgium		275.00		(3)				275.00
Douglas Gregory	10/13	10/14	Egypt		226.00		(3)				226.00
	10/14	10/14	Baharain				(3)				
	10/14	10/15	Kuwait		387.00		(3)				387.00
	10/15	10/16	Saudi Arabia				(3)				
	10/16	10/16	Bosnia				(3)				
	10/16	10/17	Belgium		275.00		(3)				275.00
Kevin Roper	10/13	10/14	Egypt		226.00		(3)				226.00
	10/14	10/14	Baharain				(3)				
	10/14	10/15	Kuwait		387.00		(3)				387.00
	10/15	10/16	Saudi Arabia				(3)				
	10/16	10/16	Bosnia				(3)				
	10/16	10/17	Belgium		275.00		(3)				275.00
Gregory Dahlbert	10/13	10/15	Czech Republic		464.00.00						464.00
	10/15	10/19	France		1,156.00.00						1,156.00
Commercial airfare							4,160.00				4,160.00
James Dyer	10/13	10/15	Czech Republic		464.00						464.00
	10/15	10/19	France		1,156.00						1,156.00
Commercial airfare							4,160.00				4,160.00
John Plashal	10/13	10/15	Czech Republic		464.00						464.00
	10/15	10/19	France		1,156.00						1,156.00
Commercial airfare							4,160.00				4,160.00
Juliet Pacquing	11/1	11/12	China		3,350.00						3,350.00
Commercial airfare (filed in separate report).											
Delacroix	12/9	12/11	Chile		647.00						647.00
	12/11	12/13	Argentina		641.50						641.50
Commercial airfare							3,696.39				3,696.39
James Dyer	12/9	12/11	Chile		647.00						647.00
	12/11	12/13	Argentina		641.50						641.50
Commercial airfare							3,637.00				3,637.00
Timothy Peterson	12/9	12/11	Chile		647.00						647.00
	12/11	12/13	Argentina		641.50						641.50
Commecial airfare							3,637.00				3,637.00
William Inglee	12/7	12/10	Germany		669.00						669.00
	12/10	12/12	Belgium		568.00						568.00
Commercial airfare							1,335.70				1,335.70
Hon. Joseph McDade	12/10	12/16	Argentina		1,233.00						1,233.00
Commercial airfare							6,220.00				6,220.00
Hon. Frank Wolf	12/15	12/17	Bosnia		200.00						200.00
Commercial airfare							863.60				863.60
Frank Cushing	11/30	11/2	Belgium		550.00						550.00
	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
Paul Thomson	11/30	12/2	Belgium		550.00						550.00
	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
Deborah Weatherly	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
John Mikel	11/30	12/2	Belgium		550.00						550.00
	12/2	12/4	Luxembourg		512.00						512.00
	12/4	12/7	Italy		808.00						808.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,533.90				4,533.90
Elizabeth Dawson	11/30	12/2	Belgium		550.00						550.00
	12/2	12/7	Italy		1,237.00						1,237.00
	12/7	12/8	Tunisia		172.00						172.00
	12/8	12/11	France		897.00						897.00
Commercial airfare							4,522.90				4,522.90
Total					37,552.50		67,104.42				104,656.92

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, 1997 AND DEC. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee on Appropriations, surveys and investigations staff:											
Frederick A. Bigden	10/18	10/25	Germany		1,082.00		5,211.30		29.80		6,323.10
	10/25	10/29	Italy		466.50						466.50
	10/29	10/31	England		719.00						719.00
Frederick A. Brugger	10/15	10/18	Japan		747.00		5,165.88		42.51		5,955.39
Gail O. Burton	10/15	10/18	Japan		747.00		5,165.88		54.34		5,967.22
Norman H. Gardner	10/31	11/12	China		2,967.75		5,049.00		35.79		8,052.54
Robert D. Green	10/18	10/23	Germany		706.25		5,687.03		26.40		6,419.68
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		197.00						197.00
	10/25	10/28	Italy		466.50						466.50
	10/28	10/31	England		702.00						702.00
Walter C. Hersman	10/18	10/23	Germany		706.25		4,677.20		36.00		5,419.45
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		246.25						246.25
	10/25	10/26	Macedonia		136.00						136.00
	10/26	10/31	Germany		755.00						755.00
Susan G. Joseph	10/16	10/20	China		1,290.00		4,428.61		33.00		5,751.61
Dennis K. Lutz	10/18	10/23	Germany		730.00		5,703.28		50.40		6,483.68
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		197.00						197.00
	10/25	10/28	Italy		466.50						466.50
	10/28	10/31	England		702.00						702.00
Patricia M. Murphy	10/18	10/25	Germany		1,082.00		5,211.30		160.00		6,453.30
	10/25	10/28	Italy		466.50						466.50
	10/28	10/31	England		719.00						719.00
Robert H. Pearre, Jr.	10/18	10/25	Germany		1,082.00		4,677.20		76.55		5,835.75
Robert J. Reitwiesner	10/21	10/23	Germany		242.00		4,194.85		109.14		4,545.99
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		197.00						197.00
	10/25	10/27	Italy		346.50						346.50
	10/27	10/28	The Netherlands		147.75						147.75
	11/6	11/12	China		1,475.75		4,471.00		146.71		6,093.46
Robert R. Stevens	10/18	10/23	Germany		706.25		4,677.20		161.50		5,544.95
	10/23	10/24	Bosnia		376.25						376.25
	10/24	10/25	Hungary		246.25						246.25
	10/25	10/26	Macedonia		136.00						136.00
	10/26	10/31	Germany		755.00						755.00
R.W. Vandergrift, Jr.	10/31	11/12	China		2,984.25		5,049.00		434.10		8,467.35
Frank J. Waldburger	10/16	10/20	China		1,290.00		4,431.61		111.62		5,833.23
T. Peter Wyman	10/31	11/12	China		2,967.75		5,049.00		533.89		8,550.64
Committee totals					30,755.25		78,849.34		2,041.75		111,646,34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB LIVINGSTON, Chairman, Mar. 3, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, 1997 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Henry J. Hyde	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Hon. Melvin L. Watt	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Hon. Sheila Jackson Lee	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Thomas Mooney	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Mitch Glazier	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Julian Epstein	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Sheila Klein	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Robert Jones	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
James Farr	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00						650.00
Delegation expenses	10/2	10/4	Spain				7,717.44		1,388.14		9,105.58
	10/4	10/6	Italy				6,077.28		693.33		6,770.61
Hon. Bill McCollum	12/1	12/3	Colombia		579.00		(4)				579.00
	12/3	12/5	Bolivia		348.00						348.00
	12/5	12/6	Peru								
Commercial airfare							95.00				95.00
Hon. Asa Hutchinson	12/1	12/3	Colombia		579.00		(4)				348.00
	12/3	12/5	Bolivia		348.00						348.00
	12/5	12/6	Peru								
Commercial airfare							522.00				522.00
Daniel Bryant	12/1	12/3	Colombia		579.00		(4)				579.00
	12/3	12/5	Bolivia		348.00						348.00
	12/5	12/6	Peru								
Commercial airfare							353.00				353.00
Committee total					11,781.00		14,764.72		2,081.47		28,627.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Air transportation was provided by the Drug Enforcement Administration.

HENRY J. HYDE, Chairman, Mar. 2, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Conyers, Jr	6/29	7/2	Haiti		631.76		(3)				631.76
Hon. William D. Delahunt	6/29	7/2	Haiti		631.76		(3)				631.76
Hon. Robert C. Scott	6/29	7/2	Haiti		631.76		(3)				631.76
Julian Epstein	6/29	7/2	Haiti		631.76		(3)				631.76
Stephanie Peters	6/29	7/2	Haiti		631.76		(3)				631.76
Delegation expenses	6/29	7/2	Haiti						4,277.67		4,277.67
Martina Hone	8/9	8/15	Kenya		1,091.00						1,091.00
	8/15	8/19	Tanzania		727.00						727.00
	8/19	8/20	Kenya		182.00						182.00
Commercial airfare							3,693.45				3,693.45
Stephanie Peters	8/9	8/14	Kenya		909.00						909.00
	8/14	8/20	Ethiopia		1,091.00						1,091.00
Commercial airfare							4,209.85				4,209.85
Hon. John Conyers, Jr.	9/5	9/8	Haiti		711.73		(3)				711.73
Hon. William D. Delahunt	9/5	9/8	Haiti		711.73		(3)				711.73
Julian Epstein	9/5	9/8	Haiti		711.73		(3)				711.73
Stephanie Peters	9/5	9/8	Haiti		711.73		(3)				711.73
Carl LeVan	9/5	9/8	Haiti		711.73		(3)				711.73
Delegation expenses	9/5	9/8	Haiti						2,053.18		2,053.18
Committee total					10,717.45		7,903.30		6,330.85		24,951.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY J. HYDE, Chairman, Feb. 24, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Carolyn Maloney	10/1	10/5	Equador		752.00		1,629.65		240.00		
Alys Campaigne	10/25	10/31	Germany		1,115.00		1,038.10				
	12/1	12/12	Japan		1,794.00		5,396.00		190.00		
Daniel Moll	12/6	12/10	UK		1,416.00		4,437.90				
Kevin Long	10/12	10/15	Colombia		772.00		1,707.20				
	10/16	10/18	Mexico		482.50						
Michael Yeager	10/12	10/15	Colombia		772.00		1,707.20				
	10/16	10/18	Mexico		482.50						
Michael Delph	10/12	10/16	Colombia		559.00		1,751.00				
Gilbert Macklin	10/12	10/16	Colombia		772.00		1,751.00				
Sean Littlefield	10/12	10/16	Colombia		772.00		1,751.00				
Joseph Harrison	12/4	12/9	Thailand		1,440.00		6,231.76		380.34		
	12/10	12/17	Indonesia		1,976.00						
	12/18	12/19	Singapore		212.94						
Harold Gossett	12/4	12/9	Thailand		1,440.00		6,231.76		380.34		
	12/10	12/17	Indonesia		1,976.00						
	12/18	12/19	Singapore		212.94						
Carl Brizzi	12/4	12/13	Thailand		2,440.00		6,231.76		380.34		
	12/14	12/17	Indonesia		988.00						
	12/18	12/19	Singapore		212.94						
Joseph Jakub	12/4	12/13	Thailand		2,440.00		6,231.76		380.34		
	12/14	12/17	Indonesia		988.00						
	12/18	12/19	Singapore		212.94						
Kevin Long	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Robert Charles	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Michelle Lang	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Sean Littlefield	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Andrew Richardson	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Dale Anderson	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		143.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Dennis Hastert	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Mark Souder	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. John Mica	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Tom Davis	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. John Shadegg	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Hon. Mark Sandord	11/17	11/18	Israel		624.00				19.71		
	11/18		Jordan				8.00				
	11/19		Kuwait		231.00		56.07		87.57		
	11/20		Bahrain		369.00						
	11/21		Saudi Arabia		246.00				467.44		
	11/22	11/23	Turkey		516.00		66.71		156.58		
	11/24	11/25	Greece		215.00				135.71		
Committee totals					50,022.76		46,904.39		12,355.48		109,282.63

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Jan. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Adams	10/12	10/16	Colombia		772.00						772.00
Commerical airfare							1,751.00				1,751.00
	11/17	11/19	Panama		258.00				128.10		386.10
	11/19	11/22	Haiti		552.50				15.00		567.50
Commerical airfare							878.00				878.00
Hon. Cass Ballenger	12/1	12/2	Mexico		[3] 188.99						188.99
	12/2	12/4	El Salvador		[3] 30.00						30.00
	12/4	12/6	Nicaragua		[3] 176.25						176.25
Paul Berkowitz	12/3	12/4	India		365.25						365.25
	12/4	12/7	Nepal		712.00						712.00
	12/8	12/10	Bhutan		312.00						312.00
	12/11	12/13	India		385.00						385.00
Commercial airfare							7,408.70				7,408.70
Deborah Bodlander	11/15	11/19	Qatar		900.00						900.00
Commerical airfare							5,697.90				5,697.90
	12/2	12/6	England		1,416.00						1,416.00
Commercial airfare							4,501.90				4,501.90
Elana Broitman	10/10	10/12	Belarus		392.00						392.00
	10/12	10/18	Russia		2,108.00						2,108.00
Commercial airfare							4,281.00				4,281.00
Peter Brookes	12/13	12/19	China		2,086.00						2,086.00
Commercial airfare							3,702.00				3,702.00
Hon. Tom Campbell	11/24	11/24	Ethiopia		188.00						188.00
	11/25	12/1	Eritrea		258.00						258.00
	12/2	12/5	Ethiopia		[3] 790.00						790.00
	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
	12/9	12/12	Kenya		[3] 555.00						555.00
	12/13	12/16	Tanzania		[3] 663.25				621.00		1,284.25
	12/17	12/18	Egypt		352.00						352.00
Commercial airfare							7,198.37				7,198.37
Theodore Dagne	11/29	12/2	Eritrea		324.00						324.00
	12/2	12/6	Ethiopia		618.00						618.00
	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
Commercial airfare							5,980.80				5,980.80
Hon. Eni F.H. Faleomavaega	11/18	11/19	Israel		624.00						624.00
	11/19	11/20	Kuwait		435.00						435.00
	11/20	11/21	Bahrain		369.00						369.00
	11/21	11/22	Saudi Arabia		246.00						246.00
	11/22	11/24	Turkey		323.00						323.00
	11/24	11/25	Greece		215.00						215.00
Martin Gage	11/15	11/17	Turkey		[3] 416.00						416.00
	11/17	11/19	Azerbaijan		[3] 585.00						585.00
	11/19	11/21	Kazakhstan		[3] 526.00						526.00
	11/21	11/23	Uzbekistan		[3] 618.00						618.00
	11/23	11/24	Turkmenistan		[3] 166.00						166.00
	11/24	11/25	Norway		[3] 214.00						214.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard Garon	11/22	11/24	Greece		500.00						500.00
	11/24	11/24	Syria		267.00						267.00
	11/25	11/25	Israel		139.00						139.00
Commercial airfare							4,354.40				4,354.40
Kristen Gilley	10/10	10/12	Belarus		392.00						392.00
	10/12	10/18	Russia		[3] 1,808.00						1,808.00
Commercial airfare							4,446.60				4,446.60
Hon. Benjamin Gilman	11/24	11/25	Syria		267.00				136.67		403.67
	11/25	11/25	Israel		139.00						139.00
Commercial airfare							1,516.00				1,516.00
Hon. Alcee Hastings	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakhstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
John Herzberg	10/10	10/17	Bosnia		[3] 2,361.00						2,361.00
Commercial airfare							3,850.10				3,850.10
Amos Hochstein	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
	12/9	12/12	Kenya		[3] 555.00						555.00
	12/12	12/16	Tanzania		[3] 774.00				621.00		1,395.00
	12/17	12/19	Egypt		528.00						528.00
Commercial airfare							6,299.50				6,299.50
Mark Kirk	10/10	10/17	Bosnia		[3] 2,361.00						2,361.00
Commercial airfare							3,850.10				3,850.10
	12/2	12/10	Japan		3,249.00						3,249.00
Commercial airfare							5,294.00				5,294.00
Christopher Kojm	10/12	10/14	Austria		350.00						350.00
	10/14	10/16	Belgium		[3] 442						442
Commercial airfare							3,689.80				3,689.80
John Mackey	10/12	10/16	Colombia		772.00						772.00
	10/16	10/18	Mexico		482.50						482.50
Commercial airfare							1,707.20				1,707.20
	11/13	11/16	Ireland		822.00						822.00
Commercial airfare							787.00				787.00
Caleb McCarry	10/12	10/16	Colombia		[3] 612.00						612.00
Commercial airfare							1,751.00				1,751.00
	11/17	11/19	Panama		258.00				128.10		386.10
	11/19	11/22	Haiti		[3] 545.42				15.00		560.42
Commercial airfare							878.00				878.00
Denis McDonough	10/12	10/16	Colombia		772.00						772.00
	10/16	10/18	Mexico		482.50						482.50
Commercial airfare							1,094.00				1,094.00
	11/17	11/19	Panama		258.00				128.10		386.10
	11/19	11/22	Haiti		552.50				15.00		567.50
Commercial airfare							878.00				878.00
Hon. Cynthia McKinney	10/15	10/17	Uganda		[3] 340.80						340.80
	10/17	10/17	Rwanda		[3] 373.00						373.00
Commercial airfare							7,550.00				7,550.00
Lester Munson	11/29	12/2	Eritrea		258.00						258.00
	12/2	12/6	Ethiopia		509.00						509.00
	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
Commercial airfare							5,830.80				5,830.80
Hon. Donald Payne	11/29	12/2	Eritrea		268.00						268.00
	12/2	12/6	Ethiopia		[3] 518.00						518.00
	12/6	12/8	Djibouti		[3] 216.00						216.00
	12/8	12/9	Yemen		251.00						251.00
	12/9	12/12	Kenya		[3] 555.00						555.00
	12/12	12/16	Tanzania		[3] 774.00				621.00		1,395.00
	12/17	12/18	Egypt		352.00						352.00
Commercial airfare							7,753.00				7,753.00
Stephen Rademaker	10/12	10/14	Austria		342.00						342.00
	10/14	10/17	Belgium		675.00						675.00
	10/17	10/18	Hungary		[3] 186.00						186.00
Commercial airfare							4,279.40				4,279.40
	11/17	11/19	Panama		258.00				128.10		386.10
Commercial airfare							608.00				608.00
Francis Record	12/4	12/17	Belgium		[3] 752.00						752.00
	12/7	12/21	England		[3] 558.00						558.00
Commercial airfare							4,144.70				4,144.70
Grover Joseph Rees	10/20	10/22	Switzerland		[3] 194.00						194.00
Commercial airfare							2,595.40				2,595.40
	11/30	12/3	Indonesia		741.00						741.00
	12/3	12/11	Vietnam		[3] 2,028.00						2,028.00
	12/11	12/15	Philippines		[3] 868.00						868.00
Commercial airfare							5,045.00				5,045.00
John Walker Roberts	10/13	10/14	Austria		171.00						171.00
	10/14	10/16	Belgium		450.00						450.00
Commercial airfare							2,146.80				2,146.80
Hon. Dana Rohrabacher	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Thomas Sheehy	12/5	12/6	Cote d'Ivoire		[3] 75.00						75.00
	12/6	12/9	Liberia		[3] 225.00						225.00
	12/9	12/10	Cote d'Ivoire		[3] 75.00						75.00
	12/10	12/14	Ghana		873.00						873.00
Commercial airfare							4,387.90				4,387.90
Gregory Simpkins	12/5	12/6	Cote d'Ivoire		[3] 75.00						75.00
	12/6	12/9	Liberia		[3] 225.00						225.00
	12/9	12/10	Conte d'Ivoire		[3] 75.00						75.00
	12/10	12/14	Ghana		[3] 864.00						864.00
Commercial airfare							4,387.90				4,387.90
Hillel Weinberg	12/14	12/17	Belgium		[3] 752.00						752.00
	12/17	12/21	England		[3] 657.00						657.00
Commercial airfare							4,147.70				4,147.70
Hon. Robert Wexler	11/14	11/15	England						137.25		137.25
Commercial airfare							2,129.20				2,129.20
Committee total					62,229.96		136,801.17		2,694.32		201,725.45

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Mar. 6, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas A. O'Donnell	8/12	8/12	Korea								
	8/12	8/18	Vietnam		1,470.00		5,101.30				6,571.30
Committee total					1,470		5,101.30				6,571.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman; Oct. 26, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Catherine Eberwein	10/12	10/16	Asia		1,050.00						1,050.00
Commercial airfare							2,391.00				2,391.00
Patrick Murray	10/23	10/26	Europe		959.00						959.00
Commercial airfare							4,194.00				4,194.00
Susan Ouelette	10/23	10/26	Europe		959.00						959.00
Commercial airfare							4,194.70				4,194.70
Merrell Moorhead	10/23	10/26	Europe		959.00						959.00
Commercial airfare							4,194.70				4,194.70
Christopher Barton	12/1	12/6	South America		927.00						927.00
Hon. Porter Goss	12/1	12/8	Europe		2,206.00						2,206.00
Hon. Michael Castle	12/1	12/8	Europe		2,206.00						2,206.00
Hon. Sherwood Boehlert	12/1	12/8	Europe		2,206.00						2,206.00
Hon. Norm Dicks	12/1	12/8	Europe		2,206.00						2,206.00
Hon. David Skaggs	12/1	12/8	Europe		1,876.00						1,876.00
Commercial airfare							2,272.90				2,272.90
Hon. Nancy Pelosi	12/1	12/6	Europe		1,646.00						1,646.00
Commercial airfare							2,208.90				2,208.90
Hon. Jane Harman	12/4	12/5	Europe		708.00						708.00
Commercial airfare							2,350.90				2,350.90
John Mills	12/1	12/8	Europe		2,206.00						2,206.00
Michael Sheehy	12/1	12/8	Europe		1646.00						1,646.00
Commercial airfare							2,208.90				2,208.90
Timothy Sample	12/1	12/8	Europe		2,206.00						2,206.00
Tom Newcomb	12/1	12/8	Europe		2,206.00						2,206.00
Merrell Moorhead	12/1	12/8	Europe		2,206.00						2,206.00
Susan Ouellette	12/1	12/8	Europe		2,206.00						2,206.00
Michael Meermans	12/1	12/8	Europe		2,206.00						2,206.00
Diane Roark	12/1	12/8	Europe		2,034.00						2,034.00
Mary Engebreth	12/1	12/8	Europe		2,034.00						2,034.00
Beth Larson	12/1	12/8	Europe		2,206.00						2,206.00
Lydia Olson	12/1	12/8	Europe		2,206.00						2,206.00
Committee total					41,270.00		24,016.70				65,286.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER GOSS, Chairman, Jan. 28, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, JORDAN AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 19, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Boehner	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Paul Kanjorski	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Chris Shays	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Deborah Pryce	1/11	1/16	Israel		1,410.00		[4] 2,500				3,910.00
	1/16	1/16	Jordan		145.00		(3)				145.00
Hon. Rob Portman	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Steve LaTourette	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Bob Ney	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Hon. Jim Maloney	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Barry Jackson	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Brian Gaston	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Karen Feather	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, JORDAN AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 19, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Tim Day	1/11	1/16	Israel		1,410.00		[4] 2,500				3,910.00
	1/16	1/16	Jordan		145.00		(3)				145.00
Brian Durdle	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Dave DiStefano	1/11	1/16	Israel		1,410.00		(3)				1,410.00
	1/16	1/18	Jordan		590.00		(3)				590.00
	1/18	1/19	Spain		235.00		(3)				235.00
Committee total					29,930.00		5,000.00				34,930.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.
[4] Military one way; return commercial.

JOHN BOEHNER, Feb. 19, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ISRAEL, JORDAN, EGYPT, MOROCCO, AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 11 AND JAN. 19, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mac Collins	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Total					1,916.00		(3)				1,916.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MAC COLLINS, Feb. 13, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ENGLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 19, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles W. Johnson	12/16	2/19	England		900.00		581.00				1,481.00
Total					900.00		581.00				1,481.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES W. JOHNSON, Feb. 20, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM, FRANCE AND POLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 15 AND JAN. 22, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chaplain James Ford	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Committee total					2,006.00						2,006.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES FORD, Feb. 27, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM, FRANCE AND POLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 15 AND JAN. 22, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter Davidson	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Committee total					2,006.00						2,006.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER DAVIDSON, Feb. 25, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 30 AND FEB. 3, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gardner G. Peckham	1/30	2/3	Switzerland		1,000.00		3,124.49				4,124.4
Committee total					1,000.00		3,124.49				4,124.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM, Mar. 2, 1998.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7913. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Patterson, Iowa) [MM Docket No. 97–187, RM–9149] received March 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7914. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Adequate and Well-Controlled Studies for Investigational Use and Approval of New Animal Drugs [Docket No. 97N–0141] received March 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7915. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–43–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7916. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with France and the United Kingdom (Transmittal No. DTC–35–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7917. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Canada (Transmittal No. DTC–37–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7918. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7919. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7920. A letter from the Chairman, United States International Trade Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A Series Airplanes [Docket No. 97–NM–166–AD; Amendment 39–10370; AD 98–05–09] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7922. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aeromot-Industrial Mecanico Metalurgica Ltda. Model AMT–200 Powered Sailplanes [Docket No. 97–CE–66–AD; Amendment 39–10098; AD 97–15–07] (RIN: 2120–AA64) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 384. Resolution providing for consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports (Rept. 105–433). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 385. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes (Rept. 105–434). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. House Resolution 118. Bill to provide for the collection of data on traffic stops; with an amendment (Rept. 105–435). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. House Resolution 2696. Bill to amend title 17, United States Code, to provide for protection of certain original designs; with an amendment (Rept. 105–436). 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. BUNNING of Kentucky (for himself and Mrs. KENNELLY of Connecticut):

H.R. 3433. A bill to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. BILIRAKIS):

H.R. 3434. A bill to amend title 10, United States Code, to provide limited authority for concurrent receipt of military retired pay and veterans' disability compensation in the case of certain disabled military retirees who are over the age of 65; to the Committee on National Security.

By Mr. CAMPBELL (for himself, Mr. METCALF, Mr. TORRES, Mr. JACKSON, Mr. TALENT, Mr. MCINTYRE, and Mr. FOX of Pennsylvania):

H.R. 3435. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3436. A bill to amend Public Law 96–87 to authorize the Secretary of the Interior to acquire certain lands for inclusion in the Frederick Law Olmstead National Historic Site; to the Committee on Resources.

By Mr. GOODE (for himself, Mr. BOUCHER, and Mr. SISISKY):

H.R. 3437. A bill to provide market transition assistance for quota holders, active tobacco producers, and tobacco-growing counties, to authorize a private Tobacco Production Control Corporation and tobacco loan associations to control the production and marketing and ensure the quality of tobacco in the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. FROST, and Mr. TRAFICANT):

H.R. 3438. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

H.R. 3439. A bill to amend the Community Reinvestment Act of 1977 to require insured credit unions to meet the credit needs of the community served by the credit union; to the Committee on Banking and Financial Services.

By Mr. ROEMER (for himself, Ms. ESHOO, Mr. KIND of Wisconsin, Mr. MORAN of Virginia, and Mr. DOOLEY of California):

H.R. 3440. A bill to improve the supply of well-qualified elementary school and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. KLUG (for himself, Mr. CASTLE, Mr. GREENWOOD, Mr. KILDEE, Mr. ANDREWS, Mr. BARTON of Texas, Mr. ENSIGN, and Mr. WALSH):

H.R. 3441. A bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself and Mr. MANTON):

H.R. 3442. A bill to amend the Communications Act of 1934 to require schools and libraries that receive universal service support for discounted telecommunications services to establish policies governing access to material that is inappropriate for children; to the Committee on Commerce.

By Mr. STUPAK:

H.R. 3443. A bill to amend the Internal Revenue Code of 1986 to repeal the requirement for computation of tax on the aggregate income of husband and wife and to repeal joint and several liability of husband and wife; to the Committee on Ways and Means.

By Mr. REYES:

H. Con. Res. 240. Concurrent resolution expressing the sense of the Congress that postage stamps should be issued by the United States to honor and recognize the first permanent settlement of the western United States by the Spanish explorer Don Juan de Onate; to the Committee on Government Reform and Oversight.

By Mr. VENTO:

H. Con. Res. 241. Concurrent resolution expressing the sense of the Congress regarding tax simplification and the adoption in 1998 of 10 tax changes to reduce individual tax preparation time by 60 minutes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. BRADY and Mrs. CHENOWETH.

H.R. 94: Mr. GILLMOR, Mr. HINOJOSA, Mr. SHAYS, Mr. DELAHUNT, and Mr. ARCHER.

H.R. 108: Mr. GUTIERREZ.

H.R. 139: Mr. LARGENT.

H.R. 198: Mr. LINDER.

H.R. 306: Mr. DOYLE and Mr. STUPAK.

H.R. 350: Mr. THOMPSON, Mr. BLUMENAUER, Mr. CALVERT, and Mrs. KELLY.

H.R. 371: Mr. RADANOVICH.

H.R. 372: Mr. HINCHEY.

H.R. 676: Mr. HINCHEY.

H.R. 766: Mr. CLYBURN.

H.R. 859: Mr. COBURN.

H.R. 934: Mr. SMITH of Michigan.

H.R. 959: Mr. BLUMENAUER and Mr. CALVERT.

H.R. 971: Mrs. ROUKEMA.

H.R. 979: Mr. BOB SCHAFFER, Mrs. EMERSON, Mr. MASCARA, Mr. MCINNIS, Mr. RUSH, and Mr. MOAKLEY.

H.R. 981. Mr. WOLF, Ms. VELAZQUEZ, Mr. MORAN of Virginia, Ms. JACKSON-LEE, Mr. MCDERMOTT, Mr. LEWIS of Georgia, and Mr. PRICE of North Carolina.

H.R. 995: Mr. COX of California.

H.R. 1009: Mr. RIGGS.

H.R. 1121: Mr. BACHUS, Mr. COOK and Mr. BARR of Georgia.

H.R. 1126: Mr. RIGGS.

H.R. 1134: Mrs. MEEK of Florida.

H.R. 1131: Ms. BROWN of Florida and Mr. HOLDEN.

H.R. 1241: Ms. SANCHEZ and Mr. LANTOS.

H.R. 1376: Mr. MARTINEZ.

H.R. 1401: Ms. FURSE.

H.R. 1518: Mr. EVANS.

H.R. 1524: Mr. HAMILTON.

H.R. 1670: Mr. LAMPSON, Mrs. MINK of Hawaii, and Ms. PELOSI.

H.R. 1704: Mrs. MALONEY of New York, Mr. MCINTOSH, Mr. HERGER, and Mr. BARR of Georgia.

H.R. 1715: Mr. KLUG and Mr. NETHERCUTT.

H.R. 1766: Mr. ACKERMAN, Mr. ALLEN, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BONIOR, Mr. CANADY of Florida, Mr. DAVIS of Illinois, Mr. DICKS, Mr. DIXON, Mr. DOGGETT, Ms. GRANGER, Mr. SAM JOHNSON, Mr. LOBIONDO, Mr. MCCOLLUM, Mr. PAPPAS, Mr. PASCRELL, Mrs. ROUKEMA, Mr. PASTOR, Mr. RYUN, Mr. SANFORD, Mrs. LINDA SMITH of Washington, Mr. WEXLER, and Mr. FRANKS of New Jersey.

H.R. 1773: Mr. GALLEGLY.

H.R. 1788: Mr. FILNER.

H.R. 1813: Mr. TIERNEY and Mr. WEXLER.

H.R. 1891: Mr. THOMAS.

H.R. 1995: Mr. KENNEDY of Massachusetts, Mr. YATES, Mr. STOKES, Mr. WEXLER, Mrs. MEEK of Florida, and Mr. KENNEDY of Rhode Island.

H.R. 2001: Mr. HUNTER.

H.R. 2050: Mr. CRAMER.

H.R. 2070: Mr. CALVERT, Mr. ENGLISH of Pennsylvania, and Mr. LOBIONDO.

H.R. 2250: Mr. BOB SCHAFFER.

H.R. 2284: Mr. SNYDER.

H.R. 2305: Mr. BURR of North Carolina, Mr. MCINTYRE, and Mr. ENGLISH of Pennsylvania.

H.R. 2409: Mrs. THURMAN and Mr. HASTINGS of Florida.

H.R. 2497: Mr. FORBES, Mr. NEY, Mr. KIM, Mr. EVERETT, and Mr. WAMP.

H.R. 2567: Mrs. FOWLER.

H.R. 2698: Mr. ETHERIDGE and Mr. TOWNS.

H.R. 2708: Mr. ENGLISH of Pennsylvania, Mr. PORTMAN, Mr. HALL of Texas, Mr. LAHOOD, Mr. DOOLEY of California, Mr. MATSUI, Mr. CHRISTENSEN, Mr. KLECZKA, Mr. HASTINGS of Florida, Mr. CLEMENT, Mr. KIM, and Ms. LOFGREN.

H.R. 2714: Mr. EVANS.

H.R. 2723: Mr. STEARNS.

H.R. 2748: Mr. METCALF and Mr. COSTELLO.

H.R. 2755: Ms. ROYBAL-ALLARD, Mr. TIAHRT, Mr. MCNULTY, Mr. GUTIERREZ, Mr. SHERMAN, and Mr. CALVERT.

H.R. 2775: Mr. GREENWOOD and Mr. SHUSTER.

H.R. 2792: Mr. BACHUS.

H.R. 2807: Ms. WOOLSEY, Mr. MARKEY, Mr. OLVER, Ms. NORTON, Mr. SAWYER, Mr. LANTOS, Mr. NEAL of Massachusetts, Ms. LOFGREN, Mr. DUNCAN, and Mr. SANDERS.

H.R. 2821: Mr. MANZULLO and Ms. FURSE.

H.R. 2829: Mr. BACHUS, Mr. BARTON of Texas, Mr. BEREUTER, Mr. CAMPBELL, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CLAY, Mr. COBLE, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. DREIER, Mr. FOLEY, Mr. FOSSELLA, Mrs. FOWLER, Mr. GEKAS, Mr. GIBBONS, Mr. GILCHREST, Mr. JONES, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LEACH, Mr. LINDER, Mr. MANZULLO, Mr. MILLER of Florida, Mrs. MYRICK, Mr. PAXON, Mr. PITTS, Mr. SPENCE, Mr. THOMAS, and Mr. THORNBERRY.

H.R. 2870: Mr. ENGLISH of Pennsylvania, Mr. BEREUTER, and Mr. MANZULLO.

H.R. 2898: Mr. LOBIONDO, Mr. UPTON, Mr. FARR of California, Mr. MCGOVERN, Mr. SHAYS, Mr. BARRETT of Wisconsin, Mr. MINGE, Mr. OLVER, Mr. BROWN of Ohio, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. GANSKE, Mr. STARK, Ms. WOOLSEY, Mr. MENENDEZ, Ms. LOFGREN, Mr. KUCINICH, Mr. VENTO, Ms. RIVERS, Mr. OWENS, and Ms. FURSE.

H.R. 2905: Mr. FORD.

H.R. 2910: Mr. BALDACCI.

H.R. 2931: Mr. HALL of Texas, Mr. FOX of Pennsylvania, Mr. HASTINGS of Florida, Mr. TOWNS, and Mr. ENGEL.

H.R. 2936: Mr. DAN SCHAEFER of Colorado, Mr. BONILLA, Mr. PAUL, and Mr. SANDLIN.

H.R. 2955: Mr. KLUG.

H.R. 2973: Mr. DEAL of Georgia and Mr. SHAW.

H.R. 3007: Mr. GUTIERREZ, Mr. EHLERS, and Ms. STABENOW.

H.R. 3039: Ms. WATERS and Mr. LAHOOD.

H.R. 3050: Ms. ESHOO, Mr. RUSH, and Mr. STRICKLAND.

H.R. 3086: Mr. MALONEY of Connecticut, Mr. DEFAZIO, Mrs. MEEK of Florida, Mr. NEAL of Massachusetts, and Mr. SCOTT.

H.R. 3103: Mr. PAPPAS.

H.R. 3107: Mr. WATTS of Oklahoma.

H.R. 3128: Mr. TRAFICANT, Ms. KAPTUR, Mr. KUCINICH, and Ms. PELOSI.

H.R. 3131: Mr. BARRETT of Wisconsin and Mr. TOWNS.

H.R. 3139: Ms. BROWN of Florida amd Mr. MCGOVERN.

H.R. 3149: Mr. ENGLISH of Pennsylvania.

H.R. 3151: Mr. ENGLISH of Pennsylvania.

H.R. 3153: Ms. FURSE.

H.R. 3155: Mr. OWENS.

H.R. 3166: Mr. COBURN.

H.R. 3175: Mr. ENGLISH of Pennsylvania.

H.R. 3181: Mr. CRAMER.

H.R. 3185: Mr. CRANE, Mr. BATEMAN, Mr. ENGLISH of Pennsylvania, Mr. MCHUGH, Mr. NEY, Mr. SALMON, Mr. HUNTER, and Mr. TALENT.

H.R. 3189: Mr. SNOWBARGER, Mr. SENSENBRENNER, Mr. HYDE, Mr. BRYANT, Mr. LINDER, Mr. COMBEST, Mr. HASTERT, Mr. BUNNING of Kentucky, Mr. BARR of Georgia, Mr. LIVINGSTON, Mr. SALMON, and Mr. WELDON of Florida.

H.R. 3205: Mr. DOOLEY of California.

H.R. 3206: Mr. BLILEY and Mr. STUMP.

H.R. 3211: Ms. DANNER, Mr. SMITH of New Jersey, Mr. WHITFIELD, Mr. BUYER, Mr. FOX of Pennsylvania, Mr. MCCOLLUM, Mrs. LINDA SMITH of Washington, Mr. DAVIS of Florida, Mr. CALVERT, Mr. SPENCE, Mr. REDMOND, and Mr. PORTER.

H.R. 3213: Mr. LAHOOD.

H.R. 3242: Mr. ROHRABACHER.

H.R. 3259: Ms. DELAURO.

H.R. 3260: Mr. JONES and Mr. SHIMKUS.

H.R. 3262: Mr. TOWNS.

H.R. 3267: Mr. GINGRICH, Mr. DREIER, Mr. RIGGS, Mr. NETHERCUTT, Mr. BILBRAY, Mr. MCKEON, Mr. FRANK of Massachusetts, Mrs. TAUSCHER, Mr. CUNNINGHAM, and Mr. PACKARD.

H.R. 3269: Mrs. LOWEY and Ms. CARSON.

H.R. 3279: Mr. JACKSON.

H.R. 3284: Mr. KLECZKA, Mr. ANDREWS, Mr. LAFALCE, and Mr. POMEROY.

H.R. 3295: Mr. BOYD, Mr. HOBSON, Ms. DELAURO, Mr. WELDON of Pennsylvania, Mr. BALDACCI, Mr. UNDERWOOD, Mr. BLAGOJEVICH, Mr. PORTMAN, and Mr. FROST.

H.R. 3331: Mr. ENGLISH of Pennsylvania, Mr. GANSKE, Mr. TIAHRT, and Mr. HALL of Texas.

H.R. 3336: Mr. STEARNS, Ms. BROWN of Florida, and Mr. BOYD.

H.R. 3351: Mr. KLECZKA.

H.R. 3353: Mr. BOSWELL and Mr. HUTCHINSON.

H.R. 3400: Mr. HINCHEY.

H.J. Res. 102: Mr. BILBRAY, Mr. BOEHNER, Mr. BOEHLERT, Mr. COYNE, Mr. KIND of Wisconsin, Mr. LUTHER, Mr. OBERSTAR, Mr. RADANOVICH, Mr. SANDLIN, Mr. SPENCE, Mr. TALENT, Mr. TIAHRT, Mr. TOWNS, Mr. UNDERWOOD, and Mr. BASS.

H. Con. Res. 183: Mr. CALVERT.

H. Con. Res. 184: Ms. WOOLSEY.

H. Con. Res. 203: Mr. BROWN of California, Mr. WELDON of Pennsylvania, Ms. LOFGREN and Mr. JENKINS.

H. Con. Res. 212: Mr. DOOLITTLE, Mr. HASTINGS of Washington, Mr. ETHERIDGE, Mr. HULSHOF, and Mr. SKEEN.

H. Con. Res. 224: Mr. PETERSON of Minnesota and Ms. DELAURO.

H. Res. 37: Mr. PASTOR.

H. Res. 267: Mr. TOWNS and Mr. BLILEY.

H. Res. 364: Mr. SNOWBARGER.

H. Res. 375: Mr. FAZIO of California, Mr. PORTER, Mr. FROST, and Mr. HALL of Ohio.

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. 1670: Mr. FROST.
H.R. 2495: Mr. FORD.
H.R. 3086: Mr. BALLENGER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2883

OFFERED BY: MR. HORN

AMENDMENT NO. 1.: Page 9, after line 15, add the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) Certain provisions enacted by the Government Performance and Results Act of 1993 (Public Law 103–62) are inconsistent with the Federal Reserve Act (12 U.S.C. 221 et seq.).

(2) The Board of Governors of the Federal Reserve System has indicated that while the Government Performance and Results Act of 1993 is inconsistent with the Federal Reserve Act, the Board of Governors intends to comply voluntarily with the substance of the provisions enacted by the Government Performance and Results Act of 1993.

(3) The Board of Governors of the Federal Reserve System is accountable to Congress and is required to make annually a full report of its operation to the Speaker of the House of Representatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Statutory independence of the Board of Governors of the Federal Reserve System should be maintained, and the Board of Governors should be commended for its commitment to comply voluntarily with the substance of the provisions enacted by the Government Performance and Results Act of 1993; and

(2) the Board of Governors of the Federal Reserve System should include in its annual reports to Congress information pertaining to strategic planning and performance measurement for operations of the Board of Governors, with the exception of such information as pertains to the area of monetary policy.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, WEDNESDAY, MARCH 11, 1998 No. 25

Senate

The Senate met at 9 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:

Almighty God, Sovereign of history and personal Lord of our lives, today we join with Jews throughout the world in the joyous celebration of Purim. We thank You for the inspiring memory of Queen Esther who, in the fifth century B.C., threw caution to the wind and interceded with her husband, the King of Persia, to save the exiled Jewish people from persecution. The words of her uncle, Mordecai, sound in our souls: ''You have come to the kingdom for such a time as this.''—(Esther 4:14)

Lord of circumstances, we are moved profoundly by the way You use individuals to accomplish Your plans and arrange what seems like coincidence to bring about Your will for Your people. You have brought each of us to Your kingdom for such a time as this. You whisper in our souls, ''I have plans for you, plans for good and not for evil, to give you a future and a hope.''—(Jeremiah 29:11)

Grant the Senators a heightened sense of the special role You have for each of them to play in the unfolding drama of American history. Give them a sense of destiny and a deep dependence on Your guidance and grace.

Today, on Purim, we renew our commitment to fight against sectarian intolerance in our own hearts and religious persecution in so many places in our world. This is Your world; let us not forget that ''though the wrong seems oft so strong, You are the Ruler yet.'' Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, on behalf of the majority leader, I announce that today the Senate will be in a period of morning business until 11 a.m. to accommodate a number of Senators who have requested time to speak. At 11 a.m., the Senate will resume consideration of S. 1173, the highway bill. It is hoped that the donor amendment will be available to be offered at 11 a.m., followed by the finance title. After adoption of the finance title, it will be the majority leader's intention to conduct the cloture vote that had previously been postponed by unanimous consent.

With that in mind, Members should anticipate a very busy voting day, with votes occurring in the evening. We will attempt to complete action on the highway bill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from North Dakota, Mr. CONRAD, is recognized to speak for up to 30 minutes.

NATIONAL TOBACCO POLICY

Mr. CONRAD. Mr. President, I am coming to the floor this morning to address the question of national tobacco policy. I was asked last year by the Democratic leadership to chair the Senate Democratic task force on tobacco legislation.

Today, we have 31 cosponsors of our bill called the HEALTHY Kids Act. The purpose of this legislation is, first of all, to reduce teen smoking, because we believe that is the overarching priority, and to protect the public health.

The HEALTHY Kids Act represents responsible tobacco policy. As I have said, it protects children; it promotes the public health; it helps tobacco farmers who are completely left out of the proposed settlement. It resolves Federal, State, and local claims against the tobacco industry. It invests in children and health care, and it provides savings for Social Security and Medicare, and it reimburses taxpayers for the costs that were imposed on them by the use of these tobacco products.

Importantly, the HEALTHY Kids Act also does not provide special protection to the tobacco industry. The HEALTHY Kids Act protects children in several different ways. First, it provides for a healthy price increase on tobacco products. The reason for that is, all of the experts that came and testified before our task force—and we had 18 hearings and we heard from over 100 witnesses—said that first and most important in any comprehensive strategy

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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to protect the public health is to have a healthy price increase, that children who are the most vulnerable, children who, after all, are the people who keep the tobacco industry going because if you don't start when you are young, you don't start—ninety percent of smokers start before the age of 19. Nearly half start before the age of 14. Once started, it is very hard to quit. So if you are going to have an effective, comprehensive strategy, you have to do lots of different things. One of them is to have a healthy price increase.

Second, we provide for full FDA authority. The Food and Drug Administration ought to have the ability to regulate this product just as they regulate other drugs that are brought to market.

Third, our legislation provides for strong look-back penalties. Look-back penalties is a simple way of saying you set a goal for reduction of teen smoking, and if there is a failure to reach those goals, the industry pays a penalty.

In the proposed settlement, the goal is to reduce teen smoking by 60 percent over 10 years. In our legislation, our goal is to reduce teen smoking by 67 percent over 10 years. As an incentive to the industry to accomplish those goals, we put in these so-called look-back penalties in our legislation, and that is 10 cents a pack industrywide. If the industry fails to achieve the goals, it is 40 cents a pack on the individual companies that fail to meet the goals that are set in the legislation. We also provide for comprehensive antitobacco programs because, again, the experts who came before our task force said: You have to have a comprehensive plan. It is important, yes, to increase price, to have strong look-back penalties, but it is also critically important that you have counteradvertising and smoking cessation and smoking prevention programs.

All of those are included in the HEALTHY Kids Act. Then we have a section on retailer compliance, and we have a provision for State licensure and no sales to minors.

The HEALTHY Kids Act promotes the public health. It does that in a series of ways. First of all, it addresses the issue of secondhand smoke. We cover most public facilities, providing that they will be smoke free; although, if you are in a building and it is properly ventilated, a special place for smokers which is separate from others who don't choose to be exposed to secondhand smoke, that is something that is in the legislation. So there is a provision for smoking areas in public facilities.

We also have broad exemptions. We exempt bars, casinos, bingo parlors, hotel guest rooms. Let me be clear. That simply means not all hotel guest rooms are exempt. If you have a hotel and you have some rooms that are smoking rooms and some that are nonsmoking, that is certainly acceptable. We exempt non-fast-food small restaurants with seating for less than 50 people, non-fast-food franchise type restaurants. We did that because the experts told us that compliance would be an issue. It is very difficult on an economic basis for some of these very small restaurants to adjust to a smoke-free requirement. We have also exempted prisons, tobacco shops, and private clubs. We have also said there will be no State or local preemption. The Federal Government is not going to go into a jurisdiction and say, ''You do it our way and that's it.'' We have allowed local jurisdictions to have stronger regulations if they so choose.

The second major element of promoting the public health is to provide for document disclosure. This is an area of real controversy. What documents ought to be disclosed? We believe there is a public right to know, that the public ought to be able to have access to the documents that are being revealed. We see in Minnesota a major controversy now about what documents are going to be released. We hope and trust that ultimately all of the relevant documents will be made available for the public, so that they know what has happened in the past, what has been the behavior of this industry, and what has been the effect of their products.

We provide that all documents be disclosed to the FDA. We believe that is an appropriate policy. The FDA would make public all documents. The public health interest overrides trade secret or attorney-client privileges. We do understand that there are special categories, such as attorney-client privilege and trade secrets. We have provided for those things, if in the FDA's judgment they can be protected and not in any way compromise the public health for those documents to remain privileged.

We also provide for international tobacco marketing controls and no promotion of U.S. tobacco exports. I think it's important to acknowledge that the Federal Government is not doing that at this time. But it has done it in previous administrations. We think it ought to be codified, the current policy, so that we are not promoting tobacco products overseas. We also provide for a code of conduct that the industry would be asked to make a commitment that they would not have marketing to foreign children. We also have modest funding for international tobacco control efforts, and we require warning labels. If the country that is having tobacco products from the United States marketed in their country has their own warning labels, then that applies. If they have no requirement for a warning label, then the U.S. label applies.

The HEALTHY Kids Act helps tobacco farmers. In the settlement, the tobacco farmers were just left out. Clearly, if you are going to reduce smoking in this country and reduce it, hopefully, substantially over time, that is going to have an effect on tobacco farmers. They deserve to have some consideration of their economic plight. We provide $10 billion over 5 years for assistance to farmers and their communities, and we authorize funding for transition payments to farmers and quota holders, rural and community economic development efforts, retraining for tobacco factory workers and tobacco farmers. It's even authorized to have college scholarships for farm families who are adversely affected by this tobacco legislation.

The HEALTHY Kids Act provides for no immunity for the tobacco industry. This is also an area of great controversy and great debate. The tobacco industry is coming to us and saying, look, we will not agree to any restrictions on our advertising or marketing unless you give us special legal protection—legal protection, by the way, that has never been granted to any other industry ever. That is what they are asking for. They are saying they have to be given a special shield. They are saying that they want a whole series of legal actions to be barred, such as government actions—all government actions barred under the terms of this proposed settlement; all actions that involve addiction or dependency are barred under the provisions of the proposed settlement; they bar all class actions under the proposed settlement, such as consolidations and other measures to make legal actions move more efficiently through the courts; all third party claims are barred under the proposed settlement. And the list goes on. Special protections are afforded this industry not only for their past wrongdoing, but also for any potential future wrongdoing—special protections never afforded any other industry at any time. That is wrong. That is wrong. It is not just my view that it is wrong; it is the view of the American people that it is wrong. They don't think this industry ought to be given special protection. They remember the history of this industry. They remember the tobacco executives coming before Congress and putting up their hand and swearing under oath that their products have not caused health problems, when we now know that they do. They remember the tobacco industry coming before Congress and swearing under oath that their products were not addictive, when we now know they are. They remember the tobacco industry coming before Congress and saying their products were never manipulated to have even greater addiction, when we now know they did that precisely. And the American people remember this industry coming to Congress and saying they have never targeted kids, when we now know that they have. American people remember that full well.

So when the tobacco industry comes now and says to us, unless you give us these special protections, we will not agree to restrictions on advertising and marketing, the American people are very skeptical. And they should be, because the fact is you don't need to give

this industry the kind of special protection that it seeks in order to restrict advertising. That is abundantly clear from the research of our task force.

Mr. President, when I say it is abundantly clear you don't have to give them those kinds of restrictions, let me say why that is the case.

First of all, many advertising restrictions are constitutional without any agreement from the industry. Those restrictions provided for in the FDA rule, for example, were crafted to withstand any constitutional challenge. So those restrictions clearly could be put in place and withstand constitutional challenge.

Second, additional restrictions could be put in place and also withstand any constitutional scrutiny. For example, in Baltimore they went beyond the restrictions on billboard advertising that are contained in the FDA rule. In fact, they banned outdoor advertising for alcohol and tobacco products. That has been upheld in the fourth circuit, and the U.S. Supreme Court refused to hear a review of that case. So it is clear that additional restrictions beyond those contained in the FDA rule could also be put in place and withstand constitutional challenge.

Third, I think it should be kept in mind that it is possible for the industry to sign consent agreements without giving them the special protection that they are seeking. For example, the HEALTHY Kids Act says that we will resolve the State and local claims that are outstanding; we will resolve any potential Federal claim. And I believe on that basis the industry, when presented with the choice, if this legislation were to pass, would sign those consent agreements, and they would sign them ''Jimmy crack quick,'' because they would have resolved the legal actions that have, after all, brought us to where we are today.

Fourth, I think it is important also to remember that what we are faced with here is an unusual circumstance. We have, I believe, a situation where, in signing a consent decree, we could wind up having the industry sign consent decrees in exchange for restricting their advertising. We might be buying a pig in a poke. Let me say why that is the case.

The legal experts that came before our task force were very clear. They said yes, it would improve the chances of advertising restrictions—at least some advertising restrictions—to have the industry sign consent decrees. So they were agreeing to those limitations. But they also told us, and they warned us, that even if the manufacturers signed those consent decrees, third parties could come and challenge the constitutionality of some of these restrictions.

Again, I want to make clear that many of the restrictions that are proposed in our legislation and in the proposed settlement will withstand any constitutional challenge. Some may not. They would be helped by having consent decrees signed by the industry. But we need to understand that even if the industry signs them—the manufacturers, and others affected by those consent decrees—they may challenge their constitutionality. For example, the advertising industry could go to court and challenge the constitutionality of some of the restrictions; the convenience store industry could challenge the constitutionality of some of these restrictions. So, ironically, we could be faced with the worst of both worlds.

If we buy what the industry is telling us and we give them the special protections that they seek in exchange for restrictions on advertising and their consent to those restrictions, and later those restrictions are challenged by third parties and found to be unconstitutional, Congress will have bought a pig in a poke. We will have given special protection, and then we could face the prospect of those restrictions being held unconstitutional. And we would have lost on both ends of the bargain. Mr. President, I submit to you, that would be a profound mistake and it is a mistake we should not make.

I was very pleased to see that Speaker GINGRICH yesterday was reported to have said that he didn't think we needed to pay the tobacco industry to prevent them from continuing to advertise and addict our kids. He is right. He is exactly right on that score. We don't need to be giving special protection to this industry, of all industries, in order to get something that in the end may prove to be illusory.

Mr. President, I point out to you that the American people feel strongly about these issues as well. Voters are opposed to providing special protection to the tobacco industry by 55 to 32. Let me say that the question that was put to them was a good deal more favorable to the industry than the wording on this chart. They spelled out what the restrictions would be. If you ask them about giving special protection to this industry, the numbers are much more dramatic, because the American people are smart. They certainly don't know all the details of every bill that is up here on tobacco—they have other things to be doing in their lives—but they know the history of this industry, and they don't believe this industry ought to be given special protection.

Mr. President, no immunity. That is what the HEALTHY Kids Act provides—no special protection for future misconduct; no special protection against individuals redressing grievances through filing legal actions of their own; we do resolve the outstanding Federal, State, and local legal claims; we also provide that States can opt out of the money at the Federal level and continue their own lawsuits; we provide that cities and counties get a fair share of any reimbursement that goes to the States.

On the controversial question of attorney fees, we resolve that by concluding that attorney fees that are in dispute ought to be resolved by arbitration panels using ABA ethical guidelines for legal fees.

Mr. President, there is no question that some law firms are in a place to potentially secure truly windfall fees. We concluded that is not right; that just cannot be the ultimate outcome here. But where there is an agreement between those who hired attorneys and the attorneys themselves, where there is an agreement, the Federal Government shouldn't intervene. But where there is a dispute and a difference, those disputes ought to go to arbitration panels, and they ought to make the determination based on the ABA ethical guidelines for what the fee conclusion should be.

We believe in a case like Florida where you have a dispute, that ought to go to an arbitration panel, and they ought to be empowered to make a decision of what is a reasonable fee based on the difficulty of the case, based on the investment of those who brought the action, and based on the recovery, based on the ABA's own ethical guidelines for settling fee disputes.

Mr. President, the HEALTHY Kids Act invests in children and health, savings for Social Security and Medicare, and reimburses taxpayers at the Federal and State and local levels for costs that have been imposed on them.

Our legislation provides that 41.5 percent of all the revenue would go to the States; 27 percent would go for improving children's health care and child care and education; 14.5 percent of the total would go to the States on an unrestricted basis. After all, they brought these lawsuits and have negotiated with the industry to this point. We think it is appropriate that they should get this share of the total.

We also provide that antitobacco programs would get 15.5 percent of the money. Those are smoking cessation programs, counteradvertising programs, smoking prevention programs, and we provide that NIH health research would get about a fifth of the money—precisely 21 percent. We also concluded that when you get a windfall, you don't spend it all; you don't go and spend all the money; some of it you save. So we have started by putting 4 percent of the money into Medicare. That grows to 10 percent over time as the demography of the country changes and more demands are put on the Medicare System and Social Security. We provide that 6 percent of the money initially goes to that use. That grows to 12 percent over time.

So ultimately we are saving 22 percent of the money by putting it into Medicare and Social Security to strengthen those programs. We think that is a wise use of the money.

Finally, initially farmers will get 12 percent of the money. That is phased out over time. But we acknowledge that they were left out of the proposed settlement and ought to be considered.

In terms of a comparison of how the money is spent—the President's bill

compared to what we have proposed—I would offer the following:

Our total revenue is $82 billion over 5 years. The President's budget provides about $65 billion. Under our formula, $12 billion would go to the States unrestricted. That is just somewhat more than the President's $11.8 billion. The States, for improving children's health care and child care, education, would get $22 billion under our proposal compared to the President's $15.7 billion.

Research under our proposal: NIH would get $17 billion over the 5 years; the President had $25.3 billion for research; $17 billion—the same $17 billion that we had—for NIH health research, but he had $8 billion for nonhealth research. And we believe that really more appropriately should be funded elsewhere, should not be funded out of this stream of revenue.

Medicare: We provided $3 billion initially; the President, $800 million. Farmers would get $10 billion under our proposal in the first 5 years, and $13 billion would go for antitobacco programs, compared to the President providing $12 billion for both of those uses.

So we have provided $10 billion for farmers and $13 billion for the antitobacco programs, for a total of $23 billion. The President didn't break that category down; he just provided a total of $12 billion for both.

Finally, in Social Security: We put $5 billion in the first 5 years; the President doesn't use any of these proceeds for that purpose. Again, we start with the modest amount of money going to Social Security and Medicare, but we grow that over time as the demographics of the country change and require additional funding.

The HEALTHY Kids Act accomplishes the five objectives that the President sent: Reduce teen smoking, including tough penalties. We provide the full FDA authority. We go a long way towards changing the industry culture. We meet additional health goals that the American people want addressed. And we protect the tobacco farmers and their communities.

The HEALTHY Kids Act also accomplishes the eight goals set out by Drs. Koop and Kessler. They have called for full FDA authority to regulate this drug just as they regulate other drugs. We agree. They provide for protection of youth from tobacco influences. And we agree. They provide for adequate smoking cessation funding. We have provided for it. They ask, for secondhand smoke, expanded regulation. And we provide that. They say there should be no special immunity provisions, no special protection. And we agree. They say with respect to preemptions that local communities ought to judge and should not be preempted by Federal law. And we agree. We provide for no local preemption.

We also are in agreement with them that there ought to be adequate compensation for tobacco farmers and that there ought to be strong international policies.

We have met the five principles laid out by the President. We have met the eight goals laid out by Dr. Koop and Dr. Kessler. We believe that the provisions here are strongly supported by the American people. We did national polling to see if we were in sync with what, in fact, the American people believe. Let me show you what they told us.

They want a significant per-pack price increase. They believe that it is a part of a comprehensive strategy. They support strong look-back penalties. And they say there should be no special protections for this industry. If you go to the polling data directly, what one finds is that the voters support a $1.50 health fee to reduce youth smoking and they support it on a very, very high level. Mr. President, 65 percent of the American people support a $1.50-a-pack health fee; 65 percent favor it, only about 30 percent oppose. Mr. President, 65 to 35 percent, people say yes, let's put in a $1.50-a-pack health fee. And this is on a completely bipartisan basis. There is almost no difference between Democrats and Republicans on this question. In fact, you can see here: Health fee, $1.50—the blue are Democrats; 69 percent of Democrats support that, and 67 percent of Republicans support a $1.50-a-pack-health fee. This was done by the well-known national polling firm, Lake, Sosin, Snell, Perry and Associates.

There is also strong public support for a look-back penalty of 50 cents a pack or more. That is what we provide in our legislation. If the industry fails to meet the goals for reducing teen smoking, we put in place a 50-cent-a-pack penalty. By 54 to 34, the American public supports that.

Mr. President, to sum it up, we believe the HEALTHY Kids Act—that has now been cosponsored by 31 Senators, 31 of our colleagues—is strong legislation to protect the public health and to reduce teen smoking. If there is one thing that came through loud and clear in all the hearings that we held, it is that that is what our priority should be. If we keep our eye on the ball, that is what we will do. Protecting the public health is so important. If you listened to those who came and testified, they are saying to us that's the priority.

I remember very well, when we were in Newark we had a series of witnesses, some of them victims. As we went around the country, we made it a practice to listen to those who have suffered the ill-effects that tobacco products cause. I found two witnesses in Newark especially moving. One was a young woman named Gina Seagrave. She told the story of her mother dying prematurely because of the effects of a lifetime of tobacco addiction. She broke down during her testimony as she described the effects on her family of her mother dying at a young age, the incredible impact that had on their family. I do not think there was a person in that hall who was not moved by her story.

She was then followed by a big tough guy, a coach. He was a big, tough strapping guy, but you could hardly hear him when he testified. He spoke in a raspy voice. This big, tough guy could hardly be heard because he spoke in a raspy voice, and he explained that he had a laryngectomy. His larynx had been cut out because it had been filled with cancer after a lifetime of smoking. He told the members of the committee of the terror he felt when he was given the diagnosis. He told those of us who were there listening the profound regret he had that he hadn't listened to the warnings of those who told him of the dangers of smoking.

This man was a coach and an assistant principal, and he told us that every day he goes to school and sees young people doing what he did, taking up the habit. He recalled once he had taken it up how hard it was to quit, he would quit for awhile but he would always go back to it, and how he hoped that some of these young people would learn from his experience.

Mr. President, when you listen to the victims you cannot help but be moved by how serious a threat tobacco usage is to the public health of our country. We ought to do something about it. We have that chance this year.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized to speak for 20 minutes.

Mr. FEINGOLD. I thank the Chair very much.

CONGRATULATING WISCONSIN ON ITS SESQUICENTENNIAL

Mr. FEINGOLD. Mr. President, recently the senior Senator from Wisconsin and I introduced a resolution congratulating the State of Wisconsin on the 150th anniversary of its statehood. We will celebrate that great occasion on May 29. The sesquicentennial of Wisconsin's statehood is both a time to reflect on the distinguished history of the State and a time to look ahead to the promise of the next 150 years.

Mr. President, every year that I have been a Member of this body, I have traveled to each of Wisconsin's 72 counties to hold what I call ''listening sessions.'' These meetings allow me to learn more about what my constituents think about what is going on in Washington, and they also afford me

the opportunity to continue to learn more about the unique character of the people of my home State and its history and traditions.

In honor of this historic anniversary, Mr. President, I have asked children from each of Wisconsin's 72 counties to construct a cloth panel which features a person, place, or event of historical significance for the county in which they live. These panels will be combined to form a quilt to commemorate this milestone. I have already been presented with some of these panels during my trips through the State this year, and I am pleased by the interest that the children have taken in learning about the history of their counties and of the whole State of Wisconsin.

Mr. President, as I travel through Wisconsin I am struck by the amount of history that is present in every corner of the State. From the city of Green Bay, the first permanent European settlement in the State of Wisconsin, which was founded by Charles de Langlade in 1764, to Menominee County, the State's newest county, which was established in 1961, there are a myriad of larger cities and small towns, villages and Native American communities which, together, form the foundation of the State of Wisconsin. It is this sense of community that binds Wisconsin's more than 4.8 million people.

I am also struck by the commitment of the people of Wisconsin to the State's motto, ''Forward.'' While there is no question that the residents of Wisconsin cherish the State's rich history, they never stop looking forward to find ways to build on that solid foundation to ensure that Wisconsin continues to grow and prosper well into the next century and beyond.

This forward-looking thinking, rooted in the State's progressive tradition, is evident in many areas, including education. America's first kindergarten was founded in 1856 by Margarethe Meyer Schurz, a German immigrant who settled in Watertown in Jefferson County. More than 140 years later, Wisconsin is still working to ensure that its children get the best possible start in education through the Student Achievement Guarantee in Education program, the SAGE program. One aspect of this program seeks to reduce class size in kindergarten through grade three to 15 students per class. This forward-thinking approach to educating our children I think is a model that I hope will be expanded to the rest of the country.

Mr. President, Wisconsin has also been a pioneer in the area of higher education. The University of Wisconsin was the first in the United States to offer correspondence courses. This effort opened up the world of higher education to people all over the State—and all over the country. Under the leadership of one of our presidents of our university, President Charles R. Van Hise, the university began its long tradition of working with elected officials at all levels of the State and Federal Government.

Another area in which the people of Wisconsin continue to look forward is in their commitment to serving their fellow Wisconsinites, and their fellow Americans. Wisconsinites have served the United States in all levels of Government from Congress, to the President's Cabinet, to the Supreme Court; they have explored the unknown as astronauts and have represented their State and their country as ambassadors. I am, of course, very honored to follow in the tradition of such Wisconsinites as Robert M. LaFollette, Sr., William Proxmire and Gaylord Nelson as a Member of this body. While there is no doubt that Wisconsin's representatives to the U.S. Congress have not always agreed on matters of policy, we do all share a very strong commitment to the people of our State.

The progressive tradition of politicians such as Robert M. LaFollette is embodied in Charles R. McCarthy's work called ''The Wisconsin Idea,'' which was published in 1912. This book espoused the benefits of returning Government to the people through such reforms as a direct primary system and the popular referendum. ''The Wisconsin Idea'' also touched on Government regulation and promoted benefits such as workers' compensation for job-related injuries. In that vein, Wisconsin passed the first unemployment compensation law in the country in 1932.

Wisconsin's progressive tradition was evident when on June 10, 1919, it earned its place in suffrage history by becoming the first to deliver to our Nation's capital its ratification of the 19th amendment to the Constitution which granted women the right to vote in this country.

The struggle by women in Wisconsin for full participation in Government is only a piece of the history of my State, which is so well renowned for reform. Many know of Wisconsin's reputation for progressivism; but few are aware of the belief of Crystal Eastman, a Wisconsin suffragist who wrote in 1912, ''The last thing a man becomes progressive about is the activities of his own wife.'' Even fewer are aware of the significant role of Wisconsin women in bringing about this Federal amendment, a quest that took more than 70 years, in light of the public cynicism about the benefits of women's suffrage that actually existed during the early part of this century.

Mr. President, Carrie Chapman Catt, a native of Ripon, WI, was the last president of the National American Women Suffrage Association, and the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement and her legacy in grassroots organizing is undeniable, as is the role of many other Wisconsin women in this area.

Mr. President, like every State, Wisconsin has been home to many memorable people. It is hard to pick which ones to mention, but among them are the great architect Frank Lloyd Wright, World War II heroes Mitchell Red Cloud and Richard Bong, author Thornton Wilder, escape artist Harry Houdini, and artist Georgia O'Keeffe, just to name a few.

One person in particular who exemplified the determination and commitment to the greater good shared by the people of Wisconsin was Asaph Whittlesey, one of the founders of the city of Ashland which is in northern Wisconsin. In January 1860, Whittlesey was chosen to represent his region in the Wisconsin legislature, which was located very much to the south of Ashland in Madison. Even though it was the middle of winter, Mr. Whittlesey was determined to get to Madison, so he walked—on snowshoes—to the nearest train station in the town of Sparta, a mere 240 miles from where he was in Ashland. His determination to do the job for which he was selected is indicative of the spirit of the people of Wisconsin.

Another such person was Bernard Cigrand, a teacher at Stony Hill School in Waubeka, who led the first recognized observance of Flag Day on June 14, 1885. Cigrand worked diligently for 31 years for the establishment of a national Flag Day observance, which was proclaimed by President Woodrow Wilson on June 14, 1916.

Mr. President, Wisconsin is a patchwork of races and ethnicities and is home to 11 Federally recognized tribal governments. The influence of the immigrants who have come to Wisconsin and the Native Americans who have lived in Wisconsin for many years is evident in the names of our cities and towns, lakes and rivers, and counties and parks.

Wisconsin has played an integral role in American agriculture. As is proudly proclaimed on our license plates, Wisconsin is ''America's Dairyland.'' According to the United States Department of Agriculture, in 1996, Wisconsin's 1.45 million milk cows produced 22.4 billion pounds of milk, 2.10 billion pounds of cheese, 295 million pounds of butter, 31.8 million pounds of yogurt, and 21.3 million gallons of ice cream and lowfat ice cream.

The state's first cheese factory was built in the town of Ladoga, in Fond du Lac County, by Chester Hazen in 1864. Other dairy firsts that took place in Wisconsin include the first ice cream sundae, which was invented by Two Rivers resident Edward Berner in 1881, and the first simple test for determining the butterfat content of milk, which was developed by Stephen Babcock in 1890. The United States' first Secretary of Agriculture was former Wisconsin Congressman and Governor Jeremiah Rusk.

In addition to its dairy industry, Wisconsin is also a top producer of cranberries.

The State of Wisconsin is blessed with many unique geographical features and has been home to many

noted conservationists, among them John Muir and Aldo Leopold.

The passenger pigeon, which, in 1871, numbered over 136 million in the central part of the state, became extinct in Wisconsin in 1899 when the last one was shot. Wisconsin resident John Muir, founder of the Sierra Club, wrote of the passenger pigeon, ''of all God's feathered people that sailed the Wisconsin sky, no other bird served us so wonderful.'' A monument to this bird is located in Wyalusing State Park in Grant County.

Portage resident Aldo Leopold, author of the seminal environmental work ''A Sand County Almanac,'' wrote, ''the oldest task in human history [is] to live on a piece of land without spoiling it.''

Some of the ''unspoiled'' pieces of land in Wisconsin include the Apostle Islands National Lakeshore, the Nicolet and Chequamegon National Forests, and the 40,000-acre Necedah National Wildlife Refuge, which is home to almost 200 species of birds, including sandhill cranes, bald and golden eagles, and wild turkeys.

Roche a Cri State Park, located in Adams and Juneau Counties, includes examples of rocks carved by the erosion of water and wind, including Castle Rock, Mill Bluff, and Friendship Mound.

Over the past 150 years, Wisconsin has also amassed an impressive list of inventions and industrial and business credits. In my own hometown of Janesville, George Parker was granted a patent for his fountain pen in 1889. The first typewriter was patented by Christopher Latham Sholes in Milwaukee in 1868. The first snowmobile was invented in the town of Sayner and Kleenex was invented in Neenah. The Ringling Brothers Circus began in Baraboo in 1884.

Many Wisconsin companies are household names: Lands' End, Oshkosh B'Gosh, the Kohler Company, Oscar Meyer, Johnson Controls, Harley Davidson, S.C. Johnson Wax, Miller Brewing Company, Snap-On Tools, and many more.

In addition to its success in business, the state has enjoyed success in sports. Names like Vince Lombardi and Erik and Beth Heiden evoke memories of championships won and Olympic glory. The Badgers, Packers, Brewers and Bucks, and many other professional and amateur teams throughout the state, are examples of the determination and dedication, teamwork and sacrifice that are representative of the competitive spirit of Wisconsin.

Mr. President, as is evident in these examples, Wisconsinites have greatly contributed to the history and prosperity of the United States over the last 150 years. I am proud to be a Wisconsinite, and I am honored to represent the people of Wisconsin in the United States Senate. I congratulate the people of Wisconsin on this historic anniversary, invite them to reflect on the state's distinguished past, and encourage them to remain committed to our state motto by looking ''Forward'' to the next 150 years.

Thank you, Mr. President. I yield the floor.

Mr. DURBIN. I congratulate my friend from Wisconsin for his statement on behalf of his State. I have warm feelings about Wisconsin, as a southern neighbor in the State of Illinois.

I am happy to report that of my three children, one is a graduate of Marquette, my son; my daughter is a graduate of the University of Wisconsin at Madison; and our third child married a young man from Janesville, the Senator's hometown, so we have our bases covered in Wisconsin.

That does not suggest I will be rooting for the Packers when they play the Bears, but I thank the Senator for his comments on behalf of his great State.

Mr. KOHL. Mr. President, to some people, Wisconsin means cheese. To that I say, yes, and we're proud of it. The great state of Wisconsin has a dairy industry that has thrived for 150 years despite our country's discriminatory milk pricing policies.

To some people, Wisconsin means beer. To that I say, yes, and we're proud of it. Brewing was among the first industries to help propel Wisconsin's economy forward, creating thousands of jobs and incomes that supported many families. They were not amused with Prohibition.

But Wisconsin means much more. As we celebrate 150 years of Wisconsin statehood this year we are reminded of the state's rich history, its natural beauty and its determined people.

In 1848, as a wave of immigrants flooded into America, many of the brightest among them chose to settle in Wisconsin. The state still displays the influence of its earliest settlers, from Poland, Russia, Ireland, Germany and Scandinavia. Wisconsin continues to draw newcomers because of its strong economy, its first-rate education system and the appealing mix of villages and cities that exist side by side. And we have the Green Bay Packers.

Wisconsin's natural beauty is unsurpassed. We are fortunate to have as our borders two Great Lakes and the Mississippi River. Wisconsin is called a 'sporting paradise' because of its lakes, rivers and forests. We boast fishing, hunting, skiing and world-class golf. Our national forests are breathtaking. People in Wisconsin know the value of our environment and have worked hard to protect it. Wisconsin's spas and resorts and restaurants have earned the attention of glossy travel magazines, who have discovered the charm of vacationing in Wisconsin. We don't mind visitors because we realize that not everyone is lucky enough to be born here.

Wisconsin residents can relax in a small, picturesque lakeside town or explore a vibrant and sophisticated city without traveling far from home. Over the years we have built a thriving arts community that includes the theater, symphony and ballet. For those of us who have an interest in sports, we have exciting teams to follow. For over 150 years, our state has been home, home to Olympic athletes, respected scholars, famous celebrities and great artists. Frank Lloyd Wright left us the gift of Taliesen. Wisconsin has an independent streak that runs through our economy and our politics, and a work ethic that is the envy of employers nationwide. Wisconsin has some of the best minds in the country working in some of the best research facilities on behalf of all Americans. And we make Harley Davidson motorcycles.

But the best thing about Wisconsin in 1998 is the same as in 1848: the people. Their dedication to family, friends, neighbors and community is not a quaint notion from the past, but alive today. Wisconsin is a place where families gather for Sunday dinner. Where lost wallets are returned with all the cash. Where a neighbor offers a ride to work when the car is in the shop. Where friends come to the doorstep with a casserole to welcome a new baby or to console the loss of a grandparent. That's what we celebrate most about Wisconsin and that's why I have tremendous respect for the people I represent.

Much of what we value about Wisconsin has, in the best sense, remained unchanged from its start, 150 years ago. I am fortunate to have lived in Wisconsin all of my life and grateful for the opportunities my family had. Wisconsin is a great place to be a kid, to raise a family and to grow old. It is a reminder of all this country had to offer 150 years ago, and an example of the best it can put forward in the next century.

THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, this morning I rise to discuss an issue which I hope Americans will come to realize is one of the most timely issues facing the U.S. Congress. Consider for a moment this is supposed to be a year of short sessions on Capitol Hill. Members of the House and Senate, anxious to return to their States and districts, hope to do the people's business in short order and go back home. They suggest that perhaps we have about 68 days of session remaining for this calendar year, which is an amazingly short session.

I am concerned that we not forget during the course of the remaining days the high priority that faces us when it comes to the tobacco legislation. It is a high priority because each day, every day in the United States of America, 3,000 children start smoking for the first time. A third of those kids will ultimately become addicted and their lives will become shortened because of tobacco-related death and disease. This is a tragedy that is repeated every single day. So far this year, about 240,000 children in America have

started their nicotine addiction. We have a chance through tobacco legislation to start reducing that number substantially. Every day that we wait, every day that we miss, we are certain that more kids will become addicted to this product.

The tobacco companies understand there is a lot at stake here. Of course, they saw the lawsuits from 42 different States attorneys general and concluded that they needed to reach some kind of a settlement. They have gone on now to buy full-page ads in newspapers. In this morning's Wall Street Journal they urge the public to consider the importance of a tobacco settlement. It is nothing short of amazing that the tobacco industry, which years ago thumbed its noses at the public policy leaders of the United States and the public health experts, now starts talking in very positive terms about the fact that we need to do something—a massive, sustained assault against underage smoking, paid for by the tobacco companies, when each and every day they are addicting 3,000 more children.

I say to the people who are following this debate it is no accident that these kids start smoking. They are appealed to by the advertising of tobacco companies. It is subtle, it is pervasive, and from their point of view, it is very effective.

I hope that in this debate on tobacco legislation we do not lose sight of what is really at stake. First, right now in the State of Minnesota where Attorney General Skip Humphrey is vigorously prosecuting an action against tobacco companies, we are learning every single day of the depth of the deception of the tobacco companies. Because of Attorney General Humphrey's courage and initiative, they now have some 39,000 documents which the tobacco companies over the years have refused to publicize, which are now being ordered to be made public by the court. Tobacco companies, naturally, don't want us to see them, so they have taken this case on appeal. There are another 103,000 documents which may involve children in advertising and other topics which should be released.

I hope that these documents see the light of day because, as these documents are disclosed, we begin to realize the insidious campaign by the tobacco industry to lure our youth into addiction. The tobacco companies have systematically lied about what they know about their products. They have known for a long, long time that their products cause death and disease. They have known that their products are addictive. They have known that they are appealing to children. And yet they have categorically denied it. One of the most outrageous scenes in the history of Congress occurred before a subcommittee chaired by Congressman Waxman several years ago when the executives of the tobacco companies stood up under oath and swore that tobacco was not addictive. What an outrage. And the same executives of the same companies came before that committee and said, ''No, we are to not appealing to children. No, we are not trying to encourage high nicotine tobacco to addict people even more.'' We can't believe a word they say. Now, when their successors in ownership in these tobacco companies buy full-page ads and tell the American people what a great deal they have for them, I hope there is a healthy degree of skepticism across America.

Let me tell you something else that needs to be taken into consideration in this debate. Not only has the tobacco industry systematically hidden the truth from the American people, they have had the opportunity in their own research to realize the devastation of their product and they have refused to acknowledge it. Time and again, we learn of the suppression of scientific research which could have saved lives.

Thinking of the billions of dollars of profits that this industry has made at the expense of death and disease in America is an outrage.

They have also tried to manipulate nicotine levels. They don't just take the tobacco leaves that come from the field and put them in the cigarettes and sell them to America. They like to spike the nicotine in there, get the addiction levels higher so you can't quit. How many people have you run into who said, ''I wish I could quit. I have tried everything. I chew the gum, put on the patch, go through hypnosis, go through acupuncture, try everything imaginable, and I cannot quit.''

The tobacco companies had a role in that because they were making their product more addictive. They focused their marketing at children—imagine that. We are so concerned, and rightly so, about the scourge of drugs in America, narcotics and what it means to America's kids, but the single greatest addiction of our children is the addiction to nicotine, tobacco, and ultimately death and disease are a result of it. They have known this. The tobacco companies have been hawking their products to kids across America for decades. They lose a substantial number of their best customers each year. They lose about 400,000 who die because of tobacco-related death and disease and then about 1.5 million who quit. They have to find 2 million new customers each year. You know what. They won't find them in adults. They find them in playgrounds, in school yards, in children who make a decision to smoke and, unfortunately, become addicted.

Let me tell you what we have to look for in legislation here on Capitol Hill. We have to have performance standards that hold tobacco companies accountable so that we can look year to year to see if the number of children across America is being reduced for smoking. That can be done. It can be done by an aggressive advertising campaign, an aggressive campaign to enforce the laws across America in terms of illegal sales to minors. Any bill that comes to us for consideration on the floor that doesn't have performance standards for children should be rejected.

Second, we have to give the Food and Drug Administration the power to fight this industry. Don't believe we can pass this bill and walk away. We have to give the agency the power to regulate nicotine, to make sure the tobacco companies don't get up to their old tricks again and come up with this high nicotine tobacco leaf to addict people even more. We have to make sure the tobacco industry pays and pays, in an amount that will not only compensate for the losses they have created across America, but to discourage kids from buying this product. I believe $1.50 per pack as a fee is a minimum—a minimum. To go less than that is really to not address the serious problem that faces us.

This whole question of immunity, that is what it is about. That is why they are buying the ads. The tobacco companies want off the hook. They don't want people who are addicted today and die tomorrow to either sue personally or have their estates bring a lawsuit. They want to get out of this courtroom scene in a hurry. They want to get back to the boardroom scene where they make billions of dollars. I tell you this, we should not trade away the liability of these companies, because we believe as politicians that is the only way to hold this industry accountable. I hope there is enough political will among Democrats and Republicans to make sure that we have an agreement that is sensible.

Finally, let us not, in the name of reaching a tobacco settlement, protect America's kids and endanger children around the world. The strategy of the tobacco companies in America is to export their product overseas. We used to have an image of America abroad, the stars and stripes, the great American image. You know what it is today? It is the cancer cowboy, the Marlboro man. You can find him on the streets and billboards in Warsaw, Poland; Bangkok, Thailand, all around the world. The new image of America, a sad image of America, an image of death and disease being promoted by the companies that are shameless in their efforts to exploit and addict children around the world. We cannot stand for that. It is a moral embarrassment to the United States of America if our legislation does not include strict limitations on the sale and advertising of American tobacco products overseas. We can do it. We should do it.

For a century this Congress has enjoyed a reputation as a leader in the world in public health. Let us not in this next century bear the burden of a country that has exported death and disease by American tobacco. I hope that we pass this bill and pass it soon. For those who wonder whether we can get it done, I ask them to consider the following. Count the days remaining in the session. Count the children who become addicted to this product every

day; count the lives that will be lost if we don't act; count on our responsibility in the Senate and the House to move this legislation as quickly as possible.

I yield the remainder of my time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, 2 weeks ago, all of our hopes for campaign finance reform in this session of the Congress were once again frustrated. A year of investigations, legislative proposals, and public debate were met with a filibuster led by the Republican leadership. Perhaps it really should not have come as much of a surprise to any of us. In the last decade, this Senate has considered 321 different pieces of legislation for campaign finance reform, which filled 6,742 pages of the CONGRESSIONAL RECORD—and all of this with no change.

So now, for the 117th time in 10 years, the Senate has voted on an element of campaign finance reform to absolutely no avail. It is a problem of near-crisis proportions, not simply because of the burden it places on candidates for public office, not simply because of the compromises it seems to make in public policy. There is a problem far more fundamental. As evidenced in the confidence of our own people in their system of Government, the United States remains perhaps the only developed democracy in the world where its leadership is chosen by a minority of its citizens. Americans are expressing themselves in our system of Government not with their voices but with their feet, because they choose not to walk into a voting booth.

If it was bad enough that this Congress would not act, now this frustration with reform is in an entirely different form. President Clinton has challenged the FCC to institute at least one element of reform—in my judgment, perhaps the most important element of reform—by mandating a reduction in the cost of television advertising, on the simple theory that if the cost of advertising is less, candidates will be raising less. If the cost of advertising is less, candidates without great financial resources will still seek public office and not find a barrier to expression. It is not a perfect answer, but it is at least a contribution. This was the President's challenge. The FCC has before it that question.

But it was not enough to have a filibuster to defeat the McCain-Feingold reform legislation. Now an effort is being made to include in the President's supplemental funding request in the appropriations process a prohibition on the FCC actually ordering a reduction in rates. The scale of the problem the FCC would deal with is enormous. Since 1977, the cost of congressional campaigns has risen over 700 percent. The central element of this rising spiral of costs is television advertising. In 1996, candidates spent over $400 million to purchase television advertising on federally licensed, public airwaves. Hundreds of candidates were traveling to virtually every State, thousands of communities, to raise hundreds of millions of dollars to buy time on federally licensed airwaves that belong to the American people. It is almost incredible to believe.

There has been, since 1988, a 76 percent increase in this financial burden on public candidates for television advertising. Political advertising on the public airwaves dominates all other forms of campaign spending. President Clinton and Senator Dole spent nearly two-thirds of all their financial resources to buy television time. One half of all the money raised by U.S. Senate candidates was similarly spent on television advertising. In the larger industrial States for the principal media markets, the numbers are far greater—in Los Angeles, Chicago, New York, Miami, or Boston. In my own State of New Jersey, in the Senate race in 1996, fully 80 percent of all financial resources went to buy television advertising. Some 30 seconds of access to the voting population on television could cost in excess of $50,000.

Can it be any wonder that candidates are spending all of their time raising money rather than discussing issues? Can there be any question why candidates without great financial resources, simply possessing a desire to serve and a creativity for dealing with public policy, do not feel they can enter the electoral process? The principal barrier is the public airwaves themselves—something the people of the United States already own. Yet, it's being denied to our own people to discuss issues about our country's own future.

Congress has had a chance to deal with this problem, and it has not. The original version of the McCain-Feingold reform legislation contained reductions in television advertising. It was removed. A challengers' amendment was offered to the McCain-Feingold reform bill that would have provided for a reduction. It was not adopted. I introduced an amendment that would have allowed for a 75 percent reduction. My amendment could not be offered. These are the reasons why I believe President Clinton challenged the FCC to act. To this Congress, our responsibility should be clear. Since the Congress failed to enact campaign finance reform, at least get out of the way so that the FCC can act responsibly and institute at least one element of reform. The Congress has had a decade, hundreds of opportunities, and did nothing. At least now remain silent so that others who will act responsibly can do something to deal with this mounting national problem.

It is not as if we do not have in the FCC the legal ability to require the television networks to reduce the cost of advertising. And it is not as though this request is without precedence. In 1952, the FCC set aside 12 percent of all television channeling time for education purposes, for noncommercial use. In 1967, President Johnson set aside part of the spectrum for public broadcasting. For the FCC now to require a reduction in rates has not only precedence but overwhelming precedence. Candidates for public office now pay a reduced rate, albeit insufficiently reduced. Perhaps even greater, however, is that the FCC is providing up to $20 billion worth of free licenses to broadcasters for digital television, a part of the spectrum on a digital basis, requiring the broadcasters to pay nothing, and probably the greatest grant to private industry since the opening of Federal lands to the railroads. The broadcasters were provided this license on a single basis, on a single request that they fulfill a public obligation to the people of this country.

I can think of no greater opportunity to fulfill that public obligation in meeting a more serious national problem than the FCC now—after the granting of these digital television licenses to broadcasters, asking them to provide reduced rates or free television time. The scale of the burden is so minimal.

Last year, television networks billed, for commercial and other advertising, $42 billion. Of this total advertising expenditure, 1.2 percent was for political advertising. The cost of reducing the rates for political advertising, that 1.2 percent, would still allow for a growth in the overall advertising revenue of the networks next year. So if the FCC acted on any reasonable basis, it would not result in less broadcaster revenues next year and, in year-to-year terms, it would be simply a small reduction in the rate of growth. This we would hesitate to ask after providing $20 billion worth of free new licenses to the networks that are already operating on publicly owned airwaves of the people of the United States?

Perhaps it isn't that the burden isn't too great; perhaps it isn't a legal problem at all; perhaps it is that there are Members of this institution of the Congress that like the idea that there is a threshold price for entry to public office in the United States. The price of entering public office in the United States is not an academic degree; it is not a command of the issues; it is not a given level of commitment to public service; it is the ability to buy television time to communicate views. Increasingly, that means people of great personal wealth use their own resources. If it is not their own resources, it is the ability to use those resources of great financial interests in the United States that command all of the candidate's time and attention. Perhaps it is that people like this threshold price of entry and what it means for certain interests in the Senate, partisan or otherwise.

Well, it leaves us with this simple situation: The Congress had its chance

for campaign finance reform and, after a decade of effort, it has failed. President Clinton has made a request for the FCC to consider reductions in television advertising rates. That issue is now before Chairman Kennard. The Commissioners of the FCC and its new chairman, Mr. Kennard, have a historic opportunity—an opportunity that goes to the very issue of confidence in this Government, the ability for people to feel they identify with these institutions, with their futures and the welfare of their families. They have an extraordinary opportunity to institute reform.

I hope the FCC will act, and I hope this Congress, having failed to be responsible in dealing with this problem, at least has the good grace to remain silent, to not amend the supplemental appropriations legislation so that others can meet a responsibility that was not met on the floor of this Senate.

Mr. President, I yield the floor, and 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

AMENDMENT NO. 1951 TO AMENDMENT NO. 1676

(Purpose: To make additional allocations, with an offset)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendment numbered 1951 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: $7,016,000.

(B) Indiana: $9,290,000.

(C) Michigan: $11,158,000.

(D) Oklahoma: $6,924,000.

(E) South Carolina: $7,109,000.

(F) Texas: $20,804,000.

(G) Wisconsin: $7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $31,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $40,000,000 for fiscal year 2002, and $44,000,000 for fiscal year 2003.

Mr. CHAFEE. Mr. President, the amendment that I have submitted would assist seven States—Arizona, Indiana, Michigan, Oklahoma, South Carolina, Texas, and Wisconsin. This assistance would be in addition to the increases already provided to these States in the Chafee amendment that the Senate adopted last week.

The Chafee amendment provided allocations to the States in three categories—the Appalachian Regional Commission program, the density program, and the bonus program for donor States—to bring their minimum up to 91 cents on the dollar. Six of the seven States to be assisted by this proposal did not qualify for either the Appalachian Regional Commission program or the density program in the Chafee amendment. The other State—South Carolina—that would receive assistance under this proposal received only $1.4 million per year from the ARC program in the Chafee amendment. Thus, the proposal is to provide an additional amount to donor States that received no, or very little, money from the ARC and density programs in the Chafee amendment.

The proposal is to take $70 million per year for 5 years—1999 through 2003—from the Federal research program and distribute that amount among the seven States. Thirty percent of the new funds would be distributed equally among the States—$3 million per State—and 70 percent would be distributed according to the share of payments to the trust fund in 1996.

The States would be added to the density program, giving each State almost complete discretion in the use of the money. The research program is authorized at approximately $100 million per year in the underlying bill and would be reduced to approximately $30 million per year by the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a balancing amendment to make the bill fair to all regions of the country. When the committee took up the bill in the first place—actually there were several major bills—it was intended to represent different parts of the country. We in the committee melded these bills together. One is a donor States bill; one is a New England States, Eastern States, bill; one is a Western States bill.

Because of the leadership of the chairman, Senator CHAFEE, as well as the composition of the committee, which is balanced, we came up with a very balanced bill. Now, balance is in the eyes of the beholder. When we finished, there were some States that felt that although treated fairly, they perhaps could have been treated more fairly.

The effect of this bill is to make sure that all parts of the country are treated evenly, fairly. The effect of this amendment will help accomplish that. It will also help speed passage of this bill. It is my hope, and even expectation, that we can finish this bill today with the passage of this amendment, because the remaining business before the Senate is various amendments, matters that, as important as they are, are not as much of a consequence as this amendment, which is the one that has been worked out in the last couple, 3 days—actually last week, with the chairman and others and interested Senators.

So I urge that this amendment be agreed to. It is going to speed passage of the bill and can get some highways built.

Mr. LEVIN. Mr. President, first, let me thank the managers of the bill. I support this amendment. We have worked very hard on it. It represents a step towards greater fairness for some donor States who did not receive any benefits from other parts of changes in this bill. It is a long road, still, towards fairness—from our perspective, I emphasize—but this represents a step along the road and could not have been made without the help of our good friends from Rhode Island and Montana. I want to thank them for that.

Mr. BAUCUS. Mr. President, I want to thank the very able distinguished Senator from Michigan.

I say to the Senator, I appreciate his tenacity. It is always good to see a Senator who fights doggedly for his State, who works very hard to make sure that his State is not taken advantage of. In fact, I say to the Senate, and to the residents of Michigan, the very able Senator from Michigan adds new meaning to ''fighting like a pit bull.'' Every day, there is Senator LEVIN, making sure, ''Hey, what about Michigan?'' What about donor States and so forth?

I am very appreciative of the very hard work of the Senator. It has helped make this a more balanced bill.

Mr. CHAFEE. Mr. President, those remarks were well-phrased by the distinguished ranking member of the full committee. I also want to include in that ''pit bull'' category, Senator ABRAHAM. He, also, was right there. They were a team. They dogged us every step of the way.

So Senator ABRAHAM and Senator LEVIN both did outstanding work in connection with this legislation. I look forward to a nice, friendly, telephone call from the Governor of Michigan saying what wonderful things we have done for Michigan.

Mr. THURMOND. Mr. President, I support this amendment, and I want to commend the able managers for the manner in which they have handled this difficult situation.

Mr. CHAFEE. I thank the very distinguished senior Senator for the kind remarks about what we did for South Carolina.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1951) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1952

(Purpose: To express the sense of the Senate concerning the operation of longer combination vehicles)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. REID, proposes an amendment numbered 1952 to amendment No. 1676.

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18___. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(B) the difficulty in making lane changes; and

(C) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term ''longer combination vehicle'' has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

Mr. BOND. Mr. President, thank you for giving me this opportunity to explain very briefly my amendment.

This amendment simply says that the status quo regarding the operation of triple trailers—these are the long trucks with a cab and three trailers behind them—shall stay in place. States that currently allow the operation of triple trailers on certain roads within their own State restrictions can continue to allow them, but the operation of triples should not be expanded.

Under the current Federal freeze enacted in ISTEA in 1991, triple trailers may not operate in any additional States on any routes on which they could not operate in 1991.

Now I have no interest in getting into a debate on the statistical merits of triple trailers. Supporters of triples tell you they are perfectly safe, environmentally friendly, less damaging to the highways, and help keep consumer costs low. Supporters of triples will also tell you that the State requirements make them as safe or safer than other trailer operations.

On the other hand, opponents of triple trailers will tell you they are unsafe for the drivers as well as other highway users, they damage roads, especially bridges, and they have little beneficial impact on consumer costs.

As a Senator representing a State with the second and third largest rail hubs in the country, I can tell you railroads hate triples. As a Senator representing a State that allows triples on a small portion of roadways in the Kansas City and southwest Missouri areas, as home of the third largest trucking center in the country, I can tell you that trucking companies love them.

As a Senator, as a driver, and as the father of a teenaged driver, I can tell you that triple trailers scare me to death. Triple trailers can be as long as 120 feet. They are as long as a 10-story building is tall. These trucks can weigh up to 64 tons. For comparison, the cars most of us drove to work this morning are about 14 to 15 feet long and only weigh 1 ton or so. The 120-foot triple trailer is equivalent of seven full-sized passenger cars end to end. Triple trailers require a full football field and a half to come to a stop. Anybody who has driven on a road with triples knows that triples can be intimidating.

Let me be clear, I am a strong advocate and supporter of the trucking industry. I have said that Kansas City, MO, is the third largest trucking center in the country. Trucks based in Missouri move over 200,000 tons of outbound freight and over 250,000 tons of inbound freight every day. Because of the hard work, dedication, and quality service that the trucking industry provides, because of the skill and the ability and the dedication of truck drivers, our lives are made easier, and truck drivers are generally among the very safest drivers on the road. I think all of us can tell many stories of assistance, accommodation, and courtesy by the drivers of trucks, but we have also heard from drivers of trucks that they are very much concerned about the safety of triple trailers.

When I, along with the chairman and other members of this committee, first spoke of this amendment last fall, we were joined by truckers, independent operators, who have had experience with triple trailers and they told us some horrifying tales about the dangers and the difficulties of running a triple trailer. Triples are not the answer. Expanding their operation into areas where they are not now present is not the answer to anyone's question. Sometimes bigger is definitely not better.

I ask the support of my colleagues that this body go on record saying that we will maintain the status quo, that we will not expand the ability of triples to go beyond those areas where they were operating and were grandfathered in in 1991.

I ask unanimous consent to have printed in the RECORD a letter from Walter B. McCormick, chief executive officer of the American Trucking Association. They have questions about some of the language in the amendment. They wish to express their views. They do not feel that the studies which have been cited are accurate. They state that the continuation of the freeze is not inconsistent with our position.

There being no objection, the letter has ordered to be printed in the Record, as follows:

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Alexandria, VA, March 10, 1998.

Hon. CHIRISTOPHER S. BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: Earlier this year, Nevada Senator Harry Reid proposed legislation that would have prohibited the operation of triple-trailer trucks in the 16 states where they currently operate. Over the course of several months, Senator Reid modified his position and decided not to pursue an outright ban on triples, but instead proposed a comprehensive study on the safety, environmental, and infrastructure impacts of triples and other longer combination vehicles (''LCVs''). During the past week, he announced that he would not offer this modified amendment because, he said, he did not have the votes to pass it.

On behalf of the American Trucking Associations, its 50 state associations, 14 conferences, and 35,000 members, I want to express our appreciation to the United States Senate for the tempered and considered approach that it has taken on this issue. The fact of the matter is that triple-trailer trucks and other LCVs have a very good safety record in the states in which they operate. Yet, in spite of that record, ATA is not seeking any expansion of triples authority in the United States—authority which was frozen in 1991 with the adoption of the Intermodal Surface Transportation Efficiency Act (''ISTEA'').

In the next few days, Senators BOND, CHAFEE and LAUTENBERG will be offering a Sense of the Senate resolution calling for a continuation of the 1991 freeze. We do not oppose this resolution. As previously stated, we are not seeking an expansion of the freeze. There is not provision in the resolution that would have any impact or repealing the freeze. There is also no provision in the resolution that would prohibit the operation of triples and LCVs in the states where they currently operate. Hence, the Bond-Chafee-Lautenberg Sense of the Senate resolution, which calls for a continuation of the freeze, is not inconsistent with our position.

Nevertheless, we are concerned by some of the language in the ''findings'' section of the resolution, which could be read to suggest that triple-trailer operations are unsafe. We stand by our position that triples are indeed safe. And, as a majority of Senators have recognized over the past several weeks, the safety record of triple-trailer trucks and other LCVs does not warrant their prohibition in the states where they currently operate.

Therefore, as this resolution moves forward, we would hope that our non-opposition would not be read as an endorsement of any specific language in the resolution.

Sincerely,

WALTER B. MCCORMICK, JR.,
President and Chief Executive Officer.

Mr. LAUTENBERG. Mr. President, as co-sponsor of this amendment and author of the original freeze on longer combination vehicles in the first ISTEA in 1991, I strongly support maintaining this freeze. By adopting this amendment, the Senate will declare loudly and clearly, that the freeze should not be weakened with more exemptions.

Six years ago, Congress recognized the need to stop the growing presence of big rig trucks on our roads. We included in ISTEA a provision I authored that froze the lawful operation of LCVs to only those routes where they had been operating up until that time. It was the right thing to do then and it's the right thing to do now.

We, as Members of Congress, have a duty to actively ensure the safety of all our Nation's roads, not just the roads in our individual States. By allowing monster trucks to terrorize our highways are we not failing to fulfill that duty?

LCVs can be as long as 123 feet (that's longer than a 737 jetliner) and can weigh up to 164 tons.

If it's raining when one of these trucks passes you, the spray from its 32 sets of wheels can blind you for over a minute. That's a long time when you're driving at 55 miles an hour. It means you can't see anything for over a mile.

LCVs pose extraordinary safety risks to other motorists.

Quick lane changes can cause them to exhibit a ''crack-the-whip'' effect—throwing the last trailer into other traffic lanes, causing the vehicle to roll over, or causing the last trailer to rupture its connections with the truck. In addition, LCVs are big and slow, especially when they have to accelerate. Thus they create dangerous traffic hazards when they have to merge or change lanes.

They also have difficulty maintaining speed on upgrades, and reducing speed and braking on downgrades. Speed differentials between trucks and other traffic of only 15 miles per hour are known to dramatically increase the risk of crashes, and speed differentials could be aggravated by the recent speed limit increases in many States.

As a result of all these dangerous features, multi-trailer trucks are involved in much more serious crashes than single-unit trucks or small tractor-trailer combinations. In 1994, over 5,000 people in the U.S. lost their lives in big truck crashes, and more than 100,000 were injured. Although big rig trucks make up only 3 percent of all regulated vehicles, they are involved in 21 percent of all fatal multi-vehicle crashes.

Clearly these big rig trucks are a deadly menace.

It's no wonder that of the over 42,000 people polled last summer, 87 percent said they are opposed to permitting the use of even bigger trucks, and 91 percent said large trucks should not be allowed on roads other than major highways.

Trucking companies are constantly pushing drivers to drive longer and longer hours and heavier and longer trucks to meet ever tighter deadlines. This is a trend that has to stop now.

And if the safety risks these vehicles impose on everyone else wasn't enough, these big rigs also cause significant damage to our roads and bridges.

On top of that, they don't even pay their fair share of costs. A recent study found that in virtually all truck classes, the heaviest vehicles pay considerably less in taxes than the costs they impose on our Nation's highway system. For example, LCVs registered at over 100,000 pounds pay only about half their cost responsibility.

Highway agencies are losing money every mile traveled by one of these vehicles. That will mean poorer roads, higher taxes, or both. To maintain road conditions States must turn to funds from other sources—i.e., gas taxes paid by other motorists. This shifts the cost savings experienced by truck companies, who can hire fewer drivers if they use LCVs, onto other highway users.

This is outrageous. Not only do other motorists get less return on their highway investment because they have to share the road with these life-threatening juggernauts, they also have to pay more for it.

The least we can do is maintain the status quo and not let LCVs branch out onto roads they aren't already on now.

I hope you'll join Senator BOND, Senator REID and me in maintaining the freeze on LCVs.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise in support of the resolution sponsored by Senator BOND to oppose less restrictive requirements for double- and triple-trailer trucks. The resolution states that existing prohibitions and restrictions on these vehicles should be retained.

Mr. President, there are serious safety concerns associated with the operation of bigger trucks. Because of their instability, handling difficulties, and braking problems, bigger trucks cannot stop quickly to prevent accidents and cannot be controlled safely. Bigger truck also are disproportionately responsible for expensive damage to our roads and bridges that we all must pay to repair.

I long have opposed the operation of bigger trucks in my home state of Connecticut. Traffic in Connecticut is too congested to allow these trucks, and the geography is too varied. On I–84 west of Hartford, for example, about 105,000 vehicles each day clog the highway, and traffic steadily is getting worse. Truck accidents on this stretch of road in the last year have been a cause of public concern. The last thing citizens of Connecticut need is even bigger trucks competing with cars here and on other crowded highways.

Common sense alone tells us that these bigger trucks are not compatible with passenger vehicles. The public overwhelmingly agrees. Opinion polls show that the public consistently has opposed legalizing the use of bigger trucks. People find these vehicles intimidating and are very aware of the hazards associated with their operation.

Mr. President, getting into a car exposes any one of us to the chance of an accident under the best of circumstances, and we know how many Americans are injured or killed in highway accidents. We do our best to protect ourselves on the road—for example by fastening our seat belts, by obeying traffic laws, and by refusing to ride with drivers who drink. With all the other risks we face on our increasing crowded roads, we surely do not

need the added hazards posed by bigger trucks. I enthusiastically support the Bond resolution for this reason.

I yield the floor.

Mr. CHAFEE. Mr. President, I am delighted to be a cosponsor of this amendment offered by the Senator from Missouri.

Now we all recognize trucks are essential to the Nation's economic health. There is no argument to that. But we believe allowing increasing the number of the larger trucks to operate on our highway is a dangerous way to increase productivity. Triple-trailer trucks impose, I believe, a triple threat to safety, to the environment, and to the highway infrastructure.

This amendment is a sense of the Senate that we will stay as we are. That is what the underlying legislation does. It does not change what the States allow, or roads they are permitted to operate under now, and does not increase the ability to operate where they are not operating now. I am for that.

I thank the Senator for his amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, this is a freeze on the expansion of future triples. States that currently have triples can maintain them. I think that is a fair balance. A lot of us have problems with triples, basically the problems enunciated by the sponsor of this amendment.

To repeal the current use of trailers, I think, would be unfair.

I urge Senators to agree to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1952) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. CHAFEE. I move to lay it on the table;

The motion to lay on the table was agreed to.

AMENDMENT NO. 1953

(Purpose: To authorize the Secretary of Transportation to implement hazardous material transportation pilot programs for certain farm service vehicles, and for other purposes)

Mr. MCCAIN. Mr. President, on behalf of myself and Senator HOLLINGS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposed an amendment numbered 1953 to amendment No. 1676.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§ 5117. Special permits, pilot programs, exemptions, and exclusions";

(2) by striking "2 years" in subsection (a)(2) and inserting "4 years";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

"(A) a source of supply to a farm;

"(B) a farm to another farm;

"(C) a field to another field on a farm; or

"(D) a farm back to the source of supply.

"(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

"(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

"(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, exemptions, and exclusions.".

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

"(A) in the area covered by an emergency declaration under this paragraph; and

"(B) for a period of not more than 30 days designated in that declaration.

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle to the driver of which the declaration applied.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

Mr. MCCAIN. Mr. President, this amendment has to do with the disposition of hazardous materials. It has been agreed to by both sides.

Mr. President, as I stated last week during debate on the Commerce Committee's safety amendment, negotiations were ongoing to alter several special interest provisions that had been conditionally approved by the Committee when we approved the comprehensive safety amendment last October.

One of the more difficult areas the Committee faced concerned the many requests we received to provide statutory exemptions for one industry or another from certain motor carrier safety rules. Exemptions were sought from Hours-of-Service regulations, Commercial Drivers License (CDL) requirements, and hazardous materials transportation regulations. Of course, these type of requests are not new. In fact, we face them every time Congress considers legislation affecting federal motor carrier safety policy.

The Commerce Committee has worked to avoid any statutory exemptions or regulation carve outs for single industries. At the same time, we want to ensure there is a fair process by which all requests can be considered appropriately. This compromise amendment developed by Senators HOLLINGS, BURNS, BRYAN, GORTON, LOTT, and myself achieves these goals.

In addition to the new process provided under the safety amendment adopted last week, which would permit the Secretary to examine innovative approaches or alternatives to certain rules, this amendment clarifies the Secretary may carry out similar pilot programs dealing with certain regulations impacting the carriage of agricultural production materials. This provision includes, however, specific criteria clearly stating that only projects that are designed to achieve a level of safety equivalent to or greater than the safety level provided through compliance with current regulatory standards are permitted.

In addition, the amendment clarifies and improves the process for providing limited regulatory relief during times of emergencies for utility operators to better allow critical services to be carried out during times of emergencies.

I want to thank Senators HOLLINGS, BURNS, BRYAN, GORTON and LOTT and their staffs for working in a bipartisan manner to achieve this compromise amendment.

Mr. LOTT. Mr. President, I would like to recognize Senator BURNS for his efforts in obtaining passage of the Utility Service Vehicle amendment to the Intermodal Surface Transportation Efficiency Act. Senator BURNS' support and leadership on this issue has been instrumental in reaching an important compromise that provides state and local officials with much needed flexibility in emergency situations. Essentially, the emergency can be dealt with at the discretion of the appropriate local official who has first hand expertise in understanding the needs of their communities. More importantly, this clarification enhances public safety. It is our hope that the U.S. Department of Transportation will take advantage of the flexibility provided by this amendment and fully implement the transportation pilot programs authorized by this legislation. Again, I want to commend Senator BURNS for his efforts in coordinating the bipartisan compromise needed to ensure that the public's well-being in emergency situations is fully protected.

Mr. CHAFEE. This amendment is agreeable to this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1953) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. CHAFEE. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1726

(Purpose: To provide that demonstration projects shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs)

Mr. MCCAIN. Mr. President, I send amendment numbered 1726 to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, and Mr. MACK, Mr. GRAHAM, Mr. BROWNBACK, Mr. THURMOND, and Mr. KYL, proposed an amendment numbered 1726 to amendment No. 1676.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 11, insert ''(excluding demonstration projects)'' after ''programs''.

On page 41, line 16, insert ''(excluding demonstration projects)'' after ''programs''.

On page 44, strike line 5 and insert the following:

date of enactment of this subparagraph).

''(3) DEMONSTRATION PROJECTS.—

''(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.

''(B) MAXIMUM OBLIGATION LEVEL.—For each fiscal year, a State may obligate for demonstration projects an amount of the obligation authority for Federal-aid highways and highway safety construction programs made available to the State for the fiscal year that is not more than the product obtained by multiplying—

''(i) the total of the sums made available for demonstration projects in the State for the fiscal year; by

''(ii) the ratio that—

''(I) the total amount of the obligation authority for Federal-aid highways and highway safety construction programs (including demonstration projects) made available to the State for the fiscal year; bears to

''(II) the total of the sums made available for Federal-aid highways and highway safety construction programs (including demonstration projects) that are apportioned or allocated to the State for the fiscal year.

''(4) DEFINITION OF DEMONSTRATION PROJECT.—In this subsection, the term 'demonstration project' means a demonstration project or similar project (including any project similar to a project authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027)) that is funded from the Highway Trust Fund (other than the Mass Transit Account) and authorized under—

''(A) the Intermodal Surface Transportation Efficiency Act of 1997; or

''(B) any law enacted after the date of enactment of that Act.''.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were agreed to.

Mr. MCCAIN. Mr. President, on behalf of myself, Senators MACK, GRAHAM of Florida, THURMOND, COATS, BROWNBACK, KYL, and others, this amendment would require that any future highway demonstration projects be included under the annual obligation limitation.

Let there be no question. I remain strongly opposed to so-called demonstration, high priority, and any other termed descriptions for earmarked projects. As I have done on previous occasions, I will again offer an amendment during this debate a Sense of the Senate Resolution, in opposition to any future demonstration earmarks in this reauthorization legislation.

At the same time, I recognize the real possibility that Congress could, in its collective wisdom, continue to follow the same path it has in prior highway funding bills—that is, to authorize pork barrel projects. Despite the efforts of myself and many other members, the final ISTEA reauthorization bill coming out of Conference may very well include earmarks—earmarks for projects that in many cases aren't even considered necessary among the States' transportation priorities. Therefore, this amendment is an attempt to bring some semblance of equity should Congress fall back to the same old earmarking status quo.

My colleagues may better appreciate the importance of this amendment by reviewing the history of previously enacted highway bills. In 1982, 10 demos were authorized, costing a total of $362 million. In 1987, 152 demo projects were created, costing a total of $1.4 billion. Then in 1991, the mother lode of all demo project bills, ISTEA, was signed into law. 538 location-specific projects totaling $6.23 billion were created. Since 1982, that's a total of $8 billion in trust fund dollars that did not go out for general distribution to the states.

For far too long, highway demonstration projects have received preferential funding treatment. These projects are essentially paid for separately, with states receiving demo project money on top of their annual highway program allocations.

This treatment clearly distorts the allocation process because the earmarked projects are funded outside the overall federal aid to highways obligation ceiling. Again, this distorted demo allocation is outside the funding process established by the statutory formulas—formulas that some of us will argue are already unfair to a number of states.

Our amendment would require that any future, and I stress the word future, demonstration projects funded out of the highway trust fund be subtracted directly from a state's highway funding allocation.

Contrary to the opinion our friends in the House like to push, not all of us

buy the idea that special projects benefit our states' and nation's transportation system. The GAO said that ''if demonstration projects were brought under the obligation limitation, all states would benefit from an increase in their flexibility to target annual obligations to programs and projects that were ready to go.''

GAO further reported that the majority of states would have benefitted if the money provided under the guise of demos had been allocated according to the ISTEA formula. In one year GAO analyzed, it found that ''33 states, plus the District of Columbia and Puerto Rico, would have received more obligation authority if demonstration projects were made subject to the obligation limitation.''

The GAO said that ''if demonstration projects were brought under the obligation limitation, all states would benefit from an increase in their flexibility to target annual obligations to programs and projects that were ready to go.''

Further, during DOT Secretary Slater's confirmation hearing last year, he forcefully expressed the Administration's opposition to demonstration projects. Secretary Slater said demonstration projects ''take resources from the trust fund for general distribution.'' He went on to say that avoiding creation of new projects would add more money to the trust fund for general distribution purposes.

Now, I recognize S. 1173 does not include new demos, and I commend the Chairman and Ranking member of the Environment and Public Works Committee for holding firm to this position. However, I also realize that our House colleagues are not expected to adopt a similar course of action.

Let's consider what is happening in the House and its efforts to reauthorize ISTEA. There are reports that more than 400 members in the House have placed requests for highway, bridge, or transit projects. Of course, they were also actively solicited to do so by the Chairman and Ranking Member of the committee of jurisdiction. And I've been told these requests include more than 1,000 projects—requests that could total hundreds of millions of dollars, dollars that will be siphoned away from formula-driven state allocations and funneled to individually-designated state or local projects.

In one committee print there's even a new funding item called ''legislative discretionary projects.'' I wasn't aware we needed to set up a separate kitty for legislative, member-favored projects. How much would this new legislative discretionary account consume? My calculations indicate $9.07 billion. That is almost double the level earmarked in ISTEA, and the bill isn't even out of conference.

This is offensive. And I'll do everything in my power to make sure that such outlandish action is not condoned by the Senate. However, in the event my efforts to entirely stop all new demo-type funding projects are not fully accepted by the conferees, we must ensure a safety valve is in place. The McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment is one such safety valve.

Under our amendment, a state would be provided the authority to choose to fund a congressionally-favored highway, bypass, bridge, or another road project named in ISTEA II out of the money it receives annually. Simply put, our amendment would allow states to be the final arbitrator with respect to spending its federal funding resources on demonstration projects.

In addition, our amendment will restore modest spending equity for states that have relatively little demonstration project funding. Why should states that don't happen to have members who champion pork-barrel projects have their allocation reduced to pay for other states' earmarks? Simply put, they shouldn't.

Earmarked demonstration projects subvert statewide and metropolitan planning processes to the extent that projects are advanced that might not have been chosen based on area needs, benefit-cost analysis, or other criteria. Our amendment will also guarantee a state's authority to control its highway spending authority.

There are critical needs throughout our nation's transportation network. Clearly, states don't need Congress to micromanage and dictate their planning process. The traveling public certainly is not well served when Washington forces limited funding to be spent on unnecessary road projects.

Three years ago, the Senate adopted my amendment to prohibit funding for ''future'' demo projects. The amendment passed by a vote of 75 to 21. Last year, the Senate unanimously approved my Sense of the Senate Resolution to the Budget Resolution again expressing opposition to future demonstration projects. The Senate is on record for opposing new earmarks and we must remain on record.

I remind my colleagues that $8 billion already has been siphoned away from the states' highway allocations. And donor states like Arizona and Florida and Indiana don't need to have any more of our gasoline tax dollars taken away in order to finance demonstration projects in donee states.

I urge my colleagues to vote in favor of the McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment as a backstop to provide some needed sanity to the ISTEA II conference agreement.

I yield the floor.

Mr. CHAFEE. Mr. President, it's my understanding that the yeas and nays have been ordered on this amendment; is that correct?

The PRESIDING OFFICER. That's correct.

Mr. CHAFEE. Mr. President, I ask unanimous consent that this amendment, No. 1726, be laid aside and be in order at a later time, regardless of the outcome of the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1951

Mr. ABRAHAM. Mr. President, I intend, in a moment here, to move forward with a couple of amendments. Before I do, I wanted to comment on the earlier action that was taken a little bit ago with regard to the manager's amendment pertaining to States, which was designed to provide a number of us who did not fit regionally within either the Appalachian Regional Commission qualifications or the density corridor qualifications with an opportunity to benefit from some of the unique additional dollars that have been made available through the earlier amendment that Senator CHAFEE offered.

We have worked very closely with Senator CHAFEE and his staff, Senator WARNER and his staff, and Senator BAUCUS and his staff to try to address some of these equity issues. I thank them for their ongoing patience and efforts to assist us. We, certainly, in Michigan—as I have spoken earlier during the discussions of this legislation, Michigan is a State that has been trying to gain more equity. I know we have been persistent, as both managers have indicated in previous conversations. We are being persistent for obvious reasons. But we do appreciate it, and I want to publicly acknowledge the cooperation we have received.

I think the amendment that was agreed to today goes a long way in helping us to address those issues. We all want to have the best outcome, but we realize there are many other inconsistent viewpoints being expressed around the floor, and to help everybody is often difficult. I think the managers have gone the extra mile to address these things and I thank them.

AMENDMENT NO. 1380 TO AMENDMENT NO. 1676

(Purpose: To provide for continuation of eligibility for the International Bridge, Sault Ste. Marie, Michigan)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself and Mr. LEVIN, proposes an amendment numbered 1380 to amendment No. 1676.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.

The International Bridge Authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of, operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

Mr. ABRAHAM. Mr. President, the International Bridge connects Sault Ste. Marie, Michigan with Sault Ste. Marie, Ontario, providing a link for both the exchange of goods between the United States and Canada, as well as allowing commuters to traverse between these sister cities.

Vehicle traffic averages over three million crossings a year, with commercial trucks increasing in the wake of NAFTA by 13 percent in the last year alone.

U.S. Public Law 889 of 1940 authorized the State of Michigan, through the International Bridge Authority, to construct, maintain, and operate this toll bridge. The administration of this toll was specifically permitted by this act.

However, the law also required that upon retiring the construction debt, the bridge would revert from the authority to the State of Michigan and the Province of Ontario. The debt from the original construction will be repaid in full in the year 2000. Negotiations are underway for the joint ownership treaty between Michigan and Ontario.

The question is, however, what will happen to the toll when the debt is retired. It was previously believed that section 1012 of ISTEA resolved the toll issue at the federal level by specifying toll bridges could be eligible for federal funds. However, section 1012 covers only those crossings that have a toll agreement with the Federal Highway Administration and already fall under title 23.

This cannot be applied, however, to the International Bridge. The International Bridge was financed with bonds independent of the Federal Highway Administration, and therefore instituted a toll agreement with the Federal Highway Administration.

Because of this catch-22 situation in ISTEA, the International Bridge is therefore ineligible for federal funds under section 1012 of ISTEA, although similar toll bridges would be if they had financed the bridge through the FHWA.

This becomes especially problematic as the bridge is expected to retire it's debt in 2000, and the bridge is turned over to Michigan and Ontario.

Canada is not subject to this prohibition, and will continue to operate a toll after the debt is retired.

For the United States to stop the toll on its side of the bridge after 2000 will place us in an unequal position vis-a-vis the Canadians, making negotiations for joint ownership more difficult.

It will also deny the most secure funding source for maintenance, operations, and future capital improvements to the bridge.

Finally, it will be nearly impossible to reestablish a toll once it has been discontinued, even if ostensibly for a short time.

For those reasons, this amendment will try to address this anomaly and is needed to allow Michigan to more effectively enter into a new agreement with Ontario and cover the costs of the bridge during the transition.

For those reasons, I believe the managers on both sides have cleared this amendment. I hope we can agree to it at this time.

Mr. CHAFEE. Mr. President, this amendment is acceptable to this side.

Mr. BAUCUS. Mr. President, it is also acceptable to this side. This enables Michigan to continue to collect a toll that it is not collecting. It basically continues to make the payments status quo. It is a good amendment.

The PRESIDING OFFICER (Mr. BURNS). If there is no more debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1380 to Amendment No. 1676) was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I thank the Senator from Michigan for his kind comments about the work we did. He is right; he can clearly be labeled persistent, and he worked very hard on this. He represents his State with great vigor; I can testify to that. And he can be satisfied with what was accomplished here. So I congratulate him for the work he did.

Mr. ABRAHAM. I thank the Senator.

Mr. President, I thank the Senator from Rhode Island for his comments and, as I said earlier, for his many efforts.

I would also like to offer an amendment to the committee amendment.

AMENDMENT NO. 1955 TO AMENDMENT NO. 1676

(Purpose: To improve the provisions relating to credit for acquired lands)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. ABRAHAM), for himself, and Mr. LEVIN, proposes an amendment numbered 1955 to amendment No. 1676.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 139, strike lines 22 through 24 and insert the following:

''(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

''(B) is incorporated into the project;

''(C) is not land described in section 138; and

''(D) does not influence the environmental assessment of the project, including—

''(i) the decision as to the need to construct the project;

''(ii) the consideration of alternatives; and

''(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking ''agency of a Federal, State, or local government'' and inserting ''agency of the Federal Government'';

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

''(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

''§ 323. Donations and credits.''.

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

''108. Advance acquisition of real property.''; and

(B) by striking the item relating to section 323 and inserting the following:

''323. Donations and credits.''.

Mr. ABRAHAM. Mr. President, often times, as my State's Department of Transportation undertakes new highway projects, donations are offered in order to assist in the development of these projects.

Up to now, these have been limited to those businesses, organizations, and individuals who believe the advancement of these projects will assist them.

Their reasons could be that there will be economic growth resulting from this highway project that will directly benefit them, or that they wish to see a project develop in a certain direction that will be facilitated by the donation of this property, supplies or services.

These donations can make the difference between whether or not the project is undertaken.

Often times the amount of the federal funds are insufficient to complete the project, especially federally mandated projects.

Because the value of the donation can be applied to the State's match requirement for federally funded projects, a donation like these can provide the funds necessary to not only meet the State's match, but provide the funds necessary to make up for insufficient federal funds.

An example may better illustrate this point.

A community in my state was designated for demonstration project to expand the capacity of a major artery through that city.

However, the level of federal funding was only $15 million on a $25 million project.

The normal state match for a project like this, $3 million, would still leave the community $7 million short of completing this project.

However, this community has also acquired over $6 million in property rights of way along the project corridor.

By donating this project, and allowing the value of this property, which has since increased in value to about $9 million, to be applied to the State match, the State could not only save the state match requirement of $3 million for other high priority projects, but apply the remainder to the deficit in federal funds, thereby allowing the federal funds to finally be utilized.

The benefits of allowing these donations was realized by the drafters of section 323 of title 23, U.S. Code, by allowing any donations of property, supplies, services, or funds by ''a person'' could apply to a State's match requirements.

However, the experience in my state has been that the Department of Transportation has determined that a local unit of government does not fit the legal definition of a ''person.''

I disagree with this interpretation, but that is the interpretation by the federal agency charged with executing these laws, and absent their reversing this interpretation, donations from these units of government cannot be fully leveraged for Michigan transportation needs.

This could provide our states with significant increases in the highways dollars available.

With just two examples of which I am aware of local units of government capable of donating property, goods, services or funds to complete highway projects, my state could save over $11 million in total project costs.

These are funds that could be applied to other projects. So, in essence, these donations would be the same as increases in federal funding.

Therefore, Mr. President, I urge adoption of this amendment in hopes that we can provide the equivalent of more money for our states, without having to actually spend more money.

Therefore, the purpose of this amendment would be to correct this interpretation and to allow contributions made by local governments to be added to the group of contributions that have been already interpreted as counting toward a State match.

I believe, again, this amendment has been agreed to on both sides. I urge its adoption.

Mr. CHAFEE. Mr. President, the Senator from Michigan is quite right; this amendment is acceptable at this time.

Mr. BAUCUS. Mr. President, I commend the Senator from Michigan.

This amendment, which is very beneficial to States, and particularly local governments, frankly, is an extension of the provision in the National Highway System bill. When this is agreed to—and I think it will be—States, and particularly local governments, will be able to use land, or gravel, or building materials as ''in kind'' contributions for their State's match instead of cash. They can use other assets to meet that requirement. This will be particularly helpful for local communities that want to build bike paths, or some other similar use of State highway funds, which is provided for in law. If the local community comes up with the gravel, and the work efforts, that will be the match that will allow the Federal funds to then be used for either enhancement, like a bike path, or some other project allowed under the underlying bill.

So I commend the Senator. This is an extension. It goes beyond what is currently allowed in the National Highway System legislation.

I very much thank the Senator for bringing this to the Senate's attention and for building upon an idea which I think makes sense in the first place.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1955) was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABRAHAM. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, 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. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1956 TO AMENDMENT NO. 1676

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) proposes an amendment numbered 1956 to amendment No. 1676.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended by—

(1) Striking ''The'' and inserting in lieu thereof, ''(1) The'';

(2) By adding at the end thereof the following new paragraphs:

''(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

''(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use; and

''(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

''(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way.''

Mr. BROWNBACK. Mr. President, we have been working with all parties involved on the majority side and the minority side, and with the various committees involved with the issue, regarding rails and trails. I understand that this amendment has been agreed to and will be accepted by all of the various people involved.

Today I offer an amendment that will increase local input in community planning regarding recreational rail-trails. Today, while a railroad is in the process of petitioning to abandon railroad tracks, outside groups may take over that right of way—and the local government may have no say in the matter whatsoever. Railroads and private groups may make decisions as to how large portions of land are used, and property owners and local governments are not even consulted.

Under current law, a right-of-way for a railroad that is about to be abandoned may be used to establish a recreational rail-trail, thereby preserving the rail corridor in the case that the right-of-way is needed in future. The decision making authority for establishing a rail-trail lies solely with the railroad, the Surface Transportation Board, and private groups advocating trail development. A fatal flaw is that there is no component for local community involvement, including the input of those who own property adjacent to railroad corridors and who are most directly affected by the change in use of the right-of-way.

The process of creating rail trails from old railroad lines begins when a railroad petitions the Surface Transportation Board to abandon a line. Normally, if the STB determines that a line may be abandoned, it issues the railroad a certificate of abandonment. However, under the National Trails System Act, once a railroad files a petition to abandon groups may suspend the abandonment by requesting to enter negotiations with the railroad to establish a trail. These trail groups may purchase the corridor or ''railbank'' it—in other words, convey the right-of-way with the provision that it will return to the railroad if it resumes service in the future. If the trail group signs a statement of willingness to assume responsibility for the right of way, and it comes to an agreement with the railroad on the terms under which the land will be conveyed, then the Surface Transportation Board is obligated to allow the group to develop the rail corridor.

This negotiation takes place not in the communities where the proposed trails are, but rather behind closed doors here in Washington. At no point is there an opportunity for meaningful citizen participation in making the determination of the best use of the land. Many community members have learned of proposed rail trails not by reading the newspaper or by attending a community meeting, but by looking in their backyards. This is wrong.

The issue of rail trail development is an extremely divisive issue in Kansas—perhaps more so than in any other state in the country. One reason that this issue has become so inflammatory is because Kansas state law provides that ownership of an abandoned railroad right-of-way will revert to the original property owners. However, Federal law preempts Kansas State law and prevents property owners' rights to regain possession of the land where there is a group ready to establish a trail.

Mr. President, my goal here is not to take sides in this emotionally charged issue. I empathize with private property owners who believe that trails give rise to trespassers and crime, and lower the value of their property. Moreover, I believe it is a valid assertion that trail development, where reversionary property rights exist, constitutes a taking of private property for which just compensation should be paid. In fact, this opinion was upheld by the U.S. Court of Appeals in November 1996. Private property owners have legitimate concerns.

However, I also understand the beliefs of trail advocates, who view trail development as a means of economic growth and who strive to improve the quality of life for communities. My goal here is not to ''kill railbanking.'' This amendment does not kill railbanking and does not impede the ability of groups to propose rail-trail projects during normal abandonment proceedings. In fact, I maintain that opposition to rail trails by property owners might not be so solidified if the property owners were more engaged in the decision making process. As it stands, the resentment they feel for having trail development forced upon them fuels their anger and strengthens their resolve to oppose both current and future trail development.

My goal here, in fact, is to improve the process so that people on both sides of this issue will receive an equitable opportunity to air their views before any designation of a trail is made. This is not an issue of whether rail-trails are good or bad; it is an issue of whether it is the role of the federal government to engage in community planning. I contend that it is not. The federal government has authorized the development of trails on railroad rights of way, and I do not seek to dismantle that authorization. I simply believe that it should be at the discretion of the local government whether that authorization should be utilized.

In fact, one of the hallmarks of the ISTEA legislation that we are debating today is that it through Metropolitan Planning Organizations it incorporates the concept of local involvement in transportation planning, which, prior to 1991, was largely absent from the federal program. I simply want to correct the disconnect that exists between provisions of the National Trails System Act and the philosophical underpinnings of the ISTEA legislation.

Mr. President, I do not have an objection to the Rails to Trails program. In fact, my amendment does not limit rail-trail funding or prohibit rail-trails from being developed where they are wanted by the local community. I do, however, have an objection to a process whereby railroads, private groups, and federal bureaucrats can make sweeping land use decisions, while private property owners and local authorities are shut out. Let's improve that process by giving local governments a decision-making role.

Mr. President, with that I urge adoption of the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am glad to yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise simply to congratulate the Senator from Kansas on this amendment, which I hope will be accepted. I can attest that in my own State of New York this kind of difficulty has arisen. I think the amendment will have an important effect in bringing about agreed solutions as against agitated—how do I say—contested solutions.

So I thank the Senator. If I could, I ask that I be added as a cosponsor, and yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, it is my understanding this amendment has been worked out. I thank the Senator for his cooperation. I regret I must say that when we informed Senator BUMPERS, who is the ranking member of the Committee on Energy and Natural Resources, the committee that has jurisdiction over this amendment, we were informed by his staff that he wanted to come over and look at exact language and make sure it was the same language that was agreed to. I do not expect that to, A, take long or, B, to be a problem. In fact, they told us they were on their way over about 10 minutes ago.

We cannot clear it pending that resolution. I suggest to the chairman, perhaps if we lay this amendment aside, we can take up another amendment. But I expect it to be cleared very quickly.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I know the Senator from Kansas worked hard on this, and we have worked with him. I am absolutely confident that everything is all set here. Meanwhile, nonetheless, there is a request that has been made, so we will have to defer to that. What I suggest to the Senator is, let's set his amendment aside, and as soon as things get cleared—which I think will be momentarily—we will go right back to it.

Before we do that, I have several points of clarification on the amendment allowing for the disapproval, by the Surface Transportation Board, of a railbanking request at least half of the local jurisdictions through which the rail corridor proposed for railbanking affirmatively oppose the request. Will the Senator from Kansas confirm my understanding of his amendment?

Mr. BROWNBACK. I would be delighted to clarify the intent and content of my amendment for the Senator from Rhode Island.

Mr. CHAFEE. Thank you. First, although it is not explicitly referenced in the wording of the amendment whether its terms would apply to rail corridors that already are railbanked, and which already have been transferred from the railroad to the railbanking agency, it is my understanding that your amendment does not apply to corridors where a notice or certificate of interim trail use under section 1247(d) of title 23, United States Code, already has been issued by the Surface Transportation Board. The amendment only will be applied prospectively. Am I correct in my understanding?

Mr. BROWNBACK. You are correct. The amendment will not affect any corridor for which a certificate or notice of interim trail use has been issued by the Surface Transportation Board prior to the date of enactment of this law.

Mr. CHAFEE. Thank you. Now, it is my understanding that this amendment does not, in any way, amend existing abandonment proceedings as regulated under the Interstate Commerce Act. Is that correct?

Mr. BROWNBACK. That is correct. This amendment does not seek to encroach in any way, shape, or form, abandonment procedures established under the Interstate Commerce Act. Those procedures are entirely within the jurisdiction of the Surface Transportation Board and the Senate Commerce Committee, as the authorizing agency overseeing these rules and procedures.

Mr. CHAFEE. Thank you for that clarification. It also is my understanding that the purpose of your amendment is to provide clear opportunities for local input into the railbanking process in instances where section 1247(d) of title 16 is being invoked by parties other than the states, U.S. territories, Commonwealth, and the District of Columbia?

Mr. BROWNBACK. Yes, that is correct. The intent behind this amendment is to ensure that in instances

specified in the amendment, a forum can be created for local public dialogue with the Surface Transportation Board. Finally, I would add that we have worked with Senators from both sides of the aisle and with private interest groups including the Kansas Farm Bureau, the Kansas Livestock Association, and the national Rails-to-Trails Conservancy.

Mr. CHAFEE. Mr. President, the purpose of the amendment offered by my colleague from Kansas is to provide clear opportunities for local input into the railbanking process where section 8(d) of the National Trails System Act is invoked. The National Trails System Act provides for the preservation of otherwise abandoned rail corridors through interim use as trails. In short, it has allowed railroads wishing to abandon a line to enter into a voluntary agreement with a trail-managing agency, to turn the abandoned right-of-way into a trail for bicycling, walking, snowmobiling, horseback riding and the like.

Railbanking is a complex and sensitive issue that is in the jurisdiction of the Senate Energy and Commerce Committees. I am pleased that Senator BROWNBACK has worked with the Chairman and ranking members of both of these committees and with the National Rails-to-Trails Conservancy to come to an agreement that does not limit the development of rail trails or detract from the good work done by the railbanking program.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank the manager of this bill, who has been extraordinarily patient with us in working this through. We have worked closely with Senator BUMPERS' staff. It was several days working this out. It was our understanding they had no difficulty and they were in agreement with this language.

I also thank the Senator from New York for his kind comments. This simply does provide for a modicum of local input, to try to provide some means for people locally to comment on this. It doesn't affect existing trails. That is why we proposed this.

I thank the Senator from Rhode Island for all of his efforts, along with those of the Senator from Montana, too. I hope we can get this resolved within the next 10 minutes if possible. I will stay here on the floor, so maybe while we are considering this next amendment, we could get this resolved right after that, if that is at all possible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I congratulate the Senator from Kansas. He has been very, very patient. I think it was about last week I said to him, ''You are next up.'' Then problems arose and problems arose and we could not get to it. Each time I had to go to him and say, ''We have to slip you back a little bit here.'' But he was very patient and helpful although, indeed, tenacious. I congratulate him for his theory, which is a good one. The local folks should be consulted on these matters. He has worked it out. I am confident all the problems are taken care of.

I say to the Senator, if he is not here when we get the approval, with his approval I will just go ahead and urge the adoption of the amendment and get it agreed to, if that is agreeable to him.

Mr. BROWNBACK. Yes.

Mr. BAUCUS. Mr. President, I do commend the Senator for his patience. I say to the Senator, we have again sent an urgent plea over to Senator BUMPERS' office to make sure his staff comes over immediately. We made the request 10 or 12 minutes ago. Just 1 minute ago, I renewed the request to have the staff come over.

The fact is, the more we talk about this and commend the Senator, the more likely we are going to kill two birds with one stone. If people realize what the Senator is doing, by that time maybe the staff will be over here to get this thing cleared. I do not see them yet. I don't see any problems, but I must honor the request by the Senator from Arkansas that we wait until his staff looks at the exact language.

Mr. McCAIN. Mr. President, I would like to comment briefly on the Brownback amendment adopted earlier today which proposes to alter the present rails-to-trails process. While I did not formally object to the unanimous consent approval of that amendment, I continue to hold serious reservations over it. Indeed, I believe the proposal warrants further analysis prior to enactment.

I recognize the sponsor of the amendment has concerns over the current manner in which trails are established. However, I am concerned the amendment offers the potential to greatly impede the establishment of future trails.

Let me be clear. I agree it is appropriate to consider the current railbanking structure. I further understand the sponsor's interest in ensuring involvement by the local-area governments during the process. That is an important consideration and, in fact, local governments as well as any interested persons already have the ability to participate in the process. However, they do not have the ability to veto an agreement reached at the end of the process. Similarly, no one has the ability to force a trail's establishment. There is a balance.

The amendment adopted would prevent the establishment of a new trail if the majority of the local governments along the rail right-of-way pass a resolution opposing the proposed trail use. While that sounds reasonable at first glance, I believe the Congress needs to better understand how such a new requirement would be implemented efficiently.

For example, I believe we must carefully consider any implementing difficulties likely to result with this amendment. How will it impact the work load of the Surface Transportation Board, the agency which holds jurisdiction over rail abandonment and rail banking matters? How is the STB to know what constitutes the majority of local governments? Further, how is this new process carried forward when only one community is along a proposed trail? Would that one local government have veto authority over a new trail?

Mr. President, I strongly believe these and other considerations must be addressed as this legislation continues through conference. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over the STB, I am committed to further exploring this matter along with any and all anticipated effects of this amendment when we hold hearings later this month on the STB's reauthorization. I will work to ensure our findings are carefully considered during conference consideration.

Mr. President, railbanking is a voluntary program requiring agreement between the railroad abandoning a line and a trail-managing agency—most, which I understand, are local. I want to ensure that in an effort to improve the current process, we are not unintentionally jeopardizing future trails. I look forward to working with my colleagues on this important matter in the weeks ahead.

AMENDMENT NO. 1911 TO AMENDMENT NO. 1676

(Purpose: To save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program)

Mr. ABRAHAM. Mr. President, I would like to call up my amendment 1911, please.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself and Mr. DODD, proposes an amendment numbered 1911 to amendment No. 1676.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the March 9, 1998 edition of the RECORD.)

AMENDMENT NO. 1911, AS MODIFIED, TO AMENDMENT NO. 1676

Mr. ABRAHAM. Mr. President, at this point I send to the desk a modification of my amendment.

The PRESIDING OFFICER. Without objection, the Senator may modify his amendment.

The amendment (No. 1911), as modified, is as follows:

In section 410 of title 23, United States Code, as amended by section 3101(g)(1)—

(1) strike the section heading and insert the following:

"§ 410. Safety belts and occupant protection programs";

(2) in the first sentence, insert ''(a) IN GENERAL.—'' before ''The Secretary shall''; and

(3) add at the end the following:

''(b) CHILD OCCUPANT PROTECTION EDUCATION GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The term 'covered child occupant protection education program' means a program described in subsection (a)(1)(D).

''(B) COVERED STATE.—The term 'covered State' means a State that demonstrates the implementation of a program described in subsection (a)(1)(D).

''(2) CHILD PASSENGER EDUCATION.—

''(A) GRANTS.—

''(i) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make a grant to a covered State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in subparagraph (B) through—

''(I) the covered child occupant protection program of the State; and

''(II) at the option of the State, a grant program established by the State to provide for the carrying out of 1 or more of the activities specified in subparagraph (B) by a political subdivision of the State or an appropriate private entity.

''(ii) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a covered State is eligible to receive, or has received, a grant under subsection (a).

''(B) USE OF FUNDS.—Funds provided to a State under a grant under this subsection shall be used to implement child restraint programs that—

''(i) are designed to prevent deaths and injuries to children under the age of 9; and

''(ii) educate the public concerning—

''(I) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques; and

''(II)(aa) appropriate child restraint design selection and placement and; and

''(bb) harness threading and harness adjustment; and

''(iii) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

''(C) REPORTS.—

''(i) IN GENERAL.—The appropriate official of each State that receives a grant under this subsection shall prepare, and submit to the Secretary, an annual report for the period covered by the grant.

''(ii) REQUIREMENTS FOR REPORTS.—A report described in clause (i) shall—

''(I) contain such information as the Secretary may require; and

''(II) at a minimum, describe the program activities undertaken with the funds made available under the grant.

''(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this subsection that includes a description of the programs undertaken and materials developed and distributed by the States that receive grants under this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation to carry out this subsection, $7,500,000 for each of fiscal years 1999 and 2000.''.

In the heading for section 410 of title 23, United States Code, as amended by section 3101(g)(2), strike ''program'' and insert ''programs''.

Mr. ABRAHAM. Mr. President, I would like to speak briefly about this amendment, which I offer on behalf of myself and Senators DODD and MCCAIN. I believe this amendment will save many children's lives and prevent countless injuries.

Last October, I introduced S. 1312, the Child Passenger Protection Act. This bill sought to provide $7.5 million to the U.S. Department of Transportation for each of the next two years for the purpose of awarding grants to State highway agencies and other public safety organizations which promote important safety information on the use of car seats. My amendment today, which has been cosponsored by my colleague from Connecticut, Senator DODD, is essentially identical to S.1312. We believe this amendment will encourage and expedite the dissemination of child safety seat information to parents and help save children's lives in the process.

Mr. President, I urge my colleagues to consider the following alarming statistics. Motor vehicle crashes are the leading cause of unintentional injury-related death among children ages 14 and under, accounting for more than 40 percent of all unintentional injury-related deaths. In 1995, nearly 1400 child occupants ages 14 and under died in motor vehicle crashes in this country. In 1996, more than 305,000 children ages 14 and under were injured as occupants in motor vehicle-related crashes.

Because most motor vehicle safety features are designed for the comfort and protection of an adult-sized body, children are particularly at risk of death and injury during automobile crashes. However, child safety seats and safety belts, when installed and used correctly, can prevent injury and save lives. In fact, it is estimated that properly used child restraints in motor vehicles can reduce the chance of serious or fatal injury in a collision by a factor of 71% for infants and 54% for children ages 4 and under.

Regrettably, Mr. President, results from regional child restraint clinics have indicated that currently between 70% and 90% of child occupant restraints are incorrectly installed or otherwise misused. Three weeks ago, in conjunction with Child Passenger Safety Week, a workshop was sponsored by local public safety officials in nearby Fairfax County, Virginia, to help educate parents on the proper installation and use of child safety restraints. According to a Washington, D.C. television affiliate that covered the event, of the 113 child safety seats that were inspected, only 2 were installed correctly! That is less than 2%!

Mr. President, as the parents of three small children, my wife Jane and I have struggled with making sure that each of our children is properly positioned and safely secured while riding in vehicles. This is an issue that is near and dear to our hearts. That is why Jane and I have joined with the SAFE KIDS coalition back in our state of Michigan, to work on this problem. What we've learned is this: understanding which seat is age- and size-appropriate for your child and knowing how to install that seat—and how to properly secure the child in that seat—can be very confusing for parents.

The amendment offered today by myself, Senator DODD and Senator MCCAIR is designed to help eliminate much of that confusion. Our amendment would provide $7.5 million for each of the next two fiscal years to the U.S. Department of Transportation for the purpose of awarding grants to State highway agencies and child passenger safety organizations who promote important safety information on the use of child safety seats.

While national programs such as the Air Bag & Seat Belt Safety Campaign already exist to help instruct parents on the proper location for placing child safety seats in vehicles, there is currently no national program designed to instruct parents on how properly to install child safety seats or to secure children in those safety seats.

This amendment will provide critical assistance for training public safety officials on the proper techniques for installing and using child safety seats while also providing invaluable public education through workshops, publications, and audio-visual aids.

In conclusion, Mr. President, there is considerable—and mounting—evidence concerning the high incidence of misuse of child safety seats and other restraint systems for children. There is also an incredibly compelling correlation between the improper use of child safety restraints in vehicles and an inordinately high rate of death and injury suffered by children in automobile crashes. Based on these factors, I believe it is imperative that we in Congress provide a relatively small amount of ''seed'' money to assist public safety officials, highway safety organizations, and child safety advocates in educating parents in the United States on the proper installation and use of safety seats and other restraints for children who are passengers in vehicles.

As I said at the outset, the question is not whether such a program will save lives; the only question is how many young lives will it save.

Mr. President, before I conclude, I would just like to acknowledge the role in this legislation played by Congresswoman MORELLA of Maryland, who introduced the original companion bill over in the other Chamber. She has been a leader in this area, and I look forward to working with her to keep this provision in the bill, as well as working with her in the future on other initiatives relating to child passenger safety.

Mr. President, that said, let me also indicate very briefly the purpose of the modification which we entered here a few moments ago at the suggestion of Senator MCCAIN.

Basically, we have done three things. First, we modified the amendment so it conforms with the grant programs that are contained in the Commerce Committee's public safety provisions, specifically the new section 410 entitled ''Safety belts and occupant protection program.''

My amendment will now establish a new supplemental grant under section 410, where States can get assistance for establishing programs aimed at improving the practices of parents and public safety officials when it comes to ensuring the safety of child occupants. The basic grant contained in the Commerce Committee's amendment provides incentives for States to pass tougher laws for dealing with parents who fail to adequately safeguard their children in vehicles. My amendment would assist in educating them so that punishment is less necessary.

That said, I believe this amendment has been cleared on both sides.

Mr. DODD. Mr. President, I rise today along with my friend and colleague Senator ABRAHAM to speak to this amendment that will help save lives and prevent injuries to our youngest children by improving education and awareness about child safety seats.

Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under. Yet some 40 percent of kids are still riding unrestrained. And of the children who are buckled up, studies estimate that eight out of ten are restrained incorrectly. Each year more than 1,400 children die in automobile accidents, and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented.

The most proven way to protect our children is child safety seats. They reduce the risk of death by 69 percent for infants and 47 percent for toddlers. We must work to ensure that they are used at all times and used correctly.

This amendment that we introduce today will provide $7.5 million to the Department of Transportation for the purpose of awarding grants to state highway agencies, as well as child safety organizations who promote important information on the use of child safety seats. The legislation will ultimately allow funds to be used to help parents become better informed on the best way to restrain and protect their children. This money may also enhance public education on car safety through workshops, publications, and audio-visual aides.

This past June, Senator ABRAHAM and I sponsored a resolution that allowed the National SAFE KIDS Campaign to use a small portion of the Capitol Hill grounds to conduct a car seat check-up event and launch a new national safety campaign. The initiative, SAFE KIDS BUCKLE-UP, was a joint project of the National SAFE KIDS Campaign and the General Motors Corporation. Its purpose was to educate families about the importance of buckling up on every ride. This event and this initiative have been a success, but we need to do more to educate parents and public safety officials, not only on Capitol Hill, but in our communities.

This legislation will put more resources at the disposal of the people in our towns and cities, so they may do a better job of educating others and raising awareness on this issue.

Protecting our children is a critical national priority that deserves national attention. I applaud Senator ABRAHAM for his work on this issue, and I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, as chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal safety policies, I believe this amendment will be very beneficial to promoting the travel safety of our nation's youngsters.

Last April, we held Car Safety Seat Check-Up Day in Arizona. Numerous safety officials—including Administrator Martinez, participated in this event. During this event, parents had the opportunity to have trained law enforcement officers show them how to properly install child safety seats in their automobiles to maximize the effectiveness of the life saving equipment. In addition to the child restraint instructions, literature was distributed on other vital highway safety issues, including seat belt use and airbags.

I have continually urged NHTSA to take additional actions to improve the safety of children in motor vehicles. In that effort, public education is an important first step in addressing transportation safety concerns specific to young passengers. I am hopeful NHTSA's initiatives, coupled with the Abraham amendment, will greatly advance our efforts to promote child protection mechanisms.

Mr. President, as this measure continues through the legislative process, I want to express my intentions to strongly champion this initiative during conference deliberations. In particular, I want to ensure the states that receive assistance under this new program are fully vested participants. Given the very limited funding resources we are authorizing for this important program, we need to do all we can to ensure these limited dollars go as far as possible. As such, I believe we should explore the merits of authorizing the Secretary to implement requirements for matching funds as a condition for eligibility.

Mr. BAUCUS. Mr. President, I have some good news and some bad news. The good news is that the amendment offered by the Senator from Kansas has been cleared. The bad news is we have not yet checked with Commerce to make sure the amendment offered by the Senator from Michigan is cleared. We have not yet heard from the Commerce Committee, the committee of jurisdiction. So I suggest to the manager of the bill, and to the proponent of the amendment, if he could withhold and have his set aside, we could take up the Brownback amendment and agree to it. I expect Senator HOLLINGS and his staff will clear the Senator's amendment.

Mr. ABRAHAM. That is perfectly agreeable to this Senator. If someone wants to move to lay aside this amendment and move back to Senator Brownback's, that will be fine.

Mr. CHAFEE. Mr. President, I ask unanimous consent to set aside the Abraham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1956

Mr. CHAFEE. We will proceed now to a vote on the Brownback amendment. That Brownback amendment is acceptable on this side.

Mr. BAUCUS. It is acceptable on this side as well.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1956) was agreed to.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, 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. BAUCUS. Mr. President, 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we are moving along and making good progress.

AMENDMENT NO. 1957 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON from Texas, I send an amendment to the desk and ask for its immediate consideration. It is an amendment which has been cleared by both sides. It would allow a State at its discretion to spend up to one-fourth of 1 percent of its funds allocated under the surface transportation program on initiatives to halt the evasion of motor fuel taxes. The U.S. Department of Transportation, which administers the motor fuel tax evasion program, has no objection to the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 1957 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 73, strike line 18 and insert the following:

''nance of the system.

''(8) In addition to funds allocated under this section, a state may, at its discretion, expend up to one-fourth of one percent of its annual federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.''

Mr. WARNER. Mr. President, my understanding is this is acceptable to the distinguished ranking member.

Mr. BAUCUS. Mr. President, the Senator is correct; this is acceptable. Frankly, I think it is important to point out that there is, in some cases, an increase of fuel tax evasion. This amendment allows States to use a portion of their surface transportation funds to combat fuel tax evasion. So we are adding a new eligibility to surface transportation accounts.

I mention that also in part because the whole point of this underlying bill is to give States more flexibility compared with the current law, and this provision, in fact, will add even more flexibility than that contained in the underlying bill.

Mr. WARNER. I thank my distinguished colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1957) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1958 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the senior Senator from Alaska, Mr. STEVENS, and ask for its immediate consideration. The amendment has been cleared by both sides. It would allow for the application of anti-icing applications to be eligible for certain Federal aid highway funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, proposes an amendment numbered 1958 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—(1) in each of subsections (d) and (g)(3) by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''; and (2) in subsection (d) by inserting ''or such anti-icing or de-icing composition'' after ''such acetate''.

23 U.S.C. Section 133(b)(1) is amended by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''.

Mr. BAUCUS. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1958) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I see our distinguished colleague from West Virginia. There are several additional amendments that will take but a few minutes. We wish to accommodate the senior Senator. Can he just acquaint the managers as to his desire?

Mr. BYRD. I thank my friend. I have no desire for the floor.

AMENDMENT NO. 1769 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of both Senators from Alaska and ask for its immediate consideration.

This amendment, offered by Senators MURKOWSKI and STEVENS, eliminates the redundant provisions of the law by integrating the so-called major investment study, MIS, requirement into the overall transportation planning process.

Under current law, States are required to conduct a major investment study when there are high-cost and high-impact transportation alternatives being considered. There have been many concerns raised that the MIS requirement duplicates other planning and project development processes already required under ISTEA.

This amendment would eliminate only those elements of the MIS that are duplicative of other transportation planning requirements. It would integrate those elements of the MIS requirement which are not duplicated elsewhere in the law into the larger transportation planning process. This amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. MURKOWSKI, for himself, and Mr. STEVENS, proposes an amendment numbered 1769 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 269, line 2, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 278, between lines 14 and 15, insert the following:

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

(1) FINDING.—Congress finds that certain major investment study requirements under section 450.318 of title 23, Code of Federal Regulations, are redundant to the planning and project development processes required under other provisions in titles 23 and 49, United States Code.

(2) STREAMLINING.—

(A) IN GENERAL.—The Secretary shall streamline the Federal transportation planning and NEPA decision process requirements for all transportation improvements supported with Federal surface transportation funds or requiring Federal approvals, with the objective of reducing the number of documents required and better integrating required analyses and findings wherever possible.

(B) REQUIREMENTS.—The Secretary shall amend regulations as appropriate and develop procedures to-

(i) eliminate, within six months of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements, and integrate those components of the major investment study procedure which are not duplicated elsewhere with other transportation planning requirements, provided that in integrating such requirements, the Secretary shall not apply such requirements to any project which previously would not have been subject to section 450.318 of title 23, Code of Federal Regulations.

(ii) eliminate stand-alone report requirements wherever possible;

(iii) prevent duplication by drawing on the products of the planning process in the completion of all environmental and other project development analyses;

(iv) reduce project development time by achieving to the maximum extent practicable a single public interest decision process for Federal environmental analyses and clearances; and

(v) expedite and support all phases of decisionmaking by encouraging and facilitating the early involvement of metropolitan planning organizations, State departments of transportation, transit operators, and Federal and State environmental resource and permit agencies throughout the decisionmaking process.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall affect the responsibility of the Secretary to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects.

Mr. MURKOWSKI. Mr. President, my amendment on major investment study requirements for highway projects in metropolitan areas was cleared by the managers and adopted during today's debate, but I wanted to say a few words about it.

Mr. President, regulations now require a major investment study for all large metropolitan projects. This requirement needlessly duplicates planning and study processes already required for such projects under other long range transportation planning efforts required in Title 23. The result is a significant slow-down in planning and project completion.

In my home state, major projects in our largest city, Anchorage, have been frozen in place by this needless insistence on needless studies. This amendment directs the Secretary to adopt

regulations eliminating the Major Investment Study as a stand-alone requirement within six months, and to integrate any non-redundant and worthwhile portions of it into a new, streamlined transportation planning process that involves all concerned parties as early as possible in the planning and decision process.

This is a very important step in alleviating needless red tape and confusion for metropolitan planners, and moving forward on some vital projects, and I appreciate the managers' help in resolving this issue.

Mr. WARNER. I urge the adoption of the amendment.

Mr. BAUCUS. This is a red-tape buster. It is a good amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1769) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1838 TO AMENDMENT NO. 1676

(Purpose: To improve the magnetic levitation transportation technology deployment program)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished senior Senator from Pennsylvania Mr. SPECTER; the Senator from New York, Mr. MOYNIHAN; and the junior Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, for himself, Mr. MOYNIHAN and Mr. SANTORUM, proposes an amendment numbered 1838 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 115, strike lines 12 through 16 and insert the following:

''(f) PROJECT SELECTION.—

''(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

''(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

''(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

''(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

''(B) Notwithstanding section (a)(1) of this section, eligible project costs shall include the cost of pre-construction planning activities.

''(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.''

Mr. WARNER. Mr. President, this amendment provides that preconstruction costs and planning costs are included as eligible activities under the maglev program.

The maglev program is one which the senior Senator from New York, Mr. MOYNIHAN, has really been the driving force, and it is catching on in terms of interest all across America. I am pleased to submit this on behalf of those three Senators.

Mr. BAUCUS. Mr. President, as the Senator from Virginia stated, the Senator from New York has been the leader in maglev. It is really incredible that this Nation is so far behind other countries. We are going to have it eventually in this country. It is too bad we did not have it earlier. This helps in that process. It is not additional money, but it does help the maglev program, and I accept the amendment.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the amendment I have offered with my distinguished colleagues, Senators MOYNIHAN and SANTORUM, which clarifies that pre-construction planning activities are eligible for funding under Section 1119 of the bill, which establishes a magnetic levitation transportation technology deployment program.

I have long supported the concept of maglev systems, where through the use of magnetic levitation, the passenger cars are propelled above a steel and concrete guideway at speeds as high as 300 miles per hour. In January, 1998, I rode the maglev being developed by Thyssen in Lathen, Germany at 422 kilometers per hour and it was exhilarating to be in a kind of mass transit which goes so fast. I am committed to bringing this technology to Pennsylvania, where it will create thousands of manufacturing jobs for steelworkers and high tech firms. It would be a tremendous boon to the economy of every stop along the line from Philadelphia to Pittsburgh. People could go from Philadelphia to Pittsburgh in one and a half hours non-stop, revolutionizing our transportation system. Or, there would be intermediate stops in Harrisburg, Lewisburg, Altoona, Johnstown, and Greensburg, adding only about 40 minutes to the trip.

Section 1119 of the pending bill reflects the provisions of the maglev funding bill introduced by Senator MOYNIHAN, which I cosponsored, and would fund the capital costs associated with 1 maglev project chosen by the Secretary of Transportation. The bill includes $30 million in contract authority and more than $900 million in authorizations of appropriations for the outyears. However, in the absence of our amendment, the bill does not provide specific financial assistance for pre-construction planning activities.

There are several States which have groups currently exploring the feasibility of maglev projects and which need federal assistance for pre-construction planning, feasibility studies, final design work, and environmental impact statements. States showing interest include California, Florida, Maryland, Nevada, and Pennsylvania.

The Specter-Moynihan amendment amends the bill to clarify that pre-construction planning activities are eligible project costs and that the Secretary may make grants to more than one maglev project for such pre-construction planning costs. Without such funds, it is unclear whether any project will be ready for the capital assistance envisioned in the current bill.

Our amendment would make eligible for federal funds pre-construction planning activities include: (1) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as required by state law; (2) pricing of final design, engineering and construction activities; and (3) other activities necessary to provide the Secretary with sufficient information to evaluate whether the project should receive financial assistance for final design, engineering, and construction activities.

I am particularly hopeful that this amendment will ultimately help MAGLEV, Inc., a nonprofit consortium in Pittsburgh, which has licensed the German technology and plans to build a state-of-the-art steel fabrication facility capable of constructing the steel guideways needed for a maglev system, which has the potential to create hundreds of jobs in the region. The first planned maglev system segment could be from Westmoreland County into downtown Pittsburgh and on to the Pittsburgh International Airport, at a projected cost of $1.3 billion.

I look forward to working with my colleagues to ensure that this amendment is preserved in conference with the House and thank them for allowing it to be included in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1838) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1959 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator CAMPBELL and Senator GRAMM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CAMPBELL, for himself, Mr. GRAMM and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1959 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

Ms. MOSELEY-BRAUN. Mr. President, I thank the leaders of the Environment and Public Works Committee—Chairman CHAFEE, Senator BAUCUS, and Senator WARNER—for working with us on this amendment, and I want to thank my colleague from Colorado, Mr. CAMPBELL, for offering this amendment with me.

Our amendment will help address concerns that the National Highway Traffic Safety Administration has been actively lobbying state legislatures to enact state laws that are not consistent with any other federal mandate or incentive program. It has come to our attention, for example, that NHTSA has engaged in an active lobbying campaign to urge states to enact laws mandating that motorcycle riders wear helmets.

Two years ago, during consideration of the National Highway System bill, Congress voted to repeal a section of the Intermodal Surface Transportation Efficiency Act that sanctioned States without mandatory motorcycle helmet laws. At that time, Congress determined that the issue of motorcycle safety was best left in the hands of State governments, and that the decision about whether or not to enact mandatory helmet laws was best left to State lawmakers.

Since that time, the National Highway Traffic Safety Administration (NHTSA) has actively engaged in a lobbying campaign to try to persuade State legislators to enact mandatory motorcycle helmet laws. According to the U.S. General Accounting Office, they sent letters, made phone calls, showed up at State hearings on motorcycle helmet laws and acted in a variety of ways to encourage States to enact mandatory helmet laws. Sometimes they have been invited to offer their technical expertise, and sometimes they have simply shown up to try to persuade State legislators to require motorcycle riders to wear helmets.

NHTSA recently entered into a $149,000 contract to produce a media package designed to encourage States to enact mandatory helmet laws. This contract includes the production of a video and other promotional materials. I would like to quote from the description of the contract:

The contractor shall produce a media package that includes a 12 to 15 minute video presentation and complementary 'white paper' that presents the injury prevention and economic benefits of enacting mandatory motorcycle helmet laws for all riders. . . . While the primary audience will be state legislators, the information contained in the video and accompanying 'white paper' can also be used by Federal, state, and local safety officials, and injury prevention groups who are working to replace existing, but ineffective, helmet laws with stronger mandatory helmet use legislation. This information will also be used to provide technical assistance in order to defeat repeal efforts of existing laws.

Mr. President, I know that NHTSA engages in lobbying efforts on a number of safety issues and encourages States to enact laws and implement policies relating to a variety of highway safety issues. I do not oppose these activities, and our amendment does not prevent NHTSA from continuing to work with States to improve highway safety.

With regard to motorcycle safety, however, NHTSA would do better by the American public if they were to encourage States to implement rider education and awareness programs, rather than concentrating their energy on encouraging States to enact mandatory motorcycle helmet laws.

The evidence suggests that it is those States with the most comprehensive rider education programs that have the lowest accident and fatality rates—not the States with the toughest mandatory helmet laws.

In 44 States, motorcycle riders pay for rider education programs. Since 1980, both motorcycle accidents and motorcycle fatalities have fallen from an all time high of 5,097 fatalities and 177,160 accidents to 2,221 fatalities and 73,432 accidents. Through safety training, over 15 years, motorcyclists reduced accidents by 58 percent and fatalities by 56 percent.

The job of NHTSA should be to encourage States to strengthen their motorcycle rider education programs—not to encourage States to restrict the freedoms of motorcycle riders by forcing them to wear helmets.

I would like to quote briefly from a letter from the director of NHTSA, Dr. Ricardo Martinez, to a State legislator, discussing this issue. I believe this letter succinctly illustrates NHTSA's attitude toward motorcyclists. Dr. Martinez wrote in this letter dated June 17, 1997, ''Like other preventable diseases, motorcycle riders can be vaccinated to prevent most head injuries by simply wearing a helmet.''

Mr. President, motorcyclists are not diseased, and they should not be treated as though they are. The issue is not whether motorcycle riders ought to wear helmets. Of course they should.

The question, however, is what is the appropriate Federal role in improving motorcycle safety? The question is whether the Federal government should mandate the use of motorcycle helmets, and whether the Federal government should actively try to persuade State governments to mandate the use of motorcycle helmets.

Congress answered the first question two years ago when we repealed the penalties on States that did not have mandatory motorcycle helmet laws.

Our amendment addresses the second question, and will redirect NHTSA's interest in improving motorcycle safety toward the promotion of rider education programs, and away from the misguided promotion of mandatory helmet laws.

I again thank the leadership of the Environment and Public Works Committee and Senator CAMPBELL, who has been a leader in this issue. We worked together two years ago, along with a number of other senators, to repeal the motorcycle helmet mandate. He is here now, and I know he would like to comment on the intent of this amendment.

Mr. CAMPBELL. Mr. President, I thank the senator from Illinois, Ms. MOSELEY-BRAUN. She has been a leader on this issue and I have enjoyed working with her.

Mr. President, I want to clarify the intent and effect of our amendment. It will not prohibit NHTSA from lobbying on behalf of tougher drunk driving laws, seat belt laws, or air bag requirements. In each of those cases, there are federal mandates or incentive programs designed and in place. It would also not prohibit NHTSA from lobbying on behalf of improved motorcycle safety. In fact, we would hope that NHTSA would engage in more activities designed to improve motorcycle safety and education programs.

Ms. MOSELEY-BRAUN. Mr. President, my colleague from Colorado just made an important point. We would encourage NHTSA to work with state governments to improve motorcycle safety and education programs, to work with them on accident prevention, on rider education, and on driver awareness campaigns. Our amendment is simply designed to ensure that NHTSA's efforts on behalf of motorcycle safety are no longer one-sided, and are no longer in conflict with the stated intent of Congress, which was to leave the decision of whether to enact mandatory motorcycle helmet laws entirely to state legislatures.

Mr. CAMPBELL. Mr. President, I thank the Senator from Illinois for that clarification, and I urge the adoption of the amendment.

Mr. WARNER. Mr. President, this amendment clarifies that funds provided under this bill shall not—I repeat, shall not—be used by the Department of Transportation for lobbying activities unless those activities are consistent with existing Federal programs.

Mr. BAUCUS. Mr. President, this amendment has been cleared on this side.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1959) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator MOSELEY-BRAUN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, 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. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1838

Mr. MOYNIHAN. Mr. President, Senator SPECTER, for himself and the Senator from New York, submitted amendment No. 1838. I ask that that now be the pending business.

The PRESIDING OFFICER. That amendment has already been agreed to.

Mr. MOYNIHAN. There are just some days you have nothing but luck around here. Might I just thank the managers for having agreed to the amendment. I am sure Senator SPECTER would want to be associated with this. I make the point for the record that in our present legislation, the Secretary of Transportation is directed to choose one maglev project to proceed.

Senator SPECTER and I feel that there is no reason we should not have more than one, if that makes sense. If there are alternative engineering techniques that should be tested, the Secretary agrees more than one is the way to proceed in an experimental mode.

I note, sir, that magnetic levitation was invented on the Bronx-Whitestone Bridge in February of 1960. A nuclear engineer by the name of Powell, working at Brookhaven, was on his way back to MIT from a visit, and between the time the car slowed down in that ''permanent'' traffic jam and the time he paid his toll, he thought up maglev.

The Germans are now in the process of building a route from Hamburg to Berlin, which will be open in 2005 and make the trip in 55, 58 minutes. The Japanese have much the same technology. We have nothing. In ISTEA I we authorized $1 billion for this newest mode of transportation since the airplane. It is an extraordinary phenomenon. It travels easily at 270 miles an hour, will go to 350—no friction, no exhaust. We invented it; the Germans and the Japanese are building it.

In the 6 years of ISTEA, with the $1 billion authorized, no Secretary of Transportation took any effort, any energy, any initiative. That is a formula for failure, failure in Government. We hope that this will not continue. We have authorized an equal amount in this bill, but we had better pull up our socks here or we are going to find ourselves with the most important transportation technology of the next century manufactured elsewhere—important here.

I just add, because the distinguished senior Senator from West Virginia is on the floor, that this type of transportation is uniquely suited for the generation of electricity and powerplants that is then distributed along the system. It does not have to—you do not have your powerplant within the train or within the car or within the plane. It is simply electricity moving along magnets—elemental. Simple as a thing can be, a great American invention so far ignored by our Department of Transportation, which I am sorry to say is still in the four-lane highway mode and does not seem to be able to get out of it.

But that is a personal view. I do not want to associate it with Senator SPECTER—just mine.

I thank the Chair, and I thank the managers of the bill.

Mr. President, 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1960 TO AMENDMENT NO. 1676

(Purpose: To give preference under the Interstate 4R and bridge discretionary program to States that are bordered by 2 navigable rivers that each comprise at least 10 percent of the boundary of the State, and for other purposes)

Mr. WARNER. Mr. President, I now send to the desk an amendment on behalf of Senator CHAFEE and Senator BAUCUS and myself.

This amendment addresses a number of issues which, in the judgment of the three principal managers, strengthen this bill. It primarily relates to the I–4R and bridge discretionary program, Indian roads, research activities, and other very significant issues.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. CHAFEE and Mr. BAUCUS, proposes an amendment numbered 1960 to amendment No. 1676.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WARNER. My understanding is it is acceptable.

Mr. BAUCUS. Mr. President, on this side I do accept this amendment. Frankly, this is another one of those that just makes the bill more fair. And it is a good idea.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1960) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1961 TO AMENDMENT NO. 1676

(Purpose: To provide that a State with respect to which certain conditions are met shall be eligible for the funds made available to carry out the high density transportation program that remain after each State that meets the primary eligibility criteria for the program has received the minimum amount of funds)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN and Senator ABRAHAM relating to the density program.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LEVIN, for himself and Mr. ABRAHAM, proposes an amendment numbered 1961.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than 161 individuals per square mile.

(B) VEHICLE MILES TRAVELED.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) URBAN FEDERAL-AID LANE MILES.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) APPORTIONMENTS PER CAPITA.—The amount determined for the State with respect to the factor described in paragraph

(2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)''; and

(3) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

Mr. WARNER. Mr. President, this amendment just expands the eligibility of States under the density program. It clarifies the conditions States are required to meet to be eligible for the program. I understand this is acceptable on this side.

Mr. BAUCUS. It has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1961) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

AMENDMENT NO. 1962 TO AMENDMENT NO. 1676

(Purpose: To provide additional uses for the payment by AmTrak to non-AmTrak States)

Mr. BAUCUS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. DASCHLE, for himself, Mr. THOMAS and Mr. ENZI, proposes an amendment numbered 1962 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking ''and'' at the end of clause (iii) and all that follows through ''clauses (i) and (iv).'', and

(2) by adding after clause (iii) the following:

''(iv) capital expenditures related to State-owned rail operations in the State,

''(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

''(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

''(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

''(viii) the provision of passenger ferryboat service within the State, and

''(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

Mr. DASCHLE. Mr. President, Congress last year approved a $2.3 billion tax program primarily to finance capital improvements for Amtrak. This amendment applies to that legislation, which was part of the Taxpayer Relief Act of 1997.

Under the able and distinguished leadership of the Chairman of the Finance Committee [Mr. ROTH] and the Ranking Member [Mr. MOYNIHAN], the law wisely set aside 1 percent of the total tax benefit for each state with no Amtrak service, which amounts to $23 million. The 6 states currently lacking Amtrak service are South Dakota, Wyoming, Oklahoma, Maine, Alaska and Hawaii. However, the law limited the use of those funds by non-Amtrak states to inter-city passenger rail or bus service capital improvements and maintenance, or the purchase of inter-city passenger rail services from the National Railroad Passenger Corporation.

This formulation presented real problems for states like South Dakota, Wyoming, Hawaii and some of the other non-Amtrak states that have no passenger rail service and only limited inter-city bus service. Due to these limitations, this otherwise valuable funding would not significantly benefit our states, nor could they wisely invest funds in such service.

Our amendment would expand the eligible uses of funding provided to non-Amtrak states under this provision to include the expenditure of such funds for transit, rail and highway safety, state-owned rail lines, small rural air service facilities, and passenger ferryboat service. These modes of transportation provide a similar function in our states to the role played by Amtrak in the states it serves.

None of these funds come from any other states, nor does our amendment authorize any additional funds for our states. It is completely budget-neutral. Rather, it simply expands the eligible uses of the funds that our states are already scheduled to receive by law.

Mr. President, let me explain the types of programs our states could use these funds for under our amendment.

First, it allows use of our funds for rural and public transportation projects that are eligible for funding under Sections 5309, discretionary transit-urban areas, 5310, transit capital for the elderly and handicapped, and 5311, rural transit capital and operations. Rural public transportation, a portion of which is inter-city in nature in transporting elderly and disabled from small towns to larger cities for medical care, shopping and other purposes, as well as providing local nutritional needs and mobility, is extremely important and needed in South Dakota in order to deal with the vast aging population in a sparsely populated area. During FY 1996 in my state, rural public transportation operators provided 1,114,672 rides and traveled 2,102,414 miles transporting the elderly and disabled of which over 50% of the rides were for medical, employment and nutritional needs. However, only about two-thirds of the state currently has access to limited public transportation, and over half of the existing transit vehicles in the providers' fleets are older than 7 years or have over 100,000 miles. Therefore this funding would address significant public transit needs.

Second, it allows use of our funds for rail/highway crossing safety projects that are eligible for funding under Section 130 of Title 23. Only 219 out of 2025 of South Dakota's rail/highway crossings are signalized, and there is a tremendous unmet need to improve the safety of rail/highway crossings in the state.

Third, it provides for capital expenditures for state-owned rail lines. This is extremely important for states like South Dakota, which made a major investment and currently owns many of the rail lines operating in the state in order to provide a core rail transportation system to benefit the state's agricultural economy. This is a very narrow class of operations. This special one time credit would be utilized only to upgrade state-owned railroads. In cases where states own railroad facilities, they were purchased by the state only as a last resort. The state took extraordinary measure to preserve a core level of rail transportation to protect the public interest and support the state's economy.

South Dakota owns 635 miles of active trackage that was purchased from the bankrupt Milwaukee Railroad in the 1980's. The primary operation on this line is performed under an operating agreement between the South Dakota and the Burlington Northern/Santa Fe Railroad. Much of the state-owned rail line has been in place since it was originally constructed, and much of it is in sub-standard condition or is too lightweight to efficiently handle current railroad car weights. This funding would allow the state to upgrade its rail line to enhance movement of agriculture and natural resource products.

Fourth, it expands the eligible use of the funds to hazard elimination safety projects that are eligible for funding under Section 152 of Title 23. This funding would be used to implement safety improvements at locations on public roads where there is a documented high accident frequency. Projects eligible under this program include installation of traffic signals, traffic control signs, or guardrails; reconstruction of intersections, construction of turning lanes, climbing lanes, or passing lanes; flattening slopes, removing sharp curves, and other appropriate safety measures. This would reduce the potential for traffic accidents and save lives.

Finally, at the request of my distinguished colleague from Hawaii [Mr. INOUYE], the amendment permits use of the funds for passenger ferryboat service within any non-Amtrak state. This makes perfect sense for states like Hawaii and Alaska that rely on ferryboat

service in the same fashion that other states rely on Amtrak service.

Mr. President, I thank the able Ranking Member on the Committee on Environment and Public Works [Mr. BAUCUS] for his assistance in moving this amendment, and the assistance of the distinguished Chairman [Mr. CHAFEE] for expediting its consideration.

Mr. BAUCUS. Mr. President, it is a very simple amendment offered on behalf of Senator DASCHLE, Senator THOMAS, and Senator ENZI. Essentially, it allows States that receive Amtrak money but States which have no Amtrak to be able to spend that money on light rail or rural rail service. That is the point of the amendment.

Mr. WARNER. Mr. President, this amendment is acceptable on this side. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1962) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator INOUYE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader and the Democratic leader, I make the following unanimous consent request. I ask unanimous consent that it be in order during the pendency of the Finance Committee amendment Senator MACK be recognized to offer an amendment in relation to repeal of the 4.3-cent gas tax, and the amendment be considered under the following terms: 2 hours for debate prior to a vote in relation to the amendment, to be equally divided in the usual form; that no amendments be in order to the Mack amendment, or the language proposed to be stricken, prior to a vote in relation to the Mack amendment; and that following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Mack amendment or a motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, parliamentary inquiry. The right to raise a point of order is preserved under this?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair.

That was important on behalf of Members.

Mr. BAUCUS. Mr. President, reserving the right to object, I want to underline that last point about the availability of a point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

AMENDMENT NO. 1911, AS MODIFIED

Mr. ABRAHAM. Mr. President, I call up amendment No. 1911.

Mr. President, earlier today I spoke at some length about this amendment which involved making dollars available for educational efforts to try to better inform families as to how to properly use child passenger safety seats. We discussed it at some length, and at that time it had not been cleared on both sides. It is my understanding that it now has. I hope we can agree to it at this juncture.

Mr. CHAFEE. Mr. President, this amendment is agreeable to this side.

Mr. BAUCUS. Mr. President, we checked with the Commerce Committee and the ranking member, and it is also cleared with them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1911), as modified, was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABRAHAM. Mr. President, I thank the managers again for their working with us on this. Also, I would like to thank both the chairman and ranking member of the Commerce Committee for their help and cooperation on behalf of Senators MCCAIN and DODD.

We appreciate very much its inclusion in the legislation. I think it is an important step in the right direction.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Drew Willison, a congressional fellow in my office, be extended floor privileges during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1726

Mr. REID. Mr. President, I rise in opposition to an amendment offered by my friend, the senior Senator from the State of Arizona, concerning what he refers to as ''demonstration projects.''

I rise as someone who has served both in the House of Representatives and in this body, and am aware of demonstration projects that have been initiated in both the House of Representatives and in this body.

First of all, we must acknowledge that the House is going to have demonstration projects in their bill. There is no question about that. They have had them in the past. They will have them in the future. As long as there is a House of Representatives, there will be demonstration projects. There is no chance that the House will pass a transportation bill—an ISTEA bill—without earmarks of individual Members' projects.

The Senate, in its wisdom, has refused at the committee level to adopt such a procedure for the consideration of demonstration projects. I have stated in those committee meetings that I thought they were wrong. But I accept the will of the majority of the committee and have not talked at great length about that. But I don't think that we should merely defer to the House on this matter. It would appear that we will, before this procedure is all over, have in the Senate version of the bill projects that are referred to as ''demonstration projects.''

The House has a procedure. These aren't just willy-nilly thrown into the bill. The House committee of jurisdiction required a 14-point checklist. They are filled out for each demonstration project before they would even consider it. Only a very few projects on that list in the House will ultimately be accepted for funding. If the original ISTEA legislation is any indication, well under 10 percent of the final dollar amount in the House will be earmarked for demonstration projects.

I also say to my friend from Arizona, for whom I have the greatest respect—and we have worked very closely on a lot of different issues—that I don't think that referring to these matters as ''glorified pork'' is doing anything to add any stature to this body or the other body.

For example, in the State of Nevada—we are the fastest growing State in the Union—we have tremendous problems in the Las Vegas area. We have 300 new people, approximately, moving in there every day. We have all kinds of traffic problems because of that tremendous growth.

I say to my friend from Arizona, and others within the sound of my voice, take for example, Hoover Dam. Hoover Dam is built over the Colorado River, which separates the States of Arizona and Nevada. The traffic that travels from Arizona into Nevada has to go over the bridge. For decades, they have said that is a security risk to this country and should be replaced. It has only gotten worse as years have gone by. We have now often times 5 to 7 miles of backups of cars waiting to get

over that bridge. It is not only dangerous and unsafe but also, because of the national importance of this dam, it is very insecure for purposes of terrorist attacks. We have authorized, Mr. President, a new bridge over the river to alleviate that traffic. That is going to have to come in some type of an earmark. It is going to cost $150 million. Somehow, because of the need to move commerce—not to Las Vegas but throughout the country—we are going to have to have something done about heavy traffic coming over that river. Commerce is being held up there, interstate commerce—trucks hauling goods from all over the country. We need to do something with the bridge over the river.

Take, for example, what we refer to as the ''spaghetti bowl'' in Las Vegas, on I–15 and U.S. Highway 95 from Salt Lake to Reno, to the bridge, and to Boulder City. I have already indicated that we are the fastest growing State in the United States. This spaghetti bowl is holding up interstate commerce. Large trucks hauling all kinds of products simply can't move through that area because it is clogged. We have been very fortunate in that this interchange is going to be rebuilt. It is going to be rebuilt with earmarked funds. Now, maybe someday we would have done that anyway, but how many lives would have been lost and what would be the loss to productivity in not being able to move people through that part of the country? So it is good that we went ahead and did this.

Carson City, NV, remains one of only a handful of State capitals in the United States that are not linked to an interstate system. An earmark in the original ISTEA bill funded the first leg of this critical link.

Finally, we have a real problem bringing people between the States of California and Nevada. This used to be just a Nevada problem, until California came to the realization that commerce from California simply could not move through southern Nevada because it was clogged on I–15. We worked out a cooperative project with the States of California, Nevada, and Arizona. This interchange that sends traffic to all three States is now beginning to be replaced. This, again, was done with an earmark. There is certainly nothing wrong with that, something that benefits the country. It doesn't benefit Arizona more than Nevada, or California more than Nevada, or Arizona more than California. It benefits all three States. There is terrible congestion there. There is a lot more work that needs to be done on I–15 and along its entire route.

As I have indicated, at some time, perhaps, these projects would have been funded. But what tragedies would have occurred had these projects not gone forward? In a State that is experiencing growth like Nevada or California, we have been able to move ahead on some of these projects more rapidly than we would have normally. Delivering critical needs and services promptly is what the people of this country expect. It has nothing to do with glorified pork.

Not surprisingly, this year's list of House requests is filled with far more projects such as the ones that I have just described than some of the unusual projects described by my colleague from Arizona. We are talking about a relatively small amount of money here, and the projects that are funded in this manner are frequently of critical importance to the States or they would not be earmarked.

Regarding the notion that these projects should count against the State's obligation limit, I would ask three questions:

First, would the House ever agree with that? The answer is, obviously, no. We spoke today with the House Surface Transportation Committee. To say they reacted coolly, coldly, is an understatement. Instead of preparing for the inevitable day when demonstration projects both exist and are outside the obligation limit, we are, once again, hiding behind some type of rhetoric that has nothing to do with effectively preparing the conference's bill for the Senators.

Second, how are we defining a demonstration project under this amendment? I feel very confident that the Senators from Maryland and Virginia are not eager to have the Woodrow Wilson Bridge count against their State's obligation limit. The bridge is federally owned, just like the bridge at Hoover Dam. Perhaps the State should be held harmless. I believe that is the case. But that argument can be made about any number of federally owned facilities; as example, Hoover Dam. The bridge between Nevada and Arizona has to be built. Should Nevada or Arizona be penalized as a result of that? Obviously, the answer is no.

Third, we have to give our colleagues some credit. The members of the conference committee are charged with doing what they can to hammer out a bill that is acceptable to both bodies. This is a key point. Obviously, a State that gets a disproportionate share of demonstration projects is going to get less in the final bill. Is it always dollar for dollar? Of course not. But it needs to get past both Houses. Spreading largess one way or another is frequently the way we get a bill. We have to look at the process we have used to get the bill this close to completion. It is a tedious process, but it has worked well.

Finally, I suggest to my friend from Arizona that if the Senate would be realistic, and we usually are, and we will be when the conference is completed, there will be demonstration projects.

I suggest this amendment should not be something we just accept. I think we should vote against it. I know people are going to say, Why should I vote this way? Usually we knock it out in conference anyway. But I do not think we should be doing that. I think we should recognize this is not a good amendment. It is something unrealistic, for the points I mentioned, and they are that conference committee members will do their best to come up with a good bill, demonstration projects, by definition, are very difficult to come by—for example, the Hoover Dam Bridge and the Woodrow Wilson Bridge are two good examples—and, last, the House is never going to agree to this. So I think we should vote the right way and vote against this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1963 TO AMENDMENT NO. 1676

(Purpose: To provide for a committee amendment)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1963 to amendment No. 1676.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. ROTH. Mr. President, I am pleased to rise today to send to the desk the Finance Committee's amendment to the pending legislation. The work of the Finance Committee complements the work undertaken by the Environment and Public Works Committee. In general, the Finance Committee amendment updates the current Tax Code provisions to correspond to the purposes of the pending legislation. There are several additional provisions contained in the Finance Committee amendment that I would like to highlight in my remarks today.

In particular, the Finance Committee amendment extends the current expiration date of the highway fund excise taxes and the authority to spend revenue from the highway fund for 6 years. It also extends current law transfers of revenue on motorboat and small engine gasoline taxes from the highway fund to the aquatic resources trust fund for 6 years.

The Finance Committee amendment also extends the alternative fuels tax provision for 6 years. These provisions are extended at reduced rates. They are identical to the provisions that were included in the Senate version of the Taxpayer Relief Act of 1997.

The Finance Committee amendment clarifies a provision relating to the

taxability of employer-provided transportation benefits. The amendment clarifies employees who have the choice of either receiving cash compensation or receiving one of three nontaxable transportation fringe benefits. The nontaxable transportation fringe benefits are employer-provided parking, employer-provided transit passes and employer-provided van pooling services. This provision would give all employees the flexibility to determine the type of employer-subsidized transportation benefit that they want to use or whether they want to receive cash instead of using these employer-provided benefits.

This provision also provides that the value of tax-free employer-provided transit passes and van pooling services would be increased from $65 per month to $100 per month in the year 2002. Both of these changes are offset by delaying the cost-of-living increase and the amount of tax-free employer-provided parking that would have been made in 1999.

The Finance Committee also extends the highway trust fund expenditures authority through September 30, 2003. This provision is important because without it, States would not have access to highway trust fund monies.

With regard to another issue, railroads are unfairly burdened under current law. They are required to pay a higher deficit reduction tax than other modes of transportation. The Finance Committee amendment helps to remedy this unfairness by repealing the $1.25 gallon deficit reduction rail diesel tax as of March 1, 1999.

The committee amendment also clarifies the tax treatment of funds received under the Congestion Mitigation Air Quality Program. The Finance Committee amendment includes a proposal to allow public-private partnership to use tax-exempt bonds to fund highway toll roads and bridge construction projects.

Finally, the amendment also includes language that would provide for a 2-year moratorium on the fuel terminal registration requirement concerning kerosene. Senator CHAFEE and Senator NICKLES have worked hard to reach this compromise. It is their hope that the market will work properly to ensure the availability of both dyed and undyed kerosene. If not, then the provision would be implemented as originally enacted.

The amendment includes a supplement through the technical explanation of the Finance Committee amendment that was printed in the CONGRESSIONAL RECORD on October 8, 1997. Mr. President, the Finance Committee amendment was approved on a voice vote. All members of the Finance Committee support the amendment. It is my hope that this Senate will proceed swiftly to enact this amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I rise in the spirit of the chairman's wish and the Senate's clear interest that we move ahead and get this work done. It is almost finished. This is an absolutely indispensable title. It provides the money for the programs that have been authorized so far.

I will make two points. One is that the amendment was reported out of the Committee on Finance unanimously. Once again, the chairman has brought us to a bipartisan unanimous position, and I personally thank him for accepting the provision that gives equal treatment to mass transit commuters, as well as those who receive parking benefits from their employers.

This is an excellent measure, Mr. President. It is not without certain serendipity that the managers of the underlying bill, the Senator from Rhode Island and the Senator from Montana, are also members of the Finance Committee.

So we are here in perfect accord, and I hope we can proceed directly to approving this amendment, although I understand we have an agreement that an amendment will be offered shortly by the Senator from Florida.

I thank the Chair, and I yield the floor.

Mr. CHAFEE. Mr. President, I am pleased to strongly support the amendment offered by the chairman of the Finance Committee which adds the revenue title to the Intermodal Surface Transportation Efficiency Act of 1997. Along with extending the motor fuel excise taxes, this amendment includes several changes to the nation's tax laws that will further the goal of improving the quality of transportation in our country.

I want to take a few moments to discuss a few of those provisions.

EXPANSION OF COMMUTER CHOICE BENEFITS

The Internal Revenue Code allows employers to provide parking or transit benefits to employees on a tax-free basis. These benefits are limited to parking valued at no more than 175 dollars per month and transit or commercial vanpool benefits valued at no more than 65 dollars per month.

Prior to this year, these tax exempt benefits had to be offered by an employer on a take-it-or-leave-it basis. That created a strong inducement for employees to drive to work, even in those instances where an employee would prefer alternative methods of commuting. Given the choice between free parking or nothing at all, most commuters will choose to drive to work and take advantage of the free parking.

Last year's tax bill corrected this problem by giving employers flexibility in offering transportation benefits. Under that change, employers who want to offer employees a choice between free parking or a raise in salary can do so without jeopardizing the tax benefits for employees who want to keep their parking spaces.

The Finance Committee amendment extends this flexibility to transit and vanpool benefits. Under this change, an employee now can choose between taxable cash compensation and tax-free transit or vanpool benefits. This puts transit benefits on a level playing field with employer-provided parking.

EXPAND TAX-FREE TRANSIT BENEFITS

In addition to providing flexibility in the provision of transit benefits, the Finance Committee amendment, as modified by Chairman ROTH, increases the level of tax-free transit benefits.

Currently, the tax code is tilted heavily in favor of commuters who drive to work. Up to $175 per month of parking benefits can be provided to an employee on a tax-free basis. That results in a tax savings of almost 600 dollars per year for a typical middle-income family working in a major metropolitan area of this country.

Employees who commute to work by other means, however, are not provided commensurate tax benefits. The current limit for tax-free transit benefits is 65 dollars per month.

The Finance Committee amendment begins to narrow this gap by increasing the amount of tax-free transit benefits to $100 beginning in the year 2002.

HIGHWAY INFRASTRUCTURE PRIVATIZATION ACT

The Finance Committee amendment also includes a pilot program that will make it easier to finance public-private partnerships for the provision of transportation infrastructure projects. This proposal is modeled after legislation which I introduced last year along with my distinguished colleagues, Senators WARNER, MOYNIHAN, and BOND. Senators BOXER and GRAHAM are also cosponsors of that bill.

One needs only to venture a few blocks from here to see the terrible condition of many of the nation's roads and bridges. Regrettably, the United States faces a significant shortfall in funding for our highway and bridge infrastructure needs.

This investment need comes at a time when we in Congress are desperately looking for ways to constrain federal spending to keep the budget balanced. State governments face similar budget pressures. It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address significant needs.

In the United States, highway and bridge infrastructure is the responsibility of the government. Governments build, own and operate public highways, roads and bridges. In many other countries, however, the private sector, and private capital, construct and operate important facilities. These countries have found that increasing the private sector's role in major transportation projects offers opportunities for construction cost savings and more efficient operation. They also open the door for new construction techniques and technologies.

To help meet the nation's infrastructure needs, we must take advantage of private sector resources by opening up avenues for the private sector to take the lead in designing, constructing, financing and operating highway facilities.

A substantial barrier to private sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built by government can be financed using tax-exempt debt, but those built by the private sector, or those with substantial private-sector participation, cannot. As a result, public/private partnerships for the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private sector participation in the provision of highway infrastructure, the tax code's bias towards public sector financing must be addressed.

The Finance Committee amendment creates a pilot program aimed at encouraging the private sector to help meet the transportation infrastructure needs for the 21st century. It makes tax exempt financing available for a total of 15 highway privatization projects. The total face value of bonds that can be issued under this program is limited to $15 billion.

The 15 projects authorized under the program will be selected by the Secretary of Transportation, in consultation with the Secretary of Treasury. To qualify under this program, projects selected must: serve the general public; be on public owned rights-of-way; revert to public ownership; and, come from a state's 20-year transportation plan. These criteria ensure that the projects selected meet a state or locality's broad transportation goals.

The bonds issued under this pilot program will be subject to the rules and regulations governing private activity bonds. Moreover, the bonds issued under the program will not count against a state's tax exempt volume cap.

TWO-YEAR DELAY ON TERMINAL DYEING MANDATE FOR KEROSENE

Finally, I am pleased that the Finance Committee has worked with Senator NICKLES and me on a compromise that delays the implementation of the terminal dyeing mandate for kerosene for 2 years. Coming from the Northeast, this is an important matter for me, and I think the chairman's proposal is a reasonable approach to a contentious issue.

Last year's tax bill included a provision which required that kerosene used for nontaxable purposes be dyed to distinguish it from kerosene during the winter to prevent diesel fuel from congealing. As you may know, diesel used as a motor fuel is subject to the highway excise tax. When kerosene is mixed with diesel motor fuel, the excise tax applies to the kerosene added.

In the Northeast, however, essentially the same diesel fuel is used as home heating oil. As home heating oil, diesel is not subject to the excise tax. Therefore, kerosene mixed with diesel that is destined for home heating oil use is also not taxed.

When Congress decided to dye kerosene, there was considerable concern about whether terminals would invest in the equipment necessary to make sure dyed, nontaxable kerosene would be available for use in home heating oil. If terminals chose not to add this equipment, the only recourse would be for home heating oil dealers to purchase taxed kerosene and pass the cost along to home heating oil customers. Customers purchasing home heating oil on which tax has been paid would be eligible to file for a refund with the IRS, but you can imagine how cumbersome that would be for both the homeowner and the Service.

So, when Congress imposed the dyeing regime, it also included a mandate that all terminals make dyed kerosene available. This mandate has proven to be burdensome on many terminal operators. Chairman ROTH, Senator NICKLES, and I were able to work out a compromise that delays that terminal dyeing mandate for 2 years. That will give Congress ample time to determine whether the market will accommodate the need for dyed kerosene without the mandate.

I am confident that the marketplace will meet the demand for dyed kerosene in those areas where it is needed. However, if that does not turn out to be the case I can assure the Senate that I will fight to reimpose the terminal dyeing mandate so that home heating oil customers are not left out in the cold.

AMENDMENT TO CORRECT THE FLOW OF TAX REVENUES

Mr. President, I had intended to offer an amendment to correct a provision included in last year's Taxpayer Relief Act that could have dramatic effects on the highway program in the future. That provision, which granted those collecting highway taxes an unprecedented 75-day delay in depositing those taxes with the Federal Government, will affect future apportionment formulas used to distribute highway money to the States.

This provision was not included in either the House or the Senate tax bills. Nevertheless, this measure was slipped into the conference agreement purportedly to make the path to a balanced budget by the year 2002 more uniform. Now that we are on track to reach balance this year, the proposal included in last year's tax bill is no longer necessary.

The provision allows those collecting excise taxes from July 15 through September 30 of this year to hold onto that money and deposit it with the Federal Government no later than October 5, 1998. From a Federal budget standpoint, what this proposal does is shift highway tax revenue from the current fiscal year to the next fiscal year.

Switching revenue from one year to another could affect the highway program because the State apportionment formulas use revenues collected from each of the States as the key factor. Senators may remember the contentious debate this body had in 1996 during consideration of the fiscal year 1997 Transportation appropriations bill when we attempted to correct an error made by the Department of Transportation in interpreting Treasury excise tax collection data. My amendment would have attempted to avoid a similar problem that may be caused by this excise tax deposit shift.

The problem facing the Environment and Public Works Committee is that there is a strong likelihood that any problems created by this excise tax revenue shift will not be crop up until well after the damage is done. This special benefit—which I might add was also extended to the airlines on the collection of their excise taxes—will expire on October 5 of this year. The effect on the state allocation formulas will not appear, however, until the year 2000. At that point, there will be no way to undo the effect of the delay in receiving those receipts.

I remain very concerned that this deposit shift will come back to haunt the Senate. I also believe that the only sure way to prevent that from occurring would be to repeal the provision that was included in last year's tax bill.

Nevertheless, the chairman of the Finance Committee has convinced me that my amendment should be reviewed further, and I accept his opinion. Therefore, I will not offer my amendment at this time.

Mr. MOYNIHAN. Mr. President, 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. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1906 TO AMENDMENT NO. 1963

(Purpose: To repeal the 4.3-cent transportation motor fuels excise tax transferred to the Highway Trust Fund by the Taxpayer Relief Act of 1997, effective on the date of enactment of this Act)

Mr. MACK. Mr. President, consistent with a prior UC agreement, I call up for consideration amendment No. 1906.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] proposes an amendment numbered 1906 to amendment No. 1963.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. ___. REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is

amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

''(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.''.

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of enactment of this Act, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the date of enactment of this Act—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator is recognized for 1 hour. There is also a Senator recognized for 1 hour in opposition.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, this amendment is straightforward. It calls for repealing the 4.3-cent gas tax, while ensuring deficit-neutrality through a corresponding reduction in overall spending caps. So the first point I want to make to my colleagues is that this is, in essence, budget neutral.

In 1993, when President Clinton and a Democratic Congress raised the gas tax 4.3 cents, they did so for deficit reduction purposes. Again, I do not think I have to remind my colleagues it was a pretty contentious debate. The underlying bill ended up passing, I believe, by one vote. However, it seems clear now that this tax is no longer needed. All the estimates that we are receiving from many, many different sources would indicate that we are going to see surpluses out for many years to come. However, rather than to return this tax, the Congress is on the verge of retaining this tax for increased transportation spending, having succumbed to a multiyear campaign by the transportation industry.

The industry vehemently maintains that the gas tax's user fee is paid by a consumer who believes gas taxes will be used for transportation purposes. However, this is simply not the case. Gas taxes being used for deficit reduction is not a unique event. What many do not know, or simply will not acknowledge, is that the gas tax was created for deficit reduction purposes, and for the first 20 years had been used for that purpose. It was for the same purpose that the 4.3-cent gas tax was enacted in 1993. However, this Congress is one that is committed to fiscal restraint and providing tax relief to America's working men and women. It is much different than the Congresses of the last several decades, which were all too willing to commit and spend taxpayers' dollars. It seems to me that this Congress ought to return to the taxpayer this now unnecessary deficit reduction gas tax, and, in so doing, we can provide tax relief directly to the men and women who need it most—America's working class who drive on our Nation's roads every day.

This tax should be repealed. The American people were asked to contribute more money at the pump so that we might achieve a balanced budget. And we did. But nobody has gone back to the American people and asked them if their money can be kept for increased spending. It seems to me this is a question which ought to be asked. I am confident that almost all of us have heard from our States claiming that they need more transportation dollars. They have asked for more flexibility in spending their transportation dollars, and they have complained about the bureaucratic red tape which accompanies gas tax dollars funneled through Washington.

Repeal of the 4.3 cents offers the Congress a way of meeting all of these goals. First, it keeps the faith with the taxpaying public by returning a deficit reduction tax which is no longer needed. Again, I remind everyone, there was a very strong debate about this, passing a 4.3-cent gasoline tax for the purpose of deficit reduction. It was almost implied—in fact, I guess if I went back and pulled up the various speeches, I am sure that there were those who said, when there is, in fact, no longer a deficit, this tax will be repealed and returned to the taxpayer.

Secondly, it gives States the opportunity to replace this tax with one of their own. This gives the taxpaying public ample opportunity to have their voices heard on the issue of whether this gas tax should be lowered again or kept in place for increased transportation spending.

Finally, should the States and the respective taxpayers support using the gas tax for increased transportation spending, it would be free from Federal strings and available for the States' priorities, not Washington's. Estimates from transportation economists and several State secretaries of transportation suggest that without Federal interference, mandates, and restrictions, a State could get as much as 20 to 40 percent more for their gas tax dollars.

As a final point, according to data compiled by the Congressional Research Service, since 1990, two-thirds of all States have increased their own gas taxes. This clearly indicates that our Nation's States have the will and the ability to increase their own gas taxes should they need them and should their citizens choose to do so.

So I say to my colleagues, let us repeal this 4.3-cent gas tax which we told the American people would be used to achieve a balanced budget. Let us give them a chance to consider, with their State legislators, whether they are willing to see this tax used for increased transportation spending.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as——

The PRESIDING OFFICER. Is the Senator rising in opposition?

Mr. WARNER. I do rise in opposition.

The PRESIDING OFFICER. The Senator is recognized for 1 hour.

Mr. WARNER. Mr. President, as an author of the underlying bill, before we had done such valuable work in the Senate to amend it, I would have to say, with the greatest respect to my colleague, while philosophically I align myself with his view of giving the States and the people of those States the greatest say over their tax dollars and the wisdom of having those dollars at their discretion—and if several States do go through the legislative process, putting a replacement tax on the books, there is a question and doubt about that, I am sure the Senator will agree with me—but with due respect, this amendment, were it to be adopted by the Senate, would be literally destructive of this bill and the work that the committee, under the leadership of the distinguished chairman and ranking member and myself, have provided these many, many months to get where we are.

I think we have at long last, Mr. President, reconciled many, many differences to try and bring back a feeling of credibility in the principle of equity of distribution among the several States.

The needs for the highway system are clearly in the minds of all Senators, as well as, I am sure, the Senator from Florida. There is no dispute there. So we are down here in the final hours of this bill now faced with an amendment which would, in my judgment, simply be destructive and would result in the unraveling of the bill as it presently is before the Senate.

At this point I am perfectly willing to yield the floor if other Senators wish to speak to the issue. I see the distinguished chairman of the Finance Committee and my distinguished chairman of the Environment Committee.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I have the greatest respect for the author of this amendment. But as the distinguished Senator from Virginia has so ably stated, this amendment, if adopted, would be a killer amendment. So I rise in opposition to this amendment. Under current law, the 4.3-cent tax is transferred to the highway trust fund. And that tax is being proposed to be used to fund important highway programs.

I point out, as the Senator from Virginia has already mentioned, months of hard work have gone into the development of this legislation. The bill has been considered for several days on the Senate floor. I think it is important that we move forward as expeditiously as possible.

As I said, this amendment, if adopted, would have the effect of killing the ISTEA legislation. It would be most regrettable to have that happen. It is time, in my judgment, to pass the legislation and give States the necessary highway funding without further delay.

I yield the floor.

Mr. WARNER. I yield such time as the Senator may consume.

Mr. BAUCUS. Mr. President, this sounds good, repeal the 4.3-cent gasoline tax. Nobody likes paying taxes. We all know that. We also know we want our highways.

If this amendment were to pass, we would be going backwards. Why do I say that? I say that, first, because it would, as the Senator from Delaware said, kill this bill. This is a killer amendment. This amendment would take about $6 billion a year away from the highway bill, $6 billion that would not be spent on highway construction, maintenance, et cetera.

In addition, it is inadvisable because we are now at this point, with the passage of this bill and the defeat of this amendment, spending the money that comes into the highway trust fund back out on to highways. That is, the revenue coming in as a consequence of this bill will be used to finance spending on our roads and our highways.

I might say, Mr. President, that polls confirm that Americans support the gas tax so long as the funds are being used on our highways. That is what this bill does. This amendment says, sorry, folks, we are not going to repair the roads and highways, not to the degree we should, and we are going to be derelict and not live up to our responsibilities.

Today, all levels of government spending on highways and roads and bridges is about $34 billion a year. The Department of Transportation says we need more than that. It says we need $54 billion just to maintain current conditions, just to maintain. We need about $74 billion a year to improve. If this amendment passes, we are going to take $6 billion a year away from what we otherwise would be spending. That is, today I say we spend $34 billion, and it is true with the passage of this bill we spend more than $34 billion, but I might say I think it is obvious to Senators who are listening to this that it sounds good but it is a bad idea. I urge Members to yield back time and get on with the vote. We all know where the votes are in this, and we are just wasting our time by debating this further.

Mr. WARNER. I simply say, philosophically I agree with my colleague, but I think it is an important amendment, one deserving such attention as the distinguished Senator from Florida desires. I will make a motion at an appropriate time here on the Budget Act, just to inform Senators, but I remind Senators we are ready to move on this amendment. If any Senator desires to speak, he or she should make that known to the managers of the bill.

I agree with my colleague from Montana. I am prepared to yield back the time in opposition.

Mr. MACK. Mr. President, let me say to my colleagues, I have nothing but the greatest of respect for each of you as well. We all know that we come to the floor with different interests in this debate. I suspect if the addition of the 4.3 cents that I believe Senator CHAFEE added during this debate on the underlying bill, that probably, if that 4.3 cents had gone back to each individual State as the money was contributed, it would be much harder for me to be here today offering an amendment to repeal it.

But I think it is fair to say from the perspective of a donor State—and I might add, a donor State for the past 41 years—that we are just kind of saying the time has arrived in which we think there ought to be greater equity in the allocation of funds and we believe that our States, and again the 29 donor States, would be better off with

the 4.3 cents coming back to their individual States for them to make a determination about how it should be spent.

I just happen to believe, and many transportation economists support it, that the dollars spent in States themselves are more efficiently used, more effectively used, the purchasing power is much greater. Again, I respect the perspective that my colleagues on the other side of this issue raise, but I have a totally different viewpoint.

The second point I raise is that the comment was made a few moments ago that somehow or another if I were to be successful in this amendment—and I think we all know before we have a vote what the outcome is going to be. I make a point that if we were to repeal this, to then assume that all of these funds would then not be spent for highway construction is fundamentally flawed.

I indicated in my opening comments that State after State has raised their own gasoline taxes to be spent at home, and I say those States—and I suspect mine would be one of them because we do have tremendous needs with respect to transportation, whether that be mass transit or whether that be highway construction—have tremendous needs and I am confident that the State legislatures would, in fact, address the issue of the 4.3-cent repeal.

Again, the budget's bottom line is the 29 donor States would be much better off if, in fact, they were able to collect this money and set their own priorities. So that is, again, one of the reasons that I have offered this amendment.

The last point I make before I yield to others is that the original bill had been crafted without this new funding. Any funding attributable to the 4.3 cents has been provided as a totally separate section of the committee's original bill.

I don't think we are destroying the underlying work. I say to my colleagues, I look at this in a sense as two different packages. One, there is the underlying bill; and then the other has to do with how the 4.3 cents is divided up.

Again, my intention here is not to destroy the work that the committee has so diligently done, and in no way do I mean to imply by the offering of this amendment that I don't appreciate the work you have done to try to accommodate us. Each of us knows there is a point at which we have to stand up for our own beliefs, and the time has arrived with respect to this issue.

I yield the floor.

Mr. WARNER. I might say we have a basic disagreement on the likelihood that the States would all enact the tax promptly, but that certainly is an issue to be understood by all Senators.

As to the funding, yes, the Senator is correct. The underlying bill which came out of the subcommittee, which I am privileged to chair, of which the distinguished Senator from Montana is the ranking member, did not have these funds. I and, as a ranking member, Mr. BAUCUS, joined Senators BYRD and GRAMM, and the rest is history. This amendment was adopted very strongly in the Senate.

I have to say as to the bill as it has been amended under the leadership of the distinguished chairman, the Senator from Rhode Island, we have had to make some modifications to the allocation in the underlying bill as we placed on top the Chafee amendment which added the funds derived from the Byrd-Gramm-Warner-Baucus amendment.

I assure the Senator that with the funding profile in this bill of equity among the States, where we had a 90 percent return in the original bill out of subcommittee and now we have achieved, I think, in many instances a 91 percent return in the combination of the underlying bill and the Chafee amendment, such amendments as we put on, some today, are—I use the word not ''killer'' but ''destructive,'' out of my respect for my good friend.

Mr. BAUCUS. If I could very briefly say to my good friend from Florida, I think it is important for us to look at our national motto: E pluribus unum. We are different States. Florida is a very densely populated State. Western States are very thinly populated. There are large expanses. Western States have high State gasoline taxes to match the Federal funds. I can't speak for all the western States, but I know my State of Montana has a 27-cents-a-gallon State gasoline tax. I don't know what it is in Florida.

The assumption that, with the passage of the amendment, States themselves can spend their own money that they otherwise send to Uncle Sam, that money would be spent on highways may work in more densely populated States where the present gasoline tax is a little lower and where those States can finance the spending of the additional highway dollars, but I say to my good friend, in the West that is much more difficult. In fact, if Montana were to spend the same dollars that it sends to Uncle Sam and spend it at home, the State of Montana would have to raise the gasoline tax 12 to 15 cents. So we would be up to about 42 cents a gallon State tax on top of Federal. That is typical of a lot of western States. It just can't be done.

So, it is the nature of the beast that the very densely populated States, the smaller, densely populated States similar to the State of Florida, are by definition going to have to probably pay a little more into the trust fund so that the very thinly populated States that already have very high State gasoline taxes trying to make their State match can have highways built in their States so we have a truly national system.

If you follow the logic of the amendment of the Senator, and I understand it, it is essentially moving toward 50 nations, 50 States. We had that argument about 200 years ago when we scrapped the Articles of Confederation. We decided under the principles of federalism—it is complicated, I grant you—that we are a nation and we are 50 States—not 50 then but today 50.

It is not an easy matter. It is complex. We have to find some rough justice here. The effect of the amendment of the Senator, I submit with all graciousness, would have put an unfair burden on the thinly populated States because they couldn't raise the money, frankly, to have a truly national interstate highway or primary road system. It is for that reason, in addition, that I do not think the Senator's amendment is good for our country.

Mr. MACK. If I may take a couple of minutes to respond, and then I think my colleague, Senator GRAHAM, will seek recognition, I think it is fair to say that the so-called donor States, some of the more densely populated States, have recognized the needs of western States. I grant that there are unique situations that exist among the different States of our Nation.

I might just say I don't think in my wildest imagination that if this amendment would pass, we would have created, then, 50 nations, but I understand the point that my colleague is trying to make.

We understand and I think that, by our actions in the past, we recognize that. But the concept, when the Interstate Highway System was put into effect, in fact, was an interstate system. It was done for a national or Federal purpose. That is, in fact, why the formulas were initially created. But I again make the argument that—and I think most people would agree—for all intents and purposes, the Interstate System has been completed.

While I probably would go much further than this amendment, all I am suggesting is that we take the 4.3-cent gasoline tax, which was originally passed for the purpose of deficit reduction, and eliminate that. I think it is fair to say that we do have an interstate system that is in place. States like mine recognize the needs of other States around the Nation. We helped build those, pay for those, and maintain those. But now it's time to recognize that there is a new era, that things have in fact changed. The Interstate System is built. There is no longer a deficit—at least, we are being told that—and it is safe to assume that, for as far as we can see, there will be surpluses. There ought to be a repeal of the tax.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Rhode Island may require.

The PRESIDING OFFICER. The Senator from Rhode Island, Mr. CHAFEE, is recognized.

Mr. CHAFEE. Mr. President, I have the greatest respect for my distinguished colleague from Florida, and I would like to point out several things,

if I might, in connection with the repeal of the 4.3-cent gasoline tax.

It seems to me that this is an amendment that is about 2 weeks late. As we have had pointed out here, about 10 days ago, maybe a little bit more, we were in a jam on this floor in connection with this so-called ISTEA II legislation. State after State was asking for more, and so, thus, then came the freeing up, if you would, through negotiations with the majority leader, the leader of the Budget Committee and others from both sides of the aisle, of this money, which started out at $18 billion and worked its way up to $25 billion. Because we had that extra money, we were able to achieve peace on the floor here, and we have adopted an amendment, which we just did a couple of hours ago, which we call the donor States amendment. As a result, the money has been spent. At least it has been allocated on the floor.

If this amendment should pass, it then would unravel everything that we have accomplished in the last 2 weeks in this body. It would unravel the agreement we reached because there aren't additional funds to substitute for the 4.3 cents that we allocated. So I think it would be very unfortunate. Maybe if the amendment had been brought up, as I say, some 2 weeks ago and we then could say to everybody that there is no more, that is all there is, perhaps an agreement would have been reached. But I doubt it because sides were dug in pretty hard around here, and it was necessary for the majority leader to become involved and the Budget Committee chairman in order to extricate ourselves from that difficult situation.

I want to raise one more point, Mr. President, and that is as follows. Every industrial nation in the world has far higher overall gasoline taxes than we have in this Nation. If you talk to any environmental group, they will say that gasoline taxes result in a reduction in miles traveled by automobiles. In other words, if somebody is encumbered by a gasoline tax, raising the cost of operating his or her vehicle, those people will be more cautious about using their vehicle, or else they will seek out vehicles that get far more miles per gallon than would otherwise be true. So a gasoline tax, no matter whether it's modest or very substantial, results in environmental improvements, lower emissions, obviously, and less global warming.

So in a strange way that many of us haven't thought about, a vote to repeal the 4.3 cents would really be a vote against the environment and our efforts to reduce emissions in this country and our efforts to curb the global warming that is occurring.

So, recognizing that both of my colleagues from Florida are very good environmentalists, I urge them to consider that measure when they rise to make their presentations.

I thank the Chair.

Mr. WARNER. Mr. President, to inform the Senate with regard to the status of the timing on this amendment, of course, under the time agreement—I first ask the Chair to state the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia has 43 minutes. The Senator from Florida has 48 minutes.

Mr. WARNER. I thank the Chair. It is the intention of the Senator from Virginia, in my capacity of managing time for the opponents, to yield back my time at such time as the distinguished Senators from Florida indicate they are prepared to do so.

Just prior thereto, I shall make the following motion, which I do not make now but I state for the RECORD and for the information of all Senators:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment would result in a loss of Federal revenue of nearly $6 billion for the first year and $30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(b) of the Congressional Budget Act of 1974 against the pending amendment.

I will ask the Chair at the appropriate time that that be stated.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia still has the floor.

Mr. WARNER. I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to repeat the admonition the Senator from Virginia made for all those who wish to speak either for or against this amendment. Please come to the floor. I am not sure what the proponents of the amendment will do with their time. But as has been pointed out, we are anxious to move on with this legislation.

Speaking just for our side, I hope that all those who wish to speak in opposition will come to the floor; here is your chance. The store is open for business. We are anxious to move on. If there are no speakers, the idea would be to close debate as soon as possible thereafter.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, controls the time.

Mr. MACK. Mr. President, I yield to my distinguished colleague such time as he may require.

The PRESIDING OFFICER. The Senator from Florida, Mr. GRAHAM, is recognized.

Mr. GRAHAM. Mr. President, I commend my friend and colleague, Senator MACK, for having brought this fundamental issue to the Senate at the earliest opportunity that was available to have this matter debated. It had been our understanding and advice that it was on the amendment offered by the Finance Committee that the amendment that Senator MACK brings to us today to repeal the 4.3-cent deficit reduction tax, which was adopted in 1993, would be germane and appropriate. So we offer it to our colleagues at this earliest opportunity.

Mr. President, I believe that there are a number of fundamental issues raised by this amendment. The first of those is the obvious, and that is that the United States is a federal system. We have the opportunities for the needs of our people to be met, as the Presiding Officer knows well as a former Governor of one of our States, by action at the State level, or by action at the national level where appropriate, and as illustrated by the transportation system, a merger of State and Federal initiatives. So the statement that is made that if we repeal these funds, it will have a serious adverse and continuous effect on our transportation system ignores the fact that (a) these funds were not levied for the purposes of transportation and, up until this proposal that is before us today, these funds have never been spent for transportation, and, third, that we are in essence returning to the States the fiscal capacity which they can decide to use for transportation.

So we are not, in this amendment, hostile to the needs of transportation. We are particularly aware of those needs in a rapidly growing State. Our position is, however, that this degree of capacity to meet transportation needs should be at the States' discretion. The States should decide whether they wish to use this amount of resources to expand their transportation needs, and we should not arrogate that decision to us to make by shifting a tax initially levied for one purpose, deficit reduction, to a new purpose, transportation spending.

Second is the enormity of the decision that we are about to make. The Interstate Highway System and the current Federal highway trust fund both came into being in the mid 1950s during the administration of President Dwight Eisenhower. President Eisenhower had a great vision for this Nation, which was that it would be linked by a system of the most modern highways. The Nation accepted that vision and, in 1957, we launched this goal.

In that year, 1957, as we were starting the National Interstate Highway System, this Congress determined that the appropriate level of funding to commence the project was $2.1 billion. That is what was spent in the first year of the Interstate Highway System. Fifteen years later, in 1973, the system was well underway. Its tentacles were beginning to reach across America. Suburbs were being united by modern highway systems with major cities. Cities were being connected. Regions were being brought together in a national interstate highway system upon which we spent, in the 1973 Highway Act, $5.9 billion a year, for a total under that act of $17.8 billion for 3 years.

In 1976, as the system continued to expand, in my State, as it was reaching down the east coast, what is now Interstate 95, we were spending $8.7 billion a

year on the Interstate Highway System. In 1978, as we were beginning to complete some of the major systems within our largest cities, we were spending $12.8 billion on the Interstate Highway System. Those numbers continued to grow until, by 1987, we were spending $14 billion a year on the Interstate Highway System, and I am pleased to announce that we brought it to completion.

In fact, the last segment of the original Interstate Highway System that was completed was I–595 in Broward County, FL. A celebration should be held at that site where the last bit of asphalt and concrete were poured to complete a half century of America's effort to build the Interstate Highway System. When we passed ISTEA I in 1991, we declared this to be the first post-Interstate Highway System bill. Our actions were not quite consistent with the rhetoric because, in the first year after completion of the Interstate Highway System, we spent $20.4 billion a year on highways—more than $6 billion more than we were spending in the last year when we were completing the Interstate Highway System.

Now, today, we are proposing to pass a bill, which started at $145 billion over a 6-year period, which has now reached $173 billion over a 6-year period, for an average over that time of $28.8 billion. So we are going to be spending, in the period that is now almost 10 years after the completion of the system, approximately $14 billion, more than 100 percent more per year than we were spending in the last year of completing the Interstate Highway System.

(Ms. COLLINS assumed the Chair.)

Mr. GRAHAM. Madam President, I say enough is enough. We have finished our task. We have built the Interstate Highway System that was President Dwight Eisenhower's vision. This is the time to begin to ask the question: What is the Federal role in transportation? What is our next step in terms of meeting the transportation needs of the American citizen?

I do not believe it is appropriate at this time to be doubling the amount of Federal expenditures over what we were spending as we were completing the very purpose for the Federal highway trust fund, which was the Interstate Highway System.

Third, there is the issue of: Is this a fair tax? The Senate has considered that issue at great length. We considered it in 1993 when the tax was imposed as part of the deficit reduction program. This tax was not passed to add to the spending on the transportation system. Rather it was to reduce the Federal deficit.

In 1996, recognizing that fact and recognizing that we were moving rapidly toward an elimination of the deficit, and at a time when there was a spike in gasoline taxes, our then colleague, Senator Bob Dole, offered an amendment to repeal the 4.3 cents. On the 14th of May of 1996, we had a vote on a cloture motion to close down debate and to proceed to vote on Senator Dole's proposal to repeal the 4.3 cents.

I might say that I opposed the repeal of the 4.3 cents because I felt we needed to retain those funds in the General Treasury until such time as we had in fact achieved the objective of eliminating the Federal deficit. But 54 of our 100 Members on the 14th of May of 1996 voted to invoke cloture and bring to a vote the proposal to repeal the 4.3 cents tax. There were many arguments made at that time in favor of that repeal.

I will quote from one of those, which was given by the senior Senator from Texas which related to the issue of the fundamental unfairness of this 4.3 cents tax. The Senator stated on the 14th of May of 1996:

> We, therefore, created through this gasoline tax an incredible redistribution of income and wealth. The Clinton gasoline tax imposed a new burden on people who drive to work for a living in order to subsidize people who, by and large, do not go to work. We have an opportunity in this pending amendment to solve this problem by repealing this gasoline tax, thereby eliminating this burden on people who have to drive their cars and trucks great distances to earn a living. In my State it is not uncommon for someone to drive 40 miles from where they work, and, as a result, a gasoline tax imposes a very heavy burden on them. We have an opportunity to eliminate this inequity by repealing the 4.3-cents-a-gallon tax on gasoline—a permanent gas tax that for the first time ever went into the general revenue to fund social programs instead of paying for highway construction.

Madam President, we have that same opportunity again today to repeal this 4.3-cents tax, which is imposing this very heavy burden on many of our people.

Finally, Madam President, on the issue of a national system or a parochial transportation system at the original recommended authorization level of $145 billion, which is the level recommended by the Senate Committee on Environment and Public Works, we would have been spending approximately $23 billion more on the highway system under ISTEA II than we spent on the highway system under ISTEA I since 1991. So there was a substantial increase in highway spending already recommended. On top of that, we have added an additional almost $29 billion of highway spending.

How have we chosen to distribute this money? I come from a State which, since the inception of the highway system, the Interstate Highway System in 1957, has been a donor State; that is, we have contributed more each year into the fund than we have received back from the fund. This was to be the year in which we would make a major breakthrough in terms of equity in the distribution of funds.

I will say in commendation to the Senator from Virginia, the Senator from Rhode Island, and the Senator from Montana that we have made substantial progress in ISTEA II in terms of that goal of equity.

Mr. WARNER. Madam President, if the Senator will yield, I wish to credit the Senator from Florida, and I will have further comments about his contribution all the way since 1991 on behalf of the donor States.

Mr. GRAHAM. Madam President, I appreciate that generous comment, which is typical of my friend from Virginia, with whom I was pleased to join as an original cosponsor of what we call step 21. Step 21 had as a central goal to provide that, of those funds which came into the Federal highway trust fund, 95 percent of those funds would be returned to the contributing States, thus leaving 5 percent of the total to be available to meet national needs as determined by this Congress. When we were debating step 21 and the various alternatives for the Federal highway program, it was determined that there was not an adequate amount of money left to meet national needs, if 95 percent was returned to the contributing State. So two changes were made.

One change was to lower the percentage from 95 percent to 90 percent, and the second was to change the base upon which the percentage was applied from the amount that each State contributed to the fund to the amount which each State received from the fund for formula programs, which now is that approximately 91 to 92 percent of all of the funds which will be distributed will come through one of these formula programs.

The rationale for stepping back from that original goal of equity of 95 percent of contributions into the fund was that there were insufficient dollars in order to be able to achieve that level of equity. The concern of many today is that we have now added almost $29 billion to the original $145 billion of highway funds, and, yet, we have made only marginal progress towards that original goal of equity. We still are going to utilize not a percentage of the money going into the fund but rather a percentage of money coming out of the fund under the formula programs. And we have increased the percentage from 90 to 91 percent, albeit even that is going to be subject to a variety of factors that will occur over the next 6 years as to whether a true 91 percent is established as the floor.

Madam President, I believe we missed a major opportunity, if these new funds were going to be available, to use them, first, to achieve the goal of equity, which was established as a principal objective, and then to use the balance for those things that we considered to be of a national priority.

So, with that history, I conclude that the best course of action for the additional funds which were adopted in 1993 as a deficit reduction measure, not a transportation measure, and which we have failed to use in the way to maximize the achievement of equity, is to say the appropriate thing to do is to follow the advice of our colleagues who spoke with such eloquence in 1993 and 1996 and terminate this tax at the Federal level.

Let us give our citizens tax relief. It would represent tax relief of approximately $6 billion a year to the American motorist by repealing this tax at the Federal level. I would not suggest that the American motorist should immediately begin putting those dollars in their wallets, because we are essentially releasing that capacity to the States so the States can decide whether they wish to utilize these funds by levying part or all of this as a State gasoline tax, therefore using those funds to meet needs which people in the States and communities of America identify to be of the greatest priority.

I believe that is in the spirit of this new Congress and its emphasis on placing authority and responsibility as close to the people as possible. I believe we can say that we are able to meet our national transportation responsibilities with approximately an additional $23 billion above what we are spending in the current transportation bill without having to utilize this 4.3 cents.

I believe that we would come closer to our goal of equity by allowing the States, unencumbered by all of the Federal constraints and regulatory requirements and the sheer expense of shipping people's money from Maine to Washington and then back to Maine—let it stay in Maine and not be subjected to any of the transactional costs of coming through Washington. Let the people of Florida, let the people of North Dakota, California, West Virginia, Virginia, Montana, and every other State decide what they want to do with the 4.3 cents if they choose to levy it for their transportation needs.

So I commend my colleague for his tenacity in raising this opportunity to provide tax relief, enhance federalism, and to truly recognize that we have celebrated the victory of completion of the Interstate System, that we are in a new era, and that we should recognize and act as if we are in that new era.

Thank you, Madam President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I will take about 2 minutes, and then I will yield the floor.

First, I say to our distinguished colleague from Florida that, while we, first, disagree on this issue, he, indeed, has been a partner. He is a very valued member of the Environment and Public Works Committee. He has been in the forefront of this legislation beginning back in 1991 when there was a recognition that the donor States were simply not getting an equitable allocation. Under his leadership, we put together step 21, which was the coalition of the various highway officials in the several States that were donor States who worked for years on procedures by which to correct the inequities that were placed on the donor States in 1991. We should always remember, it was that group that was the foundation group of the legislation that we now are considering here in the Senate. Eventually that was joined with a group under the leadership of the distinguished Senator from Montana, Mr. BAUCUS, Stars 2000, and it was that coalition that began to move this legislation. I shall always be grateful. Also, the Senator from Florida was very helpful, drawing on his experience as Governor, in streamlining this procedure so the various highway projects, once authorized, funds appropriated through the States, were started, and you could expedite the Federal Highway Administration and the like to get them done on time.

We shall always remember with great respect the contributions of the distinguished Senator from Florida. I point out both Senators from Florida. I notice that under ISTEA I, since 1991, you received 81 cents on the dollar. Under this bill before the Senate, Florida will receive a 52 percent increase, approximately. That is quite an achievement which the two Senators from Florida have made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I yield 10 minutes to my distinguished colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I thank the Senator from Florida for yielding to me and for sponsoring this amendment, which I am proud to cosponsor, and heartily urge my colleagues to support, and I also thank the other Senator from Florida, who has just made an eloquent argument in favor of this amendment as well.

Madam President, there are three primary points I would like to make in support of the Mack amendment. First of all, this represents the first opportunity that we have had to repeal a portion of the 1993 tax increase that virtually every Republican—maybe every Republican; I will have to go back and look to be sure—voted against. I was a Member of the House at the time and I recall that after the so-called Clinton tax increase of 1993 there was a great uprising in the State of Arizona, especially over the 4.3-cent gas tax increase that was a part of that. I introduced a bill immediately to repeal that 4.3-cent gas tax increase.

I remember a radio station asked me to go to a service station and talk to people who came by to gas up their cars and trucks. I was amazed at the reaction of the people as they drove up and heard about this increase in the gas tax. They were irate. They were very supportive of my effort to get it repealed which has, up to now, been unsuccessful. Perhaps with the sponsorship of the Senator from Florida, now it will be successful.

But I must say that Republicans who voted against that tax increase in 1993 but who vote against its repeal today have some answering to do to their constituents. I think this is a symptom of Potomac fever. We oppose a tax increase, especially when it is the agenda of the opposing party, and we go back home and we rail against it. But then too many of our colleagues fail to follow up their rhetoric with action to repeal the tax.

Now is our opportunity. Where will Republicans stand? I know a lot of my Democratic colleagues will continue to support the tax. They are not about to vote for this repeal, except for certain enlightened Democrats such as the Senator who has just spoken. But where will my Republican colleagues stand, those who opposed the gas tax when it was put into effect, who argued against it, who voted against it, and now have an opportunity to repeal it? Ah, but now they have an opportunity to divide up the money. The longer you are here, the more accustomed you get to spending American taxpayer dollars. After all, you get to go home and show the folks what a wonderful, magnanimous, generous person you are by giving them back some of their money.

As the good Senator from Virginia just said, States like Arizona and Florida got increases in their percentage in this bill. Yes, that is true. When you start from a very low percentage and you get a good increase in the total dollars, it represents a big increase percentage-wise. But, like my colleagues from Florida, I represent a State, Arizona, which is still a donor State. Something mysterious happens. Arizonans send a dollar to Washington in gas taxes and Federal highway taxes and we get 89 cents back. Something happens to the other 11 cents.

Here in Washington, DC, it's not so bad. The round trip actually earns them $2 on the $1 they send. Maybe that is because they do not send it so far. We have colleagues from other States, I will not mention them, but some colleagues are here representing constituents who send $1 and they get $2 back, or more than $2 back, and they ask us to be grateful for the fact that we get 90 cents instead of 89 cents, ''We gave you an increase.'' Madam President, it is not fair. That is the second reason I suggest we repeal this 4.3-cent gas tax.

We have a policy now in the Congress called devolution. It's a fancy word for ''let's give the power back to the States and the local government and to the people.'' The Federal Government has gotten too big and too powerful. One way we could do that is by repealing this 4.3-cent gas tax. My colleagues who want to spend the money on highways, all they have to do is go back to their State legislatures and say, Folks, we just repealed the 4.3-cent Federal tax. If you want to tax the people of Montana, Virginia, New York, whatever, 4.3 cents, they will never notice the difference at the gas pump. They will be paying exactly the same for a gallon of gas today as yesterday and tomorrow. Then we can spend the 4.3 cents in Montana or New York or Virginia or whatever the State is.

Actually, a lot of us would be better off because we do not lose any of that money as it makes the trip to Washington and then comes back. If my State of Arizona wanted to immediately put on a 4.3-cent State gas tax, the State of Arizona would come out very well. We would get to spend that money on our Arizona roads, and maybe the State legislature would do that, but I would rather have them decide that rather than have people here in Washington decide that we are going to retain this tax with the result that my State gets back about 89 cents or 90 cents. So that is the second reason. It is the right thing to do in terms of returning the power back to the people at the lower levels of government so they can decide for themselves how much tax they want to impose upon themselves.

The third reason is that America is already an overtaxed nation. This last year the taxes, the total tax burden has now gone up well over 38 percent. It is the highest level since 1945: $6,047 for every man, woman, and child in the country. That is over $27,000 for a family of four. We are an overtaxed nation. We do not need this money. We are now in a budget surplus situation. This tax increase was designed to reduce the deficit. The deficit has been reduced and our surplus is going to be, I suggest, at least as much as the money that would be lost as a result of the imposition of this tax. In any event, it has been paid for in the sense that obligations of Government have been reduced correspondingly so it has a neutral budget effect.

Madam President, I think, since this is a tax that affects every American equally, its repeal would not be for the wealthy. It would have just as much of an effect on the wealthy or the poor or the modest-income or whatever. It would be a very fair way to return some of the hard-working American families' money to them so they could decide themselves how to spend it. I urge support for the Mack amendment to repeal the 4.3-cent Federal gas tax, because, first of all, it is unnecessary, second, because it is unfair; third, because it is contradictory to our policy to return power to the States and the people, and fourth, because it adds an unnecessary tax burden to the already overtaxed families of America.

I urge my colleagues to support the Mack amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, I would like to inquire as to the amount of time remaining?

The PRESIDING OFFICER. The Senator from Florida has 20 minutes 42 seconds.

Mr. MACK. And those opposed?

The PRESIDING OFFICER. They have 38 minutes 38 seconds.

Mr. MACK. I would inform the Senate, to my knowledge, we have only one more speaker. Should there be no speakers on the other side, I will be prepared to yield back the remainder of time at the conclusion of the comments of Senator NICKLES.

Mr. WARNER. Madam President, I thank the distinguished Senator—at which time, speaking on behalf of the opposition, I shall yield back the time, make the appropriate budget statement, and then the Senator will be recognized for the procedure he will follow thereafter.

Mr. MACK. I am of the opinion we will not have any more speakers, but I will reserve that judgment until that time arrives.

I yield 10 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I compliment my colleagues from Florida for this amendment. I wish to be made a cosponsor of this amendment and ask unanimous consent to be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I also compliment my colleague, Senator WARNER from Virginia, for his leadership on this. Senator BAUCUS, Senator GRAHAM, Senator BYRD, Senator CHAFEE—a lot of people—worked a long time on this bill. I hope we can finish this bill today. If not today, certainly this week. This is an important piece of legislation.

The reason why I cosponsored the amendment of my colleague from Florida, Senator MACK, is because I happen to think he is right. I know a lot of work has been going into allocations. The Senators managing this bill have been bending over backwards to be fair to every Senator. I think they have been doing the best job they can and I compliment them on their work. But I happen to think Senator MACK is right. Should the gasoline tax be a prerogative of the State or the Federal Government? Should we all as colleagues have to bend and beg and plead? I do not really like doing that. I don't like asking for money in appropriations. I have done it on occasion. Senator BYRD has accommodated me on occasion when he was chairman of the Appropriations Committee. Sometimes Senator STEVENS has. I appreciate that. But I really do not enjoy that nor do I enjoy, when we have a highway bill, saying, ''Oh, please, we need more money. We are not doing very well in this bill. We are not doing as well as I hoped.''

We happen to be a donor State. I know Virginia has been. I know Florida has. I know a lot of States have. We don't like it. We don't like sending a dollar to Washington, DC, and getting 80 cents back in return. Unfortunately, that has happened year after year after year. We are talking about a lot more money.

I heard on the floor discussions: Senator WARNER is going to get 50 percent more, 52 percent. So is Oklahoma. It's a lot more money compared to the last 6 years, a lot more money to our States.

Every one of our contractors is going to be delighted with this bill. They have been knocking on my door: Please pass this bill. They maybe don't get involved in should we be donors or should we not. My thought, though, is this tax really should belong to the States. I do read the Constitution. The Constitution and the 10 amendments say all the rights and powers are reserved to the States and to the people. Shouldn't we allow the States to have the prerogative to have a gasoline tax and spend it the way they want? Then we don't have to fight and beg and plead and say, ''Hey, wait, I want 90 cents of my dollar back.'' If I do really good, I will get 90 cents on the dollar back. You lose 10 percent off the top. Not all States lose 10 percent; some States do better than other States. I guess that is the way it is always going to be when you have a national program.

Our State does not qualify as a dense State. That applies to some big States. There is a dense State formula in here that helps some States. Our State doesn't qualify for the Appalachian Regional Commission. I know some States do. There is a bonus provision. Maybe we do—no, we didn't qualify for that. We get a little something.

My point being you have to beg, cajole, and plead. Maybe you come up with 90 cents, but that is 90 cents on 90 cents. My math is not always accurate, but sometimes it's fast, and 90 percent of 90 percent is about 81 cents. I have seen one chart that says we will come out with about 82 cents, maybe 83 cents. The point being, you send $1 to Washington, DC, and in return you lose maybe 17, 18 percent before it gets back to the State.

Then, as Senator MACK mentioned, when it comes back, there are a lot of strings. It's not quite as simple as, ''Here, States, you get your money back. You can have the 82 cents or 90 cents or whatever and you can spend it as you wish.'' That is not the case. There are lots of strings. You have little requirements like you have to meet Davis-Bacon. You have to meet a lot of other requirements, Federal highway standards and so on. Guess what. A lot of these roads are not Federal highway roads or they are not part of the interstate system. The interstate system is, by and large, complete. It needs a lot of maintenance, I guess, but certainly that could be maintained without this 4.3 cents per gallon.

In my State of Oklahoma, the legislature has already passed legislation, already the law of the land. If the Federal Government does not extend the 4.3 cents, or if we repeal it, that tax increase goes on automatically for our State. So there will not be any loss of income. The State is going to pick it up. Our State is going to be a lot better off.

Every once in a while you do vote your State interest around here, and my State interest is, let's repeal that 4.3 cents and we are going to get 100 percent of the money, not 90 cents, not

82 cents, we are going to get 100 percent of the money. And we don't get the Federal strings, and the Governor and the legislature can decide how they want to spend it. They don't have to spend it on this type of road—primary road, secondary road. They have all the flexibility they want because it's theirs. They have all the authority. They don't have to worry about the differences. Hey, wait a minute, budget authority/budget outlays, this is not easy. And we are going to allocate 100 percent of this money for contract authority, but the outlays won't hit for a number of years. We don't have to worry about that. If we repeal this, the States are going to have 100 percent of the money and they can let the contracts and they can make the decisions and, frankly, I think some of us should have some more confidence in our States. So I rise in support of this amendment.

I opposed the 1993 tax increase that was passed by President Clinton at that time. It didn't have a Republican vote, as I recall. I thought that was a mistake. That was a 4.3-cent-per-gallon gasoline tax increase that went into the general revenue. It did not go to highways. A lot of us said we thought that was a mistake. At least in this bill, and I compliment the sponsors, at least we are going to rectify that. Under this bill, assuming the amendment of Senator MACK and myself does not pass, this money at least will be spent for highways. I think that is a giant step in the right direction. I compliment the sponsors, and particularly Senator GRAHAM and Senator BYRD, who were very persistent—I started to say stubborn in their efforts. Because that helped make that happen. That doesn't mean our budget problems are over. We are going to have some challenging times to stay within the caps on the budget, but we will wrestle with that. Hopefully, we will stay on the caps in the budget and will still be able to put 100 percent of the moneys coming in into the highway program and the gasoline tax will stay in the highway program.

I think the better fix would be the fix that Senator MACK is proposing, and that is, let's allow the States to have this tax and let's give the States the option.

My guess is a strong majority of the States would continue the tax, because all States have very significant needs and demands on their highways for safety, for maintenance, for upgrades. Certainly my State does, and I know that is the action our State would take.

So I believe the best solution would be the solution proposed by my colleagues from Florida, and that would be to give the States the option. Let's repeal the 4.3-cent tax. I think it was a mistake in 1993; I still think it is a mistake in 1998. Let's allow that money to go back to the States, and if the States want to enact it, they can, or if they want to return it to the taxpayers, they will have that option to do so as well.

With that, I urge my colleagues to vote in favor of the Mack amendment. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I know how my distinguished leader wants to be accurate. In the course of his remarks, there might have been the inference, in support of the Mack amendment, that all the money would go back to the States, but, in fact, as you well understand, 14 and a fraction cents still go to the highway fund.

Mr. NICKLES. That is true.

Mr. WARNER. We are really talking about 4.3.

Mr. NICKLES. Yes, 4.3.

Mr. WARNER. Madam President, I am prepared to make the following statement to the Senate:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment will result in a loss of Federal revenues of nearly $6 billion for the first year and $30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(B) of the Congressional Budget Act of 1974 against the pending amendment.

The PRESIDING OFFICER. All time has to be yielded back on the amendment before the point of order may be made.

Mr. WARNER. I understand. I am prepared to do that at such time as we yield back the time. I thought I stated that.

The PRESIDING OFFICER. The Chair will so acknowledge.

Mr. WARNER. I thank you.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. WARNER. Does the Senator yield back his time?

Mr. MACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Who controls the time?

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I control the time in opposition. We will accommodate the Senator. Are his remarks generic to the bill?

Mr. STEVENS. They are on this amendment. I am in opposition to it.

Mr. WARNER. I yield such time as the Senator may use.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I am constrained to come here in two roles. One is as chairman of the Appropriations Committee. And I am certain everyone will understand that problem. This is, obviously, a situation in which we negotiated a very tightly wrapped package, and it will eventually come to our committee. The distinguished Senator from West Virginia and I will allocate money under it.

The real difficulty I see with the amendment of the Senator from Florida is, having reached an agreement of what to do with the 4.3 cents of the tax revenue, now that we have transferred it to the highway trust fund, it would be repealed. I just cannot understand an attempt to do that at this time, I say respectfully to my friend.

I do understand people who are insisting that the donor States ought to be totally recognized to get 100 percent of their money back, and this obviously would be one way to do that.

I am here in the second role as a Senator from the largest State in the Union, 20 percent of the landmass in the United States. I repeat for the Senate, we have a thousand miles more of roads now than when we became a State almost 40 years ago. We are completely locked out of this highway program.

I wonder what Dwight D. Eisenhower, the person I consider to be one of the greatest leaders of the 20th century, would feel about the concept that roads would only be built by those people who lived within the State. The national concept of highways was, in fact, the Eisenhower dream, and it has been fulfilled in the Interstate Highway System, but the difficulty is it does not reach our State.

Furthermore, this concept that people who drove from Florida to Alaska would suddenly stop at the border and be told, ''Sorry, we don't have tax revenues, so we can't build you any roads,'' or you drove to Seattle and went to the dock where we currently maintain the ferries for citizens of the United States and others to come to Alaska by Alaskan-owned and operated ferries—you would find out they wouldn't be there any longer.

The concept of highways in this country has always been a national concept, and I have always thought, as I paid my gasoline taxes as I drove across the country—and I have driven across the country and up to my State many times—as we drive even into our neighboring country of Canada, we pay a Canadian gasoline tax. It never entered my mind that the Canadians somehow would think I was a Canadian citizen paying taxes in Canada.

Nor do I think that all the people who travel on the roads in Florida or any of the rest of these roads around the country are necessarily residents of that State. The States collect the taxes, but they certainly have no right to collect the taxes from people from outside their State who are traveling through that State to come to mine.

The idea of repealing this gas tax at this time is just completely abhorrent to this Senator's way of thinking. But beyond that, I am here, once again, to say to the sponsor of this amendment, the amendment is unfair, basically, to the States that do not have the highways totally constructed yet.

This is a bill to improve existing highways, not to continue the idea of making sure that there are highways in this country to reach every portion of this great continent that Americans who travel with their families, travel in RVs, travel in their personal automobiles want to go. I just can't believe we are going to abandon the concept that there is one national system of highways. And if there is a national system of highways, some of this highway money has to trickle into Alaska.

Somehow or another, we have to find some way—I see the Senator from Oklahoma smiling. I wonder what would have happened if I just returned from Philadelphia, and suppose we put in the Constitution that there would be no money spent coming from the original 13 States beyond the confines of the 13 States. That is what you are saying—you cannot spend money beyond our State if it was taken into the Treasury through our State.

Again, I say to the Senate advisably, we send 25 percent of the oil of the United States to the United States, to what we call the ''south 48,'' every day—every day. It is the oil that is used to produce the gasoline that your States tax. The taxes are derived from that oil. They do not come back to our State.

How about we put in a provision that says 100 percent of the revenue of the United States from the development of any resource in any State comes back to that State? Would that be agreeable? Would the Senator from Florida like to see that? We have the store house of the United States as far as resources are concerned. We would be able to build roads then, Madam President.

As long as we base this concept that the money has to go back to the very State in which it was collected from any citizen of the United States traveling through the United States, no matter where they are from, it goes back to the State that collected the money, then we won't have a National Highway System.

I am against this concept of repealing this tax. I hope that the Senate will find that the point of order is well taken. I congratulate the Senator from Virginia for making it.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, before I yield back the remainder of my time and ask for a waiver of the Budget Act, I cannot help but respond to my delightful colleague from Alaska.

First of all, with respect to Eisenhower, if you go back and read the record, Eisenhower indicated that he was in favor of repealing the gas tax when the interstate system was completed. So I think if he had the opportunity, we would know where he stood on this issue.

In respect to the comments made about Florida and Alaska and oil and so forth, I remind my colleagues, I am talking about 4.3 cents of the gasoline tax. That is point 1.

Point 2, we have supported the interstate system for 41 years, and there will be sufficient funds to, in fact, maintain the interstate system after the repeal of the 4.3 cents.

I just could not let those comments go without responding.

At this point, I am prepared to yield back the remainder of my time.

Mr. WARNER. Madam President, at this time I yield back the time in opposition and restate, which has been put in the RECORD twice, the budget point of order.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BAUCUS. I ask the Senator from Virginia when he expects this vote to occur.

Mr. WARNER. Now.

Mr. BAUCUS. I say to the Senator, that's fine.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO WAIVE THE BUDGET ACT

Mr. MACK. Madam President, I move to waive the Budget Act for consideration of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Mack amendment No. 1906. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

The yeas and nays resulted—yeas 18, nays 80, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—18

Abraham	Gregg	Mack
Ashcroft	Hutchison	McCain
Brownback	Inhofe	Nickles
Coats	Kyl	Smith (NH)
Coverdell	Levin	Thompson
Graham	Lugar	Thurmond

NAYS—80

Akaka	Campbell	Durbin
Allard	Chafee	Enzi
Baucus	Cleland	Faircloth
Bennett	Cochran	Feingold
Biden	Collins	Feinstein
Bingaman	Conrad	Ford
Bond	Craig	Frist
Boxer	D'Amato	Glenn
Breaux	Daschle	Gorton
Bryan	DeWine	Gramm
Bumpers	Dodd	Grams
Burns	Domenici	Grassley
Byrd	Dorgan	Hagel
Harkin	Lautenberg	Rockefeller
Hatch	Leahy	Roth
Helms	Lieberman	Santorum
Hollings	Lott	Sarbanes
Hutchinson	McConnell	Smith (OR)
Inouye	Mikulski	Snowe
Jeffords	Moseley-Braun	Specter
Johnson	Moynihan	Stevens
Kempthorne	Murkowski	Thomas
Kennedy	Murray	Torricelli
Kerrey	Reed	Warner
Kerry	Reid	Wellstone
Kohl	Robb	Wyden
Landrieu	Roberts	

NOT VOTING—2

Sessions	Shelby

The PRESIDING OFFICER. On this vote the yeas are 18, the nays are 80. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment fails.

Mr. CHAFEE. Mr. President, we have a couple of quick colloquies and then it is my understanding that the Senator from Arizona has an amendment which he wishes to present. So let's proceed with these colloquies. Then when the Senator from Arizona completes his amendment, which I understood was going to be something like 10 minutes equally divided, I understand he was going to ask for a rollcall vote, but I don't see the Senator here.

Meanwhile, the Senator from Colorado has a colloquy.

AMENDMENT NO. 1328

Mr. ALLARD. I want to thank the chairman for yielding, and I will engage the chairman and the ranking member in a brief colloquy, if I may.

I had an amendment, 1328, filed and was prepared to offer it for a vote. The amendment would have added particulate matter and ozone as an equally weighted factor for funding from the Congestion Mitigation Air Quality Program (CMAQ).

My concern is that Colorado has problems from PM–10 in the Denver Metro Area that are transportation related that could be lessened from inclusion in the CMAQ program. My understanding is that high altitude states may have a problem with respect to this pollutant that low altitude states may not have. As the chairman and the ranking member of the Environment and Public Works Committee both know, my amendment would have an impact not only on the CMAQ program, but on the formula as a whole.

Out of respect to the hours of work put in by the Senator CHAFEE, WARNER, and BAUCUS, I'm not going to offer the amendment. However, H.R. 2400 which was reported out of the Transportation and Infrastructure Committee in the House of Representatives does make allowances for funding PM–10 in CMAQ.

It's my hope that the leadership of the EPW Committee would find a way to help areas like Colorado deal with their unique problems with respect to PM and carbon monoxide in conference and I will provide any assistance necessary in working toward that end. I will not be offering that amendment

with the assurances that you will continue to work with me.

Mr. CHAFEE. I say to the Senator from Colorado that we are happy to pledge to him that we will strive in our work during the conference with the House to address the issue the Senator has raised. The House bill includes the provision he would have offered, so the issue will be in conference. The PM factor will be considered.

The Senator from Colorado has raised a very good point. In some western cities transportation emissions are a principal source of fine particulates in the air. EPA has recently issued new standards for particulate matter that may require these cities to adopt transportation strategies to reach attainment. The CMAQ program in this highway bill is intended to help cities solve their transportation-related air quality problems. So I am happy to pledge to the Senator from Colorado that we will strive in our work during the conference with the House to address the issue he has raised. The House bill includes the provision he would have offered, so the issue will be in the conference and the PM factor could be included in the final formula for CMAQ funding. I want to stress though that we should only move in that direction where the particulate pollution problem is caused by transportation as opposed to stationary sources such as power plants.

Mr. BAUCUS. Mr. President, I supplement what the chairman of the committee said. This has been a matter with the Senator from Colorado and is a matter that relates to CMAQ funding. I can assure the Senator from Colorado that, as I think the Senator from Rhode Island said, we will work with the Senator, work it out in conference, and try to come up with a solution that is workable and agreeable with the Senator from Colorado.

Mr. ALLARD. I thank both the chairman and ranking member for their willingness to work with me on this very important issue.

I yield back the remainder of my time.

Mr. CHAFEE. I thank the Senator from Colorado for being able to work this out. He has been very patient and very helpful as we have tried to reach conclusion on this matter, something he cares deeply about. We will do in the conference exactly as I said and make an honest effort.

Now, Mr. President, the Senator from Arizona has an amendment, but that amendment, it is my understanding, was going to be opposed by the Senator from Iowa. I don't see him here. In fairness to him——

Mr. MCCAIN. Perhaps I could take a few minutes in describing it and by that time the Senator from Iowa would be here.

He is rather familiar with the issue, as the Senator knows.

Mr. CHAFEE. He certainly is. Why don't you go ahead, and we will try to round up the Senator from Iowa.

AMENDMENT NO. 1968 TO AMENDMENT NO. 1963

(Purpose: To prohibit extension of inequitable ethanol subsidies)

Mr. MCCAIN. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1968.

Mr. MCCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following new section:

''SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act.''

Mr. MCCAIN. Mr. President, I say to the Senator from Rhode Island, the distinguished managers, I will take about 5 minutes and then I will have no more debate. This issue is very well known. I do not like to impede the progress of the Senate. While I am speaking, perhaps the Senator from Iowa will agree to that time agreement. I want to let him know I am agreeable to any time agreement.

Mr. President, the amendment prevents an extension of inequitable Government subsidies for the ethanol industry that would cost the American taxpayers $3.8 billion.

The amendment is simple. It negates the effect of the Finance Committee amendment, which is No. 1759, to the ISTEA legislation, which would extend for an additional 7 years the tax credits for ethanol and methanol producers. The value of these ethanol subsidies is estimated by the Congressional Budget Office at $3.8 billion in lost revenue.

Enough is enough. The American taxpayers have subsidized the ethanol industry, with guaranteed loans and tax credits for more than 20 years. Since 1980, government subsidies for ethanol have totaled more than $10 billion. The Finance Committee amendment to ISTEA, if not stricken, would give another $3.8 billion in tax breaks to ethanol producers.

Current law provides tax credits for ethanol producers which are estimated to cost the Treasury $770 million a year in lost revenue, and the Congressional Research Service estimates that loss may increase to $1 billion by the year 2000. These huge tax credits effectively increase the tax burden on other businesses and individual taxpayers.

The current tax subsidies for ethanol are scheduled to expire at the end of 2000. This amendment does not change current law; it allows the existing generous subsidies do continue until the turn of the century. The amendment merely ensures that the subsidies do expire and are not extended for another 7 years.

Mr. President, let me just take a moment and try to explain why we have such generous ethanol subsidies in law today. The rationale for ethanol subsidies has changed over the years, but unfortunately, ethanol has never lived up to the claims of any of its diverse proponents.

In the late 1970s, during the energy crisis, ethanol was supposed to help the U.S. lessen its reliance on oil. But ethanol use never took off, even when gasoline prices were highest and lines were longest.

Then, in the early 1980s, ethanol subsidies were used to prop up America's struggling corn farmers. Unfortunately, the usual ''trickle down'' effect of agricultural subsidies is clearly evident. Beef and dairy farmers, for example, have to pay a higher price for feed corn, which is then passed on in the form of higher prices for meat and milk. The average consumer ends up paying the cost of ethanol subsidies in the grocery store.

By the late 1980s, ethanol became the environmentally correct alternative fuel. Unfortunately, the Department of Energy has provided statistics showing that it takes more energy to produce a gallon of ethanol than the amount of energy that gallon of ethanol contains. In addition, the Congressional Research Service, the Congressional Budget Office, and the Department of Energy all acknowledge that the environmental benefits of ethanol use, at least in terms of smog reduction, are yet unproven.

In addition, ethanol is an inefficient, expensive fuel. Just look at the 3- to 5-cent-per-gallon increase in gasoline prices during the winter months in the Washington, D.C. area when ethanol is required to be added to the fuel.

Finally, let me quote Stephen Moore, of the CATO Institute, who puts it very succinctly in a recent paper:

. . . [V]irtually every independent assessment—by the U.S. Department of Agriculture, the General Accounting Office, the Congressional Budget Office, NBC News and several academic journals—has concluded that ethanol subsidies have been a costly boondoggle with almost no public benefit.

So why do we continue to subsidize the ethanol industry? I think James Bovard of the CATO Institute put it best in a 1995 policy paper:

. . . [O]ne would be hard-pressed to find another industry as artificially sustained as the ethanol industry. The economics of ethanol are such that, for the industry to survive at all, massive trade protection, tax loopholes, contrived mandates for use, and production subsidies are vitally necessary. Only by spooking the public with bogeymen such as foreign oil sheiks, toxic air pollution, and the threatened disappearance of the American farmer can attention be deflected from the real costs of the ethanol house of cards that consumes over a billion dollars annually.

Mr. President, last year, when the Congress was considering the Taxpayer Relief Act, the House Ways and Means Committee took a bold step and included in its version of the bill a phase-

out of ethanol subsidies. In the report accompanying the bill, the House Committee stated:

[Ethanol tax subsidies] were assumed to be temporary measures that would allow these fuels to become economical without permanent Federal subsidies. Nearly 20 years have passed since that enactment, and neither the projected prices of oil nor the ability of ethanol to be a viable fuel without Federal subsidies has been realized. The Committee determined, therefore, that enactment of an orderly termination of this Federal subsidy program is appropriate at this time.

The Senate Finance Committee took the opposite view, but fortunately, reason prevailed and the conference agreement on the Taxpayer Relief Bill made no change to current law, allowing this needless subsidy program to expire at the turn of the century.

Mr. President, we should end these subsidies. If ever there was a prime example of corporate pork, the unnecessary, inequitable ethanol subsidy program is it.

Mr. President, with today's booming economy, it is hard to justify continued government subsidies for programs that have not lived up to expectations after more than two decades of government assistance. It is even harder when those subsidies are given to an industry that makes over $30 million a year producing ethanol.

Current law terminates ethanol subsidies after the year 2000. This amendment would avoid the $3.8 billion cost of extending the ethanol subsidies through 2006. I urge my colleagues to oppose changing current law and adopt my amendment to prohibit extension of the ethanol subsidies.

Again, Mr. President, I am not without sympathy for the corn producers. I have less sympathy for the large corporations that produce it. But the fact is that I would be willing to agree to an orderly phaseout of this program. But for us to just permanently extend a program that has no viable benefit to consumer or environment doesn't make any sense.

Mr. President, how do we go to the American taxpayer and say, gee, we are cutting your taxes, trying to save you money, we are trying to have good Government here, when we have already spent some $10 billion in subsidies over the last 20 years? And now we are going to go through a $3.8 billion cost to the taxpayer as a result of the ISTEA bill.

Mr. President, we should not do that. We really should not do it. Again, I urge my colleague from Iowa, Senator GRASSLEY, who I respect enormously—I would be glad to talk about a phaseout. But a phaseout must take place.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, several months ago, during the debate on the Balanced Budget Act of 1997, some of my colleagues called upon Congress to end its commitment to ethanol.

These lawmakers drew their daggers in professed horror, charging that federal support for ethanol was some sort of ''deficit buster,'' or a conspiracy of ''corporate welfare.''

While I know that in recent years, this mantra has become popular and convenient for some, it falls far short of the facts in this instance.

Ethanol, as my colleagues are aware, is an alcohol-based motor fuel manufactured from corn. Over fifty facilities produce ethanol in more than twenty different states. By the year 2005, 640 million bushels of corn will be used to produce 1.6 billion gallons of ethanol.

Ethanol is good for the environment. Ethanol burns more cleanly than gasoline, and, according to the Environmental Protection Agency, diminishes dangerous fossil-based fumes, like carbon monoxide and sulfur, that choke the air of our congested urban areas.

Tankers will not spill ethanol into our oceans, killing wildlife. National parks and refuges will not be target for exploratory drilling. When ethanol supplies run low, you simply grow more corn.

Ethanol strengthens our national security. Ethanol flows not from oil wells in the Middle East, but from grain elevators in the Middle West, using American farmers, and creating American jobs. With each acre of corn, ten barrels of foreign oil are displaced—up to 70,000 barrels each day.

And for farmers, ethanol creates value-added markets, creating new jobs and boosting rural economic development. According to a recent study conducted by Northwestern University, the 1997 demand for ethanol is expected to create 195,000 new jobs nationwide.

Ethanol is the fuel of the future—and the future is here. Illinois drivers consumer almost five billion gallons of gasoline, one-third of which is blended with ethanol. Chicago automotive plants are assembling a new Ford Taurus that runs on 85 percent ethanol. More and more gas stations are offering ethanol as a choice at the pump.

Isn't it worth cultivating an industry that improves the environment and promotes energy independence? Isn't it the responsibility of Congress to foster an economic climate that creates jobs and strengthens domestic industry? Don't we have a commitment to rural America, and a responsibility for its economic future?

Mr. President, I think the answer to these questions is a resounding yes, and that's why I urge my colleagues to oppose this amendment.

Mr. GRASSLEY. Mr. President, I urge my Senate colleagues to vote against the anti-ethanol tax hike amendment offered by Senator MCCAIN.

The good Senator from Arizona took us down this road last year, only to be turned back by a vote of 69–30.

I want to thank the 35 Republicans and 34 Democrats who joined in defending the Grassley/Moseley-Braun ethanol program extension, and urge that you join us again in defending one of our Nations's bright spots in our long battle to reduce our dependence upon foreign energy.

I want to thank Chairman ROTH for honoring the request from Senator LOTT, Senator MOSELEY-BRAUN, and me to include in the highway bill the same ethanol language that we defended in that 69–30 vote last year.

Mr. President, with increased frequency, we hear loosely tossed around the phrase ''corporate welfare.''

Unfortunately, by failing to establish and apply a consistent, workable definition, ''corporate welfare'' becomes as worn and arbitrary as the term ''pork barrel.''

Is it ''corporate welfare'' for an Arizona road construction company to take a government check to build roads?

Clearly, without the government money, it would not be building roads, so does that make it ''corporate welfare?''

Is it ''corporate welfare'' for a defense contractor to take a government check to build aircraft? Clearly, without the government money, it would not be building military aircraft.

If the key factor in identifying corporate welfare is the receipt of a government check, then America has a lot of companies depending upon corporate welfare.

But what if the company receives no government check—not one thin dime from Uncle Sam?

What if America decides that because it has become increasingly and dangerously dependent upon foreign energy, that we must establish programs and incentives to develop domestic sources of energy and to conserve energy?

What if, instead of doling out government checks to specific corporations, we establish a program to lower the taxes of motorists who use gasoline blended with home-grown ethanol?

That's exactly how the ethanol program works! Not one thin dime from the government goes to ethanol producers such as ADM. We do not pick the winners and losers.

We do not influence, let alone decide or dictate who makes ethanol or who doesn't.

Ethanol is produced by 35 companies with plants in 22 states. Many of these are farmer owned and operated cooperatives that support small towns and small businesses.

Anybody under the sun in America can produce ethanol, and the fact is, one of the biggest growth areas in ethanol production is coming from cooperatives.

But no matter who makes ethanol, they will get absolutely no government funds from the ethanol program that my colleague from Arizona seeks to destroy through a tax hike.

The ethanol program doesn't even fit the criteria outlined by the corporate subsidy reform bill introduced by Senator MCCAIN.

One key test under his bill is whether or not government spending benefits the public, as opposed to a narrow group of corporations. Numerous studies have demonstrated that ethanol incentives provide tremendous economic, energy, and environmental benefits to the public.

Those who oppose the ethanol program are not trying to eliminate a subsidy; they are attempting to impose a tax increase upon America's motorists.

And we all know that the power to tax is the power to destroy, and that is just exactly what will happen if the anti-ethanol forces win.

Ask the Society of Independent Gasoline Marketers of America what will happen. If you deny them the alternative of ethanol-blended gasoline as a supply option, many will no longer be able to compete with the major oil companies. Many independents will be forced out of business by big oil, and gasoline prices will rise.

And rise indeed: According to recent economic analysis, the termination of the ethanol program would force motorists to pay an extra $3 billion for gasoline!

The Midwest Governors Conference analysis of the ethanol program found that it provides a 20–1 return on investment. It adds $4.5 billion annually to farm income, it reduces our trade deficit by $2 billion, and it generates $4 billion in increased federal revenues.

Does the ethanol program promote the public interest? Absolutely.

Is the ethanol program ''corporate welfare?'' Absolutely not!

There is not one shread of credibility to accusations that the ethanol program is corporate welfare.

Unfortunately, many of us have been caught up with misinformation. Misinformation disseminated by big oil's massive brain washing-machine, with it's hyper spin cycle that fuels the engines of tabloid journalism.

Again, it's a massive brain-washing-machine, with a hyper spin cycle. And you thought I was going to say it was a vast right wing conspiracy.

Mr. President, a year or so ago, Senator MCCAIN produced a white-paper which analyzed and critiqued our nation's current defense planning assumptions which require us to be prepared to go it alone simultaneously fighting wars in two regions of the world, and do so with a win-win objective. He concluded that our financial and military resources are stretched too thinly to meet the demands of such a defense plan.

We may not always agree, but Senator MCCAIN rightfully takes a backseat to no one in his understanding of military affairs.

I hope, therefore, he will take to heart my following comments which touch directly upon stretched military resources as well as the question of corporate welfare.

Over 40 years ago, American oil producers convinced the federal government to impose oil import quotas and tariffs with the argument that we faced a national security crisis because we were importing a mere 10 percent of our oil.

Today, our national security crisis is far more severe—we depend upon foreign energy for over 50 percent of our needs. I believe it's about 54 percent today.

In 1995, the administration reported, and I quote:

> Growing import dependence increases U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity . . . petroleum imports threaten to impair national security.

Now, Mr. President, what I am about to share, will shed light, not only upon Senator MCCAIN's concern about our military resources being spread too thin, but also upon the very reason our petroleum imports continue to grow and continue to jeopardize our national security.

In 1987, Secretary of Navy, John Lehman, stated that our total cost of protecting the Persian Gulf oil supply lines—forces, training, operations, bases and support—amounted to 20 percent of our total military budget.

That amounted to $40 billion per year that taxpayers were being forced to pay to defend foreign oil.

By any definition, this $40 billion, gold-plated military escort service is a subsidy directly benefiting the major oil companies and the Persian Gulf oil producing nations.

So I ask, isn't this $40 billion military subsidy simply corporate welfare for an exclusive club of oil companies?

And doesn't the expenditure of 20 percent of our military budget to defend oil supply lines partly explain the reason for and suggest solutions to the problems detailed in Senator MCCAIN's white paper?

What would happen if the oil companies, or even the oil producing nations, were required to pay for this $40 billion per year military escort service?

Well, I can hear the oil importers already saying, ''You either pay me now, or pay me later. We'll just pass on the cost to the American consumer with high gasoline costs.''

My answer to that is ''maybe so, but let's take a look at all the trade-offs.''

I ask my colleagues to think about this. One analysis concluded that this $40 billion taxpayer subsidy put the real cost of imported Persian Gulf oil at $140 per barrel, during a time that U.S. domestic producers were getting about $18 per barrel.

Is it any wonder that thousands of American independent oil producers were forced out of business during the 1980's?

Isn't it just a little ironic that these taxpaying oil producers were being forced to subsidize the very foreign competition that was running them out of business?

And, if they were still producing today, would we be so reliant upon foreign oil?

Which, in turn, leads to the question of whether or not we would feel so compelled to devote 20 percent of our military resources to the Persian Gulf in the first place.

Would it not make more sense to let the market place take over by requiring someone other than the taxpayer to pay for this military escort service?

Wouldn't this put Oklahoma and Texas producers back in business?

And to cap it all off, think of this: Most of this subsidized Persian Gulf oil goes not to the United States, but to our economic competitors in Europe and Japan! So here we are, subsidizing the energy of our foreign manufacturing competitors so that they can better undercut American manufacturers.

I'm not sure what we have here: Corporate welfare? Foreign aid? Or is it Foreign corporate welfare?

Picking up on John Lehman's admission that we must devote 20 percent of our military budget to protect Persian Gulf oil supply lines, it goes without saying that we are also talking about the lives of our sons and daughters who bravely, and honorably serve in our military.

And as inflammatory as this may sound to some, the truth is not one of our sons and daughters have ever been asked to sacrifice life or limb to defend the supply lines and production of America's home-grown domestic fuel—ethanol.

Isn't that worth something? Isn't that worth a mere 5.4 cent exemption from highway taxes?

Or is your thirst of tax increases too great to resist?

Are we that blind? Just a few months ago, officials of a Persian Gulf nation admitted publicly that they wanted American oil companies to establish operations in their country. Why? Because they knew the U.S. military would then most definitely come to the rescue if that country faced aggressive military action from a neighboring country.

A few months ago, four of our nation's top national security experts wrote to congressional leaders calling for increased support for ethanol.

They warned, and I quote:

> The domestic ethanol industry provides fuels that reduce imports . . . We implore Congress of the United States to continue and indeed strengthen tax incentives for the ethanol industry.
>
> To do otherwise would threaten America's national and economic security, weaken its plans to improve the environment and relinquish U.S. world-wide leadership in the biofuels area.

This letter was signed by: General Lee Butler USAF (Ret.) Former Commander, Strategic Air Command, Desert Storm; R. James Woolsey, Former Director of the CIA; Robert McFarland, Former National Security Advisor to the President; and Admiral Thomas Moorer USN (Ret.), Former Chairman, Joint Chiefs of Staff.

Mr. President, by using ethanol, Americans reduce by 98,000 barrels a day, the amount of oil and MTBE that must be imported.

But the ethanol program is just one of many government programs implemented to reduce our dependence upon

foreign energy. Others include: Mass transit subsidies, energy efficiency and conservation programs, alternative fuel vehicle incentives, subsidies to help oil and gas producers to develop advanced technologies for exploration and extraction, programs to promote natural gas use, and the Strategic Petroleum Reserve.

Let's face it, no single government program can eliminate dependence upon foreign oil entirely, but these various initiatives, taken together as a whole, can help reduce our vulnerability.

I ask my friends from oil and gas states:

Is your problem the farmer and ethanol producer from the middle west?

Or is it OPEC and the oil sheiks from the Middle East?

Isn't it time we started pulling together, instead of pulling apart?

Or do you propose giving up and surrendering to the OPEC oil sheiks by eliminating all energy and conservation programs?

If so, be prepared to face the termination of the 14 cent highway excise tax exemption for natural gas.

Be prepared for the termination of the highway tax brake for propane, liquefied natural gas, and methanol which now only pay 13.6 cents, 11.9 cents and 9.15 cents respectively, instead of the full 18.3 cents per gallon.

Be prepared for the termination of the percentage depletion allowance for domestic producers, which drains the treasury to the tune of $900 million per year.

And while my colleagues from oil and gas states think about this, could they please tell us, are these tax breaks and subsidies programs to promote energy independence, or are they merely forms of corporate welfare?

What about mass transit subsidies. I have seen figures that show some mass transit taxpayer subsidies, for capital and operations, can run as high as $15 per rider. If you assume a 20 mile ride, that comes out to a government subsidy of 75 cents per rider/mile.

Compare the ethanol investment. Ethanol has transported people 200 billion miles at a cost to taxpayers of about 2.5 cents per mile. It's even less if you subtract the savings to our farm programs.

So, which does a better job of reducing our dependence on foreign energy?

Ethanol at 2.5 cents a mile, or mass transit that can cost as high as 75 cents a mile?

We could terminate all these programs aimed at reducing our dependence upon foreign oil.

Are we that short-sighted? Are we that parochial? I think not.

I know we're not, because 35 Republican and 34 Democratic Senators voted to save the ethanol program extension. Senate Republican Leader LOTT and Democratic Leader DASCHLE are both committed to extending this program. House Speaker GINGRICH and Minority Leader GEPHARDT have both pledged to support the ethanol program.

And I know first hand, that both President Clinton and Vice President GORE support the ethanol extension because they both called me at my farm last year to pledge their support.

It would be true folly to destroy one of the few bright spots in our fight for energy independence.

Ethanol production has become highly energy efficient. Today, it takes 100 Btu's to yield 135 Btu's of ethanol. In sharp contrast, it takes 100 Btu's to produce 85 Btu's of gasoline or 55 Btu's of methanol.

And ethanol helps reduce every mobile source pollutant that EPA regulates. It reduces carbon monoxide, ozone, NO_X and toxic emissions.

Furthermore, the Department of Energy and the Argonne National Laboratory recently finished a study entitled, ''Fuel-Cycle Fossil Energy Use and Greenhouse Gas Emissions of Fuel Ethanol Produced from Midwest Corn.'' This study reported that ethanol use results in a 50–60 percent reduction in fossil energy use and a 35–46 percent reduction in greenhouse gas emissions.

Mr. President, I ask my colleagues to join with me and voting against the McCain tax hike amendment.

Ethanol is good for national security. It is good for the environment. It is good for America's motorists. It is good for our balance of trade. It is good for our farm economy.

I have said it before, but it bears repeating. Ethanol is just plain good, good, good.

Mr. DASCHLE. Mr. President, I strongly oppose the amendment to strike extension of the ethanol tax incentive from the federal highway bill. This program has proven its value to the nation in the past, and its continuation is important not only to the economic vitality of rural America, but also to the national goals of improving air quality and weaning the country from its dangerous dependence on foreign oil.

Over the last 20 years, ethanol has grown from a good idea to a serious alternative fuel for American motorists. Its use today—over a billion gallons per year—significantly reduces our need to import foreign oil. As General Lee Butler has pointed out, every barrel of oil we import from the Middle East costs us, in real terms, more than $100 The cost Americans pay at the pump for gasoline is not reflective of this extraordinary investment, which underscores the need to do even more to reduce our consumption of imported oil.

In addition, clean-burning ethanol helps cities throughout the country achieve clean air standards inexpensively and easily, while reducing emissions of greenhouse gases. And, in rural America, it provides jobs at a time when family farms are struggling to survive.

Mr. President, less than a year ago, this body made clear its overwhelming support for renewable fuels when it defeated a similar amendment to the budget bill by a vote of 69 to 30. The Senate should reaffirm its support for this program just as resoundingly today.

The only difference between last year and today is that today we are debating this tax incentive in the context of the transportation bill. In the past, some have raised the specter that this tax incentive could reduce the federal investment in our transportation infrastructure. I would like to dispel that argument once and for all.

Last week, Transportation Secretary Rodney Slater wrote me that, ''The Administration believes that the ethanol tax exemption does not reduce needed investments in roads, bridges, and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects.'' I ask unanimous consent that the entire letter from Secretary Slater be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF TRANSPORTATION,
Washington, DC, March 6, 1998.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The Administration strongly supports the use of alternate fuels as a meaningful way to address some of the Nation's air quality, energy conservation and balance of payment problems. The future of U.S. transportation will depend heavily on alternative fuels. For these reasons, the Administration is firmly in favor of continuing an ethanol excise tax exemption.

The Administration believes that the ethanol exemption does not reduce needed investments in roads, bridges and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects.

The extension of the tax exemption for ethanol use as a highway motor fuel is part of the Administration's surface transportation reauthorization proposal, S. 468, the National Economic Crossroads Transportation Efficiency ACt (NEXTEA). Our proposal would extend the current exemption provision through September 30, 2006, because of the many benefits that domestic ethanol production provides to the Nation.

Sincerely,

RODNEY E. SLATER.

Mr. DASCHLE. Given the clear benefits of the ethanol tax incentive and the fact that it does not affect federal investments in transportation projects, I urge my colleagues to join me in opposing this amendment and helping to ensure that America has the tools to meet its energy, environmental and economic goals long into the future.

Mr. LOTT. Mr. President, I appreciate Senator MCCAIN's position on this. I understand how he feels about it. I also appreciate the fact that he is willing to bring it up in such a fashion where he can make this points and we can move on to a vote on a motion to table. A number of Senators on both sides could come over and speak at

great length on this subject. But in the interest of trying to begin to move toward a conclusion and getting within, hopefully, a short period of time, the final votes before we would have the cloture vote so we can see what is exactly left to be done on this bill.

In order to get that accomplished, I move to table amendment No. 1968 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table Amendment No. 1968.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—71

Abraham	DeWine	Kohl
Akaka	Dodd	Landrieu
Allard	Domenici	Levin
Ashcroft	Dorgan	Lott
Baucus	Durbin	Lugar
Bennett	Faircloth	Mack
Biden	Feinstein	McConnell
Bingaman	Ford	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gramm	Murkowski
Brownback	Grams	Murray
Bryan	Grassley	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Roberts
Campbell	Hatch	Roth
Chafee	Helms	Sarbanes
Cleland	Hollings	Smith (OR)
Coats	Inouye	Stevens
Cochran	Jeffords	Thomas
Conrad	Johnson	Thurmond
Craig	Kempthorne	Torricelli
D'Amato	Kerrey	Wellstone
Daschle	Kerry	

NAYS—26

Byrd	Hutchison	Rockefeller
Collins	Inhofe	Santorum
Coverdell	Kyl	Smith (NH)
Enzi	Lautenberg	Snowe
Feingold	Leahy	Specter
Frist	Lieberman	Thompson
Gorton	McCain	Warner
Gregg	Nickles	Wyden
Hutchinson	Robb	

NOT VOTING—3

Kennedy	Sessions	Shelby

The motion to lay on the table the amendment (No. 1968) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I now enter into a colloquy with the distinguished Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a colloquy in order to clarify that a specific kind of innovative materials research will be eligible for funding under this bill.

Many of our Nation's bridges have been in service far longer than originally planned. As a result, they have fallen into a state of serious disrepair. Many of them are in need of outright replacement. Over the past several years, the Federal Government has supported research in an effort to develop a new, stronger, and more environmentally sensitive material for use in bridge construction. One of the most promising developments in this area is a new technology known as ''wood composites.'' These materials combine wood, an abundant and renewable resource, with modern composites to give the wood significantly more strength and durability.

I am proud to say that the University of Maine's Advanced Engineered Wood Composites Center has been a leader in developing wood composite technologies, and it has done so in part with research funds from the National Science Foundation. That research has now advanced to the point where composite-reinforced wood is being used in pilot projects in Maine and elsewhere in the United States.

Wood composites have shown a great deal of promise as a means of providing low-cost, extremely durable, and environmentally safe material for building and repairing bridges. Given its performance and its promise, we should be enthusiastically promoting further development of this exciting new technology.

I have discussed with the chairman my strong support for ensuring that the research involving wood composites, specifically wood fiber-reinforced plastic composites, will be eligible for funding under the sections of this legislation. Specifically, the bill authorizes funding to: First, establish four new national university transportation centers; second, section 2005 of the bill authorizes funding for the Department of Transportation's basic research and technology programs over the next 6 years; third, section 2001 of the bill authorizes funding for the Federal Highway Administration's National Technology Deployment Initiatives and Partnership Program; and, finally, section 2013 of the legislation authorizes funding for an innovative bridge research and construction program.

The purpose of my colloquy with the distinguished chairman today is to confirm my understanding that the ongoing research involving wood FRP composites is eligible for funding under all of these sections of the ISTEA reauthorization bill, and further that the University of Maine's Wood Composites Center will be eligible to apply for designation as one of the new NUTCs authorized in the bill.

I yield to my distinguished friend and colleague from Rhode Island, the chairman of the committee, Senator CHAFEE, for any reassurances that he might be able to give me in this regard.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to confirm the understanding of the Senator from Maine, Ms. COLLINS, that, in fact, wood composite research involving so-called wood FRP composites is eligible to compete for funding under those sections of the ISTEA II legislation that she mentioned.

Furthermore, I want to confirm for the Senator that the Advanced Engineered Wood Composites Center at the University of Maine is eligible to apply for designation by the Federal Highway Administration as one of the four new national university transportation centers authorized by the ISTEA legislation as well.

I understand there is a great deal of excitement about this new, emerging field of wood composite research. Certainly I believe that the Federal Government should be actively encouraging and providing funding for this innovative activity, which would be beneficial to rebuilding many of our bridges across our country.

Mr. President, I look forward to continuing to work with Senator COLLINS during the committee conference on this matter, and I want to express my appreciation to her for her efforts in bringing this matter to my attention.

Ms. COLLINS. Mr. President, I thank the distinguished chairman of the committee. I invite both the distinguished chairman and the distinguished ranking minority member, Senator BAUCUS, to come to the University of Maine sometime and look at the fabulous research that is being done in this area. It is extremely exciting. The wood reinforced with these composites is stronger than steel. I am very proud of the research that is going on in my State and I believe it can contribute greatly to the transportation future of this country.

Mr. CHAFEE. Is that all in Orono?

Ms. COLLINS. It is.

Mr. CHAFEE. The home of black bears, I believe.

Ms. COLLINS. That's right.

Mr. BAUCUS. I say to my gracious friend from Maine, I accept her invitation. I would love to see this process, not only because anyone would like to visit Maine, but, second, it is mutually beneficial to lots of other States which have a very prominent reinforced products industry. I thank the Senator.

Ms. COLLINS. I thank the Senator. We will throw in a lobster dinner as well.

Mr. BAUCUS. It's a deal.

Ms. COLLINS. I yield the floor.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent we temporarily lay aside the Finance amendment currently pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1969 TO AMENDMENT NO. 1676

(Purpose: To allow entities and persons to comply with court orders relating to disadvantaged business enterprises and to require the Comptroller General to carry out a biennial review of the impact of complying with requirements relating to disadvantaged business enterprises)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1969 to amendment No. 1676.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I and II of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I and II of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I and II of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I and II of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

Mr. MCCONNELL. Mr. President, the amendment I send to the desk has been cleared, I am told, by both Senator CHAFEE, the chairman of the committee, and Senator BAUCUS, the ranking minority member. It is my understanding there is no objection.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the amendment offered by the Senator from Kentucky deals with the so-called Disadvantaged Business Enterprise Program. I want to emphasize this McConnell amendment is not the same as the earlier McConnell amendment which we voted on a week ago. This new amendment would clarify Department of Transportation policy with regard to grant recipients who are under a Federal court order.

It also would require a new GAO study of the DBE program and of discrimination against DBEs in general.

Mr. President, the Senator has made a number of modifications to this. It is an amendment we are prepared to accept. I thank him for working out these modifications with us.

Mr. BAUCUS. Mr. President, this amendment has been worked out and cleared on our side.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say briefly that this amendment is simple, fair and noncontroversial, as evidenced by the fact that my colleagues have signed off on it.

It says two things:

First, no State or local transit authority will lose its ISTEA funding simply because it suspends the DBE Program in response to a court order declaring the program unconstitutional.

Second, my amendment asks GAO to study the program and lets Congress know how the program is working to ensure it genuinely helps disadvantaged women and minorities.

Even though ISTEA and the DBE program were declared unconstitutional last summer by the federal court in Colorado, this legislative body chose to reauthorize the program because the Secretary of Transportation and the Attorney General promised us that any possible problems with the program had been cleaned up under the new proposed regulations.

The Senate accepted the Secretary and the Attorney General at their word. As my good friend and respected colleague from New Mexico stated on the floor last Thursday night:

> I say to the administration very clearly right now: You have now put the signature of the Attorney General of the United States and the Secretary of [Transportation] on the answer to . . . seven questions [about the constitutionality of this program]. And this Senator, and I think a number of other Senators, is going to be voting to keep the provisions in the bill based on these kinds of assurances. . . . If, in fact, it comes out in a few months that the regulations are not being interpreted in the way suggested here, then I assure you that we will change them. . . . This better become a very, very, serious challenge to the administration as they finally implemented this program.

I appreciate the candor of my friend, Mr. DOMENICI. Consistent with that candor and with that challenge, my amendment simply says that the Senate is taking the administration at its word.

And, if for any reason, the program is not fixed, and more courts strike down the program, then my amendment ensures that we will not punish the States for complying with federal court orders.

The PRESIDING OFFICER. Is there further debate on the amendment? If

not, the question is on agreeing to the amendment.

The amendment (No. 1969) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEPA PROCESS AND TRANSPORTATION PROJECTS

Mr. SMITH of New Hampshire. Mr. President, I would like to speak for a few minutes on the need to bring some common sense and reason to the environmental permitting process for transportation projects. I am pleased to say that we have at least begun a debate on this issue and that a bipartisan effort to improve the environmental review process has taken place.

As a member of the Environment and Public Works Committee, I am very familiar with the planning and construction process for highway and bridge projects. As such, I have been disturbed by statistics showing that it takes 10 years to plan, design and construct a typical transportation project in this country.

Why does it take so long to plan a project? The answer lies in the multiple layers of agency evaluations on the impacts of various modes and/or alignment as required by the National Environmental Policy Act (NEPA). While it would be sensible and efficient if the NEPA process established a uniform set of regulations and submittal documents nationwide, this has not been the case.

For example, the Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, and their companion state agencies each require a separate review and approval process, forcing separate reviews of separate regulations and requiring planners to answer requests for separate additional information. Also, each of these agencies issues approvals according to separate schedules. The result: the time period between project beginning to completion has grown to at least 10 years, assuming that the project is non-controversial and there is adequate funding available. If either of these assumptions is not the case, the time period could be even longer.

I am sure that if Senators contacted their own state transportation departments, they would be dismayed by the number of transportation projects that are delayed due to overlapping and often redundant regulatory reviews and processes. These delays increase costs and postpone needed safety and traffic improvements that would save lives. Clearly, this process from start to finish is too long and too cumbersome, often taking eight years just to complete the planning, review and design phases of a project.

There are numerous examples to illustrate why the current system is broken. One of these examples is from my home state of New Hampshire. The Nashua Circumferential Highway project was in the planning and environmental review phase for more than 10 years and had received the necessary permits from the Corps of Engineers when, at the eleventh hour, EPA stepped in and exercised its veto authority. EPA vetoed the project even though a $31 million environmental mitigation package was committed by the state. A scaled back version of this project is finally back on the table. However, many years and a significant amount of resources were unnecessarily wasted. This is just one of many fiascoes that have occurred all over the country.

While I think the language in S. 1173 represents a good first step, I still believe we could do more to streamline and improve the review process without circumventing protections for the environment. Unfortunately, there are certain groups who consider the National Environmental Policy Act to be a sacred statute in which no changes are warranted. I disagree with that viewpoint.

I had intended to offer my own NEPA streamlining amendment today which would greatly improve the environmental review process for highway-related projects. In fact, my amendment is endorsed by numerous professional organizations involved in transportation as well as the association of state departments of transportation—the people who have first-hand knowledge and experience in the planning and design of a project. When it takes an average of eight years to complete the environmental review process, there is something wrong with the system.

Many of these wasteful endeavors could have been avoided if a coordinated interagency review procedure was established early in the process. I think it is also important to establish a framework with mutually agreed upon deadlines for each agency to take action, as well as establish an effective dispute resolution process. As it stands now, often times there is no Federal-State coordinated review process established from the beginning, no set timetables for meeting certain reviews or permit approvals, and no system for resolving disputes in a timely manner.

We need to design a better system that protects both the taxpayers' investment and the environment. I do not buy the argument that making common sense reforms to the NEPA review process is in any way compromising environmental protection.

In conclusion, I hope we can continue working on improvements to the planning process as the ISTEA bill makes its way through conference. The system is ''broke'' and needs fixing. Thank you, Mr. President, and I yield to the distinguished majority leader.

Mr. LOTT. Mr. President, I thank the Senator from New Hampshire for raising this important issue on the ISTEA bill. I completely agree with his statement about the need to reform the NEPA review process as it pertains to transportation projects. In fact, the National Environmental Policy Act as a whole needs to be looked at for possible improvements. I fully support the goals and intent behind NEPA, but I also believe that States are capable of carrying out NEPA's requirements when planning and reviewing various transportation projects within their borders.

While I agree with my friend that S. 1173 makes good progress toward streamlining the environmental review process, I share his concerns that it might not go far enough in resolving this problem. It is clear we need a more effective environmental coordination process that results in less staff time and expense for all the agencies and stakeholders in the NEPA process.

If we are successful in this effort, we will hopefully reduce the time it now takes in reaching final decisions and receiving project approvals and permits, saving resources and lives. Therefore, I congratulate my colleague on his efforts thus far and encourage him to pursue additional improvements to the current NEPA review process. At this time, Mr. President, I yield back to my friend from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank the majority leader for his comments and support on this issue as we move toward Senate passage and conference committee deliberations on the ISTEA legislation. I yield the floor.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that three members of my staff be permitted to have access to the floor for further consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are down to the point where this Senator wants to get some information. I don't serve on this committee, so I want to serve notice to the managers that I have a series of questions I want to ask them.

I keep being told that the money under this bill is allocated, that there is no way at all to consider any amendments that might deal with the marine highway system.

So, in the course of the next few hours, I intend to find out what has happened to the money that is in this bill and why there is no money to fulfill the needs of our State.

I suggest the absence of a quorum, until I get the information that my staff is bringing.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1963

Mr. CHAFEE. Mr. President, I ask unanimous consent that no further amendments be in order to the Finance amendment and the amendment be agreed to with a motion to reconsider being laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1963) was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1970 THROUGH 1973, EN BLOC, TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I have a series of technical amendments here that are agreeable to both sides, and I will have them considered en bloc. The first is an amendment by Senator BYRD dealing with a study of the highway and bridge needs and road needs of the country. The second is a MOSELEY-BRAUN safety amendment. The third is a SARBANES amendment dealing with travel plazas. The fourth amendment is from Senator MOYNIHAN dealing with the Pennsylvania Station Redevelopment Corporation board of directors and the membership of that board.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes amendments en bloc numbered 1970 through 1973 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

The amendments (Nos. 1970 through 1973) are as follows:

AMENDMENT NO. 1970

(Purpose: To impose certain requirements concerning the biennial infrastructure investment needs report)

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

"§ 509. Infrastructure investment needs report

''(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

''(1) estimates of the future highway and bridge needs of the United States; and

''(2) the backlog of current highway and bridge needs.

''(b) FORMAT.—

''(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).

Mr. BYRD. Mr. President, this amendment is designed to keep the Congress and the American people informed about the real condition of our National Highway System.

Under current law, the Secretary of Transportation is required to sent a biannual report to the Congress on the performance and conditions of America's highways.

Unfortunately, the report that was due at the beginning of last year was not completed and delivered to the Congress until last week, some 18 months late. Moreover, the new report uses an entire new set of measures that make it impossible to determine whether the condition of our roadways has improved or declined. Indeed, the new report abandons the format utilized in prior years which provided direct and clear data on the condition of our highways and bridges. This data enabled all citizens and policy makers to measure the progress of lack of progress that had been made on improving our highway system.

This amendment would ensure that all future reports include data using the format that was used in prior years so that we can compare ''apples to apples'' when formulating our national policy on highways.

AMENDMENT NO. 1971

(Purpose: To improve highway safety)

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

AMENDMENT NO. 1972

(Purpose: To authorize the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway)

At the end of subtitle H of title I, add the following:

SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

AMENDMENT NO. 1973

(Purpose: To provide for the inclusion of the Secretary of Transportation and Federal Railroad Administrator on the Boards of Directors of the Pennsylvania Station Redevelopment Corporation and the Union Station Redevelopment Corporation)

At the end of the bill add the following:

SEC. . PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: ''(3) In furtherance of the redevelopment of the James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.''

SEC. . UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

''Section 820. Union Station Redevelopment Corporation

''To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.''

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1970 through 1973), en bloc, were agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1974 AND 1975, EN BLOC, TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendments numbered 1974 and 1975, en bloc, to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1974

(Purpose: To reduce the amounts authorized to be appropriated for motor carrier safety)

On page 91, line 23, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 24, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 25, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 92, line 1, strike ''$10,000,000'' and insert ''$9,320,000''.

On page 92, line 2, strike ''$10,000,000'' and insert ''$9,320,000''.

AMENDMENT NO. 1975

On page 108, line 14, strike ''(A)'' and insert ''(A)(i)''.

Mr. CHAFEE. Mr. President, the one amendment on behalf of Senator MCCAIN deals with the Commerce Committee's budget allocation.

The other is on behalf of myself, and it is a truly technical modification of the bill by changing a site reference. It is necessary to comply with the contract authority levels for highway safety programs.

Both of these amendments have been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1974 and 1975), en bloc, were agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I seek the attention of the distinguished Senator from Rhode Island for a moment. Mr. President, I am about ready to send an amendment to the desk.

AMENDMENT NO. 1976 TO AMENDMENT NO. 1676

(Purpose: To reauthorize the ferry discretionary program)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1976 to amendment No. 1676.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking ''$14,000,000'' and all that follows through ''this section'' and inserting in lieu thereof ''$30,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $30,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003 in carrying out this section, at least $12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System''.

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated $20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both Federal and State, for providing marine ferry service.

Mr. STEVENS. Mr. President, my amendment will extend and provide a modest increase for the national ferry program under section 1064 of the previous ISTEA bill. The old ferry program provided $18 million a year nationwide in contract authority for ferry boat and ferry terminal construction. We have raised that to an average of $30 million per year in contract authority and in addition have authorized $20 million to be appropriated. The amendment would require that $12 million per year of the $30 million of contract authority be used for ferries, ferry terminals, and approaches to ferry terminals within marine highway systems which are part of the national highway system. As many of my colleagues know, the Alaska Marine Highway System is unique in this nation in that Congress has deemed it important enough to designate it as part of the national highway system. Alaska is by far the largest state in the union. We possess half of all the coastline, twenty percent of all the border, and almost half of all the federal lands in the United States.

For these and other reasons, the amendment is of particular importance to Alaska. Alaska has very few roads. In fact, our State capitol lies within an area of Alaska the size of West Virginia which contains no intercity roads at all. Practically all of this land is federally-owned, and the present Administration has made it very difficult for us to build roads on federal lands in Alaska. Ferries are the only form of surface transportation for Alaskans in this area. The ferries currently serving Alaska are almost thirty years old. The oldest ones have been in service since the Kennedy Administration. These vessels must be replaced soon.

I would also like to point out that twenty percent of the nation's oil comes from Alaska. Our oil produces 25 million gallons of gasoline each day. This translates to $1.6 billion dollars in gas taxes going straight to the federal Treasury, for which Alaska gets no credit whatsoever. This money is on top of the income taxes paid into the Treasury by the oil companies and their employees in my state. Alaska gets no credit in the highway formula for fueling the nation's cars. While this amendment does not help us build more roads, it will improve transportation for many Alaskans.

A number of Senators (INOUYE, AKAKA, LAUTENBERG, BREAUX, MURRAY, FAIRCLOTH, KERRY, KENNEDY, SNOWE, COLLINS, MOYNIHAN, HELMS, and REED) had joined Senator MURKOWSKI and me in an earlier amendment that would have provided $50 million per year in contract authority for ferries. While this compromise does not provide all of the funding needed for ferries nationwide, it is an improvement over the existing program.

Mr. President, again, this will amend the Intermodal Surface Transportation Efficiency Act reauthorization for the ferries and ferry terminals. It has been under discussion here for some time. I am delighted that we now have an allocation of contract authority that could be applied to this. It also provides for an authorization for appropriations for the balance of the months we needed for the circumstances I described previously.

Mr. MURKOWSKI. Mr. President, I compliment the staffs and I thank Senator CHAFEE.

Mr. President, Ferries are a small but extremely important part of our transportation system. This amendment reauthorizes the ferry discretionary program at $30 million per year, with an authorization to appropriate $20 million more annually, and

it calls on the Secretary of Transportation to conduct a thorough review of existing ferry services and potential new routes, and to both report back to Congress and to discuss his findings with interested local and state governments. It is our hope this will both maintain this important link in our transportation chain, and stimulate thought and action toward both standard and high-speed ferries as cost effective and environmentally sensitive alternatives for traditional solutions such as bridges and causeways. Included is a provision setting aside $12 million for ferry systems that are in the national highway system.

Mr. President, in my state of Alaska, where roads are few and far between our ferry system—the Alaska Marine Highway System—is the only scheduled transportation link between many island communities which are not connected by roads. Many of these villages are too small even to have the smallest of landing strips, and expensive float planes are the only other option for travel.

It is absolutely irreplaceable. It carries senior citizens from their small communities to doctors' offices and hospitals in larger communities. It is how basketball and swimming and other sports teams from remote villages are able to reach out to meet and interact with other teams from other communities. It is how small communities receive their fresh milk, their fresh bread, and their canned goods and other foodstuffs. Most of these are fishing communities, and quite often the ferry system is now a fishermen sidelined by an engine breakdown will get his new parts so that he can get back to making a living for himself and his family.

Mr. President, I could go on, but I trust the message is clear. In my state, the service provided by our ferry system is an integral part of the fabric of life. When I say it is irreplaceable, that is not just a figure of speech, it is the literal truth.

In other states, Mr. President, ferry services may have slightly different impacts, but they are all equally essential. In Hawaii they offer a necessary alternative to a strained road system that is close to its limits. In the southeast, they quickly and safely evacuate those threatened by hurricanes. In the Pacific Northwest and in the northeastern states they move hundreds of thousands of vehicles and millions of passengers quickly and safely and with a minimum of pollution.

In all, 25 states have benefited from the ferry discretionary program under ISTEA. In alphabetical order, these are: Alabama, Alaska, California, Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, Maryland, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia and Washington. Puerto Rico and the Virgin islands have also received funds.

Mr. President, that is an impressive list, but the sad fact is that the funding that has been available under this program is not keeping pace with the need. Ferries—like any vessel—are very expensive to operate, let alone the cost of maintaining the necessary shoreside facilities, and of expanding both those facilities and the capacity of our nation's ferries in response to increasing demand.

Let me offer a little comparison here. The national highway program has paid for and is paying for the construction and replacement of over 483,000 bridges over waterways of various sizes. In FY97 alone, almost $2 billion went to bridges. The ferry program was a puny $18 million—less than one percent of the bridge dollars, and not nearly enough to do the job.

And what of those communities that are beyond the reach of bridges and are dependent—literally dependent—on ferries? The communities may not be physically or reliably reachable by road, but they are full of American citizens who deserve the same priority treatment from Congress as those who are reliant on bridges.

My amendment gives those communities the recognition and assistance they need and deserve. I urge the support of all my distinguished colleagues, and ask for it's immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1976) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 1951

Mr. CHAFEE. Mr. President, this is a modification to amendment No. 1951, which we adopted earlier in the day. It recognizes the changes that were made in various sections.

I send the modification to the desk.

The PRESIDING OFFICER. The amendment is modified.

The modification is as follows:

On page 40, strike lines 10 through 15 and insert the following:

''(other than the Mass Transit Account) to carry out sections 502, 507, 509 and 511: $68,000,000 for fiscal year 1998; $1,500,000 for fiscal year 1999, $4,500,000 for fiscal year 2000, $2,500,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, $4,500,000 for fiscal year 2003.''

Mr. LOTT. Mr. President, pursuant to the consent agreement on March 10, I will ask the clerk to report the cloture motion. But before he does that, I want to announce to all Senators that this will trigger the cloture vote that was postponed from Monday's session of the Senate. Assuming cloture is invoked then, all Senators will have an additional 4 hours to file with the clerk any additional first-degree amendments. Due to the lateness of the hour, we will amend the request in the closing remarks to reflect a new time of 10 a.m. tomorrow morning for the deadline on filing the amendments. I thank all Senators for their cooperation, and I particularly congratulate and thank the Senators managing the bill, Senators CHAFEE and BAUCUS. They have made good progress. I think maybe when we get this cloture vote, we can begin to see what amendments we have to consider and we can begin to bring this to closure.

This will be the last vote of the evening. There will be another vote in the morning. This one will be on the McCain amendment, probably sometime between 10:30 and 11 o'clock.

Therefore, I make that request.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation. Efficiency Act:

Trent Lott, John H. Chafee, John Ashcroft, Larry E. Craig, D. Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, R.F. Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spencer Abraham, Jesse Helms.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, the ISTEA authorization bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—96

Abraham	Craig	Helms
Akaka	D'Amato	Hollings
Allard	Daschle	Hutchinson
Ashcroft	DeWine	Hutchison
Baucus	Dodd	Inhofe
Bennett	Domenici	Inouye
Biden	Dorgan	Jeffords
Bingaman	Durbin	Johnson
Bond	Enzi	Kempthorne
Boxer	Faircloth	Kerrey
Breaux	Feingold	Kerry
Brownback	Feinstein	Kohl
Bryan	Ford	Landrieu
Bumpers	Frist	Lautenberg
Burns	Glenn	Leahy
Byrd	Gorton	Levin
Campbell	Graham	Lieberman
Chafee	Gramm	Lott
Cleland	Grams	Lugar
Coats	Grassley	Mack
Cochran	Gregg	McConnell
Collins	Hagel	Mikulski
Conrad	Harkin	Moseley-Braun
Coverdell	Hatch	Moynihan

Murkowski	Roth	Stevens
Murray	Santorum	Thomas
Nickles	Sarbanes	Thompson
Reed	Sessions	Thurmond
Reid	Shelby	Torricelli
Robb	Smith (NH)	Warner
Roberts	Smith (OR)	Wellstone
Rockefeller	Snowe	Wyden

NAYS—3

Kyl	McCain	Specter

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1977 TO AMENDMENT NO. 1676

(Purpose: To add certain counties to the Appalachian region for the purposes of the Appalachian Regional Development Act of 1965)

Mr. WARNER. Madam President, I ask unanimous consent we can now bring up an amendment by the distinguished Senator from Georgia, Mr. CLELAND. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CLELAND, proposes an amendment numbered 1977 to amendment No. 1676.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle H of title I, add the following:

SEC. 18___. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting ''Hale,'' after ''Franklin,'';

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting ''Elbert,'' after ''Douglas,''; and

(B) by inserting ''Hart,'' after ''Haralson,'';

(3) in the undesignated paragraph relating to Mississippi, by striking ''and Winston'' and inserting ''Winston, and Yalobusha''; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting ''Montgomery,'' after ''Lee,''; and

(B) by inserting ''Rockbridge,'' after ''Pulaski,''.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, I would like to explain this briefly. Two counties in northeast Georgia are in Appalachia, Elbert County and Hart County. They opted out of the original act creating the Appalachia Regional Development Corridor in 1965. They now desire to enter on behalf of their counties. This amendment directs itself to two counties in Georgia that qualify in every respect and meet the standards of the law. I urge the amendment be agreed to.

Mr. WARNER. Madam President, I ask unanimous consent a letter to me from the Appalachian Regional Commission be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

APPALACHIAN REGIONAL COMMISSION,
Washington, DC, March 10, 1998.

Hon. JOHN WARNER,
Chairman, Subcommittee on Transportation and Infrastructure, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: Thank you for your letter of March 10, 1998, requesting technical assistance regarding the economic status of possible additional counties to be served by the Appalachian Regional Commission. It should be noted that the Congress has added only three counties to ARC since our early formation.

ARC uses four categories to describe the economic status of our 399 counties: attainment (those counties that are performing at national economic norms); competitive (those counties that are near national norms but are not yet fully at national averages); transitional counties (those counties whose economies are still significantly below national levels on key indicators but are not suffering from severe distress); and distressed (those counties whose economies are substantially below the national level of economic performance).

In making these determinations we examine unemployment, per capita market income, and poverty rate. Distressed counties, for example, have three-year unemployment rates that are at least 150% of the national average, per capita market incomes that are no more than two-thirds of the national average, and poverty rates that are at least 150% of the national rate.

If the ARC criteria were applied to the additional counties, they would be categorized as follows: Hale County, Alabama—distressed, Elbert County, Georgia—transitional, Hart County, Georgia—transitional, Yalobusha County, Mississippi—distressed, Montgomery County, Virginia—transitional, Rockbridge County, Virginia—transitional.

I have attached a chart that shows the specific data for each of these counties. If you have any questions, please let me know.

Sincerely,

JESSE L. WHITE, JR.,
Federal Co-Chairman.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1977) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I wish to thank the distinguished Senator from Georgia. He worked long and hard on this amendment. It involves a lot of small—five States are touched by this amendment—small rural areas. Without his leadership on it, it is not likely this matter would have been incorporated in this bill. I thank the Senator.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 1979 TO AMENDMENT NO. 1676

(Purpose: To provide for the reconstruction of national defense highways located outside the United States)

Mr. CHAFEE. Madam President, on behalf of Senator MURKOWSKI and Senator STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, for himself and Mr. STEVENS, proposes an amendment numbered 1979.

Mr. CHAFEE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, between lines 15 and 16, insert the following:

''(xiii) amounts set aside under section 11___.

On page 136, after line 22, add the following:

SEC. 11___. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed $16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

Mr. MURKOWSKI. Madam President, I thank the managers for accepting my amendment on the reconstruction of the Alaska Highway. The Alcan is the only road link between the contiguous states and Alaska. It was constructed in 1942 during World War II to respond to a critical strategic need for such a highway.

This amendment adds language needed to fund the last stages of a multiyear reconstruction project on the Alcan, which runs 1,520 miles from Dawson Creek, British Columbia to Fairbanks, Alaska.

The still-unfinished portion is the last 95 miles of the 325-mile northern, or ''Shakwak'' section, so-called because a good part of it runs through a geological formation called the Shakwak Trench.

At this point, Mr. President, I want to provide a little of this highway's fascinating history. Since the British burned the Capitol here in Washington during the War of 1812, the United States' territory in the mainland of North America has suffered only one invasion. That invasion was during World War II, in Alaska.

In 1940, construction began on Fort Richardson, outside Anchorage. However, immediately after the bombing of

Pearl Harbor, it became clear that Alaska had great strategic importance as a staging area for forces in the North Pacific. Construction on the Alcan began in the spring of 1942.

In June 1942, Japanese aircraft bombed Dutch Harbor, Alaska. Four days later, they invaded and fortified sites on Attu and Kiska, two of the Aleutian Islands, which they held for nearly a full year before our forces liberated them.

During the Japanese occupation of these U.S. islands, the Alcan was built. It provided a secure route to move essential supplies and equipment safe from German or Japanese submarines.

In a feat of engineering that is still unprecedented, the U.S. Army Corps of Engineers managed to build this 1,520-mile road across trackless wilderness in just eight months.

At first, naturally, the Alcan was just a dirt road punched through trees and across the tundra by bulldozers. After the war, however, civilian contractors began the long task of upgrading to a graveled road that civilian vehicles could manage.

But traffic continued to increase, with 79% of the traffic Americans on the way to Alaska and back. A gravel road just isn't up to the task.

In 1977, the United States and Canada joined in an agreement in which the United States government committed to pay the costs of reconstructing the Alcan to a modern, paved standard, and Canada undertook to pay for all maintenance and upkeep, such as snow removal.

In passing, Mr. President, let me note that where the U.S. commitment in that agreement has been approximately $20 million per year and is now dropping to $16 million per year, Canada spends $40 million to $50 million per year on its portion of the highway agreement.

Mr. President, if I may, I have a copy of that 1977 diplomatic agreement that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
EXTERNAL AFFAIRS, CANADA,
Ottawa, February 11, 1977.

Note No. GWU–156

His Excellency THOMAS O. ENDERS,
Ambassador of the United States of America, Ottawa.

EXCELLENCY, I have the honor to refer to your Note No. 11 of January 11, 1977, concerning bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

I am pleased to inform you that the Government of Canada accepts the proposals set out in your Note and agrees that your Note, together with its Annex, and this reply, which is authentic in English and French, shall constitute an agreement between our two Governments which shall enter into force on today's date.

Accept, Excellency, the renewed assurances of my highest consideration.

DONALD JAMIESON,
Secretary of State for External Affairs.

EMBASSY OF THE
UNITED STATES OF AMERICA,
Ottawa, January 11, 1977.

No. 11

Hon. DONALD JAMIESON,
Secretary of State for External Affairs, Ottawa.

SIR: I have the honor to refer to the discussions between representatives of our two governments regarding bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

As a result of these discussions, I now have the honor to propose that the conditions set forth in the attached annex, which accord with the understandings reached between the representatives of our two governments, should govern such reconstruction. These conditions shall not affect continuing obligations of the two governments regarding the status and use of the Alaska Highway, Including the agreements effected by exchanges of notes dated March 17 and 18, 1942; November 28 and December 7, 1942; and April 10, 1943

If these conditions are acceptable to your government, I propose that this note, together with its annex, and your reply indicating such concurrence, shall constitute an agreement between our two governments, which shall enter into force on the date of your reply. Accept, Sir, the renewed assurances of my highest consideration.

ANNEX

Agreed conditions regarding a program of cooperation between the Government of the United States represented by the Federal Highway Administrator, Department of Transportation, and the Government of Canada, represented by the Minister of Public Works, to improve certain highways in Canada to facilitate transportation between and within their respective countries, and to implement the purposes of section 218 of Title 23, United States Code. These shall apply only to the program authorized by that section.

The Government of the United States and the Government of Canada agree as follows:

ARTICLE I

For purposes of this Agreement:

1. ''Highways'' means that portion of the Alaska Highway from the Yukon-Alaska border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the British Columbia-Alaska border.

2. ''Reconstruction'' means the supervising, inspecting, actual rebuilding, paving, and all other work incidental to the reconstruction of the highways (except for providing right-of-way), including but not limited to planning studies, environmental studies, locating, surveying, plan and specification preparation, contracting, financial control, traffic control devices, and those utility relocations which are the responsibility of the Canadian Government.

3. ''Maintain such highways'' means to perform such work on a year round basis as shall be necessary to keep the completed highway and related facilities in a state of repair and use equivalent to the standards to which they are reconstructed under this Agreement.

ARTICLE II

1. The United States and Canada agree to the reconstruction of such Highways in accordance with standards agreed to by them jointly in writing prior to commencement of reconstruction.

2. The United States will pay to Canada the cost of reconstruction out of funds appropriated for that purpose by the Congress of the United States and will

(a) Inform Canada of the amount of funds appropriated from time to time therefore in order that Canada may schedule and perform the reconstruction or such part thereof or may from time to time be paid for out of such appropriated funds,

(b) Provide liaison with Canadian officials responsible for the program to meet and discuss planning, programming and scheduling of reconstruction, and

(c) Process an Environmental Impact Statement in accordance with the laws of the United States and of Canada,

3. Canada will

(a) Provide, without participation of the United States funds appropriated for the reconstruction, all necessary right-of-way for the reconstruction of such highways for a period of 25 years from the date of entry into force of this agreement and thereafter until five years (or such shorter period as the parties may agree upon) after either party shall have notified the other that the right-of-way is no longer required for its purposes for the said highways, whereupon this Agreement shall cease to have force or effect,

(b) Not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons.

(c) Not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada.

(d) Continue to grant reciprocal recognition of vehicle registrations and drivers' license in accordance with agreements between responsible authorities in each country,

(c) Maintain such highways after reconstruction while this Agreement remains in force and effect,

(f) Permit those performing the reconstruction to obtain natural construction materials, such as gravel, rock and earth fill, without cost to be used in the reconstruction, provided that the materials required shall be obtained in accordance with the directions and regulations of the appropriate Department of the Government of Canada,

(g) Perform all reconstruction engineering, including preparation of Environmental Assessments and Statements, all necessary surveys, and preparation of reconstruction plans, specifications and estimates,

(h) Commence the reconstruction only after receiving advice from the United States that the Environmental Impact Statement has been satisfactorily processed in accordance with the laws of the United States,

(i) Arrange for the reconstruction to be performed under contracts awarded by competitive bidding insofar as possible and without regard as to whether the contractors are American or Canadian,

(j) Supervise the reconstruction,

(k) Obtain interim and final concurrence of the United States in the following:

(1) Programing and scheduling of work.

(2) Scope, terms of reference and provisions of the Environmental Assessment and Statement.

(3) Alignment of the highways.

(4) Contract plans, specifications and estimates.

(5) Award of contracts.

(6) Acceptance of projects for final payment.

(l) Permit the reasonable access of authorized representatives of the United States to the site of reconstruction and will make available the accounts and records relating to the reconstruction contracts, at all reasonable times, for purposes of inspection, verification and general monitoring of the reconstruction.

4. (l) The United States and Canada will jointly consider the settlement of claims by contractors or other persons arising out of

reconstruction contracts and the reconstruction or either of them, and if any such claim cannot be resolved by agreement, the same shall be determined by the Federal Court of Canada in an action by or against Her Majesty the Queen in right of Canada,

(2) All legal costs, and other monies, paid out by Canada to settle any such claim whether pursuant to a final judgment of the Federal Court of Canada, or otherwise, shall be one of the costs of reconstruction for the purposes of this Agreement.

(3) The United States shall not be liable for the payment of such claims or judgments to the extent that they are held by the Federal Court of Canada to be the result of negligence on the part of Canada or its employees during the administration of the reconstruction.

5. The United States and Canada jointly will develop operating procedures consistent with this Agreement, including procedures for resolving disputes between the parties.

ARTICLE III

This Agreement shall not be construed so as to vest in the United States any proprietary interest in the highways, and upon completion of the project, or any part thereof, the highways shall remain, in all respects, an integral part of the Canadian Highway System.

Mr. MURKOWSKI. The U.S. commitment to reconstruct the Alcan is only logical. The Alcan is an international highway from one part of the United States to another. It is considered as a national defense highway, and it is of direct benefit not only to Alaska, but to the United States as a whole.

This is not an Alaska issue, Madam President. This is a project undertaken by the United States Government—a project that benefits the country as a whole and which protects our strategic interests. More importantly, it is one which we should now complete.

Mr. CHAFEE. Madam President, this amendment gives the Secretary of Transportation the authority to fulfill our international treaty obligations. It deals with the so-called highway between Canada and Alaska. It has been cleared by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1979) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1716 TO AMENDMENT NO. 1676

(Purpose: To provide for the preservation of historic covered bridges in the United States)

Mr. JEFFORDS. Madam President, I have an amendment at the desk, No. 1716.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. LEAHY, Ms. SNOWE, Mr. GREGG, Mr. SARBANES, Mr. D'AMATO, Mr. SANTORUM, Mr. GRASSLEY, and Ms. COLLINS, proposes an amendment numbered 1716 to amendment No. 1676.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in the March 6, 1998, edition of the RECORD.)

AMENDMENT NO. 1716, AS MODIFIED

Mr. JEFFORDS. Madam President, I have a modification to the amendment at the desk, and I ask that it be accepted.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) COVERED BRIDGE.—The term ''covered bridge''—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term ''historic covered bridge'' means a covered bridge that—

(A) is at least 50 years old; or

(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site; and

(C) to conduct a field test on a historic covered bridge or evaluate a component of a historic covered bridge, including through destructive testing of the component.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner, and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

Mr. JEFFORDS. Madam President, this amendment gives the States the tools necessary to preserve our Nation's historic covered bridges. These picturesque relics of past industrial genius continue to serve many important functions. However, covered bridges are quickly disappearing due to arson, floods, decay and simple neglect. Without proper and consistent maintenance, these engineering masterpieces will slowly fade into history.

Today I am proposing that the Federal Government assist towns and counties across the Nation in restoring and protecting historic covered bridges. Together with States, local communities and committed preservationists, we can curb the decay of these treasures and protect them for generations to come.

This country once boasted 12,000 covered bridges. Today, less than 800 remain. Not too long ago transportation officials started tearing down these old landmarks by the bunches in favor of more modern and accessible bridges. Arsonists have been a highly visible threat. Weather has taken its toll. Many old bridges have been carried off by floods or collapsed under the weight of heavy snows.

Of course, weather would not be so destructive if it were not for the most dangerous and imminent risk—neglect. Without proper and consistent maintenance, covered bridges slowly decay and eventually fall to harsh weather or flooding.

Behind me are two pictures of covered bridges in Vermont. Many of our Nation's historic wooden bridges are in this shape. Others are suffering, but some are being preserved as this picture shows. With proper care and maintenance, covered bridges can be preserved, as this one is, so they might be enjoyed throughout the years.

A majority of these wooden structures still perform their original duties but still carry more traffic and weight than their designers anticipated, often leading to weight-related collapse.

The cost to properly rehabilitate a working covered bridge comes close to $500,000. Some bridges are far more expensive. Many of these bridges are on town roads, off the National Highway System, and tend not to be a priority. But these bridges must not be lost.

This amendment will direct the Secretary of Transportation to fund the efforts to inventory, repair and maintain

our Nation's covered bridges. Moneys provided by the measure give the States the ability to fully restore their covered bridges ensuring the safety of travelers without compromising the bridges' historical integrity.

This amendment calls for proper research, construction and maintenance techniques. The proposal will provide funds for fire, arson and vandalism prevention. These grants to States will prove vital to ensuring the covered bridges survive into the next century, into the next millennium.

These covered bridges stand as a reminder of our heritage and contribute immensely to making our Nation the beautiful place it is today. I urge my colleagues to adopt this amendment.

I commend the authors of this legislation, Senators CHAFEE, WARNER, and BAUCUS, for completing action on this measure.

Mr. GRASSLEY. Madam President, I am pleased to join with my friend and colleague Senator JEFFORDS, to help spotlight and preserve an important part of America's and Iowa's heritage—covered bridges. This amendment will help our states to do the rehabilitation and preservation work necessary to maintain these icons of the open road. I urge the adoption of this amendment.

There is a romance concerning our Nation's covered bridges. They bring forth pictures of a different time in American history. It was a time when life moved more slowly, both on and off the road. It was time when travelers could take the time to enjoy the scenery as they unhurriedly passed by. Now it seems that most of us are in a hurry to get to our next destination, with little or no time to observe and enjoy the passing scene.

Today, I am happy to say, these bridges are drawing tourists. In Iowa this is in no small part due to a very popular book which was made into a movie. ''The Bridges of Madison County'' has greatly helped to focus attention on covered bridges. For Iowa, the book and movie have helped to increase our tourism industry. For our Nation, the book and movie have helped to bring into full view of the public a unique part of our transportation and cultural heritage. This attention for the covered bridges is well deserved.

Maintenace and protection of these bridges is expensive. It is well that we take steps at the federal level to help the states preserve and protect these structures of beauty and grace. They are truly a national enhancement, a vital part of our history, and deserving of our special attention.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the Jeffords-Specter amendment, which establishes a federal grant program to preserve our Nation's historic wood-covered bridges for future generations.

There are 526 covered bridges nationwide, and almost 90 percent are in a critical state of disrepair. Pennsylvania enjoys the most covered bridges of any state, with 167. Unfortunately, the vast majority are either closed, or have weight limitations placed upon them to forestall further deterioration. Aside from the aesthetic reasons for repairing these bridges, there are safety implications as well for those who travel across them each day.

The wood-covered bridges which dot the landscape across rural America serve as more than simply a tourist attraction. They are in essence a bridge to our past which allows us to better understand how previous generations worked to expand this Nation's transportation infrastructure and link communities together. It would indeed be a tragedy to allow them to simply waste away.

It is estimated that approximately $344 million will be needed to bring all of our Nation's covered bridges up to standard. Our amendment would authorize $25 million each year over a period of seven years to restore and maintain these bridges, which are over 50 years of age. This would provide states with a much-needed dedicated source of funding to be used strictly for covered bridge preservation.

As a member of the Senate Transportation Appropriations Subcommittee, I will work with my colleagues to ensure a steady funding stream once this program is authorized by passage of this amendment.

If we do not act now, these national treasures will be lost forever. I urge my colleagues to adopt this amendment and thank Senator JEFFORDS for his leadership on this issue.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I commend the Senator from Vermont for his amendment. I think he is dealing with a very, very important subject. Having traveled a good deal in Vermont, I am familiar with these lovely covered bridges, but his amendment does not restrict the protection for the covered bridges to only his State. I think some 16 different States are involved with this amendment, and others beyond that, perhaps.

As the pictures show, these are magnificent structures and really very unique engineering feats. We want to do everything we can to preserve them, and this is a modest step in that direction. I think it is a very worthwhile amendment to take.

Mr. FORD. Madam President, Senator BAUCUS, who is the floor manager from our side, was called away from the floor, and I am attempting to assist his staff and to help our distinguished chairman. I am advised this side has no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1716), as modified, was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Madam President, I ask unanimous consent that the statements of Senators BINGAMAN, HUTCHINSON, MURRAY, COLLINS, REED and WARNER be considered as a part of the proceedings in this morning's executive session of the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield the floor.

Mr. FORD. 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. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BRIGHT FUTURE FOR SOCIAL SECURITY

Mr. ROTH. Madam President, we live in an era of great events—a moment when opportunity seized in a thoughtful and timely manner will allow us to make history. Today I want to show how conditions that have been created by our efforts to strengthen the economy and bring down the deficit can not only save Social Security in the short term, but begin today to strengthen it for our children and for generations yet to come.

Saving Social Security is a promise we have made to Americans—both young and old. It's a promise that President Clinton reiterated in his most recent State of the Union Address. And it's a promise that we can keep, despite the challenging demographics and declining trend lines that currently point to a bleak future for a program that many would say is the most important contract our government has ever entered into with the American people.

Social Security has saved countless men, women and children from poverty. It protects our elderly, our disabled, their families, and dependents of workers who have died. In its 63-year history—and despite pressing challenges—Social Security has been a success. More than 40 percent of our seniors are kept out of poverty because of

Social Security. In fact, our seniors today have the lowest rate of poverty among all age groups. Forty years ago, more than one of every three elderly Americans lived in poverty. Today it's one in ten.

But Social Security is much more than protection in retirement. Because of congressional efforts to expand the program, one out of every six Americans—or some 44 million people—receive a monthly Social Security check.

But today, Social Security faces insolvency. It is a pay-as-you-go, intergenerational transfer of money. Money received by Social Security beneficiaries is paid by taxes coming from today's workers. And the benefits today's workers will receive will be paid by their children. And this, Madam President, is the root of the problem, because those who are supporting the system are declining in relation to those who depend on Social Security. In the early days of the program, there were as many as 42 workers per beneficiary. Today, there are 3.2. And in 2030, just 2 workers will support each individual receiving Social Security.

Given current trends, tax revenues to the Social Security trust funds will no longer cover benefit payments beginning in 2012. Social Security will need to call upon assets that are just now accumulating in the trust funds and invested in U.S. Treasury bonds. Cashing in those bonds will put major pressure on the Federal budget—crowding out other important spending. Even so, by 2029 the bonds will be gone. Social Security will then be able to cover only 75 percent of benefit payments directly from revenues.

This, Madam President, does not need to happen. We can save Social Security, and we can strengthen it well into the future. A part of the solution is as simple as it is powerful.

Dr. Martin Feldstein, a professor of economics at Harvard University and the President of the prestigious National Economic Research Bureau, has proposed using budget surpluses to fund personal retirement accounts for working Americans. In November of 1997, and then again last month, Dr. Feldstein published two op-eds outlining his proposal in the Wall Street Journal. I ask unanimous consent that the February op-ed be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LET'S REALLY SAVE SOCIAL SECURITY

(By Martin Feldstein)

''Despite Mr. Clinton's rhetoric, all his budget 'reserves' for Social Security is what's left after other spending and tax cuts chew up the projected budget surpluses.''

President Clinton highlighted Social Security in the resounding rhetoric of his State of the Union address—and again in a speech yesterday—but completely ignored it in the budget proposals he then presented to Congress. Despite the president's calls to use the projected budget surpluses to ''save Social Security first'', there is nothing in his budget to improve Social Security's finances or to enhance future retirement incomes.

Mr. Clinton's inaction notwithstanding, the projected budget surpluses do provide an unprecedented opportunity to improve the financial outlook for Social Security and, at the same time, to supplement future Social Security benefits with investment-based pension income. Before I describe that possibility in more detail, let's look more closely at what Mr. Clinton said and what his words might have meant.

CAREFUL WORDS

In the State of the Union address; the president said: ''If we balance the budget for next year, it is projected that we will have a sizable surplus in the years immediately afterward. I propose that we reserve 100% of the surplus—that's every penny of any surplus—until we have taken all the measures necessary to strengthen the Social Security system for the 21st century.'' What does that mean? Mr. Clinton often chooses his words very carefully, so we must read those words with equal care.

Lets begin with the ''surplus'' itself. The Congressional Budget Office now projects that the overall federal budget will be essentially in balance for the next two years (annual budget deficits of $2 billion and $3 billion) and will then shift to a decade of surpluses that by 2006 will exceed $100 billion a year, equal to more than 1% of projected gross domestic product.

Contrary to the impression of his language, Mr. Clinton does not propose to devote these projected surpluses to Social Security. He only suggests that ''any surplus'' that remains after whatever new spending and tax cutting occurs should be ''reserved''. In short, he makes no commitment to do anything for Social Security. Despite his rhetoric, all that Social Security gets is what's left after other spending and tax cuts chew up the projected budget surpluses. In reality, saving Social Security comes last.

The president's budget calls for a wide range of new spending programs in health, education, child care, the environment and transportation that would cause total spending to exceed, by $40 billion over the next four years, the budget caps that were the essence of the 1990 budget agreement and that are the basis of the CBO's forecast of the future budget surpluses. That $40 billion would be half of the CBO's total projected surplus for the next four years. In addition to these explicit new spending plans, the president has several spending initiatives dressed up as targeted tax reductions (e.g., ''a school construction tax cut to help communities'').

By an amazing feat of inside-the-Beltway logic, Mr. Clinton claims that this jump in spending would be consistent with his proposal to ''reserve 100% of the surplus'' for Social Security. The trick is his plan to introduce new taxes on cigarette smokers, high-income individuals and corporations. Since those taxes have not yet been enacted, they are not reflected in the projected budget surpluses. Mr. Clinton can therefore propose to spend those future tax dollars while technically claiming that he is not spending any of ''the surplus''! Of course, those who are as concerned about the future of Social Security as Mr. Clinton claims to be might wonder why he wouldn't ''reserve'' the additional tax revenues as well as the existing projected surpluses.

It also takes a highly nuanced construction of language to reconcile Mr. Clinton's big new spending plans with his call in the State of the Union to ''approve only those priorities that can actually be accomplished without adding a dime to the deficit''. In truth, every one of his new spending proposals would add to the deficit. But combined with enough new taxes, there need be no increase in the deficit. That is the nature of tax-and-spending budgeting. But if the Republican-controlled Congress rejects Mr. Clinton's tax increases, the popular spending plans that he proposes would cut into the projected surpluses.

Yet if there are some surpluses left, what might Mr. Clinton mean by his proposal to ''reserve 100% of the surplus''? The word ''reserve'' has no particular meaning in the budget process. Money can be appropriated, spent or added to trust funds, but it cannot be ''reserved''. And Mr. Clinton doesn't even say that it should be reserved ''for Social Security'' or for anything else in particular. Just ''reserved''. Senior administration officials have subsequently testified that it doesn't mean putting the money in the Social Security Trust Fund. It turns out that ''reserving'' this money has nothing at all to do with Social Security.

In short, Mr. Clinton talked eloquently about the Social Security problem but offered no proposal to do anything about it. The projected budget surpluses are clearly vulnerable to a combination of special-interest spending programs and populist tax cuts. And the Social Security program continues to head toward a deficit that will require a massive tax increase or drastic cuts in benefits.

There is a simple and direct solution: a legislated commitment now to use the projected surpluses to finance Personal Retirement Accounts for every working person. The projected surpluses are large enough to permit the government to put 2% of each individual's wages (on earnings up to the $68,400 Social Security maximum) each year in such an account to be invested in stocks and bonds. There are a variety of ways in which such accounts could be established and financed; I offered one way, based on personal income-tax credits, on this page in November.

If the budget surpluses projected for the next decade are used in this way, funding such accounts would not reduce the money going into the Social Security Trust Fund and would not cause a budget deficit. Committing future budget surpluses now to individual investments in stocks and bonds would guarantee that they add to national saving instead of being dissipated in new government spending.

A system of accounts based on 2% of earnings would accumulate some very significant totals, providing the only way in which many low- and middle-income households might ever accumulate some personal wealth. Based on the historical average return on a portfolio of stocks and bonds (5.5% a year before personal taxes), a couple that earns $60,000 a year (in 1998 dollars) and contributes 2% of that each year from age 30 to 65 would accumulate $125,000 at age 65, enough to finance a $10,000-a-year annuity for 20 years. In the aggregate, such annuity payments would equal 17% of the Social Security benefits implied for the year 2030 in current law and 40% of the benefits implied for 2050.

That has important implications for the long-term solvency of the Social Security system. Following a suggestion of Sen. Phil Gramm (R., Texas), the Personal Retirement Account-funded annuities could be ''integrated'' explicitly with Social Security benefits so that traditional Social Security benefits are reduced by a dollar for every two dollars that individuals receive from their Personal Retirement Accounts. That would leave individuals with more retirement income while reducing the payroll-tax increases that would otherwise be needed to finance future benefits.

CLEAR OPPORTUNITY

There are many changes that can be made to help Social Security weather the surge in

benefit outlays when the baby boomers begin to retire, about a decade from now. The four regional forums on overhauling Social Security that Mr. Clinton announced yesterday, as well as the bipartisan summit he says he plans to call a year from now, can grapple with those tough choices.

But the projected budget surpluses now provide the clear opportunity for a simple legislative action that would help all working people, raise national saving and contain the rise in future payroll taxes. With the president's support, this can be done quickly, before the opportunity to do so is destroyed by the pressures that will otherwise dissipate the projected surpluses. A bipartisan effort could actually turn Mr. Clinton's rhetoric into a serious plan to save Social Security and protect future retirement incomes.

Mr. ROTH. In his State of the Union Address, President Clinton promised to ''Save Social Security First'' with the budget surpluses. At the time, he said that the surpluses were at least 2 years off. The good news—what makes now such a timely moment in history—is that the surpluses are not two years off, but will begin this year, according to the Congressional Budget Office.

In other words, we have the opportunity to begin almost immediately to use budget surplus to fund personal retirement accounts for Americans. How far will this go? CBO estimates that the cumulative budget surplus over the next eleven years—from 1998 though 2008—will be $679 billion. That equals about 1.4 percent of the taxable payroll that would be collected over this same period.

Now, 1.4 percent of a person's wages might not sound like much. But look at what happens if we follow Dr. Feldstein's recommendation and use the budget surpluses to create retirement accounts for Americans. According to a report published by the Congressional Research Service on March 4, for an average wage worker—someone who is 40 today and making about $27,000 in 1998—just 1 percent put annually into a stock account based on the historical return of the S&P 500 could equal 10 percent of that individual's projected Social Security benefit over the next 25 years.

Let me repeat that. Investing just 1 percent of a 40-year-old worker's income in a retirement account will grow to equal a full 109 percent of his or her Social Security benefit! For someone younger—say 25 and who has even more time to earn interest—1 percent could equal almost 27 percent of their future Social Security benefit.

Indeed, all Americans can figure out what 1.4 percent of their wages will be over the next 10 years, and then ask themselves how that might grow in 10 or 20 years.

Using budget surpluses to create retirement accounts represents an excellent first step toward shoring up Social Security for the long run. This would be a new program in addition to the current Social Security program. By establishing these accounts this year, it will allow us to demonstrate their value—their potential—in providing retirement benefits for working Americans in the years to come.

Creating these accounts will give the majority of Americans who do not own any investment assets a new stake in America's economic growth—because that growth will be returned directly to their benefit. More Americans will be the owners of capital—not just workers.

Creating these accounts will demonstrate to all Americans the power of saving—even small amounts—and how savings may grow over time. Americans today save less than people in almost every other country. And even this low private savings rate has declined from 4.3 in 1996 (as a share of after-tax income) to 3.8 percent in 1997.

And creating these accounts will help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement program other than Social Security. A recent survey by the Employee Benefits Research Institute found that only 27 percent of working Americans have any idea of what they will need to save in order to retire when and how they want. Personal retirement accounts will help Americans better understand retirement planning.

Lastly, these accounts may point the way to a permanent solution to Social Security's problems. We do not need fixes for a few years or a few decades—but solutions that have more permanent promise. It was just 15 years ago—in 1983—that we fixed Social Security for 75 years—to about 2058. But again Social Security is in trouble.

Madam President, let me also note that other choices will be far less attractive to keep the promise of Social Security, for example, we cannot count on tax hikes. To fix Social Security would require a huge, 50-percent increase in the payroll tax over the next 75 years. And today's tax is already a burden for many families. Forty-one percent of families pay more in Social Security taxes than income taxes, and if you factor in employer Social Security taxes—which economists tell us are really forgone wages—80 percent of Americans pay more in Social Security than income taxes. And let us remember Social Security taxes are on the first dollar of income—no deductions, no exemptions.

Indeed, in a speech last month at Georgetown University on Social Security, the President promised not to unfairly burden the next generation—who will be supporting tomorrow's Social Security beneficiaries. Tax hikes would do that.

One way to establish and manage these new personal retirement accounts is to follow a proven model—the Federal Thrift Savings Plan. Back in 1983, when I was then chairman of the Committee on Governmental Affairs, the retirement program for Federal employees needed to be revamped.

One of the new elements we added was the Federal Thrift Savings Plan (TSP), managed by a Board of Trustees. TSP is a unique institution. Each Federal employee has an account, and can allocate their investments among three options—a stock index fund that mirrors the S&P 500; a bond fund, largely invested in corporate bonds; and a Government bond fund that invests in T-bills. The Thrift Board is now planning to add two other funds.

Last year, we looked closely at the Federal Employees Health Benefit Plan (FEHBP) as a model to reform Medicare by providing more private choices in health insurance. The lessons of FEHBP were invaluable. So, too, I believe we can adapt the Federal Thrift Savings Plan as a model for Social Security personal investment accounts.

Mr. President, I want to respond to two specific concerns I have heard raised about personal investment accounts. First, that some people will have great investment performance, others miserable. We can surely avoid that. The funds of the Federal Thrift Savings plan have had excellent performance, while remaining conservative investments. Indeed, I am very sensitive to the issue that investments should be handled in a responsible fashion—and I think we do that with even more choices than offered by the Federal plan.

The second concern is that the progressive nature of Social Security benefits will be lost with personal investment accounts. I believe we can construct a system that benefits low-wage workers, and I am committed to that. The bottom line is that by using the budget surplus to create personal investment accounts, we will go a long way toward providing a workable and very attractive solution to the challenges facing Social Security. We will do it without compromising the current system. And we will do it in a way that places us square on the course to long-term opportunity for all Americans.

Promises made are promises that should be kept. As chairman of the Senate Finance Committee, I feel the responsibility of making sure Social Security remains strong and viable in the lives of those who depend on it. Today, we have an irreplaceable opportunity to do this.

Personal retirement accounts—funded by budget surpluses—can both return real benefits to working Americans and demonstrate how to fix the problems of Social Security. There are still a number of technical questions we need to answer in developing personal retirement accounts legislation that can pass Congress this year. Toward this end, I will continue to work with my staff, and I welcome the views and advice of colleagues on both sides of the aisle.

NATO

Mr. ROTH. Madam President, I rise today to respond to the charge that has been made in a number of newspapers over the last week—and particularly by

the New York Times—that the public, Congress, and the Senate, in particular, has paid inadequate attention to the policy of NATO enlargement.

Few issues of national security have been as extensively examined as NATO enlargement. It has been the topic of countless editorials and opinion pieces in national and local papers. Over the last two years some fifteen states, including the First State, Delaware, have passed resolutions endorsing NATO enlargement. This policy has been formally endorsed by countless civic, public policy, political, business, labor, and veterans organizations.

I ask unanimous consent that a list of these organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

POPULAR SUPPORT FOR NATO ENLARGEMENT

MILITARY/VETERANS ORGANIZATIONS

AMVETS
The American G.I. Forum
The American Legion
Association of the U.S. Army (AUSA)
Jewish War Veterans of the United States of America
Marine Corps League
National Guard Association of the United States
Polish Legion of American Veterans, USA
Reserve Officers Association of the United States (ROA)
Veterans of Foreign Wars of the United States (VFW)

CIVIC, POLICY AND POLITICAL ORGANIZATIONS

Council of State Governments
National Governors' Association
New Atlantic Initiative
U.S. Committee to Expand NATO
U.S. Conference of Mayors

RELIGIOUS/HUMAN RIGHTS ORGANIZATIONS

American Jewish Committee
Anti-Defamation League of B'nai B'rith
Hungarian Human Rights Foundation
Jewish Institute for National Security Affairs

ETHNIC-AMERICAN ORGANIZATIONS

Central and East European Coalition
American Latvian Association
Armenian Assembly of America
Belarussian Congress Committee of America
Bulgarian Institute for Research and Analysis
Congress of Romanian Americans, Inc.
Czechoslovak National Council of America
Federation of Polish Americans
Estonian National Council of America
Estonian World Council, Inc.
Georgian Association in the U.S.A., Inc.
Hungarian American Coalition
Joint Baltic American National Committee
Lithuanian American Community, Inc.
National Federation of American Hungarians
Polish American Congress
Slovak League of America
Ukrainian Congress Committee of America, Inc.
Ukrainian National Association, Inc.
U.S.-Baltic Foundation

BUSINESS-LABOR ORGANIZATIONS

AFL–CIO
United States-European Union-Poland Action Commission
International Union of Bricklayers and Allied Craftworkers

STATE SENATES

California
Connecticut
Delaware
Georgia
Illinois
Massachusetts
Michigan
New Jersey
Pennsylvania
Rhode Island
South Carolina

STATE HOUSE OF REPRESENTATIVES

Colorado
Illinois
Michigan
New Jersey

GOVERNOR'S OFFICES

Florida
Illinois
Michigan
New Mexico
Ohio
Puerto Rico

Mr. ROTH. Congress, in particular, has led the charge for NATO enlargement. Its committees have examined in detail the military, intelligence, foreign policy, and budgetary implications of this long overdue initiative. Since last July alone, twelve hearings have been conducted on NATO enlargement by the Senate committees on Foreign Relations, Armed Services Appropriations, and Budget. The Senate NATO Observer Group, which I chair with Senator JOSEPH R. BIDEN, has convened 17 times with, among others, the President, the Secretaries of State and Defense, NATO's Secretary General, and the leaders of the three invitee countries.

Madam President, allow me to single out Senator HELMS, the chairman of the Committee on Foreign Relations, for his outstanding set of eight hearings on this initiative. He and his colleagues on the Committee have produced a hearing report of some 600 pages addressing all the pro and con argument over NATO enlargement. And, I urge my colleagues to take time to examine the committee report released last week.

This examination, in my view, has yielded unambiguous conclusions: The extension of NATO membership to Poland, the Czech Republic, and Hungary will make the Alliance stronger. It will eliminate immoral and destabilizing dividing lines in Europe—divisions imposed by Stalin and perpetuated by the cold war. And, it will expand an inclusive zone of peace, democracy and stability in Europe to the benefit of the United States and to all countries of Europe, including Russia.

It is no surprise—indeed a matter of pride—that the Senate has legislatively recommended NATO enlargement some fourteen times over the last 4 years. Perhaps, we should be asking ourselves how can we ensure that all dimensions of U.S. national security policy receive this much public attention and endorsement?

Before I yield the floor, I want to echo these conclusions on NATO enlargement by sharing with my colleagues a letter I recently received from Dr. Zbigniew Brzezinski, a former National Security Advisor. In part, Dr. Brzezinski wrote:

> Without the security that the Euro-Atlantic Alliance has provided, the Franco-German reconciliation—so central to Europe's peace—would never have taken place. Without NATO, the ongoing German-Polish Reconciliation would not be happening. With NATO enlarged, a genuine reconciliation between the former Soviet satellites and Russia will be both truly possible and likely.
>
> The fact is that a larger NATO—by resolving the fateful European dilemma posed by the disproportionate power of Germany and of Russia, a dilemma the Europeans have not been able to resolve on their own—will create a secure framework for a more comprehensive reconciliation in Europe.
>
> Denmark, Norway and Canada have already ratified NATO enlargement. Germany is poised to do so very soon. Hesitation or delay by America, not to speak of rejection, would gravely undermine confidence in U.S. Leadership while strengthening those who want to cut down U.S. Influence in Europe. . . .

And Dr. Brzezinski added,

> I hate to think what message it would send to the 100 million Central Europeans who only recently recovered their freedom.

Dr. Brzezinski's letter—which I will submit for the RECORD—not only encapsulates the need for an enlarged NATO, it also reminds us how that this chamber's impending debate and vote on NATO enlargement will reverberate throughout the transatlantic region.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES,
Washington, DC, March 4, 1998.

Hon. WILLIAM ROTH,
U.S. Senate, Washington, DC.

DEAR BILL: Let me share two thoughts regarding the forthcoming vote on NATO enlargement:

1. Without the security that the Euro-Atlantic alliance has provided, the Franco-German reconciliation—so central to Europe's peace—would never have taken place. Without NATO, the ongoing German-Polish reconciliation would not be happening. With NATO enlarged, a genuine reconciliation between the former Soviet satellites and Russia will be both truly possible and likely. The fact is that a larger NATO—by resolving the fateful European dilemma posed by the disproportionate power of Germany and of Russia, a dilemma the Europeans have not been able to resolve on their own—will create a secure framework for a more comprehensive reconciliation in Europe.

2. Denmark, Norway, and Canada have already ratified NATO enlargement. Germany is poised to do so very soon. Hesitation or delay by America, not to speak of rejection, would gravely undermine confidence in U.S. leadership while strengthening those who want to cut down U.S. influence in Europe. I can just hear the crowing that would follow in Moscow, and maybe even also in Paris! And I hate to think what message it would send to the 100 million Central Europeans who only recently recovered their freedom.

With best regards,

Sincerely,

ZBIGNIEW BRZEZINSKI.

UNIVERSITY OF DELAWARE ''FIGHTING BLUE HENS''

Mr. ROTH. Madam President, the NCAA tournament is called by some the 'Big Dance' because only 64 teams are invited each year. This year, I am proud to say one of those teams is the Fighting Blue Hens from the University of Delaware—the 1998 champions of the America East Conference. The Blue Hens put together a remarkable 20 win season culminating last Saturday in a win over Boston University to clinch a spot in the tournament.

Coach Mike Brey and his team should be proud of their excellent season.

Now some will say that the odds are long because the Blue Hens are seeded 15th and their opponent is seeded 2nd. But I remind you, more than 200 years ago, another group of men from Delaware faced some steep odds themselves. Back then, the number one seed was the Red Coats.

Facing off against the Red Coats was a company of men from Delaware recruited by Captain Jonathan Caldwell. They quickly became known as the Blue Hens because their fighting ability was said to rival that of a famous fighting blue hen. They fought well and hard in battles from Long Island and White Plains to Trenton and Princeton.

Two hundred years ago somebody picked a fight with the Blue Hens and they were sent home packing. Don't be surprised if it happens again.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MARCH 6TH

Mr. HELMS. Madam President, the American Petroleum Institute reports that for the week ending March 6, the U.S. imported 7,700,000 barrels of oil each day, 190,000 barrels more than the 7,510,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 54.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 7,700,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Tuesday, March 10, 1998, the federal debt stood at $5,525,631,040,092.91 (Five trillion, five hundred twenty-five billion, six hundred thirty-one million, forty thousand, ninety-two dollars and ninety-one cents).

One year ago, March 10, 1997, the federal debt stood at $5,354,330,000,000 (Five trillion, three hundred fifty-four billion, three hundred thirty million).

Five years ago, March 10, 1993, the federal debt stood at $4,208,636,000,000 (Four trillion, two hundred eight billion, six hundred thirty-six million).

Ten years ago, March 10, 1988, the federal debt stood at $2,481,157,000,000 (Two trillion, four hundred eighty-one billion, one hundred fifty-seven million).

Fifteen years ago, March 10, 1983, the federal debt stood at $1,224,513,000,000 (One trillion, two hundred twenty-four billion, five hundred thirteen million) which reflects a debt increase of more than $4 trillion—$4,301,118,040,092.91 (Four trillion, three hundred one billion, one hundred eighteen million, forty thousand, ninety-two dollars and ninety-one cents) during the past 15 years.

TRIBUTE TO LOUISE CHASE, COMMANDER OF THE AMERICAN LEGION, DEPARTMENT OF PENNSYLVANIA

Mr. SPECTER. Madam President, on April 18, 1998, the Pennsylvania American Legion will honor its State Commander, Louise Chase, a World War II Navy veteran, who was elected Commander at the conclusion of the 79th convention on July 20, 1997. She is the first woman commander of the Department of Pennsylvania in its 80 year history.

In 1979, Commander Louise Chase was elected as the Department of Pennsylvania's first woman vice commander. She has served twice as District Commander. Her Legion service also includes terms as Adjutant of Philadelphia County and the Eastern Judicial Section, two terms as Post Commander and 12 years as Adjutant of Tioga Post 319. She has also served as the organization's state legislative chairman and twice as chairman of the Select Committee on Economics and Benefits, as well as chairman of several other committees.

She is one of only two Pennsylvania Legionnaires to have served on committees of the two National Conventions held in Pennsylvania. She served for 16 years as the Eastern Regional Vice Chairman of the United States Service Academies Selection Committee for Senators John Heinz and Harris Wofford.

Commander Chase served in the U.S. Navy, with duty posting in Washington, D.C. during World War II.

Her family has a long tradition of service to America dating from the Civil War, including her brother Tom who saw sea duty with the U.S. Navy off Cuban waters during the Cuban Missile Crisis. Her late father personally worked with the original astronauts while they were in training at the Johnsville Naval Air Development Center in Warminster, Bucks County, Pennsylvania.

Her business career includes serving as controller and office manager of Philadelphia's prestigious Germantown Cricket Club for 13 years; controller of a construction company, plus manager of two of its high rise apartment buildings for 10 years; and manufacturers' representative for paper container companies for five years. She recently retired as an international marketing representative of a major computer manufacturer.

Her husband, Joseph, was Pennsylvania American Legion Commander in 1991–1992. The two live in Horsham, Montgomery County, Pennsylvania.

Madam President, I congratulate Commander Louise Chase for her service to the veterans of Pennsylvania. I am certain that the Testimonial Dinner being held in her honor on April 18, 1998 will be a fitting tribute to her years of service to The American Legion, veterans, and to her country.

ADVOCACY OF THE DIGITAL COPYRIGHT CLARIFICATION AND TECHNOLOGY EDUCATION ACT OF 1997

Mr. ASHCROFT. Madam President, I rise today to talk about the role of government in the technology sector. Two things can be predicted with confidence about congressional meddling in this sector of the economy. First, legislation will be obsolete on the day it is passed. Second, it will hurt consumers, students, teachers, workers, shareholders, and the economy. if Congress had helped set up the automobile industry, there still might be a livery stable in every town, and buggy whip factories in large cities. America's dynamic, world-leading computer industry must be kept free of regulation by slow-moving federal bureaucrats who cannot possibly understand or keep pace with the most dynamic sector of the economy.

Taken together, these developments highlight the need for Congress to step back and draft with care the necessary legislation to extend copyright protections to those who develop content for the digital age, instead of blindly racing ahead to enact a Clinton Administration proposal supported by major Hollywood interests.

Consider the consequences. Last year, Americans purchased 11 million PCs and 16.8 million VCRs. This year, another 12.6 million PCs and 16.6 million VCRs are expected to be purchased in the United States. These devices enjoy great popularity. At least one VCR is found in 90 million homes and at least one PC is found in 42 million homes, specifically because of the convenience, entertainment and efficiency they bring. They are popular precisely because they are useful and technologically advanced. Nonetheless, a House subcommittee specifically rejected an amendment that would have

assured consumers access to the next generation of these products.

This isn't the first time someone has tried to stop the advance of new technology. In the mid 1970s, for example, a lawsuit was filed in an effort to block the introduction of the Betamax video recorder. At that time, representatives of Hollywood declared that the VCR would destroy their business. They could not have been more wrong. Last year video tape rentals accounted for a $16 billion portion of the entertainment market. Indeed, people in the movie industry have stated that video sales often make a movie profitable, and some movies are produced exclusively for the home rental market. The movie industry has not learned from history. The same doomsayers are at it again, decrying the lawful use of products by consumers. Their rhetoric has been updated for the digital age, but their message remains the same.

This is an important debate that is currently taking place in the Congress and that is the discussion regarding how best to update the copyright laws for the digital age. In particular, I want to bring to the attention of my colleagues two significant developments that occurred in the last weeks, and to urge you to join as cosponsors of S. 1146, the Digital Copyright Clarification and Technology Education Act of 1997.

In order to help focus the debate on the best way to update the copyright laws for the digital era, I introduced S. 1146 in September. This legislation is a comprehensive effort to address three broad areas of critical importance to the future of the Internet: (1) the scope of copyright liability for on-line and Internet service providers; (2) the use of computers by teachers, librarians, and students to foster distance learning opportunities and to promote the preservation of important historical works and resources; and (3) the proper implementation of two international copyright treaties. Subsequently, Representatives RICK BOUCHER and TOM CAMPBELL introduced a similar comprehensive bill in the House (H.R. 3048) to foster the growth of the Internet for the benefit of everyone in society.

Two important developments took place in the past two weeks that underscore the importance of a comprehensive approach to updating the copyright laws. First, on February 25th, 40 distinguished professors of intellectual property law and technology law said in a letter to the Chairmen of the Senate and House Judiciary Committees that they believe these two bills, S. 1146 and H.R. 3048, ''taken together, would bring U.S. law into compliance with the WIPO treaties while preserving the principle of balance which is at the heart of the American copyright tradition.'' They went on to say: ''At this crucial moment in the history of American intellectual property law, it is important that Congress do neither too much nor too little to bring copyright law into the digital era. In our view, the Ashcroft-Boucher-Campbell bills get the balance right.''

Second, just one day later, in a major blow to consumers and the high-tech community, a House subcommittee voted out legislation that would make it illegal to produce or even possess future generations of VCRs and personal computers. Faced squarely with the question of whether the next generation of products found in virtually every home in America should be deemed unlawful ''circumvention'' devices, a majority of the subcommittee voted for the interests of copyright owners over the interests of consumers and the computer companies that have done so much to make our country the technology leader of the world.

The Subcommittee vote endangers both the liberties that consumers now enjoy and the vitality of the technology industry, which has been the premiere engine for growth in the United States. This approach also suggests the tendency of Congress to ''fix first, ask questions later.'' The bill demonstrates the dangers of fixing what we do not understand. Now is the time to draw a bright line against federal regulation of the computer industry. Washington must not start down the road of dreaming up regulations to fix problems that may or may not exist.

I think it useful to recall what the Supreme Court had to say in ruling for consumers and against two movie studios in that case:

''One may search the Copyright Act in vain for any sign that the elected representatives of the millions of people who watch television every day have made it unlawful to copy a program for later viewing at home, or have enacted a flat prohibition against the sale of machines that make such copying possible.''

As someone who filed an independent brief in the Supreme Court as the Missouri Attorney General in support of the right of consumers to buy that first generation of VCRs, I want to reassure consumers across the country that I will fight against legislation that would ban the next, exciting generation of technology.

What kind of a bill should we consider? One that looks to the future. Above all, one that maintains the balance the professors of intellectual property and technology law have reminded us is at the core of our great copyright tradition and protection of property. The House subcommittee bill would make it all but impossible for someone to make a fair use of a copyrighted work, even though a fair use exception has been a fixture of copyright law from the beginning. What is more, the bill would actually make it illegal to make a copy of a portion of a protected work for fair use in certain circumstances. This is not balance. This is a blank check payable to Hollywood.

Unlike the bill starting to move through the House, S. 1146 will spur technological innovation in small entrepreneur workshops and clean-room factories; it will create new educational opportunities in brick schoolhouses and family living rooms; and it will help preserve deteriorating manuscripts in your local library and the nation's largest universities.

The Digital Copyright Clarification and Technology Education Act will encourage the use of computers and other new high-tech products to foster educational opportunities for everyone from children to senior citizens. Twenty-two years ago, Congress recognized that television could connect teachers in one part of town to students in another part of town. Today, technology has moved forward and has provided this country with fantastic new opportunities. We need to update the law so that schools may use computers to bring the world into the classroom and the classroom into the home.

This legislation will ensure librarians and archivists may use the latest high-tech equipment to preserve deteriorating books, manuscripts, and works of art for future genrations to enjoy. New digital technology can enhance the educational experience and preserve our shared culture and history far into the future. Library patrons and students shouldn't be consigned to outmoded equipment when exciting new digital products are on the horizon.

S. 1146 will guarantee that the centuries-old ''fair use'' rights of students, library patrons, scholars, and consumers will continue to be recognized in the new digital era of the Internet.

In addition the legislation will encourage personal computer manufacturers and software developers to create new products which promote the productivity of Americans across the country. Innovators shouldn't be threatened with criminal penalties for bringing exciting new products to market. Instead, they should be encouraged to develop new products that will add enjoyment and convenience to our lives, while creating good new jobs for American workers.

Finally, we will encourage the growth of the Internet by eliminating the threat of certain copyright infringement lawsuits that telephone companies, service providers, and others face in helping consumers connect to the World Wide Web.

Technology won't stand still. We need to move forward with the consideration of copyright legislation that promotes new technology, while protecting intellectual property rights. In doing so we must be diligent in looking to the future, not to the past, or to interests that would halt innovation to serve their own parochial concerns.

At this critical juncture in history, we need to be sure we get it right. We can only do so by maintaining the balance that has served our country so well and for so long.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A PRESIDENTIAL DETERMINATION (98–17) RELATIVE TO VIETNAM—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the ''Act''), I have determined that a waiver of the application of subsections 402 (a) and (b) with respect to Vietnam will substantially promote the objectives of section 402. A copy of that determination is attached. I also have received assurances with respect to the emigration practices of Vietnam required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to subsection 402(c)(2) of the Act, I shall issue an Executive order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Vietnam.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1998.*

MESSAGES FROM THE HOUSE

At 11:16 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

The message also announced that pursuant to clause 6(f) of rule X, the Chair removes the gentleman from Iowa, Mr. LEACH, as a conferee on H.R. 1757 and appoints the gentleman from Indiana, Mr. BURTON, to fill the vacancy.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrent resolution:

H. Con. Res. 206. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 187. A resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted.

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Richard M. McGahey, of New York, to be an Assistant Secretary of Labor.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr.DEWINE:

S. 1741. A bill to provide for teacher training facilities; to the Committee on Labor and Human Resources.

By Mr. DEWINE (for himself, Mr. COATS, Mrs. HUTCHISON, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1742. A bill to improve the quality of individuals becoming teachers in elementary and secondary schools, to make the teaching profession more accessible to individuals who wish to start a second career, to encourage adults to share their knowledge and experience with children in the classroom, to give officials the flexibility the officials need to hire whom the officials think can do the best job, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (by request):

S. 1743. A bill to amend title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment; to the Committee on Veterans Affairs.

S. 1744. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans Affairs.

S. 1745. A bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers appeals; to the Committee on Veterans affairs.

S. 1746. A bill to amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans Affairs.

By Mr. GRASSLEY (for himself, Mr. REID, and Mr. KERREY):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to provide for additional taxpayer rights and taxpayer education, notice, and resources, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE:

S. 1741. A bill to provide for teacher training facilities; to the Committee on Labor and Human Resources.

THE TEACHER QUALITY ACT OF 1998

Mr. DEWINE. Mr. President, I rise today to express some serious concerns about what I believe amounts to a crisis in teacher education in the United States. This year, we will consider the reauthorization of the Higher Education Act of 1965. Therefore, it is appropriate that we not focus on the issue of improving teacher training in the United States.

We have to look to new ideas and programs—programs that will help restore America as an academic power. I believe that we must act immediately to find solutions for this crisis, because our children are suffering very serious consequences. Today, I will be offering two pieces of legislation that will serve as the first steps in addressing the future of teacher training and teacher certification.

Before I offer a description of the new legislation, Mr. President, I call my colleagues attention to these alarming statistics: 36% of those now teaching core subjects (English, math, science, social studies, foreign languages) neither majored nor minored in those subjects. A study conducted by the National Commission on Teaching and America's Future revealed, and I'm quoting from a summary of the report:

More than one-quarter of newly hired public school teachers in 1991 lacked the qualifications for their jobs, and nearly one-fourth of all secondary teachers did not even have a minor in their main teaching field.

The Commission also found that, quote:

56% percent of high school students taking physical science were being taught by out-of-field teachers, as were 27% of those taking mathematics and 21% of those taking English. The least qualified teachers were most likely to be found in high-poverty and predominantly minority schools and in lower-track classes. In fact, in schools with the highest minority enrollments, students had less than a 50% chance of getting a science or mathematics teacher who held a license and a degree in the field he or she taught.

Mr. President, this is a travesty—on a truly national scale. No wonder students are doing so poorly on standardized tests. If the teacher does not understand the subject he or she is teaching, then certainly the students will not learn what they need to know. It is inexcusable that in a country as powerful and wealthy as the United States, that we do not give our children the best academic resources available. The United States will not remain a world leader unless we turn this around, and start preparing our children for the future.

The process by which we train our teachers needs to be reformed—and I believe that there is a strong bipartisan consensus to support an effort for reform. Recently, I received a memorandum that was signed by members of

the Center for Education Reform, Empower America, the Education Leaders Council, Hudson Institute, Progressive Policy Institute, Brookings Institution, and Heritage Foundation that expressed bipartisan interest in strengthening the Federal role in teacher recruitment and preparation. I was impressed that members of each of these diverse groups can all agree that there must be some serious change in the current teacher education system.

The Progressive Policy Institute has urged:

* * * that the President and his advisors remain faithful to the most important achievement in education policy: redefining the goal of school reform as results, not regulation. The Progressive Policy Institute also wrote that instead of spending federal dollars to hire more teachers and support schools of education under the existing system, the Administration should encourage states to open up the teaching profession to talented individuals who can demonstrate mastery of the subject that they intend to teach; implement innovative means of recruiting and training teachers; provide incentives to teach in high-poverty schools; and ensure that institutions, administrators, and teachers are rewarded for high performance and held responsible for failure.

Mr. President, I could not agree more. Clearly, we must have more accountability and autonomy in the education system. We can no longer tolerate a system that allows unqualified teachers in the classroom. As schools are held more accountable for their results, the schools must have the autonomy to hire and fire whomever they want, and decide how best to compensate their faculty. Unquestionably, we must support all of the hard-working, dedicated teachers we now have in our classrooms. they deserve our utmost support and respect.

Mr. President, I am encouraged that President Clinton has taken an interest in reforming the education system. I do not, however, believe that merely reducing class size and hiring 100,000 new teachers would be a solution for our academic problems.

The answer is to only certify quality teachers—and to get quality teachers to teach our neediest kids. All children deserve well-educated teachers, and we need to make that proposition a reality.

Now you might ask what the Federal role should be in teacher training. Unquestionably, states are, and should remain, the primary actors in public education. Any new Federal programs should be voluntary for states, which should not be burdened by new Federal mandates. However, the Federal government can have a role—by helping the states focus on hiring quality teachers.

The Federal government needs to break the education school monopoly on teacher preparation. Too often, these education schools have weak academic standards—and focus on teaching methods over knowledge of subject matter. The students who enroll in teacher education programs in U.S. colleges tend to have lower scores on SAT and ACT exams than those in virtually all other programs of study.

Federal funds that are set aside for teacher training should be made available to any program that trains teachers—as long as the program is held accountable for producing students that can demonstrate subject matter competence in the classes that they plan to teach. All teacher-training programs should be held accountable for results: producing teachers who know their subject well and know how to teach it. Their results are what matter, not their intentions or their resources or their requirements, or their accreditation.

The Federal government can assist the states by forgiving student loans or offering other financial incentives for well-educated people who teach in hard-to staff schools.

For example, I introduced legislation last year that would provide loan forgiveness to individuals who obtain a college degree in early childhood education who then go on to teach in accredited child-care centers. The Quality Child Care Loan Forgiveness Act is a great example of how the Federal government can provide incentives to students to become teachers. All children, from pre-K to 12th grade, deserve the chance to have a qualified teacher that will help them reach their academic potential.

Today, Mr. President, I am proposing legislation that addresses the need for better teacher training programs. While it is important to stem the tide of unqualified teachers reaching the classroom, we must also focus on helping teachers that are already in the classroom and need assistance in becoming the best teachers that they can be. Today, therefore, I am introducing the Teacher Quality Act of 1998.

This legislation calls for the creation of teacher training programs across the United States that will help train teachers that are already in the classroom or about to enter the teaching profession.

This bill is common-sense legislation that will assist school districts in their struggle to maintain the highest possible academic standards for their children. My idea for this legislation developed out of my admiration for the Mayerson Academy in Cincinnati, Ohio. The Mayerson Academy was established in 1992 as a partnership between the Cincinnati business community and its schools. The mission of the Mayerson Academy is to provide the highest quality training and professional development opportunities to the men and women responsible for educating the children of Cincinnati. Its motto is ''All Children Can Learn.''

The doors of the academy are open for business from 8:00 am to 9:00 pm, Monday through Saturday, fifty weeks per year. The non-profit Mayerson Academy has a 10-year contract with Cincinnati Public Schools and also has training agreements with Princeton City Schools, Lakota Local School District, and the Oak Hills School District. The Mayerson Academy has advanced labs on how to learn math. Classes on how to use computers. Socratic discussions on how to organize and manage. Teachers can take advantage of core courses, through which they can earn graduate-level equivalency credits, or take one-time special-topic ''action labs.'' The Mayerson Academy also utilizes all the latest breakthroughs in technology to get their message out across the country through the use of distance learning instruction. Teachers in Cincinnati Public Schools are eligible for a $750 raise after 100 hours of training—and it counts toward Ohio's mandatory continuing education requirement for a teaching license.

The Mayerson Academy raised its start-up funds from generous private contributions from local banks, private foundations, and businesses such as Federated Department Stores, General Electric, and Procter and Gamble. Cincinnati's school district pays $1.6 million a year to purchase 66,000 hours of training from Mayerson—and the teachers attend for free. However, the program is such a great success that this school year, the Academy will provide 160,000 hours of staff training, far exceeding the 66,000 hours of annual staff training time called for by the academy's agreement with the district. The Mayerson Academy is separate from the school system, in order to ensure independent evaluation of its results and a consistent base of support. This status also allows it to benefit from the perspectives and experience of the business leadership.

My legislation will establish a competitive grant program that will ask school districts to form public-private partnerships to establish teacher training programs. I believe that this legislation will assist in establishing teacher training centers like Mayerson—facilities that will help teachers gain subject matter mastery and give our children the best training teachers in the world.

The second piece of legislation that I am introducing today will expand and improve the supply of well-qualified elementary and secondary school teachers. This goal can be accomplished by encouraging and assisting States to develop and implement programs for alternative routes toward alternative certification or licensure. The Alternative Certification and Licensure of Teachers Act will give individuals who would like to teach the chance to do so. We're talking about teachers who can serve not just as mentors to these children, but also as role models to show them how a good education can make a huge positive difference in their future.

Through these programs, individuals who have a sense of what goals they wish to accomplish can bring their knowledge and experience into the classroom—and make a difference in children's lives.

There are many talented professionals with a high level of subject area competence outside the education profession who may wish to pursue careers in education, but could not meet the current requirements to be certified or licensed as teachers. For example, a former engineer could explain to his students the importance of geometry, algebra, and calculus. A doctor can show his students how hard courses in biology can put young people on the path to saving lives. If students can see that what they are learning in school really does prepare them for the future, they will be more willing to learn and grasp new concepts.

Mr. President, individuals on both sides of the aisle realize that alternative certification is an effective method to attract more qualified teachers into the classroom. The Progressive Policy Institute has written that ''states should be eligible to use federal funds to establish meaningful alternative certification programs that have more than a marginal effect on teacher supply.'' There is also a study that shows that individuals who become certified through alternative certification programs are more likely to be minorities, specialize in science and mathematics, and teach in hard-to-staff inner-city districts than traditionally certified teachers.

Mr. President, both pieces of legislation that I am introducing today are targeted on improving American teaching. The Teacher Quality Act is solid legislation that answers the question, ''How do we train teachers that are already in the field?'' The Alternative Certification and Licensure of Teachers Act answers the question, ''How are we going to attract qualified individuals into the teaching field?'' I strongly believe that both of these initiatives can serve as the bedrock on which to enact real reforms in the teacher education system in America.

To conclude, Mr. President, I believe that improving educational opportunities for children has to be a top priority for this Congress. I ask my colleagues in the House and Senate to work together to forge a bipartisan approach that will ensure that our children are being taught by the most qualified teachers in the world. There is no question that we must develop a system that will draw students into the teaching profession. The Federal government and the States need to work together to provide incentives for people to become teachers, and build a sense of pride to this profession. We can no longer tolerate failure if we wish to keep America strong. Now is the time to address this issue—and I ask that members of the House Education and the Workforce Committee, and the Senate Labor Committee, work diligently to come up with the best answer for our children.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1741

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teacher Quality Act of 1998''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) there is a teacher quality crisis, not a teacher quantity crisis, in the United States;

(2) individuals entering a classroom should have a sound grasp of the subject the individuals intend to teach, and the individuals should know how to teach;

(3) the quality of teachers impacts student achievement;

(4) people who enter the teaching profession through alternative certification programs can benefit from having the opportunity to attend a teacher training facility;

(5) teachers need to increase their subject matter knowledge;

(6) less than 40 percent of the individuals teaching the core subjects (English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects; and

(7) according to the Third International Mathematics and Science Study, American high school seniors finished near the bottom of the study in both science and mathematics.

(b) PURPOSE.—The purpose of this Act is to strengthen teacher training programs by establishing a private and public partnership to create the best teacher training facilities in the world to ensure that teachers receive unlimited access to the most updated technology and skills training in education, so that students can benefit from the teachers' knowledge and experience.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 4. GRANTS.

(a) IN GENERAL.—From amounts appropriated under section 5 for a fiscal year the Secretary shall award grants to local educational agencies to enable the local educational agencies to establish teacher training facilities for elementary and secondary school teachers.

(b) COMPETITIVE BASIS.—The Secretary shall award grants under this Act on a competitive basis.

(c) PARTNERSHIP CONTRACT REQUIRED.—In order to receive a grant under this Act, a local educational agency shall enter into a contract with a nongovernmental organization to establish a teacher training facility.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this Act shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain an assurance that the local educational agency—

(1) has raised $4,000,000 in matching funds, from public or private sources, for the support of the teacher training facility;

(2) will train the teachers employed by the local educational agency at the teacher training facility for a period of 10 years after the date the agency enters into the contract described in subsection (c); and

(3) will spend 0.5 percent of the local educational agency's total school budget for each fiscal year to support the teacher training facility.

(e) AMOUNT.—The Secretary shall award each grant under this section in the amount of $4,000,000.

(f) NUMBER.—The Secretary shall award 2 grants under this title for fiscal year 1999, 3 such grants for fiscal year 2000, 3 such grants for fiscal year 2001, and 4 such grants for fiscal year 2002.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $8,000,000 for fiscal year 1999, $12,000,000 for fiscal year 2000, $12,000,000 for fiscal year 2001, and $16,000,000 for fiscal year 2002.

By Mr. DEWINE (for himself, Mr. COATS, Mrs. HUTCHISON, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1742. A bill to improve the quality of individuals becoming teachers in elementary and secondary schools, to make the teaching profession more accessible to individuals who wish to start a second career, to encourage adults to share their knowledge and experience with children in the classroom, to give officials the flexibility the officials need to hire whom the officials think can do the best job, and for other purposes; to the Committee on Labor and Human Resources.

THE ALTERNATIVE CERTIFICATION AND LICENSURE OF TEACHERS ACT OF 1998

Mr. DEWINE. Mr. President, today I am introducing the Alternative Certification and Licensure of Teachers Act of 1998. I am very pleased to be joined by Senators COATS, COLLINS, HUTCHISON, and GORDON SMITH.

The purpose of this legislation is to expand and improve the supply of well-qualified elementary and secondary school teachers. We would accomplish this goal by encouraging and assisting States to develop and implement programs for alternative routes toward teacher certification or licensure.

There are many talented professionals with a high level of subject area competence outside the education profession who may wish to pursue careers in education, but could not meet the current requirements to be certified or licensed as teachers. For example, all of us here in Congress attain an unique knowledge of how our government works. Alternative certification and licensure could provide an opportunity for some of us to become teachers so we could share our knowledge and experiences of how government works with young people. The measure of a good teacher after all is how much and how well their students could learn.

Knowledgeable and eager individuals should be helped—not discouraged—to enter the K–12 classroom as teachers.

We can achieve this goal by giving States the maximum flexibility and incentives to create alternative certification programs. That's what my bill would do—it would enable the Federal Government to assist States by offering incentives to recruit well-educated people into the teaching profession.

This program would be voluntary for the States. States do not need to be burdened by new Federal mandates.

This bill would allow qualified individuals to fullfil State certification or licensure requirements, giving school systems the chance to take advantage of the expertise of such professionals and improve the pool of qualified individuals available to local educational agencies. These measures would do a great deal to expand and improve the supply of well-qualified teachers.

The bill would provide $15 million each year to be divided among the States based on a student population formula. States would have to apply to the Secretary in order to be considered for funds. The money could be used to either create new alternative certification programs or to fund pre-existing programs. If a State does not apply for funds, then that money is reallocated to those States that most demonstrate the need for the money based on the Secretary of Education's discretion.

Alternative certification is nothing new. A study by C. Emily Feistritzer entitled ''Alternative Teacher Certification: a State-by-State Analysis 1997'' reports the following facts:

41 States and the District of Columbia are now implementing alternative routes for certifying teachers. However, virtually all of the States now offer some type of program other than the traditional approved college teacher education program route for initially licensing teachers.

23 States and the District of Columbia have designed alternative licensure programs for the explicit purpose of bringing talented individuals who already have at least a bachelor's degree in a field other than education into teaching—up from just 11 such programs in 1991.

117 programs in the 50 States and the District of Columbia are now available for people who already have a bachelor's degree and want to become licensed to teach. This compares with 91 programs in 1991.

Interest in alternative teacher certification continues to escalate. 35 states reported that interest from ''people wanting to get licensed to teach'' has increased in the last five years.

Mr. President, it's clear that interest in the alternative certification route is on the increase. Among the talented people we can attract into the teaching profession by this means are military personnel who are nearing retirement, people who have been down-sized and are looking for a second career, business leaders who want to share their knowledge with a new generation of children, housewives who are looking for a new career after their children have moved out of the family home, and people who want to leave the private sector so they can use their college major to make a difference in children's lives.

Teacher training has become a very important issue to this Congress and to the Administration. As of today, there have been no fewer than seven teacher training bills introduced in the House and Senate. In fact, President Clinton has requested $1.1 billion in his latest budget to pay for 37,000 new teachers. It is clear that members on both sides of the aisle understand the importance of having quality teachers in the classroom.

Therefore, there's clear bipartisan support for programs that encourage and recruit the most knowledgeable individuals to teach our children. It is my hope that we can see bipartisan support for programs that give talented individuals an alternative route into the teaching profession.

In order to find the best possible teachers for our children, we need to support programs that are flexible and creative. We need to encourage the brightest minds in our communities to consider teaching as a career. Teachers who have had a previous career can explain to children the importance of a good education. For example, a former engineer could explain to his students the importance of geometry, algebra, and calculus. A doctor can show his students how hard courses in biology can put young people on the path to saving lives. If students can see that what they are learning in school really does prepare them for the future, they will be more willing to learn and grasp new concepts.

In this bill, States would be given the flexibility to reach out for new teaching talent and fill specifically hard-to-staff teacher positions.

Alternative certification and licensure programs give the best and brightest individuals who would like to teach the chance to do so. We're talking about teachers who can serve not just as mentors to these children, but also as role models to show them how a good education is crucial to their futures. Through these programs, individuals who have a sense of what goals they wish to accomplish can bring their knowledge and experience into the classroom.

Mr. President, Federal support for alternative certification and licensure would help ensure that schools continue to attract quality teachers to the classroom. We owe it to all school children to give them the best resources available. That is why we must encourage all States to hire the most capable, knowledgeable, and experienced teachers that are available.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 1742

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alternative Certification and Licensure of Teachers Act of 1998''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the measure of a good teacher is how much and how well the teacher's students learn;

(2) the main teacher quality problem in 1998 is the lack of subject matter knowledge;

(3) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter the kindergarten through grade 12 classrooms as teachers;

(4) many talented professionals who have demonstrated a high level of subject area competence outside the education profession may wish to pursue careers in education, but have not fulfilled the traditional requirements to be certified or licensed as teachers;

(5) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession; and

(6) alternative routes can enable qualified individuals to fulfill State teacher certification or licensure requirements and will allow school systems to utilize the expertise of professionals and improve the pool of qualified individuals available to local educational agencies as teachers.

(b) PURPOSE.—It is the purpose of this Act to improve the supply of well-qualified elementary school and secondary school teachers by encouraging and assisting States to develop and implement programs for alternative routes to teacher certification or licensure requirements.

SEC. 3. ALLOTMENTS.

(a) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—From the amount appropriated to carry out this Act for each fiscal year, the Secretary shall allot to each State the lesser of—

(A) the amount the State applies for under section 4; or

(B) an amount that bears the same relation to the amount so appropriated as the total population of children ages 5 through 17 in the State bears to the total population of such children in all the States (based on the most recent data available that is satisfactory to the Secretary).

(2) REALLOCATION.—If a State does not apply for the State's allotment, or the full amount of the State's allotment, under paragraph (1), the Secretary may reallocate the excess funds to 1 or more other States that demonstrate, to the satisfaction of the Secretary, a current need for the funds.

(b) SPECIAL RULE.—Notwithstanding section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)), funds awarded under this Act shall remain available for obligation by a recipient for a period of 2 calendar years from the date of the grant.

SEC. 4. STATE APPLICATIONS.

(a) IN GENERAL.—Any State desiring to receive an allotment under this Act shall, through the State educational agency, submit an application at such time, in such manner, and containing such information, as the Secretary may reasonably require.

(b) REQUIREMENTS.—Each application shall—

(1) describe the programs, projects, and activities to be undertaken with assistance provided under this Act; and

(2) contain such assurances as the Secretary considers necessary, including assurances that—

(A) assistance provided to the State educational agency under this Act will be used to supplement, and not to supplant, any State or local funds available for the development and implementation of programs to provide alternative routes to fulfilling teacher certification or licensure requirements;

(B) the State educational agency has, in developing and designing the application, consulted with—

(i) representatives of local educational agencies, including superintendents and school board members (including representatives of their professional organizations if appropriate);

(ii) elementary school and secondary school teachers, including representatives of their professional organizations;

(iii) schools or departments of education within institutions of higher education;

(iv) parents; and

(v) other interested individuals and organizations; and

(C) the State educational agency will submit to the Secretary, at such time as the Secretary may specify, a final report describing the activities carried out with assistance provided under this Act and the results achieved with respect to such activities.

(c) GEPA PROVISIONS INAPPLICABLE.—Sections 441 and 442 of the General Education Provisions Act (20 U.S.C. 1232d and 1232e), except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to this Act.

SEC. 5. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A State educational agency shall use funds provided under this Act to support programs, projects, or activities that develop and implement new, or expand and improve existing, programs that enable individuals to move to a teaching career in elementary or secondary education from another occupation through an alternative route to teacher certification or licensure.

(2) TYPES OF ASSISTANCE.—A State educational agency may carry out such programs, projects, or activities directly, through contracts, or through grants to local educational agencies, intermediate educational agencies, institutions of higher education, or consortia of such agencies or institutions.

(b) USES.—Funds received under this Act may be used for—

(1) the design, development, implementation, and evaluation of programs that enable qualified professionals who have demonstrated a high level of subject area competence outside the education profession and are interested in entering the education profession to fulfill State teacher certification or licensure requirements;

(2) the establishment of administrative structures necessary for the development and implementation of programs to provide alternative routes to fulfilling State teacher certification or licensure requirements;

(3) training of staff, including the development of appropriate support programs, such as mentor programs, for teachers entering the school system through alternative routes to teacher certification or licensure;

(4) the development of recruitment strategies;

(5) the development of reciprocity agreements between or among States for the certification or licensure of teachers; or

(6) other programs, projects, and activities that—

(A) are designed to meet the purpose of this Act; and

(B) the Secretary determines appropriate.

SEC. 6. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; AND STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', ''Secretary'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $15,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

By Mr. SPECTER (by request):

S. 1743. A bill to amend title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment; to the Committee on Veterans' Affairs.

ARMED FORCES LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1743, a proposed bill to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 24, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

S. 1743

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

SECTION 1. AUTHORIZATION TO FURNISH MEMORIAL HEADSTONES AND MARKERS FOR SPOUSES AND SURVIVING SPOUSES OF VETERANS AND DECEASED SERVICE MEMBERS.

Section 2306(b) of title 38, United States Code, is amended—

(a) by adding ''(which for purposes of this subsection includes a person who died in the active military, naval, or air service) or any spouse or surviving spouse (which for purposes of this section includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce) of a veteran'' following ''any veteran'';

(b) by striking out ''veteran's'' in paragraph (2) and inserting in lieu thereof ''individual's''; and

(c) by adding at the end thereof ''Where the Secretary has furnished a memorial headstone or market under this subsection for the purpose of commemorating a veteran, or has furnished a headstone or marker for the unmarked grave of a veteran under subsection (a) of this section, the Secretary shall, where feasible, add a memorial inscription to the existing headstone or marker under this subsection for the veteran's surviving spouse.''.

SEC. 2. AMENDMENTS TO PROVISIONS GOVERNING MEMORIAL AREAS.

Section 2403(b) of title 38, United States Code, is amended by striking all after ''appropriate'' and inserting in lieu thereof ''group memorials shall be erected to honor the memory of groups of individuals referred to in subsection (a) of this section, and appropriate memorial headstones and markers shall be erected to honor the memory of individuals referred to in subsection (a) of this section or subsection (b) of section 2306 of this title.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to deaths occurring after the date of its enactment.

THE SECRETARY OF VETERANS AFFAIRS

Washington, DC, June 24, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend sections 2306 and 2403 of title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment.

The law currently authorizes the Secretary of Veterans Affairs to furnish and to erect in national cemeteries appropriate memorial headstones or markers for veterans and members of the Armed Forces whose remains are not available for interment because they have not been recovered or identified, were buried at sea, were donated to science, or were cremated and the ashes scattered. However, there is no authorization for memorialization of the deceased spouses of such persons where remains are not available for interment. Since spouses are currently eligible for other burial benefits such as Government-furnished headstones or markers for unmarked graves and interment in a national cemetery, if their remains are available, we believe it is inequitable to deny the comparable benefit of memorialization when remains are unavailable. This benefit would be particularly meaningful when a spouse predeceases a veteran by providing the veteran with a suitable remembrance of the deceased loved one which can be appreciated by the veteran during his or her lifetime.

Where a veteran predeceases his or her spouse and the veteran's grave is marked with an upright headstone, a memorial inscription for the spouse may be placed on the back of the same headstone, and a separate marker for the spouse would not generally be required. If the veteran's grave is marked with a flat stone marker, an inscription can usually be added for the spouse, space permitting. Accordingly, the draft bill provides that, where feasible, a memorial inscription shall be placed on an existing headstone or marker in lieu of furnishing a new memorial headstone or marker.

The addition of an inscription to an existing marker will not be feasible in some situations. When an existing marker or headstone cannot be modified, we contemplate replacing the existing marker with a new marker or headstone bearing inscriptions for both the veteran and the spouse. For example, where a veteran has predeceased his or her spouse, it would not be feasible to add a

memorial inscription for the spouse to an existing bronze marker or to a niche marker for cremated remains. A new headstone or marker will also be necessary where a spouse predeceases a veteran. Upon the veteran's subsequent death, the veteran may be buried under circumstances requiring use of a different style of marker than was supplied for memorialization of the spouse, e.g., a niche marker for cremated remains, as opposed to a full-sized flat marker or headstone. Further, since the Department of Veterans Affairs places the veteran's name in a preeminent position on a marker or headstone, the spouse's marker would be replaced with a new marker or headstone bearing inscriptions for both the veteran and the spouse, with the veteran's inscription being preeminent.

Because it is likely that relatively few spouses will require memorialization, we anticipate that the costs associated with this proposal would be insignificant. This proposal would affect direct spending; therefore, it is subject to pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal would be less than $500,000.

The OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 1744. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans' Affairs.

THE NATIONAL CEMETERY ADMINISTRATION REDESIGNATION ACT OF 1998

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1744, a proposed bill to redesignate the National Cemetery System of the Department of Veterans Affairs as the ''National Cemetery Administration'' and the Director of the National Cemetery System as the ''Assistant Secretary for Memorial Affairs.'' The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 17, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1744

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

SECTION 1. REDESIGNATION OF TITLE OF NATIONAL CEMETERY SYSTEM.

The title of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as the National Cemetery Administration.

SEC. 2. REDESIGNATION OF POSITION OF DIRECTOR OF THE NATIONAL CEMETERY SYSTEM.

The position of Director of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as Assistant Secretary for Memorial Affairs.

SEC. 3. ASSISTANT SECRETARIES.

Section 308(a) of title 38, United States Code, is amended by—

(a) in subsection (a) thereof, changing the period at the end of the first sentence of that subsection to a comma and adding the following at the end of that sentence: ''in addition to the Assistant Secretary for Memorial Affairs'';

(b) in subsection (b) thereof, by inserting ''other than the Assistant Secretary for Memorial Affairs'' after ''Assistant Secretaries''; and

(c) in subsection (c) thereof, by inserting ''pursuant to subsection (b)'' after ''Assistant Secretary''.

SEC. 4. TITLE 38 CONFORMING AMENDMENTS.

(a) Title 38, United States Code, is amended by striking out ''Director of the National Cemetery System'' each place it appears (including in headings and tables) and inserting in lieu thereof ''Assistant Secretary for Memorial Affairs''.

(b) Section 301(c) of title 38, United States Code, is amended by striking out ''System'' in subsection (c)(4) and inserting in lieu thereof ''Administration''.

(c) Section 307 of title 38, United States Code, is amended—

(1) by striking out ''a'' in the first sentence and inserting in lieu thereof ''an'';

(2) by striking out ''Director'' in the second sentence and inserting in lieu thereof ''Assistant Secretary for Memorial Affairs''; and

(3) by striking out ''System'' in the second sentence and inserting in lieu thereof ''Administration''.

(d)(1) Section 2306(d) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' in the first sentence of subsection (d)(1) and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(2) Section 2306(d) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' in subsection (d)(2) and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(e)(1) The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by striking out ''Establishment of National Cemetery System; composition of such system; appointment of director.'' and inserting in lieu thereof ''Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary.''.

(2) The heading of section 2400 of title 38, United States Code, is amended by striking out ''Establishment of National Cemetery System; composition of such system; appointment of director'' and inserting in lieu thereof ''Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary''.

(3) Section 2400(a) of title 38, United States Code, is amended by striking out ''shall be within the Department a National Cemetery System'' in the first sentence and inserting in lieu thereof ''is within the Department a National Cemetery Administration responsible'' in the first sentence and by striking out ''Such system'' in the second sentence and inserting in lieu thereof ''The National Cemetery Administration''.

(4) Section 2400(b) of title 38, United States Code, is amended by striking out ''The National Cemetery System'' and inserting ''National cemeteries and other facilities under the control of the National Cemetery Administration'' in lieu thereof.

(5) Section 2402 of title 38, United States Code, is amended by striking out ''in the National Cemetery System'' and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

(6) Section 2403(c) of title 38, United States Code, is amended by striking out ''in the National Cemetery System created by this chapter'' and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

(7) Section 2405(c) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' and inserting in lieu thereof ''under the control of the National Cemetery Administration'' and by striking out ''within such System'' and inserting in lieu thereof ''under the control such Administration''.

(8) Section 2408(c) of title 38, United States Code, is amended by striking out ''in the National Cemetery System'' in subsection (c)(1) and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

SEC. 5. EXECUTIVE SCHEDULE CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking out ''(6)'' following ''Assistant Secretaries, Department of Veterans Affairs'' and inserting in lieu thereof ''(7)'' and by striking out ''Director of the National Cemetery System.''

SEC. 6. REFERENCES IN OTHER LAWS.

(a) Any reference to the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs, which reference pertains to the organization within that Department which controls the Department's national cemeteries shall be deemed to refer to the National Cemetery Administration.

(b) Any reference to the Director of the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Assistant Secretary for Memorial Affairs.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, September 17, 1997.

Hon. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to redesignate the National Cemetery System (NCS) as the ''National Cemetery Administration'' and the Director of the National Cemetery System as the ''Assistant Secretary for Memorial Affairs.'' The legislation would elevate the NCS to the same organizational status within the Department of Veterans Affairs (VA) as the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA). I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

On March 15, 1989, the Veterans' Administration was redesignated as the Department of Veterans Affairs and elevated to cabinet-level status as an executive department. At that time, two of the three VA components that administer veterans' programs were also redesignated. The Department of Medicine and Surgery was redesignated as the

Veterans Health Services and Research Administration (now the Veterans Health Administration) and the Department of Veterans' Benefits was redesignated as the Veterans Benefits Administration. The designation of the third program component, the National Cemetery System, was not changed.

On October 9, 1992, the title of the Chief Medical Director, the head of the Veterans Health Administration, was redesignated as the Under Secretary for Health and the title of the Chief Benefits Director was redesignated as the Under Secretary for Benefits. The title of the Director of the National Cemetery System was not changed.

The NCS was established on June 18, 1973, in accordance with the National Cemeteries Act of 1973, Pub. L. No. 93–43, §2(a), 87 Stat. 75. The fourfold mission of the NCS is: (1) to provide for the interment in national cemeteries of the remains of deceased veterans, their spouses, and certain other dependents and to permanently maintain their graves; (2) to mark the graves of eligible persons buried in national, state, and private cemeteries; (3) to administer the State Cemetery Grants Program to aid states in establishing, expanding, or improving state veterans' cemeteries; and, (4) to administer the Presidential Memorial Certificate Program.

NCS is the only one of the three VA components responsible for delivering benefits to veterans and their dependents that is referred to as a ''System'' rather than an ''Administration.'' The proposed redesignation ''National Cemetery Administration'' would more accurately recognize NCS' status as a benefit-delivery administration.

Section 307 of title 38, United States Code, establishes the position of Director of the National Cemetery System. The present position title implies that the Director's responsibility is limited to management of the system of national cemeteries and does not adequately reflect tie responsibilities associated with the fourfold mission of the NCS. The proposed redesignation ''Assistant Secretary for Memorial Affairs'' would assure that the position receives the status commensurate with its responsibilities. The redesignation would not affect the duties and responsibilities of the position, which would remain the same.

Section 308(a) of title 38, United States Code, provides that VA shall have no more than six Assistant Secretaries. Under the draft bill, the position of Assistant Secretary for Memorial Affairs, so designated in section 307, would not be counted as one of the six Assistant Secretary positions referred to in section 308(a).

Currently, the salary level for the NCS Director is set by statute at Executive Level IV. The salary level for the other VA Assistant Secretary positions is also set at Executive Level IV. The proposed redesignation of the NCS Director as the Assistant Secretary for Memorial Affairs would not affect the salary level of the position, which would remain at Executive Level IV.

Although the proposed redesignation would require changes in some forms and publications, we contemplate making these changes as the documents are reordered or revised. For this reason, and because the Director's salary level would not change, no costs or savings are associated with this proposal.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

HERSHEL W. GOBER,
Secretary-Designate.

By Mr. SPECTER (by request):

S. 1745. A bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers appeals; to the Committee on Veteran's Affairs.

VETERANS' APPEALS BOARD LEGISLATION

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1745, a proposed bill to provide flexibility in the order in which the Board of Veterans' Appeals of the Department of Veterans Affairs hears and considers appeals. The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 7, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1745

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

SECTION 1. EXCEPTION TO DOCKET ORDER CONSIDERATION

Section 7107(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''Except as provided in subsection (f)'' and inserting ''Except as provided in paragraph (2) and subsection (f)'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following:

''(2) The Board may consider and decide an appeal later than its place on the docket would normally require if such delay is necessary to provide the appellant a hearing.''.

SEC. 2. SCHEDULING OF FIELD HEARINGS.

(a) Section 7107(d) of title 38, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) A hearing to be held within an area served by a regional office of the Department shall (except as provided in paragraph (3)) be scheduled to be held in accordance with that case's place on the docket referred to in subsection (a) relative to the other cases for which a hearing is scheduled to be held in that area.''.

(b) The amendment made by subsection (a) applies to requests for a hearing received by the Department on or after the date of enactment.

SEC. 3. ADVANCEMENT ON THE HEARING DOCKET.

Section 7107(d) of title 38, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinly the grounds upon which it is based and may not be granted unless the case involves interpretation of law of general application affecting other claims or for other sufficient cause shown.''.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, August 7, 1997.

Hon. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals (Board) hears and considers appeals. This proposed legislation would reduce delays in the issuance of Board decisions caused by late requests for field hearings. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

Current 38 U.S.C. §7107(a) requires the Board to consider and decide each appeal in regular order according to its place upon the docket. Furthermore, 38 U.S.C. §7107(b) requires the Board to afford an appellant an opportunity for a hearing before deciding his or her appeal. An appellant may request that a hearing before the Board be held at the Board's principal location in Washington, D.C., or at a Department of Veterans Affairs (VA) facility within the area served by a VA regional office. 38 U.S.C. §7107(d)(1). A hearing to be held within an area served by a regional office must be scheduled to be held in the order in which requests for hearings within that area are received by VA. 38 U.S.C. §7107(d)(2).

The order in which appeals must be scheduled for hearing in a given area and the order in which they must be considered and decided sometimes conflict. Such conflict arises when VA receives appellants' requests for hearings in an area in an order different from the order in which those appeals were docketed for consideration. (An appeal is docketed when the Board receives from the agency of original jurisdiction a copy of the substantive appeal.) For example, appellant A, whose appeal is high on the consideration docket, may request a field hearing in a given area long after many other appellants, whose appeals rank lower on the consideration docket, have already requested a hearing in that area. Not only must hearings for the lower ranking appeals be scheduled to be held before appellant A's hearing, but consideration and decision on every appeal ranking lower than appellant A's appeal must await consideration and decision on appellant A's appeal. The result is delay for all.

Aggravating this situation are two facts: First, limits on Board resources often constrain the Board to hold hearings at a given field facility infrequently, sometimes as seldom as once a year. Thus, a long time may pass before a requested hearing is actually held. Second, the long time elapsing between the initiation of and decision on an appeal, caused by a large appeal backlog, gives ample opportunity for appellants ranking high on the consideration docket to request a field hearing after lower ranking appellants have already requested one.

Our draft bill would alleviate the delays caused by this situation. Section 1 would create an exception to the docket-order consideration requirement for certain cases in which a hearing is requested. Section 1 would permit the Board to consider cases lower on the consideration docket before a case in which the appellant has requested a hearing that, due to resource shortfalls or the lateness of the request, cannot be held promptly. Section 2 would provide that a field hearing be scheduled to be held in accordance with that case's place on the consideration docket relative to other cases for

which a hearing is requested within that area. Under that provision, field hearings would be scheduled to be held in the same order in which the cases will be considered and decided. This change would apply to hearing requests received by VA on or after the date of enactment.

Section 3 would permit the Board to advance a case on the hearing docket upon motion for cause shown, the same standard for which a case may be advanced on the consideration docket under 38 U.S.C. §7107(a)(2). Although current section 7107(d)(3) permits the Secretary to advance a case on the hearing docket if the Secretary knows that the appellant is seriously ill or under severe financial hardship, advancement on the hearing docket on that basis does not necessarily result in advancement of the case on the consideration docket. By making the standard for advancement on either docket the same, advancement on either docket would result in advancement on the other docket.

Enactment of this proposed legislation would result in no significant costs or savings.

The Office of Management and Budget advises that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely yours,

HERSHEL W. GOBER
Acting Secretary.

Enclosure.

By Mr. SPECTER (by request):

S. 1746. A bill to amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS LEGISLATION

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1746, a proposed bill to remove a statutory provision requiring a specified number of full-time equivalent positions in the Office of the Inspector General, Department of Veterans Affairs. The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 7, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be pritned in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 312 of title 38, United States Code, is amended—

(1) by striking out ''(a)'' in subsection (a); and

(2) by striking out subsection (b).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, August 7, 1997.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith, a draft bill, ''To amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General.'' We request that it be referred to the appropriate committees for prompt consideration and enactment.

This draft bill would eliminate the requirement that the Secretary provide a set level of staffing of 417 full-time equivalent positions for the Office of Inspector General. VA has been unable to meet the statutory employment floor since 1993. The Department's full-time equivalent employment level is determined by appropriations, and moreover, the statutory floor limits VA's ability to operate in the most efficient manner. Accordingly, it is appropriate to delete the statutory requirement.

The draft bill would also eliminate the requirement that the President include in the budget transmitted to Congress an estimate of an amount sufficient for the level of staffing established for the Inspector General. Elimination of the floor renders the report unnecessary.

The Office of Management and Budget advises that there is no objection to the submission of this proposal, and that enactment of this proposal would be in accord with the program of the President.

Sincerely yours,

HERSHEL W. GOBER,
Acting Secretary.

SECTION-BY-SECTION ANALYSIS

The draft bill would amend 38 U.S.C. §312 by deleting subsection (b), thus eliminating the requirement that the Secretary shall provide a set level of staffing of 417 full time equivalent positions (''FTE'') for the Inspector General. It would also eliminate the requirement that the President include in the budget transmitted to Congress an estimate of an amount sufficient for the level of staffing established for the Inspector General.

There are two reasons why the statutory Inspector General FTE level should be eliminated. First, funding restraints since 1993 have prevented VA from meeting the statutory FTE requirement. Second, the statutory FTE level limits VA's ability to operate in the most efficient manner. The proposal also does away with the related reporting requirements because elimination of the statutory FTE level renders the reporting requirement unnecessary.

There are no costs associated with this proposal.

By Mr. GRASSLEY (for himself, Mr. REID, and Mr. KERREY):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to provide for additional taxpayer rights and taxpayer education, notice, and resources, and for other purposes.

TAXPAYER BILL OF RIGHTS 3

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to further protect taxpayer rights.

Mr. President, I have long championed taxpayer rights. In 1989, I co-authored the first ever taxpayer bill of rights with Senator David Pryor of Arkansas. We joined forces again in 1996 to pass the sequel known as T2, the Taxpayer Bill of Rights 2. Yet, my work as a member of the National Commission on the Restructuring of the IRS and as a senior member of the Senate Finance Committee led me to believe that we need even more taxpayer protections. In addition, we need to make a concerted effort to educate taxpayers of their rights and the IRS tax procedures.

The findings of the National Commission on Restructuring the Internal Revenue Service, of which I was a member, recommended increasing taxpayer rights. The Senate Finance Committee recently concluded months of hearings that demonstrated to us, and to the public, that American taxpayers are being treated unfairly by the IRS. I cannot sit idly by and let this happen to the American people.

For a start, last year Senator KERREY and I introduced legislation that would implement the Restructuring Commission's proposals, including the taxpayer rights recommendations. The House of Representatives, when considering identical legislation, weakened some of the provisions. To its credit, the House also added some strong, imaginative protections in return. I applaud everyone who works to increase taxpayer rights, and to give the unrepresented taxpayer a louder voice against the IRS.

With introduction of this legislation, the Taxpayer Bill of Rights 3, or T3, I am saying that I want to see the strongest taxpayer protections possible in any Senate-passed IRS restructuring legislation. The bill I am introducing today, the Taxpayer Bill of Rights 3, contains the strongest provisions from both the Kerrey-Grassley bill and from the House-passed bill, and also some additional protections.

This bill takes a two-pronged approach to assure taxpayer rights. First, it increases basic taxpayer rights. It helps place a check on IRS collection actions. It gets the IRS off the back of delinquent taxpayers who are making good faith efforts to resolve disputes, and it prohibits the IRS from harassing and abusing taxpayers. Specifically, it requires the IRS to obtain court approval before seizing taxpayer property or belongings. Further, it requires that the levy is reasonable. If the IRS is levying a principal residence or business, then the IRS must have exhausted all other payment options, including the use of installment agreements. It also increases taxpayer rights by allowing honest citizens to sue the IRS when its employees negligently disregard provisions of the code or regulations.

It also requires the IRS to enter into installment agreements for tax liability that is less than $10,000, if the taxpayer has not failed to file or pay taxes in the last 5 years, and has no prior installment agreements. It also requires the Commissioner to catalog and review taxpayer complaints of misconduct by IRS employees, and develop procedures for review and discipline. It expands the grounds on which taxpayers can sue the IRS for civil damages to include negligent actions.

These are only a few of this bill's provisions.

Another inequity that is solved is the difference between interest on tax overpayments and underpayments. Currently, the IRS charges you more in interest on money you owe to it, than it gives you on money that it owes you. This is simply not fair.

Another unfairness that occurs is that the IRS does not have to live by the same collection rules that creditors live by. My bill prohibits the IRS from communicating with a delinquent taxpayer at any unusual time or place, generally prohibiting telephone calls other than between 8:00 a.m. and 9:00 p.m. It also prohibits the IRS from harassing or abusing delinquent taxpayers.

The second prong of my bill increases taxpayer education, notice and resources. Taxpayers must be aware of their rights in order to take advantage of them. Recent hearings have exposed IRS strategies that target the little guy by using his lack of knowledge about the process and about his rights against him. I intend to bring this unjust practice to an end. My bill establishes a 24-hour a day, toll-free taxpayer help line. This help line must be staffed at all times by a person trained in helping individual taxpayers, and during regular business hours by a person trained to help small businesses. All paper communications received from the IRS must prominently display this phone number, as well as the number of the local taxpayer advocate, low-income taxpayer clinics and the toll-free number for taxpayers to register complaints of misconduct by IRS employees.

In addition, the IRS must inform taxpayers of their rights and IRS processes. This includes notice at the time of an interview, in a first notice of appeal, and in other contacts with the IRS. Taxpayers also must be notified of their right to refuse to extend the statute of limitations when the IRS asks the taxpayer to extend this time.

Mr. President, this bill sends a clear signal to the IRS: put the customer first. Blame only those who are guilty. To this end, my bill is missing one provision that is vital to taxpayer rights reform. Today, in addition to introducing my own freestanding legislation, I am adding myself as a cosponsor to Senator D'AMATO's innocent spouse reform bill. Innocent spouses are caught in the trap of joint and several liability and are unfairly saddled with another's tax debt. If we are truly trying to bring fairness and equity to the American tax system, then strong, and retroactive innocent spouse reform must be a part of any IRS reform bill.

Finally, I'll be working during Finance Committee and Senate consideration of IRS reform legislation to give taxpayers the rights they deserve. This bill, the Taxpayer Bill of Rights 3, is the first step in this direction. Let the word ring clear: The era of IRS bullying is over.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Bill of Rights 3''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Findings.

TITLE I—TAXPAYER RIGHTS

Sec. 101. Disclosure of criteria for examination selection.
Sec. 102. Civil damages for negligence in collection actions.
Sec. 103. Tax return information.
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Sec. 105. Elimination of application of failure to pay penalty during period of installment agreement.
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Sec. 107. Cataloging complaints.
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Sec. 109. Limitation on financial status audit techniques.
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Sec. 111. Refund or credit of overpayments before final determination.
Sec. 112. Threat of audit prohibited to coerce tip reporting alternative commitment agreements.
Sec. 113. Court approval for seizure of taxpayer's property.
Sec. 114. Expansion of authority to issue taxpayer assistance orders.
Sec. 115. Modifications to certain levy exemption amounts.
Sec. 116. Offers-in-compromise.
Sec. 117. Increase in overpayment rate payable to taxpayers other than corporations.
Sec. 118. Levy prohibited during certain negotiations.
Sec. 119. Application of certain fair debt collection procedures.
Sec. 120. Allowance of civil damage suits by persons other than taxpayers for IRS unauthorized collection actions.
Sec. 121. Cooperative agreements with State tax authorities.

TITLE II—TAXPAYER EDUCATION, NOTICE, AND RESOURCES

Sec. 201. Explanation of taxpayers' rights.
Sec. 202. Toll-free customer help line.
Sec. 203. Notice of various telephone numbers.
Sec. 204. Procedures involving taxpayer interviews.
Sec. 205. Explanation of joint and several liability.
Sec. 206. Procedures relating to extensions of statute of limitations by agreement.
Sec. 207. Explanations of appeals and collection process.
Sec. 208. Independent operation of local taxpayer advocates.

SEC. 2. FINDINGS.

The Senate finds that—

(1) the National Commission on Restructuring the Internal Revenue Service has found the urgent need for significant Internal Revenue Service reform;

(2) the ongoing hearings of the Committee on Finance of the Senate have uncovered consistent abuse of taxpayers by the Internal Revenue Service;

(3) the Internal Revenue Service should be responsible and held accountable for its treatment of taxpayers;

(4) the American public expects and deserves timely and accurate service from the Internal Revenue Service; and

(5) additional taxpayer protections are necessary to ensure that taxpayers receive fair, impartial, and courteous assistance from the Internal Revenue Service.

TITLE I—TAXPAYER RIGHTS

SEC. 101. DISCLOSURE OF CRITERIA FOR EXAMINATION SELECTION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, incorporate into the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) a statement which sets forth in simple and nontechnical terms the criteria and procedures for selecting taxpayers for examination. Such statement shall not include any information the disclosure of which would be detrimental to law enforcement, but shall specify the general procedures used by the Internal Revenue Service, including the extent to which taxpayers are selected for examination on the basis of information available in the media or on the basis of information provided to the Internal Revenue Service by informants.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the statement required under subsection (a) (or proposed revisions to any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 102. CIVIL DAMAGES FOR NEGLIGENCE IN COLLECTION ACTIONS.

(a) IN GENERAL.—Section 7433 (relating to civil damages for certain unauthorized collection actions) is amended—

(1) in subsection (a), by inserting '', or by reason of negligence,'' after ''recklessly or intentionally'', and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''($100,000, in the case of negligence)'' after ''$1,000,000'', and

(B) in paragraph (1), by inserting ''or negligent'' after ''reckless or intentional''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 104. FREEDOM OF INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures under which expedited access will be granted to requests under section 551 of title 5, United States Code, when—

(1) there exists widespread and exceptional media interest in the requested information, and

(2) expedited processing is warranted because the information sought involves possible questions about the government's integrity which affect public confidence.

In addition, such procedures shall require the Internal Revenue Service to provide an explanation to the person making the request if the request is not satisfied within 30 days, including a summary of actions taken to date and the expected completion date. Finally, to the extent that any such request is not satisfied in full within 60 days, such person may seek a determination of whether such request should be granted by the appropriate Federal district court.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 105. ELIMINATION OF APPLICATION OF FAILURE TO PAY PENALTY DURING PERIOD OF INSTALLMENT AGREEMENT.

(a) IN GENERAL.—Subsection (c) of section 6651 (relating to the penalty for failure to file tax return or to pay tax) is amended by adding at the end the following:

''(3) TOLLING DURING PERIOD OF INSTALLMENT AGREEMENT.—If the amount required to be paid is the subject of an agreement for payment of tax liability in installments made pursuant to section 6159, the additions imposed under subsection (a) shall not apply so long as such agreement remains in effect.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 106. SAFE HARBOR FOR QUALIFICATION FOR INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Subsection (a) of section 6159 (relating to agreements for payment of tax liability in installments) is amended—

(1) by striking ''The Secretary is'' and inserting the following:

''(1) IN GENERAL.—The Secretary is'',

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

''(2) SAFE HARBOR.—The Secretary shall enter into an agreement to accept the payment of a tax liability in installments if—

''(A) the amount of such liability does not exceed $10,000,

''(B) the taxpayer has not failed to file any tax return or pay any tax required to be shown thereon during the immediately preceding 5 years, and

''(C) the taxpayer has not entered into any prior installment agreement under this paragraph.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 107. CATALOGING COMPLAINTS.

(a) IN GENERAL.—The Commissioner of Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures to catalog and review taxpayer complaints of misconduct by Internal Revenue Service employees. Such procedures should include guidelines for internal review and discipline of employees, as warranted by the scope of such complaints.

(b) HOTLINE.— The Commissioner of Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish a toll-free telephone number for taxpayers to register complaints of misconduct by Internal Revenue Service employees, and shall publish such number in Publication 1.

SEC. 108. SUSPENSION OF STATUTE OF LIMITATIONS ON FILING REFUND CLAIMS DURING PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 6511 (relating to limitations on credit or refund) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following:

''(h) RUNNING OF PERIODS OF LIMITATION SUSPENDED WHILE TAXPAYER IS UNABLE TO MANAGE FINANCIAL AFFAIRS DUE TO DISABILITY.—

''(1) IN GENERAL.—In the case of an individual, the running of the periods specified in subsections (a), (b), and (c) shall be suspended during any period of such individual's life that such individual is financially disabled.

''(2) FINANCIALLY DISABLED.—

''(A) IN GENERAL.—For purposes of paragraph (1), an individual is financially disabled if such individual is unable to manage his financial affairs by reason of his medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to have such an impairment unless proof of the existence thereof is furnished in such form and manner as the Secretary may require.

''(B) EXCEPTION WHERE INDIVIDUAL HAS GUARDIAN, ETC.—An individual shall not be treated as financially disabled during any period that such individual's spouse or any other person is authorized to act on behalf of such individual in financial matters.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods of disability before, on, or after the date of the enactment of this Act but shall not apply to any claim for credit or refund which (without regard to such amendment) is barred by the operation of any law or rule of law (including res judicata) as of January 1, 1998.

SEC. 109. LIMITATION ON FINANCIAL STATUS AUDIT TECHNIQUES.

Section 7602 is amended by adding at the end the following:

''(e) LIMITATION ON EXAMINATION ON UNREPORTED INCOME.—The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income.''

SEC. 110. NOTICE OF DEFICIENCY TO SPECIFY DEADLINES FOR FILING TAX COURT PETITION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall include on each notice of deficiency under section 6212 of the Internal Revenue Code of 1986 the date determined by such Secretary (or delegate) as the last day on which the taxpayer may file a petition with the Tax Court.

(b) LATER FILING DEADLINES SPECIFIED ON NOTICE OF DEFICIENCY TO BE BINDING.—Subsection (a) of section 6213 (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by adding at the end the following: ''Any petition filed with the Tax Court on or before the last date specified for filing such petition by the Secretary in the notice of deficiency shall be treated as timely filed.''

(c) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (b) shall apply to notices mailed after December 31, 1998.

SEC. 111. REFUND OR CREDIT OF OVERPAYMENTS BEFORE FINAL DETERMINATION.

(a) TAX COURT PROCEEDINGS.—Subsection (a) of section 6213 is amended—

(1) by striking '', including the Tax Court.'' and inserting '', including the Tax Court, and a refund may be ordered by such court of any amount collected within the period during which the Secretary is prohibited from collecting by levy or through a proceeding in court under the provisions of this subsection.'', and

(2) by striking ''to enjoin any action or proceeding'' and inserting ''to enjoin any action or proceeding or order any refund''.

(b) OTHER PROCEEDINGS.—Subsection (a) of section 6512 is amended by striking the period at the end of paragraph (4) and inserting '', and'', and by inserting after paragraph (4) the following:

''(5) As to any amount collected within the period during which the Secretary is prohibited from making the assessment or from collecting by levy or through a proceeding in court under the provisions of section 6213(a), and

''(6) As to overpayments the Secretary is authorized to refund or credit pending appeal as provided in subsection (b).''

(c) REFUND OR CREDIT PENDING APPEAL.—Paragraph (1) of section 6512(b) is amended by adding at the end the following: ''If a notice of appeal in respect of the decision of the Tax Court is filed under section 7483, the Secretary is authorized to refund or credit the overpayment determined by the Tax Court to the extent the overpayment is not contested on appeal.''

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 112. THREAT OF AUDIT PROHIBITED TO COERCE TIP REPORTING ALTERNATIVE COMMITMENT AGREEMENTS.

The Secretary of the Treasury or the Secretary's delegate shall instruct employees of the Internal Revenue Service that they may not threaten to audit any taxpayer in an attempt to coerce the taxpayer into entering into a Tip Reporting Alternative Commitment Agreement.

SEC. 113. COURT APPROVAL FOR SEIZURE OF TAXPAYER'S PROPERTY.

(a) IN GENERAL.—Section 6331(a) (relating to levy and distraint) is amended by adding at the end the following:

''(2) LIMITATION ON AUTHORITY OF SECRETARY.—Notwithstanding paragraph (1), the Secretary shall not levy upon any property or rights to property until a court of competent jurisdiction—

''(A) has determined that—

''(i) such levy is reasonable under the circumstances, and

''(ii) in the case of a levy upon the principal residence or business establishment of the taxpayer, the Secretary has exhausted all other payment options, and

''(B) issues a writ of execution.''

(b) CONFORMING AMENDMENT.—Section 6331(a) is amended by striking ''If any person'' and inserting:

''(1) IN GENERAL.—If any person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for seizures occurring on or after the date of the enactment of this Act.

SEC. 114. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

(a) IN GENERAL.—Section 7811(a) (relating to taxpayer assistance orders) is amended—

(1) by striking ''Upon application'' and inserting the following:

''(1) IN GENERAL.—Upon application'',

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

''(2) DETERMINATION OF HARDSHIP.—For purposes of determining whether a taxpayer is suffering or about to suffer a significant hardship, the Taxpayer Advocate should consider—

''(A) whether the Internal Revenue Service employee to which such order would issue is following applicable published administrative guidance, including the Internal Revenue Manual,

''(B) whether there is an immediate threat of adverse action,

''(C) whether there has been a delay of more than 30 days in resolving taxpayer account problems,

''(D) the prospect that the taxpayer will have to pay significant professional fees for representation,

''(E) whether the taxpayer will suffer irreparable injury, or a long-term adverse impact, if relief is not granted, and

''(F) any other factor the Taxpayer Advocate deems appropriate.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 115. MODIFICATIONS TO CERTAIN LEVY EXEMPTION AMOUNTS.

(a) FUEL, ETC.—Section 6334(a)(2) (relating to fuel, provisions, furniture, and personal effects) is amended by striking ''$2,500'' and inserting ''$5,000''.

(b) BOOKS, ETC.—Section 6334(a)(3) (relating to books and tools of a trade, business, or profession) is amended by striking ''$1,250'' and inserting ''$10,000''.

(c) CONFORMING AMENDMENT .—Section 6334(f)(1) (relating to inflation adjustment) is amended—

(1) by striking ''1997'' and inserting ''1999'', and

(2) by striking ''1996'' in subparagraph (B) and inserting ''1998''.

(d) EFFECTIVE DATE.—The amendments made by this section shall tale effect with respect to levies issued after December 31, 1998.

SEC. 116. OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 (relating to offers-in-compromise) is amended by adding at the end the following:

''(c) ALLOWANCES.—The Secretary shall develop and publish guidelines for national and local allowances to ensure that taxpayers entering into a compromise have an adequate means to provide for basic living expenses.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 117. INCREASE IN OVERPAYMENT RATE PAYABLE TO TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 6621(a)(1) (defining overpayment rate) is amended to read as follows:

''(B) 3 percentage points (2 percentage points in the case of a corporation).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to interest for calendar quarters beginning after the date of the enactment of this Act.

SEC. 118. LEVY PROHIBITED DURING CERTAIN NEGOTIATIONS.

(a) IN GENERAL.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following:

''(j) NO LEVY DURING CERTAIN NEGOTIATIONS.—

''(1) IN GENERAL.—No levy may be made under subsection (a) on the salary or wages or other property of any person with respect to any unpaid tax in a case, and during the period, to which paragraph (2) or (3) applies.

''(2) OFFERS IN COMPROMISE; INSTALLMENT AGREEMENTS.—This paragraph applies to any unpaid tax of such person—

''(A) during the period that an offer by such person in compromise under section 7122, or for an installment agreement under section 6159, of such unpaid tax is pending with the Secretary, and

''(B) if such offer is rejected by the Secretary, during the 30 days thereafter (and, if an appeal of such rejection is filed within such 30 days, during the period that such appeal is pending).

''(3) CERTAIN ASSESSMENTS OF INDIVIDUAL INCOME TAX.—This paragraph applies to any unpaid tax of an individual which is imposed by subtitle A during the 60-day period beginning on the date such individual requests that this paragraph apply to such tax if—

''(A) such tax was included in a notice of deficiency under section 6212 mailed to the last known address of such individual, and

''(B) the assessment of such tax was not prevented at any prior time by reason of any action taken by such individual.

''(4) EXCEPTION.—Paragraph (1) shall not apply if the Secretary finds that—

''(A) the collection of the tax is in jeopardy, or

''(B) the offer or request is made solely to delay collection.

''(5) SUSPENSION OF STATUTE OF LIMITATIONS ON COLLECTION.—Subsection (i)(4) shall apply for purposes of this subsection.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes assessed on or after the 60th day after the date of the enactment of this Act.

SEC. 119. APPLICATION OF CERTAIN FAIR DEBT COLLECTION PROCEDURES.

(a) IN GENERAL.—Subchapter A of chapter 64 (relating to collection) is amended by inserting after section 6303 the following:

''SEC. 6304. FAIR TAX COLLECTION PRACTICES.

''(a) COMMUNICATION WITH THE TAXPAYER.—Without the prior consent of the taxpayer given directly to the Secretary or the express permission of a court of competent jurisdiction, the Secretary may not communicate with a taxpayer in connection with the collection of any unpaid tax—

''(1) at any unusual time or place or a time or place known or which should be known to be inconvenient to the taxpayer;

''(2) if the Secretary knows the taxpayer is represented by an attorney with respect to such unpaid tax and has knowledge of, or can readily ascertain, such attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the Secretary or unless the attorney consents to direct communication with the taxpayer; or

''(3) at the taxpayer's place of employment if the Secretary knows or has reason to know that the taxpayer's employer prohibits the taxpayer from receiving such communication.

In the absence of knowledge of circumstances to the contrary, the Secretary shall assume that the convenient time for communicating with a taxpayer is after 8 a.m. and before 9 p.m., local time at the taxpayer's location.

''(b) PROHIBITION OF HARASSMENT AND ABUSE.—The Secretary may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with any unpaid tax. Without limiting the general application of the foregoing, the following conduct is a violation of this subsection:

''(1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.

''(2) The use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader.

''(3) The publication of a list of taxpayers who allegedly refuse to pay taxes, except to a consumer reporting agency or to persons meeting the requirements of section 603(f) or 604(a)(3) of the Fair Credit Reporting Act.

''(4) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

''(5) Except as provided under rules similar to the rules in section 804 of the Fair Debt Collection Practices Act (15 U.S.C. 1692b), the placement of telephone calls without meaningful disclosure of the caller's identity.

''(c) CIVIL ACTION FOR VIOLATIONS OF SECTION.—

''For civil action for violations of this section, see section 7433.''

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 is amended by inserting after the item relating to section 6303 the following:

''Sec. 6304. Fair tax collection practices.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 120. ALLOWANCE OF CIVIL DAMAGE SUITS BY PERSONS OTHER THAN TAXPAYERS FOR IRS UNAUTHORIZED COLLECTION ACTIONS.

(a) IN GENERAL.—Section 7433(a) (relating to civil damages for certain unauthorized collection damages) is amended—

(1) by striking ''a taxpayer'' and inserting ''any person'', and

(2) by striking ''such taxpayer'' and inserting ''such person''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions by officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 121. COOPERATIVE AGREEMENTS WITH STATE TAX AUTHORITIES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding after section 7524 the following:

''SEC. 7525. TAX ADMINISTRATION AGREEMENTS.

''(a) IN GENERAL.—To the extent provided in regulations, the Secretary is authorized to enter into tax administration agreements with any State agency, body, or commission described in section 6103(d)(1). Under such agreements, the Secretary may delegate powers relating to the administration of this title to officers and employees of such State agency, body, or commission, only if such officers and employees in exercising such powers are under the supervision of the Secretary.

''(b) TAX ADMINISTRATION AGREEMENT DEFINED.—A tax administration agreement is a written agreement entered into by the Secretary and a State agency, body, or commission described in section 6103(d)(1) that provides for a delegation of tax administration powers or a payment of reasonable compensation for activities conducted by either party to the agreement. Each Federal or State tax administration power to be exercised pursuant to a tax administration agreement shall be performed in accordance with the terms of the agreement to the extent such terms do not conflict with the Federal or State laws that otherwise authorize the respective tax administration function.

''(c) JUDICIAL PROCEEDINGS.—

''(1) REVIEW BY THE UNITED STATES COURTS.—Nothing in this subchapter shall give any court of the United States any additional jurisdiction nor diminish its jurisdiction.

''(2) PROHIBITION OF REVIEW BY THE STATE COURTS.—No court or other tribunal of any State shall have jurisdiction to adjudicate in any action, legal or equitable, the validity or

scope of an assessment of an internal revenue tax that is the subject of a tax administration agreement.

''(3) LIMITATION ON PERSONAL JURISDICTION.—No court or other tribunal of any State shall have jurisdiction over an individual who exercises Federal tax administration powers pursuant to a tax administration agreement for actions relating to the exercise of those powers.

''(d) PAYMENT FOR SERVICES.—The Secretary is authorized to pay reasonable compensation for activities conducted by a State pursuant to a tax administration agreement. The Secretary is authorized to collect reasonable compensation for activities conducted by the United States pursuant to a tax administration agreement.

''(e) AVAILABILITY OF FUNDS.—Any funds appropriated for purposes of the administration of this title shall be available for purposes of carrying out the Secretary's responsibilities under a tax administration agreement. Any reasonable compensation received pursuant to a tax administration agreement shall be credited to the amounts so appropriated and shall remain available to the Internal Revenue Service until expended to supplement appropriations made available to the appropriations accounts in the fiscal year during which this provision is enacted and all fiscal years thereafter.

''(f) TAX TREATIES AND OTHER INTERNATIONAL AGREEMENTS.—To the extent the provisions of this subchapter or a tax administration agreement may conflict with the terms of any tax treaty, or other international agreement of the United States containing provisions relating to taxation or the administration of tax laws, the terms of the treaty or international agreement shall control.

''(g) EMPLOYEE STATUS.—Any officer or employee of the United States acting pursuant to a tax administration agreement shall be deemed to remain a Federal employee. Except as otherwise expressly provided by the laws of the United States, any officer or employee of a State acting pursuant to a tax administration agreement shall be deemed to remain a State employee.''

(b) CONFORMING AMENDMENTS.—

(1) Section 6103(d) is amended—

(A) by amending paragraph (1) to read as follows:

''(1)(A) IN GENERAL.—Returns and return information with respect to taxes imposed by chapters 1, 2, 6, 11, 12, 21, 23, 24, 31, 32, 44, 51, and 52 and subchapter D of chapter 36 shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with the responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in—

''(i) the administration of such laws, including any procedures with respect to locating, any person who may be entitled to a refund; or

''(ii) the administration of Federal tax laws pursuant to a tax administration agreement entered into between such agency, body or commission and the Secretary under section 7525.

''(B) WRITTEN REQUEST BY AGENCY HEAD REQUIRED FOR DISCLOSURE.—The inspection of returns and return information under this paragraph shall be permitted, or disclosure of such returns and return information made, only upon written request by the head of such agency, body, or commission, and only to the representatives of such agency, body, or commission designated in such written request as the individuals who are to inspect or receive the returns or return information on behalf of such agency, body, or commission.

''(C) PERMISSIBLE RECIPIENTS.—The representatives of such agency, body, or commission to whom disclosure is permitted under this paragraph shall include only employees or legal representatives of such agency, body, or commission, or a person described in subsection (n) of this section. However, notwithstanding the foregoing, disclosure shall not be permitted to any individual who is the chief executive officer of such State.

''(D) CONFIDENTIAL INFORMANTS; IMPAIRMENT OF INVESTIGATIONS.—Return information shall not be disclosed under this paragraph to the extent that the Secretary determines that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation.''; and

(B) by adding at the end the following:

''(5) JOINT RETURN FILING PROGRAMS.—

''(A) IN GENERAL.—Upon written request by the head of any agency, body, or commission described in paragraph (1), the Secretary may disclose common data to such agency, body or commission for the purpose of carrying out a joint return filing program entered into under section 7525.

''(B) COMMON DATA DEFINED.—For purposes of this paragraph, 'common data' means any item of information that is required by both Federal and State law to be attached to or included on the respective Federal and State returns.

''(C) PROCEDURES FOR STATE AGENCIES.—Subsections (a)(2) and (p)(4) of this section shall not apply with respect to any disclosures made pursuant to this paragraph. However, common data disclosed pursuant to this paragraph is subject to subsection (p)(8) of this section.''

(2) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by inserting ''(d),'' after ''subsections (c),''; and

(B) in subparagraph (C)(i) by striking ''(d),''.

(3) Section 7212(a) is amended by inserting ''or any State officer or employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''any officer or employee of the United States'' in both places it appears.

(4) Section 7213(a)(2) is amended by deleting ''(d),'' and inserting instead ''(d)(1), (2), (3), or (4),''.

(5) Section 7214 is amended—

(A) in subsection (a), by inserting ''or any State officer or employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''Any officer or employee of the United States''; and

(B) in subsection (b), by inserting ''or any State employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''Any internal revenue officer or employee''.

(6) Section 7431(a)(1) is amended by inserting ''or any State employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''If any officer or employee of the United States''.

(7) Section 7432(a) is amended by inserting ''or any State employee who is authorized to release liens under section 6325 pursuant to an agreement authorized by section 7525'' after ''If any officer or employee of the Internal Revenue Service''.

(8) Section 7433(a), as amended by this Act, is amended by inserting ''or any State employee who is authorized to collect Federal taxes pursuant to an agreement authorized by section 7525'' after ''If, in connection with any collection of Federal tax with respect to any person, any officer or employee of the Internal Revenue Service''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following:

''Sec. 7525. Tax administration agreements.''

TITLE II—TAXPAYER EDUCATION, NOTICE, AND RESOURCES

SEC. 201. EXPLANATION OF TAXPAYERS' RIGHTS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) to more clearly inform taxpayers of their rights.

SEC. 202. TOLL-FREE CUSTOMER HELP LINE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish a 24-hour-a-day toll-free telephone customer help line, staffed at all times by a person trained in helping individual taxpayers and staffed during regular business hours (for all time zones in the United States) by a person trained in helping small business taxpayers.

SEC. 203. NOTICE OF VARIOUS TELEPHONE NUMBERS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, provide that all paper communications received by a taxpayer from the Internal Revenue Service shall include in a prominent manner the telephone number and purpose of the nearest local office of the taxpayer advocate and the low income taxpayer clinic and the toll-free telephone number for taxpayers to register complaints of misconduct by Internal Revenue Service employees established under section 107(b).

SEC. 204. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

(a) IN GENERAL.—Paragraph (1) of section 7521(b) (relating to procedures involving taxpayer interviews) is amended to read as follows:

''(1) EXPLANATIONS OF PROCESSES.—An officer or employee of the Internal Revenue Service shall—

''(A) before or at an initial interview, provide to the taxpayer—

''(i) in the case of an in-person interview with the taxpayer relating to the determination of any tax, an explanation of the audit process and the taxpayer's rights under such process, or

''(ii) in the case of an in-person interview with the taxpayer relating to the collection of any tax, an explanation of the collection process and the taxpayer's rights under such process, and

''(B) before an in-person initial interview with the taxpayer relating to the determination of any tax—

''(i) inquire whether the taxpayer is represented by an individual described in subsection (c),

''(ii) explain that the taxpayer has the right to have the interview take place in a reasonable place and that such place does not have to be the taxpayer's home,

''(iii) explain the reasons for the selection of the taxpayer's return for examination, and

''(iv) provide the taxpayer with a written explanation of the applicable burdens of proof on taxpayers and the Internal Revenue Service.

If the taxpayer is represented by an individual described in subsection (c), the interview may not proceed without the presence of such individual unless the taxpayer consents.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to interviews and examinations taking place after the date of the enactment of this Act.

SEC. 205. EXPLANATION OF JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish procedures to clearly alert taxpayers of their joint and several liabilities on all tax forms, publications, and instructions issued during the period joint and several liability remains a standard of liability. Such procedures shall include explanations of the possible consequences of joint and several liability.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 206. PROCEDURES RELATING TO EXTENSIONS OF STATUTE OF LIMITATIONS BY AGREEMENT.

(a) IN GENERAL.—Paragraph (4) of section 6501(c) (relating to the period for limitations on assessment and collection) is amended—

(1) by striking ''Where'' and inserting the following:

''(A) IN GENERAL.—Where'',

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

''(B) NOTICE TO TAXPAYER OF RIGHT TO REFUSE OR LIMIT EXTENSION.—The Secretary shall notify the taxpayer of the taxpayer's right to refuse to extend the period of limitations, or to limit such extension to particular issues, on each occasion when the taxpayer is requested to provide such consent.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to requests to extend the period of limitations made after the date of the enactment of this Act.

SEC. 207. EXPLANATIONS OF APPEALS AND COLLECTION PROCESS.

(a) TAXPAYER SPECIFIC EXPLANATION.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, include with any 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals an explanation of the appeals process and the collection process with respect to such proposed deficiency.

(b) GENERAL EXPLANATION.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, make available to the general public, a booklet which in simple language provides an explanation of the appeals process and the collection process and the rights of taxpayers at each step of such process.

SEC. 208. INDEPENDENT OPERATION OF LOCAL TAXPAYER ADVOCATES.

(a) INDEPENDENT OPERATION OF LOCAL OFFICES.—Section 7802(d) (relating to Office of Taxpayer Advocate) is amended by adding at the end the following:

''(4) OPERATION OF LOCAL OFFICES.—

''(A) INDEPENDENT OPERATION.—Each local taxpayer advocate shall, at the taxpayer advocate's discretion, not disclose to the Internal Revenue Service contact with, or information provided by, a taxpayer.

''(B) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each local office of the taxpayer advocate shall maintain separate phone, facsimile, and other electronic communication access, and a separate post office address from the Internal Revenue Service district office or service center which it serves.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philipines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1286

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1334

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1490

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1490, a bill to improve the quality of child care provided through Federal facilities and programs, and for other purposes.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1594

At the request of Mr. BENNETT, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1594, a bill to amend the Bank Protection Act of 1968 for purposes of facilitating the use of electronic authentication techniques by financial institutions, and for other purposes.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

S. 1648

At the request of Mr. JEFFORDS, the name of the Senator from Utah [Mr.

HATCH] was added as a cosponsor of S. 1648, a bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. KYL] were added as cosponsors of Senate Concurrent Resolution 78, supra.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Alaska [Mr. STEVENS], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week.''

SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

AMENDMENT NO. 1711

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 1711 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1716

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. SMITH], the Senator from Ohio [Mr. GLENN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 1716 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1726

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 1726 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1734

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1734 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1735

At the request of Mr. CLELAND, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of amendment No. 1735 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI, the names of the Senator from Rhode Island [Mr. REED] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1768

At the request of Mr. MURKOWSKI, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. AKAKA], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Maine [Ms. SNOWE], the Senator from Maine [Ms. COLLINS], the Senator from Washington [Mrs. MURRAY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Louisiana [Mr. BREAUX], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of amendment No. 1768 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1838

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of amendment No. 1838 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1906

At the request of Mr. NICKLES, his name was added as a cosponsor of amendment No. 1906 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1911

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of amendment No. 1911 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

BREAUX AMENDMENT NO. 1950

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

At the appropriate place insert:

SECTION 1010. GRADE CROSSING ELIMINATION PROGRAM

SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

''(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $50,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 1999, $100,000,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year 2000, $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2001, $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2003, to be used for elimination of hazards of railway-highway crossings, and $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2002, to be used for elimination of hazards of railway-highway crossings.

''(B) ELIGIBLE CORRIDORS.—Funds made available under subparagraph (A) shall be expended for projects in—

''(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause); and

''(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D).

''(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

''(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

''(i) projected rail ridership volume in each corridor;

''(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line:

''(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

''(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

''(v) the cooperation of the owners of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.''.

SWIFT RAIL DEVELOPMENT ACT REAUTHORIZATION

SEC. . HIGH SPEED RAIL PLANNING AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

''(d) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(e) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(f) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(g) FISCAL YEAR 2002.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2002, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2002, for carrying out section 26102 (including payment of administrative expenses related thereto).''.

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

''(2) the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

''(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

''(B) made available to members of the general public as passengers, but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;''.

CHAFEE AMENDMENT NO. 1951

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: $7,016,000.

(B) Indiana: $9,290,000.

(C) Michigan: $11,158,000.

(D) Oklahoma: $6,924,000.

(E) South Carolina: $7,109,000.

(F) Texas: $20,804,000.

(G) Wisconsin: $7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $31,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $40,000,000 for fiscal year 2002, and $44,000,000 for fiscal year 2003.

BOND (AND OTHERS) AMENDMENT NO. 1952

Mr. BOND (for himself, Mr. REID, and Mr. CHAFEE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18___. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(B) the difficulty in making lane changes; and

(C) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term ''longer combination vehicle'' has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

MCCAIN (AND HOLLINGS) AMENDMENT NO. 1953

Mr. MCCAIN (for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1680 submitted by Mr. MCCAIN to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

''§ 5117. Special permits, pilot programs, exemptions, and exclusions'';

(2) by striking ''2 years'' in subsection (a)(2) and inserting ''4 years'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

''(A) a source of supply to a farm;

''(B) a farm to another farm;

''(C) a field to another field on a farm; or

''(D) a farm back to the source of supply.

''(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

''(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

''(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

''(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.''.

(b) Section 5119(c) is amended by adding at the end the following:

''(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).''.

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

''5117. Special permits, pilot programs, exemptions, and exclusions.''.

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

''(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

''(A) in the area covered by an emergency declaration under this paragraph; and

''(B) for a period of not more than 30 days designated in that declaration.

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

''(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

''(A) a utility service vehicle driver to which the declaration applied; or

''(B) a utility service vehicle to the driver of which the declaration applied.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).''.

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term ''regulation'' has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

BOXER AMENDMENT NO. 1954

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. HOLD HARMLESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall allocate among the States amounts sufficient to ensure that no State (except the State of Massachusetts and a State that receives an allocation of funds under section 105 of title 23, United States Code, or under section 1102(c)) receives a share of the total apportionments for any fiscal year for all Federal-aid highway programs that is less than the average of the total apportionments to the State during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs.

(b) ELIGIBLE PURPOSES.—Amounts allocated under subsection (a) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(c) CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.

(2) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) REDUCTION OF AMOUNTS.—

(1) IN GENERAL.—For each fiscal year, the amounts described in paragraph (2) shall be reduced by such amount as is necessary to offset the budgetary impact resulting from subsection (a).

(2) AMOUNTS TO BE REDUCED.—The amounts referred to in paragraph (1) are—

(A) amounts available for obligation at the discretion of the Secretary under—

(i) the Interstate maintenance and other National Highway System components of the Interstate and National Highway System program under title 23, United States Code; and

(ii) the surface transportation program under section 133 of that title; and

(B) amounts that the Secretary may deduct for administrative expenses under section 104(a) of title 23, United States Code.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1955

Mr. ABRAHAM (for himself and Mr. LEVIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 139, strike lines 22 through 24 and insert the following:

''(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

''(B) is incorporated into the project;

''(C) is not land described in section 138; and

''(D) does not influence the environmental assessment of the project, including—

''(i) the decision as to the need to construct the project;

''(ii) the consideration of alternatives; and

''(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking ''agency of a Federal, State, or local government'' and inserting ''agency of the Federal Government'';

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

''(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

''§ 323. Donations and credits.''.

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

''108. Advance acquisition of real property.''; and

(B) by striking the item relating to section 323 and inserting the following:

''323. Donations and credits.''.

BROWNBACK (AND OTHERS) AMENDMENT NO. 1956

Mr. BROWNBACK (for himself, Mr. MOYNIHAN, and Mr. COVERDELL) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

on page 309, between lines 3 and 4, insert the following:

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended by—

(1) Striking ''The'' and inserting in lieu thereof, ''(1) The'';

(2) By adding at the end thereof the following new paragraphs;

''(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

''(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use; and

''(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

''(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way.''

HUTCHISON AMENDMENT NO. 1957

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 73, between line 18 and insert the following:

nance of the system.

''(8) In addition to funds allocated under this section, a state may, at its discretion, expend up to one-fourth of one percent of its annual federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.''

WARNER AMENDMENT NO. 1958

Mr. WARNER (for Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—

(1) in each of subsections (d) and (g)(3) by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''; and

(2) in subsection (d) by inserting ''or such anti-icing or de-icing composition'' after ''such acetate''.

23 U.S.C. Section 133(b)(1) is amended by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''.

CAMPBELL (AND OTHERS) AMENDMENT NO. 1959

Mr. CAMPBELL (for himself, Mr. GRAMM, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

WARNER (AND OTHERS) AMENDMENT NO. 1960

Mr. WARNER (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18—

(1) line 14, strike ''(1)'' and insert ''(1)(A)'';

(2) line 17, strike ''(2)'' and insert ''(B)'';

(3) line 19, strike the period and insert ''; or''; and

(4) between lines 19 and 20, insert the following:

(2) that are bordered by 2 navigable rivers listed under 33 USC 1804 that each comprise at least 10 percent of the boundary of the State.

Beginning on page 107, strike line 15 and all that follows through page 108, line 6, and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects—

''(i) at least $20,000,000 of the amounts set aside under paragraph (1) to any State that—

''(I) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

''(II) was apportioned for that program for fiscal year 1997 an amount greater than $125,000,000; and

''(ii) at least $15,000,000 of the amounts set aside under paragraph (1) to any State with respect to which the average service life of the bridges in the State exceeds 46 years as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998.

On page 110, strike lines 22 and 23 and insert the following:

''(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

''(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

''(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

''(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

''(ii) for the State, the ratio that—

''(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

''(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; is less than 1.00, as of the date of enactment of this subsection; and

''(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

''(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program: allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

''(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

''(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under''.

On page 236, between lines 16 and 17, insert the following:

SEC. 14___. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.

(a) DEFINITION OF HEAVIER WEIGHT VEHICLE.—In this section, the term ''heavier weight vehicle'' means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) REPORT.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) CONTENTS.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) CONSULTATION.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) MORATORIUM ON WITHHOLDING OF FUNDS.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

On page 337, after the item relating to section 512, insert the following:

''513. Recycled materials resource center.

On page 381, strike line 7 and insert the following:

SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Recycled materials resource center

''(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the 'Recycled Materials Resource Center' (referred to in this section as the 'Center').

''(b) ACTIVITIES.—

''(1) IN GENERAL.—The Center shall—

''(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

''(B) make information available to State transportation departments, the Federal

Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

''(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

''(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

''(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

''(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

''(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

''(c) REVIEW AND EVALUATION.—

''(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

''(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

''(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

''(d) FUNDING.—Of amounts made available under section 541, $2,000,000 shall be made available for each fiscal year to carry out this section.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, strike ''and 511'' and insert ''511, and 513''.

On page 220, line 14, strike ''and''.

On page 220, line 17, strike the period and insert ''; and''.

On page 220, between lines 17 and 18, insert the following:

''(iii) a high speed railway corridor through at least 3 Gulf Coast States (as designated by the Secretary).

At the end of subtitle A of title I, add the following:

SEC. 11___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) FUNDING.—Notwithstanding section 541(a) of title 23, United States Code, from funds made available under that section, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

On page 8, line 4, insert ''and section 207(f)'' after ''(f)''.

On page 87, line 11, insert ''under subsection (e)'' after ''program''.

On page 89, line 16, insert ''under subsection (e)'' before ''for''.

On page 90, line 7, strike ''Notwithstanding'' and insert ''Subject to subsection (f), notwithstanding''.

On page 90, line 21, insert ''under subsection (e)'' after ''program''.

On page 91, line 10, add ''(other than subsection (f))'' at the end.

On page 91, line 16, strike the quotation marks and the following period.

On page 91, between lines 16 and 17, insert the following:

''(f) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

''(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

''(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

''(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

''(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

''(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

''(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

''(iii) is maintained by the county in which the public road is located.

''(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

''(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

''(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

''(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

''(B) any funding provided by a State to a county for road maintenance programs in the county.

''(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b).

''(5) SET-ASIDE.—For each of fiscal years 1998 through 2003, the Secretary shall set aside $1,500,000 from amounts made available under section 541(a) of title 23 United States Code.''

LEVIN (AND ABRAHAM) AMENDMENT NO. 1961

Mr. WARNER (for Mr. LEVIN, for himself and Mr. ABRAHAM) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than 161 individuals per square mile.

(B) VEHICLE MILES TRAVELED.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in

paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) URBAN FEDERAL-AID LANE MILES.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) APPORTIONMENTS PER CAPITA.—The amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)''; and

(3) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

DASCHLE (AND OTHERS) AMENDMENT NO. 1962

Mr. BAUCUS (for Mr. DASCHLE, for himself, Mr. THOMAS, and Mr. ENZI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking ''and'' at the end of clause (iii) and all that follows through ''clauses (i) and (iv).'', and

(2) by adding after clause (iii) the following:

''(iv) capital expenditures related to State-owned rail operations in the State,

''(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

''(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

''(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

''(viii) the provision of passenger ferryboat service within the State, and

''(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

ROTH AMENDMENT NO. 1963

Mr. ROTH proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

TITLE ____—REVENUE

SEC. __001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Intermodal Surface Transportation Revenue Act of 1998''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. __002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES AND EXEMPTIONS.—

(1) The following provisions are each amended by striking ''1999'' each place it appears and inserting ''2005'':

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4221(a) (relating to certain tax-free sales).

(H) Section 4481(e) (relating to period tax in effect).

(I) Section 4482(c)(4) (relating to taxable period).

(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(K) Section 4483(g) (relating to termination of exemptions).

(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).

(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking ''2000'' each place it appears and inserting ''2007'':

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(3) Section 6412(a) (relating to floor stocks refunds) is amended by striking ''2000'' each place it appears and inserting ''2006''.

(4) Section 6427(f)(4) (relating to termination) is amended by striking ''1999'' and inserting ''2007''.

(5) Section 40(e)(1) (relating to termination) is amended—

(A) by striking ''December 31, 2000'' and inserting ''December 31, 2007'', and

(B) by striking subparagraph (B) and inserting the following:

''(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.''.

(6) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking ''10/1/2000'' each place it appears and inserting ''10/1/2007''.

(b) EXTENSION AND MODIFICATION OF HIGHWAY TRUST FUND.—

(1) EXTENSION.—Section 9503 (relating to Highway Trust Fund) is amended—

(A) in subsection (b)—

(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—

(I) by striking ''1999'' and inserting ''2005'',

(II) by striking subparagraph (C),

(III) in subparagraph (D), by striking ''and tread rubber'', and

(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively,

(ii) in paragraph (2), by striking ''1999'' each place it appears and inserting ''2005'' and by striking ''2000'' and inserting ''2006'',

(iii) in the heading of paragraph (2), by striking ''OCTOBER 1, 1999'' and inserting ''OCTOBER 1, 2005'', and

(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking ''1999'' and inserting ''2005'', and

(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—

(i) in paragraph (1)—

(I) by striking ''1998'' and inserting ''2003'',

(II) in subparagraph (C), by striking ''or'' at the end,

(III) in subparagraph (D), by striking ''1991.'' and inserting ''1991, or'',

(IV) by inserting after subparagraph (D) the following:

''(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.'', and

(V) by striking the last sentence and inserting the following:

''In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.'',

(ii) in paragraph (2)(A)(i)—

(I) by striking ''2000'' and inserting ''2006'',

(II) in subclause (II), by adding ''and'' at the end,

(III) in subclause (IV), by striking ''1999'' and inserting ''2005'', and

(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),

(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:

''(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.'',

(iv) in paragraph (3)—

(I) by striking ''July 1, 2000'' and inserting ''July 1, 2006'', and

(II) by striking the heading and inserting ''FLOOR STOCKS REFUNDS'',

(v) in paragraph (4)(A)—

(I) in clause (i), by striking ''1998'' and inserting ''2003'', and

(II) in clause (ii), by adding at the end the following new flush sentence:

''In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.'', and

(vi) in paragraph (5)(A), by striking ''1998'' and inserting ''2003''.

(2) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:

''(6) LIMITATION ON EXPENDITURES FROM HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

''(i) any provision of law which is not contained or referenced in this title and which is

not contained or referenced in a revenue Act, and

''(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.''.

(B) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—

(i) in subparagraph (E), by striking ''or'' at the end,

(ii) in subparagraph (F), by striking the period at the end and inserting '', or'', and

(iii) by adding at the end the following:

''(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).''.

(c) MODIFICATION OF SUBSIDIES FOR ALCOHOL FUELS.—

(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

''(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—

''(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

''(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

''(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

''(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

''(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002	53 cents	39.26 cents
2003 or 2004	52 cents	38.52 cents
2005, 2006, or 2007	51 cents	37.78 cents.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking ''5.4 cents'' and inserting ''the applicable blender rate'', and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

''(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

''(i) except as provided in clause (ii), 5.4 cents, and

''(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.''.

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

''(A) GENERAL RULES.—

''(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

''(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

''(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

''(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

''(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

''(I) in the case of 10 percent gasohol, 6 cents per gallon,

''(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

''(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.''.

(C) Section 4081(c)(5) is amended by striking ''5.4 cents'' and inserting ''the applicable blender rate (as defined in section 4041(b)(2)(C))''.

(D) Section 4091(c)(1) is amended by striking ''13.4 cents'' each place it appears and inserting ''the applicable blender amount'' and by adding at the end the following: ''For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

(d) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—

(1) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 9503(c) is amended by striking paragraph (6).

(B) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

(e) AQUATIC RESOURCES TRUST FUND.—

(1) EXTENSION.—Section 9504(c) (relating to expenditures from Boat Safety Account), as amended by section 9(b) of the Surface Transportation Extension Act of 1997, is amended—

(A) by striking ''1998'' and inserting ''2004'', and

(B) by striking ''1988'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998''.

(2) LIMITATION ON EXPENDITURES.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

''(d) LIMITATION ON EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no expenditure shall be made from the Aquatics Resources Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

''(2) EXCEPTION FOR PRIOR OBLIGATIONS FROM THE BOAT SAFETY ACCOUNT.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of subsection (c) before April 1, 2004.

''(3) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—For purposes of the second sentence of subsection (a)(2), there shall not be taken into account any amount described in subsection (b)(1), section 9503(c)(4), or section 9503(c)(5)(A) on and after the date of any expenditure not permitted by paragraph (1).''.

(3) CONFORMING AMENDMENTS.—Section 9504(b)(2) is amended—

(A) in subparagraph (A), by striking ''October 1, 1988'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998'', and

(B) in subparagraph (B), by striking ''November 29, 1990'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998''.

SEC. __003. MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Section 9503(e)(3) (relating to expenditures from Account), as amended by section 9(a)(2) of the Surface Transportation Extension Act of 1997, is amended—

(1) by striking ''1998'' and inserting ''2003'',

(2) in subparagraph (A), by striking ''or'' at the end,

(3) in subparagraph (B), by adding ''or'' at the end, and

(4) by striking all that follows subparagraph (B) and inserting:

''(C) the Intermodal Surface Transportation Efficiency Act of 1998,

as such sections and Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9503(e) is amended to read as follows:

''(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.''.

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: ''For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

''(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

''(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

''(C) 1.86 cents per gallon in the case of liquefied natural gas,

''(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

''(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. __004. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that—

(1) section 146 of such Code shall not apply to such bond, and

(2) section 147(c)(1) of such Code shall be applied by substituting ''any portion of'' for ''25 percent or more''.

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of the enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term ''qualified highway infrastructure project'' means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B).

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

(c) REPORT.—

(1) IN GENERAL.—Not later than the earlier of—

(A) 1 year after either ½ of the projects authorized under this section have been identified or ½ of the total bonds allowable for the projects under this section have been issued, or

(B) 7 years after the date of the enactment of this Act,

the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall submit the report described in paragraph (2) to the Committees on Finance and on Environment and Public Works of the Senate and the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall evaluate the overall success of the program conducted pursuant to this section, including—

(A) a description of each project under the program,

(B) the extent to which the projects used new technologies, construction techniques, or innovative cost controls that resulted in savings in building the project, and

(C) the use and efficiency of the Federal tax subsidy provided by the bond financing.

SEC. __005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(2) in subclause (III), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

SEC. __006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.— Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking ''$60'' and inserting ''$100''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

(c) NO INFLATION ADJUSTMENT FOR 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

If any increase determined under the preceding sentence is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.''.

(2) CONFORMING AMENDMENT.—Section 132(f)(2)(B) is amended by striking ''$155'' and inserting ''$175''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(d) CONFORMING INFLATION ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(6) INFLATION ADJUSTMENT.—

''(A) ADJUSTMENT TO QUALIFIED PARKING LIMITATION.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in paragraph (2)(B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

''(B) ADJUSTMENT TO OTHER QUALIFIED TRANSPORTATION FRINGES LIMITATION.—In the case of any taxable year beginning in a calendar year after 2002, the dollar amount contained in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2001' for 'calendar year 1992'.

''(c) ROUNDING.—If any increase determined under subparagraph (A) or (B) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

SEC. __007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.

For purposes of the Internal Revenue Code of 1986, with respect to any Federal participation payment to a taxpayer in any taxable year made under section 149(e) of title 23, United States Code, as added by section 1502, to the extent such payment is not subject to tax under such Code for the taxable year—

(1) no credit or deduction (other than a deduction with respect to any interest on a loan) shall be allowed to the taxpayer with respect to any property placed in service or other expenditure that is directly or indirectly attributable to the payment, and

(2) the basis of any such property shall be reduced by the portion of the cost of the property that is attributable to the payment.

SEC. __008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

''(f) EFFECTIVE DATES.—

''(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

''(2) The amendment made by subsection (d) shall take effect on July 1, 2000.''.

SEC. __009. REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

MCCAIN AMENDMENT NO. 1964

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him

to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 91, line 23, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 24, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 25, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 92, line 1, strike ''$10,000,000'' and insert ''$9,320,000''.

On page 92, line 2, strike ''$10,000,000'' and insert ''$9,320,000''.

KERREY (AND JEFFORDS) AMENDMENT NO. 19654

(Ordered to lie on the table.)

Mr. KERREY for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 236, between lines 16 and 17, and insert the following:

SEC. 14___. RURAL 2-LANE HIGHWAY SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1501(a)), is amended by adding at the end the following:

''§ 166. Rural 2-lane highway safety program

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the 'program') to ensure the systematic improvement of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

''(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with State standards and policies and shall incorporate, in any combination, the principles of—

''(A) safe alignment and cross-section design;

''(B) safe roadside conditions;

''(C) safety appurtenances;

''(D) durable and safe pavement design (especially long-term skid resistance);

''(E) grade crossing safety;

''(F) traffic engineering;

''(G) traffic calming;

''(H) access management;

''(I) bicycle and pedestrian features;

''(J) landscape design; or

''(K) historic preservation.

''(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State transportation departments and private sector experts in highway safety design and landscape design, including experts in transportation policy.

''(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

''(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

''(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

''(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

''(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

''(A) the percentage of the population of the State that resides in rural areas; bears to

''(B) the percentage of the population of all States that resides in rural areas.

''(c) SELECTION OF PROJECTS.—

''(1) IN GENERAL.—Each State shall select projects to receive funding under the program in a manner based on the statewide transportation planning process of the State under section 135.

''(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall submit a report to Congress on the results of the program.

''(2) CONTENTS.—The report shall include—

''(A) detailed travel and accident data by class of vehicle and roadway; and

''(B) an evaluation of the extent to which specific safety design features and accident countermeasures have resulted in lower accident rates, including reduced severity of injuries.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $100,000,000 for fiscal year 2003.

''(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1501(b)), is amended by adding at the end the following:

''166. Rural 2-lane highway safety program.''.

ABRAHAM AMENDMENT NO. 1966

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle G of title III, insert the following:

SEC. 37___. AUTOMOBILE TRANSPORTERS.

(a) IN GENERAL.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a), by striking ''No funds shall'' and inserting ''Subject to subsection (i), no funds shall''; and

(2) by adding at the end the following:

''(i) CERTAIN AUTOMOBILE TRANSPORTERS.—

''(1) AUTOMOBILE TRANSPORTER DEFINED.—For purposes of this subsection, the term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

''(2) SPECIAL RULE.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, each axle of an automobile transporter described in subparagraph (B) shall be subject to an enforcement tolerance of an amount not to exceed 10 percent of the gross weight of the automobile transporter.

''(B) AUTOMOBILE TRANSPORTERS DESCRIBED.—An automobile transporter is described in this paragraph if the automobile transporter—

''(i) is manufactured after March 1, 1988;

''(ii) has a gross weight of not more than 88,000 pounds; and

''(iii) is certified in accordance with the applicable requirements for certification under part 567 of title 49, Code of Federal Regulations, or any subsequent similar regulations.''.

(b) REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.—

(1) IN GENERAL.—Section 4481(a) of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended—

(A) by striking ''A tax'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), a tax'';

(B) by moving the text 2 ems to the right; and

(C) by adding at the end the following new paragraph:

''(2) SPECIAL RULE FOR AUTOMOBILE TRANSPORTERS.—In the case of an automobile transporter (as defined in section 127(i) of title 23, United States Code) which has a taxable gross weight over 80,000 pounds, the tax imposed under paragraph (1) shall be, in lieu of the rate specified in the table contained in paragraph (1), at the rate of $550 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 80,000 pounds.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on July 1, 1998.

BROWNBACK AMENDMENT NO. 1967

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 369, line 14, (of the reported bill), following ''lithium salts'' insert: ''and other economically viable methods''.

McCAIN AMENDMENT NO. 1968

Mr. MCCAIN proposed an amendment to amendment No. 1963 proposed by Mr. ROTH to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following new section:

''SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act.''

McCONNELL AMENDMENT NO. 1969

Mr. MCCONNELL proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I and II of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d)

as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I and II of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I and II of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I and II of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

BYRD AMENDMENT NO. 1970

Mr. CHAFEE (for Mr. BYRD) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

"§ 509. Infrastructure investment needs report

''(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

''(1) estimates of the future highway and bridge needs of the United States; and

''(2) the backlog of current highway and bridge needs.

''(b) FORMAT.—

''(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).''

MOSELEY-BRAUN AMENDMENT NO. 1971

Mr. CHAFEE (for Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash designs and determining whether directive and nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

SARBANES AMENDMENT NO. 1972

Mr. CHAFEE (for Mr. SARBANES) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

MOYNIHAN (AND HOLLINGS) AMENDMENT NO. 1973

Mr. CHAFEE (for Mr. MOYNIHAN for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

SEC. PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: ''(3) In furtherance of the redevelopment of this James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.''.

SEC. UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

''Section 820. Union Station Redevelopment Corporation

''To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.''.

MCCAIN AMENDMENT NO. 1974

Mr. CHAFEE (for Mr. MCCAIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 91, line 23, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 24, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 25, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 92, line 1, strike ''$10,000,000'' and insert ''$9,320,000''.

On page 92, line 2, strike ''$10,000,000'' and insert ''$9,320,000''.

CHAFEE AMENDMENT NO. 1975

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 108, line 14, strike ''(A)'' and insert ''(A)(i)''.

STEVENS (AND MURKOWSKI) AMENDMENT NO. 1976

Mr. CHAFEE (for Mr. STEVENS for himself and Mr. MURKOWSKI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23

U.S.C. 129 note) is amended by striking ''$14,000,000'' and all that follows through ''this section'' and inserting in lieu thereof ''$30,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $30,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003 in carrying out this section, at least $12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System''.

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated $20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

CLELAND AMENDMENT NO. 1977

Mr. WARNER (for Mr. CLELAND) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18___. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting ''Hale,'' after ''Franklin,'';

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting ''Elbert,'' after ''Douglas,''; and

(B) by inserting ''Hart,'' after ''Haralson,'';

(3) in the undesignated paragraph relating to Mississippi, by striking ''and Winston'' and inserting ''Winston, and Yalobusha''; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting ''Montgomery,'' after ''Lee,''; and

(B) by inserting ''Rockbridge,'' after ''Pulaski,''.

LIEBERMAN AMENDMENT NO. 1978

(Ordered to lie on the table)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 152, strike lines 9 through 12 and insert the following:

(2) by redesignating subsection (f) as subsection (h);

(3) by striking subsections (a) through (e) and inserting the following:

On page 155, strike line 5 and insert the following:

estimated total cost of $1,000,000,000 or more.

''(g) ANALYSIS OF LIFE-CYCLE COSTS.—

''(1) PROGRAM.—The Secretary shall establish a program with recommendations to guide States in conducting, to the extent appropriate, an analysis of the life-cycle costs of each usable project segment on the National Highway System.

''(2) BASIS.—The recommendations shall be based on the principles contained in Executive Order No. 12893 (59 Fed. Reg. 4233).

''(3) ANALYSIS.—An analysis of life-cycle costs under paragraph (1) shall consist of a process for evaluating the total economic worth of a usable project segment by analyzing the initial costs and discounted future costs of the project segment, such as maintenance, reconstruction, rehabilitation, restoration, and resurfacing costs, over the life of the project segment.

''(4) USER COSTS.—As part of the recommendations under paragraph (1), the Secretary shall make recommendations on the appropriate use of user costs as a factor in the analysis of life-cycle costs.''.

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1979

Mr. CHAFEE (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, as follows:

On page 43, between lines 15 and 16, insert the following:

''(xiii) amounts set aside under section 11____.

On page 136, after line 22, add the following:

SEC. 11___. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed $16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

RESOLUTION RELATIVE TO THAILAND AND THE INTERNATIONAL MONETARY FUND

ROTH AMENDMENT NOS. 1980–1981

Mr. CHAFEE (for Mr. ROTH) proposed two amendments to the resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations; as follows:

AMENDMENT NO. 1980

On page 2, strike lines 2 through 7 and insert the following:

''(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and''.

AMENDMENT NO. 1981

In the preamble, strike ''and'' at the end of the sixth ''Whereas'' clause.

In the preamble, strike the colon at the end of the seventh ''Whereas'' clause and insert ''; and''.

In the preamble, insert after the seventh ''Whereas'' clause the following:

''Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:''.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

TORRICELLI AMENDMENT NO. 1982

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

In title III, strike section 3215 and insert the following:

SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

''§ 5128. High risk hazardous material and hazardous waste; motor carrier safety study

''(a) STUDY.—The Secretary of Transportation shall conduct a study—

''(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

''(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous

material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

''(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

''(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

''(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

''(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

''(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the Intermodal Transportation Safety Act of 1998.''.

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking ''not later than November 16, 1991.'' and inserting ''based upon the findings of the study required by section 5128(a).''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

''5128. High risk hazardous material and hazardous waste; motor carrier safety study.

''5129. Authorization of appropriations.''.

Mr. TORRICELLI. Mr. President, I thank Senators MCCAIN, CHAFEE, BAUCUS, and HOLLINGS for their support for my efforts to have the Department of Transportation investigate how to improve the safety of transporting high-risk hazardous waste material on our Nation's highways. This issue is of great concern to me and to the people of New Jersey.

On October 20, 1997, a truck carrying hazardous materials caught fire while traveling on Interstate-80 in Paterson, New Jersey causing nearby residents and businesses to be evacuated. Two Paterson police officers had to be hospitalized and treated for chemical inhalation as a result of the accident. According to the police, the fire started when two chemicals inside the truck spilled over and mixed together.

Though the accident was not severe, it certainly would have been much worse had a passing motorists not noticed the fire and forced the driver to pull over. We were also fortunate that the public safety officials were well-trained and acted as quickly as they did.

What truly concerns me about this accident is the revelation that the company that was transporting the waste had been involved in 46 spill incidents at a cost of more than $100,000 since their inception. Despite this record, their last safety inspection by the Department of Transportation was conducted in 1994, almost four years ago. When I, along with Representative BILL PASCRELL investigated how this could possibly be the case, we were stunned to learn that there is nothing in current law which requires an annual safety examination of hazardous waste haulers. Under existing law, in order for a company to be a hauler-for-hire of hazardous material they must possess a permit from the Department of Transportation's Federal Highway Safety Administration. Once a hauler obtains a permit, they basically have it in perpetuity—regardless of their safety record. All they must do is reapply every year for a new safety permit and pay an application fee. While the Federal Highway Safety Administration maintains safety records and conducts safety reviews they do not do annual reviews or require safety inspections as a part of the certification process.

This is wrong. In my view, this process is too lax and although I would prefer to require this safety inspection outright, I will withdraw my amendment to S1173, the Intermodal Surface Transportation Efficiency Act Reauthorization to require this and instead submit this amendment to require the Department of Transportation to study how we may best implement a system of linking the renewal of a company's Federal permit to its ability to meet certain safety standards. This approach is fair and is in line with the spirit of the Hazardous Materials Transportation law.

Once again, I want to thank my colleagues and the Surface Transportation Subcommittee staff for their assistance with this amendment. I look forward to its inclusion in the final highway bill.

KERRY (AND HAGEL) AMENDMENT NO. 1983

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34___. NEBRASKA SUGAR BEET TRANSPORTATION.

Section 31112(d) of title 49, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) Notwithstanding the limitation under paragraph (1), the State of Nebraska may allow to be operated commercial motor vehicle combinations that are within the limitations under subsection (b) to transport, for a distance not to exceed 120 miles, sugar beets from—

''(A) the field where those sugar beets are harvested to storage, market, factory, or stockpile; or

''(B) stockpile to storage, market, or factory.''.

HUTCHINSON AMENDMENT NO. 1984

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 110, strike lines 22 and 23 and insert the following:

''(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

''(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

''(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

''(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

''(ii) for the State, the ratio that—

''(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

''(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

''(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

''(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

''(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

''(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under''.

GREGG AMENDMENT NO. 1985

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page ___, after line ___, insert the following:

SEC. ___. REQUIREMENT OF OFFSETS FOR ADDITIONAL ISTEA II SPENDING BEYOND LEVELS IN 1997 BUDGET AGREEMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution (or amendment, motion, or conference report on such bill or resolution) that provides spending for the programs funded under the Intermodal Surface Transportation Efficiency Act II in excess of the levels provided in the concurrent resolution on the budget for fiscal year 1998 if that spending would—

(1) exceed the discretionary budget caps;

(2) cause a reduction in the surpluses projected by CBO; or

(3) adversely effect the actuarial balances of the social security trust funds.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

DOMENICI AMENDMENT NO. 1986

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—Notwithstanding the provisions of 49 U.S.C. Section 13902(c)(4)(A), in this section, for the transportation of property only, the term ''commercial zone'' means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the ''New Mexico Commercial Zone.''

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 11, 1998, at 9:30 a.m. on the tobacco settlement legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 11, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1998, at 11:00 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 11th, at 9:30 a.m. in room 216 of the Hart Senate Building to conduct a markup on the Committee's Budget Views & Estimates letter regarding the President's FY '99 Request for Indian programs. To be followed immediately by a hearing on Tribal Sovereign Immunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 11, 1997 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''S. 1301, the Consumer Bankruptcy Reform Act: seeking fair and practical solutions to the consumer bankruptcy crisis''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 10:00 a.m. in open session, to receive testimony on land force modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 11, 1998, to conduct a hearing on S. 1594 ''Digital Signature and Electronic Authentication Law (SEAL) of 1998''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 2:00 p.m. in open session, to receive testimony on the Defense Health Program in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Wednesday, March 11, at 9:00 a.m. In open session, to receive testimony on environmental and military construction issues in review of the National Defense Authorization Act for fiscal year 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 2:30 p.m. in open session, to receive testimony on U.S. national security space programs and policies and the Department of Defense budget request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IRA ROLLOVER TO CHARITY ACT

• Mrs. HUTCHISON. Mr. President, yesterday, I introduced, on behalf of our Nation's charitable organizations, the IRA Rollover to Charity Act. It will allow donors to roll assets in an IRA to a charity or a deferred charitable gift plan. The effect would be to unlock certain taxable income and allow individuals to choose to direct

personal resources to charitable causes penalty-free.

Under my proposal, a person who has reached age 59½ will be allowed to move assets penalty-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable remainder trust, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets that would be taxed according to normal rules for those giving methods. Upon the death of the individual or the individual's spouse, the remainder would be transferred to charity.

Recent studies show that assets of qualified retirement plans comprise a substantial part of the net worth of many professionals. The IRA Rollover to Charity Act lifts current law disincentives to this important source of charitable giving. IRA assets represent untaxed income and cannot be withdrawn without being subject to taxation in full at the time of withdrawal. As a result, if an IRA is transferred into a charitable remainder trust, donors are required to recognize all such income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded.

Mr. President, this bill will unleash an enormous resource for charities servicing cultural, educational, environmental, health-related, religious and humanitarian purposes. If passed, the bill could be a huge asset for charitable organizations and I urge my colleagues to cosponsor this bill.●

ROBERT B. SLOANE

● Mr. MOYNIHAN. Mr. President, January 4 of this year marked the eightieth birthday of a constituent, Robert B. Sloane. This Friday, March 13, Bob Sloane's friends and family will gather to celebrate his entry into his ninth decade. Having recently earned the title of septuagenarian, I wish him hearty congratulations on this senescent achievement.

Bob Sloane was born in Brooklyn, NY and has always been a resident of our fair state. He was graduated from New York University's School of Dentistry at the age of 21 and spent the next two years living on Roosevelt Island as a resident.

And then began World War II. Bob Sloane entered what was then the United States Army Air Force serving for four years both at home and in the South Pacific. While stationed on the island of Guam, he received orders to construct a fence around the periphery of the camp. In charge of a number of young men he instructed them to build the fence in the hard, coral ground of the island. The fence was a disaster, toppled by a tap from his commanding officer. And down came the single line order signed by the commanding general: Captain Robert B. Sloane is hereby immediately relieved of his duty as utility officer for this command. Bob Sloane's skills were clearly that of an oral surgeon and not a constructor of embattlements.

He left the U.S. Army Air Force in 1945 having attained the rank of captain and returned to civilian life. He spent the next four decades ministering to the oral health of the residents of the state of New York and raising his four children.

Bob Sloane is now well into his second career as a painter. He has been the subject of a number of shows and wields his brush at classes at the National Academy of Design, School of Fine Art as well at his studios in New York City and Warwick, NY.

I would like to take this opportunity, Mr. President, to join with Bob Sloane's family and friends in wishing him a very happy eightieth birthday.●

THE 8TH ANNIVERSARY OF THE CHALDEAN-DETROIT TIMES

● Mr. ABRAHAM. Mr. President, I rise today to recognize an important event which is taking place in the State of Michigan. The Chaldean-Detroit Times is celebrating eight years of service and dedication to the Detroit Arab community. At this time, this publication should be recognized for its commitment to strengthening the Chaldean community and cultural understanding.

Friends and readers of the Chaldean-Detroit Times will gather for a banquet in celebration of its eight years of commitment to the community. This event will take place on the evening of Friday, March 20, 1998 at the Southfield Manor in Southfield, Michigan. Each of the individuals in attendance deserve special recognition for their support of the Chaldean-Detroit Times and the Chaldean community.

I commend the Chaldean-Detroit Times on its 8th Anniversary and send my best wishes to Amir Denha and to the entire Chaldean community of Detroit.●

THE 39TH ANNIVERSARY OF THE TIBETAN PEOPLE'S UPRISING

● Mr. DURBIN. Mr. President, I rise today to honor the concerned citizens in Chicago and around the world who have taken part in activities to commemorate the 39th Anniversary of the Tibetan People's Uprising of 1959.

Since China's brutal invasion of Tibet in 1949, Chinese rule has brought oppression and misery to a proud people whose national history extends back 2,000 years. Tibet functioned fully as an independent nation-state from 1911 until 1951, when China imposed its notorious so-called ''17-Point Agreement on the Peaceful Liberation of Tibet,'' forcing the Tibetan government to acknowledge Chinese sovereignty.

As China consolidated its power during the 1950s, refusing to permit even the regional autonomy permitted under the treaty, Tibetan resistance grew. It came to a head in the People's Uprising, which was suppressed by the Red Army at the cost of thousands of civilian lives. The Dalai Lama, Tibet's head of state and the spiritual leader of Tibetan Buddhists, was forced into exile in India, where he has been campaigning for the freedom of Tibet ever since.

The International Campaign for Tibet estimates that, during the 20 years following the uprising, some 1.2 million Tibetans, about one fifth of the country's population, perished due to China's policies. Many more were imprisoned, went into exile, or disappeared. More than 6,000 monasteries, temples and other cultural and historic buildings were destroyed. The Chinese occupation of Tibet stands as a monument to the worst excesses of Communist tyranny.

The U.S. Department of State and international human rights organizations continue to document acts of repression by Chinese authorities in Tibet even today. According to reports cited in the State Department's Human Rights Report for 1997, ''Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and long detention of Tibetan nationalists for peacefully expressing their political views. Tight controls on religion and on other fundamental freedoms continued and in some cases intensified.''

Amnesty International cited ''grossly unfair trials, widespread torture and ill-treatment in police cells, prisons and labor camps,'' and concluded that ''despite some legal changes, Chinese legislation still allowed more than 200,000 to be detained in 1997 without charge or trial for 're-education through labor.'''

The Chinese government's claims of success in its recent economic development policies in Tibet are also misleading: the favorable economic and tax policies have disproportionately benefitted ethnic Chinese residents rather than native Tibetans. Consequently, these policies ''have attracted growing numbers of ethnic Han and Hui immigrants from other parts of China, that are competing with—and in some cases displacing—Tibetan enterprises and labor,'' according to the U.S. State Department.

The United States must not allow China to use Tibet's geographic and political isolation to obscure our view of the situation. The fate of Tibet and its people also must not be sacrificed to diplomatic expediency in a short-sighted effort to improve U.S. relations with China. If the Chinese government wishes to join the community of responsible nations, it must act responsibly. It must improve its human rights performance and resume negotiations on Tibet's future. We in Congress should call upon the Administration to introduce a resolution dealing with the serious human rights abuses in China and

Tibet at the March 16 meeting of the United Nations Commission on Human Rights in Geneva.

As the Dalai Lama has said, ''Brute force, no matter how strongly applied, can never subdue the basic human desire for freedom and dignity. It is not enough, as communist systems have assumed, merely to provide people with food, shelter and clothing. The deeper human nature needs to breathe the precious air of liberty.'' It is time the government of China paid heed to his wise words.●

CLAWSON CHAMBER OF COMMERCE ''BUSINESS PERSON OF THE YEAR''

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge Tamara Van Wormer Tazzia, winner of the Clawson, Michigan Chamber of Commerce ''Business Person of the Year'' Award. Ms. Tazzia is the owner and manager of the Tri-Centre Business Complex in Clawson and has been very active in the Clawson Chamber of Commerce, serving as a board member, for the past five years. This month she will take over as president of the Chamber.

In addition to her involvement in the Chamber of Commerce, Ms. Tazzia has an impressive list of accomplishments. Ms. Tazzia has over ten years experience in property management and eighteen years of entrepreneurial business experience. She is a past vice-president of the National Association of Women Business Owners and past president of both the Troy Toastmasters and Bloomfield Hills Optimist Club.

Ms. Tazzia will be honored at the Clawson Chamber of Commerce Annual Awards Dinner Saturday, March 21, 1998. I congratulate Ms. Tazzia on her award and commend her for her involvement in her community.●

TRIBUTE TO WAYNE NEWTON

● Mr. REID. Mr. President, I rise today to pay tribute to a dear friend and perhaps the most recognizable Nevadan the world-over, Wayne Newton, for reaching his incredible fiftieth year in show business.

Wayne Newton has reached amazing goals in an industry in which success can be short lived. Before most Americans had heard of Elvis Presley or the Beatles, Wayne Newton released a best-selling record, sung for the President of the United States, and toured with the Grand Old Opry road show.

In a half-century, Wayne Newton has performed live for an astonishing fifteen million people and that number continues to grow each year. Tens of millions around the world have also enjoyed his talents through the radio, television, and movies.

Wayne's musical genius was recognized early in life. At the age of six, the precocious youngster was already dazzling audiences as the star of a radio show, which aired before he went to school each morning. During his adolescent years, he entertained us through the new medium of television, performing regularly on our favorite variety shows. Americans quickly discovered Wayne's irresistible stage presence, enchanting voice, and charming smile.

While still a teenager, he headlined a Las Vegas show and became one of the area's most popular attractions. Indeed, over the years, millions of tourists flocked to the Silver State to enjoy the sunny climate, scrumptious buffets, spectacular lights, magnificent resorts, and, to be sure, the singular magic of Wayne Newton. Wayne's nickname, Mr. Las Vegas, is richly deserved, and, as his career has grown and met with amazing success, so has that great city.

At the age of 21, his single ''Danke Schoen'' made music history. Many of his songs have topped the charts, and there are too many to mention here, but some of my favorites include ''Heart,'' ''Summer Wind,'' and ''Red Roses for a Blue Lady.''

Wayne Newton's gifts extend well beyond his extraordinary showmanship and musical talent. For example, he has distinguished himself as a skilled actor, having been featured in ten films, and countless television and cable programs.

Many Americans are aware that Wayne Newton has earned a star on the Hollywood Walk of Fame, but how many know that he has been awarded the Medal for Distinguished Public Service, Founder's Award of St Jude's hospital, the VFW's Hall of Fame Award, the American Legion's Exceptional Citizen Award and the Humanitarian Award of the American Cancer Society's Research Center—just to name a few? After fifty years before the public eye, Wayne Newton has become one of the world's most prolific entertainers, but he has always found time and energy to devote to scores of worthy causes.

Wayne Newton's career is the stuff of legend. I am confident there will be many more years in which visitors to Las Vegas will be mesmerized by this amazing performer. It is hard to imagine anyone reaching greater heights of success, but certainly, if anyone could, it's Mr. Las Vegas. However, to me the greatest attribute of Wayne Newton is the quality of his friendship. He is above all my good friend.●

MICHIGAN COUNCIL OF DELIBERATION SCHOLARSHIP FOUNDATION HONOREE

● Mr. ABRAHAM. Mr. President, I rise before you today to recognize Wesley A. Jones, of Grand Rapids, Michigan. Mr. Jones, has been honored by the Michigan Council of Deliberation Scholarship Foundation, an organization of which he is a member.

Mr. Jones is being honored as an outstanding individual for his many business and civic contributions. Currently, Mr. Jones serves as Deputy for the Orient for Michigan. In addition, he serves as Deputy for Michigan for the United Supreme Council and is active in the Ancient and Accepted Scottish Rite of Freemasonry, Prince Hall Affiliation, Northern Jurisdiction and USA Inc. Mr. Jones should be commended for his community activism as well. He serves as an active member of his church, treasurer of the Grand Rapids Urban League Board of Directors and Chair of the Minority Business Committee of the Grand Rapids Chamber of Commerce. His activity extends even beyond these organizations. Mr. Jones, an engineer and businessman is a father of six and grandfather of eight. It is quite apparent that Mr. Jones selflessly and freely gives of his time.

I am pleased to recognize the good work of Wesley A. Jones. He has been rightfully honored by the Michigan Council of Deliberation Scholarship Foundation.●

RESTORING DIPLOMATIC READINESS

● Mr. BIDEN. Mr. President, in the coming weeks, the Committee on the Budget will begin consideration of the concurrent budget resolution for Fiscal Year 1999. I would like to take a few minutes today to discuss the continuing need for our government to provide sufficient resources for international affairs. Since becoming the ranking Democrat on the Committee on Foreign Relations, I have focused special attention on this question, because I believe that adequate funding for these programs is essential to our national interest.

With the collapse of communism and the dissolution of the Soviet empire, the United States has emerged as the world's sole remaining superpower. With that position comes a responsibility to take a leading role in international affairs. Around the globe, American leadership is essential to preserving stability and security, and advancing prosperity and economic opportunity.

The United States cannot remain an effective world leader without devoting sufficient resources to diplomatic readiness. Just as we need to maintain and train robust military forces in order to protect our security, we need a well-trained and well-equipped diplomatic corps to advance our nation's numerous international interests. Indeed, with the reductions in our military presence overseas in the last decade, it is all the more important that we maintain a robust diplomatic presence around the globe, and that our diplomats, who work on the front line of our national defense, have the resources necessary to do their jobs.

It is sometimes said that, in the modern information age, embassies and the diplomats who staff them are no longer relevant. The assertion is, in my view, absurd. While modern technology has eased communications and travel

across the miles, there is no substitute for being physically present in a foreign country. No one can fully comprehend all the intricacies of a nation's politics and government without living in that country. Equally important, diplomacy is about building trust; trust between governments cannot be secured over the phone and fax, but comes, ultimately, from personal relationships that are built over a period of time. In short, the telephone and the facsimile machine cannot replace the on-site presence of well-trained diplomats.

Unfortunately, in recent years we have short-changed our diplomats, and ultimately our nation's interests, by reducing funding for international affairs. Indeed, by almost every measure, the budget for international affairs has declined precipitously over the past decade. Importantly, Congress is waking up to this problem. In Fiscal 1998, Congress increased funding for the Function 150 account—which encompasses foreign affairs funding—for the first time in eight years. But measured against historical averages, funding for international affairs remains low.

According to a recent study by the Congressional Research Service (CRS) prepared at my request, the discretionary budget authority for Function 150 in Fiscal 1998—$19.05 billion in Fiscal 1998 dollars—is 22.9 percent below the average of the past two decades ($24.69 billion). Using constant FY 1998 dollars, in only two years in the last two decades (Fiscal Years 1996 and 1997) was foreign affairs funding at lower levels than the current fiscal year. Similarly, as a percentage of total budget authority, Function 150 funding in FY 1998 is 1.129 percent, nearly one-third below the annual average (1.653 percent) for the past two decades.

An examination of the subfunctions of the foreign affairs budget tells a similar story. Funding for international development activities is 14.7 percent below the average of the last twenty years. Security assistance in Fiscal 1998 is 46.4 percent less, in real terms, than the average of the past two decades. Foreign information and exchanges—this is, the broadcasting, public diplomacy and exchange programs carried out by the Broadcasting Board of Governors and the U.S. Information Agency—are at a level 13.3 percent below the average of the period covered by the CRS study.

Only the ''Conduct of Foreign Affairs'' subfunction, which includes State Department operational costs, as well as contributions to international organizations and peacekeeping, is above the twenty-year average. But it should be emphasized that the budget for this category in Fiscal 1998 is the smallest, in real terms, since Fiscal 1990. Moreover, the relative size of this category, as compared to the 1970s and 1980s, can be explained by significant increases in the international peacekeeping account, an account which was small during the Cold War, but has increased substantially since the late-1980s.

Ethnic conflicts and regional rivalries—long submerged during the Cold War—have led to the creation of more U.N. peacekeeping missions in the last decade than there were in the previous three decades of the United Nations. In Fiscal 1990, for example, U.S. contributions to peacekeeping was $81 million. By Fiscal 1994, largely because of the U.N. operations in Bosnia and Somalia, this account totaled $1.07 billion. The United States bears 25 percent of the cost of these missions, and paid 31 percent prior to 1994.

I am pleased that the President has recognized the importance of assuring enhanced funding for foreign affairs by requesting $20.15 billion in Fiscal 1999, roughly one billion dollars over Fiscal 1998. I would like to briefly discuss the highlights of this request, and the notable increases within it.

First, the budget for State Department operations contains two important initiatives. First, the Department seeks authority to construct a new embassy in Beijing, China, and to begin construction on a new embassy in Berlin, Germany. Both projects are essential. Our embassy in Beijing is in deplorable condition, and is barely sufficient given our important interests there. The decision of the German government to move its capital from Bonn to Berlin necessitates the construction of the new embassy there. Several years ago, Congress urged the State Department to fund capital projects of this sort from proceeds derived from sales of existing assets. Because of uncertainties in several foreign real estate markets, however, several anticipated sales have not been realized, thus requiring the Department to seek funding for these construction projects, which I support.

Second, the State Department seeks an increase in its Capital Investment Fund, which provides resources for modernizing its aging information technology infrastructure. The Department is significantly behind the times technologically. In many important posts and offices, it remains reliant on obsolete and obsolescent computer and telecommunications technology. To give just one example, the Department still has an ample supply of Wang computers; several generations of computer technology have emerged since the Wangs were installed, and it is long past time for the Department to replace these antiquated systems. Information is central to the task of diplomacy; modernizing these systems is essential to enable our diplomats to perform their jobs.

The foreign assistance budget contains three increases which are critical to American interests. First, the Administration seeks an increase in the assistance for the Newly Independent States (NIS) of the Former Soviet Union, from $770 million to $925 million. These programs are designed to assist the nations of the region, including Russia, to make the transition from communism to democratic capitalism. A similar U.S. effort in Eastern Europe has already resulted in the ''graduation'' of several nations from U.S. aid programs, demonstrating that American assistance to this region need not be permanent.

Second, the Administration requests $216 million for the Non-Proliferation, Antiterrorism, Demining and Related Programs account, an increase over the $133 million appropriated in Fiscal 1998. This funds a number of key programs, including the effort to keep former Soviet scientists employed on useful projects—a program designed to prevent them from selling their knowledge and skills to rogue regimes. Like the Nunn-Lugar program, which is funded in the 050 account, the Science Center program is a critical element in a strategy of containment—a strategy directed not at a nation or ideology, but at controlling the threat posed by the proliferation of dangerous technologies.

Third, the Administration seeks a significant increase in the budget for international narcotics and law enforcement at the State Department. Specifically, it requested $275 million, a $44 million increase. These resources are required to continue the ongoing struggle against the narcotics cartels in this hemisphere and elsewhere.

I commend the President for seeking a 20 percent increase in the budget for the Peace Corps, an increase designed to put the Corps on a path to 10,000 volunteers by the year 2000, well above the current number of 6,500 volunteers. The Peace Corps represents the best of American values and ideals, and advances American interests overseas immeasurably.

Finally, the Administration has requested a supplemental appropriations legislation for Fiscal 1998 for the International Monetary Fund (IMF), and urge passage of legislation to pay off our arrears to the United Nations (UN) and other international organizations. Last year's budget agreement allows for an adjustment in the discretionary spending caps for these important priorities. I hope we will act on this legislation soon—and without linking it to unrelated issues.

Mr. President, in closing, let me emphasize this: funding for foreign affairs is but one percent of the total federal budget. But as is reflected in the daily headlines and our own priorities here in the Senate, foreign policy comprises far more than one percent of our nation's interests. As our Secretary of State likes to say, it may account for fifty percent of the history that is written about our era.

This is not to suggest that the foreign policy budget should constitute half of our federal budget; it is to remind us, however, that any reduction in that budget would be symbolic in its effect on the federal fisc, but would be significant in its effect on our national interests. I hope my colleagues will

bear that in mind as we begin debate on the budget for the coming fiscal year.●

20TH ANNUAL RESPECT LIFE BENEFIT

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge the 20th Annual ''Respect Life'' Benefit presented by the Knights to Columbus, Michigan State Council and the Right to Life of Michigan Educational Fund.

The benefit is a very important pro-life event for Michigan. It will take place on the evening of Thursday, March 26, 1998 at the Burton Manor in Livonia, Michigan and is expected to attract over one thousand people. When a large group like this gathers to celebrate the gift of life it sends a great message. In light of the current struggle in our nation regarding partial birth abortion there could not be a more urgent time for a gathering like this one.

Another way in which those of us who respect the sanctity of life can send a message is through media channels. Michigan will lead the way in the pro-life movement through a major media campaign. The 1998 Media Campaign, of which the proceeds will go, will be showcased at the event. In addition, Dr. Alan Keyes will be the featured speaker for the evening.

The efforts of Richard F. McCloy, State Deputy of the Knights of Columbus, Michigan State Council, and Barbara Listing, President, Right to Life of Michigan Educational Fund are truly commendable. They have generously devoted their time and efforts, not only to this event but to a very worthy cause. I extend my best wishes for both a very successful event and Media Campaign.●

CURBING TOBACCO USE IN THE THIRD WORLD

● Mr. LEAHY. Mr. President, public and private institutions all across the United States have invested enormous amounts of time and money to educate Americans about the dangers from smoking, and to curb tobacco advertising especially that targets minors. Nationwide campaigns have raised awareness about the health and economic costs of cigarettes. Lawmakers have focused on holding the tobacco companies responsible for the incalculable harm their products, and their decades of lies, have done to our society. Parents, schools and local governments have joined together to keep children from starting to use tobacco.

The attention has paid off, although their is much more that needs to be done. Laws that seek to protect children from tobacco advertising have become stricter, warning labels on cigarette packaging contain stronger language, the price of cigarettes has gone up, and regulations on second-hand smoke have become broader and more inclusive. The number of stories in the media about the tobacco industry and the horrors of lung cancer and emphysema are an indication of how far we have come.

What has been sorely lacking, however, is the same kind of attention on the effects of tobacco use in developing nations where an estimated 800 million people smoke and the consumption of cigarettes is rising steadily. As the market for tobacco products in the US declines, tobacco companies are aggressively pursuing these lucrative foreign markets. It is projected that adult consumption of cigarettes in the developing countries will exceed that in the industrialized countries within the next decade. These figures do not even take into account that in many developing countries the number of people under eighteen—those most susceptible to tobacco advertising and most inclined to start smoking—is more than fifty percent of the population. In a matter of years, tobacco will be a leading cause of death in countries whose poor healthcare systems cannot possibly care for them.

Why should this matter to us? Each year, we provide billions of dollars in foreign aid to improve the lives of people overseas. We spend tens of millions of dollars to support foreign health programs. It is absurd that in the same countries where we are spending precious American tax dollars to try to save lives, American tobacco companies are pushing their deadly products.

Until recently, it was even worse than that. According to a February 16, 1998 ''New York Times'' article, there has been a long history of collaboration between the US Government and tobacco companies to introduce American cigarettes into foreign markets and to fight anti-smoking regulations overseas. It is reported that in 1992 the US Government and the tobacco companies worked hand-in-hand against an effort by Thai authorities to require tobacco companies to disclose the ingredients in their cigarettes.

Fortunately, the US Government is finally catching up with the times. In February, the State Department directed our embassies and foreign commercial offices to stop promoting the sale or export of American tobacco products. They were also told to stop trying to block restrictions from being placed on these products.

Mr. President, the dangers of smoking have been established and Americans are responding by taking steps to curb their tobacco consumption. As our efforts against tobacco in the US pay off, we must also help the developing countries curb their own consumption. One step in the right direction is the Healthy Kids Act, of which I am a cosponsor. Introduced by Senator CONRAD on February 12, 1998, the Act contains a provision to establish the ''American Center on Global Health and Tobacco'' to assist other countries curb tobacco use.

In addition, on July 23, 1997 Senator LAUTENBERG introduced the Worldwide Tobacco Disclosure Act. It would subject exported cigarettes to the same restrictions on labeling that apply to the sale and distribution of cigarettes in the United States and prevent U.S. Government officials from working against other countries' restrictions on tobacco. We should do everything we can to try to protect the people in those countries from the dangers of tobacco, as we are protecting ourselves. Hundreds of millions of lives, and billions of dollars that could otherwise be used to educate, house and employ people, are at stake.●

COMMEMORATING THE RESTORATION OF LITHUANIA'S INDEPENDENCE

● Mr. ABRAHAM. Mr. President, on this day, the eighth anniversary of the restoration of Lithuania's independence, I would like to pay tribute to the perserverence and sacrifices of the Lithuanian people which enable them to achieve the freedom which they now enjoy.

On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its election mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state.

The people of Lithuania endured a 51-year foreign occupation which began as a result of the infamous Nazi-Soviet Pact of 1939. During that time the people of Lithuania courageously resisted the imposed communist dictatorship and cultural genocide of this foreign occupation.

During this time, the people of Lithuania were able to mobilize and sustain a non-violent movement for social and political change which came to be known as Sajudis.

On February 24, 1990 Sajudis, the people's movement, through citizen action guaranteed a peaceful transition to independence and democracy by fully participating in the first democratic elections in Lithuania in more than half a century.

In January 1991, ten months after this restoration of independence, the people and government of Lithuania withstood a bloody and lethal assault against their democratic institutions by foreign troops. Lithuania's successful restoration of democracy and independence is remarkable for its use of non-violent resistance to an oppressive regime.

On September 17, 1991, Lithuania became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization and Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe. Lithuania is an associate member of the EU and has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. U.S. representation accredited to Lithuania served from the legation in Riga, Latvia, until May 31, 1930, when a legation in Kaunas was established. The Soviet invasion forced the clousure of Legation uninterrupted for over 50 years. The U.S. never recognied the forcible incorporation of Lithuania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the interwar republic. Lithuania has enjoyed Most-Favored-Nation (MFN) treatment with the U.S. since December, 1991. Through 1996, the U.S. has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the U.S. and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

For over fifty years, there was a bipartisan consensus on maintaining a strong policy of non-recognition of the forcible incorporation of Lithuania into the former Soviet Union.

Since Lithuania regained their independence on March 11, 1990, the United States has played a critical role in helping these states implement democratic and free market reforms strengthening their security and sovereignty.

The 1998 U.S. and Lithuania signed The Baltic Charter Partnership which recalls the history, and underscores that the United States has a ''real, profound, and enduring'' interest in the security and independence of the three Baltic states. This is because, as the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

Mr. President, I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I join with the people of Lithuania as they celebrate their independence day.●

RAISE THE MINIMUM WAGE—CUT BACK ON HUNGER

● Mr. KENNEDY. Mr. President, the nation's economy is the best it's been in decades. Under the leadership of President Clinton, business productivity has reached historic highs. Enterprise and entrepreneurship are flourishing, generating an extraordinary expansion, with remarkable efficiencies and job creation. Inflation and unemployment are at record lows.

In the midst of this extraordinary prosperity, however, millions of Americans go to bed hungry each night. A report yesterday by Second Harvest, the network of food banks, documents that 26 million Americans received food and grocery products through Second Harvest in 1997.

The report contains conclusions that should shock the conscience of us all. Children and the elderly are over-represented at emergency food outlets. Over a third of the beneficiaries are children, and 16% are senior citizens age 65 and older. Women make up 62% of those served at soup kitchens and food pantries. 47% are white, 32% are African-American, 15% are Latino and 3% are Native American.

Even more disturbing, the report finds that 39% of all emergency client households have at least one member who is working. Nearly half the employees in those households are working full-time. It is shocking that in America today, so many households with full-time workers are forced to rely on emergency food aid. 86% of households receiving emergency food aid earn less than $15,500 a year. 67% earn less than $10,000 a year. Kim, a single mother who works as a nurse, said ''I never thought I'd be in this situation. People think of the single mother and immediately stereotype her. Requiring emergency food assistance in today's blossoming environment is one thing that the public doesn't understand.''

The reason why so many Americans need emergency food aid is obvious—the current prosperity has passed them by. Their earnings are too low. Wanda, an emergency food client and mother of two, put it this way: ''My husband works, but at the end of the month we just run out of money. I wouldn't know what to do if it weren't for the food pantry.''

Raising the minimum wage is an important step toward solving this problem. Today, full-time minimum wage workers earn $10,712 a year—$2,600 below the poverty level for a family of three. According to the Department of Labor, 60% of minimum wage earners are women; nearly three-fourths are adults; over half work full time. Their families need the money, and they deserve an increase in the minimum wage. If we believe in rewarding work, we have to be willing to pay working families more than a sub-poverty minimum wage.

The American people understand that you can't raise a family on $5.15 an hour. The 26 million Americans receiving food aid last year understand this fact of life all too well. We must raise the minimum wage, and raise it now. No one who works for a living should have to live in poverty.

I ask that the first chapter of the Second Harvest report ''Hunger 1997: The Faces and Facts,'' be printed in the RECORD.

The material follows:

THE FACES & FACTS OF THE PEOPLE WHO ARE HUNGRY

A *kaleidoscope* of faces that makeup the hungry in America can be found behind the charts and graphs of this report. Young and old. *Employed* and looking for work. Living in suburbs, cities and rural areas. Many of them never anticipated that they would ever need this type of support. The *reasons and circumstances* are varied. The hidden face of hunger in America is often missed. To reveal the faces behind the facts, interviews were conducted at food pantries, food shelves, soup kitchens, and emergency shelters—nearly 28,000 clients in all have provided their personal stories to this research study. They have made an invaluable contribution to this research effort.

Their plight is the reason for this study. ''Hunger 1997: The Faces & Facts'' describes the *health and social consequences* of hunger. Second Harvest can use the understanding of their situation to be able to serve them more efficiently and effectively.

This first part profiles the recipients of emergency food. According to ''Hunger 1997: The Faces & Facts,'' 26 million people in 1997 received food and grocery products through the Second Harvest network of food banks.

EDUCATION

According to labor statistics, educational attainment is perhaps the greatest indicator of job and income mobility. Thirty six percent have a high school diploma or equivalent. Forty percent have not completed high school. Only five percent of all emergency clients have attended college or received a college degree.

GEOGRAPHY

US Census Bureau statistics show that 90 percent of all low-income people live outside urban ghettos. Census figures indicate that the low-income population of suburbs is growing at a faster rate than that of central cities or rural areas. Agency service areas reflect the changing demography of the people they serve with nearly one-third of agencies serving suburban areas.

EMPLOYMENT

More than one-third (38.6 percent) of all emergency client households have at least one member who is working. Of those households, 49 percent contain someone who is working full-time, 47.8 percent include someone who is working part-time or has seasonal work. Two percent of all households include someone who is enrolled in JOBS or other government sponsored job-training program. Twelve percent of all emergency client households include someone who is retired. Twenty one percent of all emergency client households include someone who is disabled. Thirty-five percent of all emergency client households include someone who is unemployed.

Eighty six percent of emergency client households earn less than $15,500 annually. Ninety percent of emergency client households served by the network have incomes at or below 150 percent of poverty.

''Nearly everyone of us is just two paychecks away from financial crisis,'' says Richard Goebel, executive director of the St. Paul Food Bank and a member of the Second Harvest Board of Directors.

Despite the strong economy and a low unemployment, many emergency food recipients have limited incomes and job security. As someone who has utilized emergency feeding programs, Kim, an employed nurse and single mother, can strongly relate to Goebel's words. ''I never thought I'd be in this situation. People think of the single mother and immediately stereotype her. Requiring emergency food assistance in today's blossoming environment is one thing that the public doesn't understand.''

*Note—households may represent more than one family member so numbers total more than 100%.

REASONS AND CIRCUMSTANCES

For many who have never had to deal with the problem of hunger, it is beyond comprehension the reasons. Why do people depend on emergency food? How Long have people depended on emergency food programs? What about government resources?

WHY?

Despite the strong economy, the percentage of people living in poverty has hardly

changed in the past year. The poverty level for a family of three is currently $13,330 annually. Sixty-seven percent of emergency client households have a yearly income of $10,000 or less. Wanda, an emergency food client and mother of two, says, ''My husband works but at the end of the month we just run out of money. I wouldn't know what to do if it weren't for the food pantry.'' For millions of American families, low wage jobs or inadequate government assistance are not sufficient to provide a family's basic nutritional needs.

HOW LONG HAVE PEOPLE DEPENDED ON EMERGENCY FOOD ASSISTANCE?

The study shows that most people seeking assistance are in a temporary hunger crisis and are not long-term dependents. Forty-four percent of Second Harvest clients have received food and grocery products for six months or less; eighteen percent for less than month.

WHAT ABOUT GOVERNMENT RESOURCES?

Food stamps. Forty-one percent of emergency food clients receive food stamps, 79 percent of those receiving food stamps say that they do not last through the end of the month. Eleven percent of food-stamp clients polled say their benefits have been discontinued, and 20 percent have seen a decrease in benefits. Of the clients not currently receiving food stamps, 40 percent have applied and are awaiting approval for benefits.

Sixty-four percent of client households with children participate in School Breakfast and Lunch programs, 31 percent of emergency clients with children participate in the Special Supplement Nutrition Program for Women, Infants and Children (WIC). Twenty one percent of emergency clients with children participate in the Child- and Adult-Care Food Programs, and/or Summer Food Program.

Ninety-two percent of Second Harvest families with children receive no government assistance for daycare.

HEALTH AND SOCIAL CONSEQUENCES

Twenty-eight percent of adults seeking food assistance have missed meals in the last month because there wasn't enough food, and (call out) 9% of clients' children have missed meals in the past month.*

''It's criminal that we live in a country that will allow a child to go hungry,'' says Rick Ellenberger, an elementary school teacher in Orlando. ''Studies show that if children are not ready to learn by the time they are five or six years old, we've lost them.

The growing body of medical evidence shows that even short periods of under-nutrition can affect a child's behavior, cognitive development, and future productivity. ''Children make up about one-third of our population, but they make up 100 percent of our future as a nation,'' states Dr. Joseph Zanga, President, American Academy of Pediatrics. ''What opportunities have we lost because a child was not nourished properly? A scientist who discovers a cure for cancer? A politician or statesman who brings lasting peace to the world?''

HEALTH

Twenty-eight percent of emergency clients have had to choose between medical care or filling prescriptions and buying food. Thirty-seven percent have delayed medical care because they couldn't afford it. Thirty-six percent of emergency clients report that members of their household are in poor health, and 41 percent of the clients have unpaid medical or hospital bills. ''My husband is so frail that I must stay home and take care of him and the children,'' says Martina, whose husband is disabled due to being robbed and shot while leaving his job. Although the family receives Supplemental Security Income (SSI) and food stamps, it is not enough to support a family of four.

HOUSING

Thirty-five percent of people seeking assistance have had to choose between buying food and paying their rent or mortgage. And, 15.8 percent of emergency food clients are homeless, another 5 percent are living in marginal housing, such as living with friends. Stanley, a disabled caretaker whose partner works at a motel, says, ''If it wasn't for the food pantry, we would starve at the end of the month. We pay the rent and utilities first and from then on it's a day-to-day existence.''

America is the richest country in the world. And, yet tonight thousands of your neighbors will go to bed hungry. It may be your child's schoolmate who is under-nourished and has difficulty learning on an empty stomach. Or, it could be a co-worker, a working mother whose low-wage job doesn't make ends meet. Perhaps it's an elderly neighbor who has to make a decision whether to delay filling a prescription or buying groceries. ''The faces of hunger are as broad and diverse as the faces of America,'' explained David Nasby, Director, Community Affairs, General Mills, Inc., and chair of the Second Harvest Board of Directors. ''It may be the neighbor down the street who has encountered a tough situation or the child who is estranged from a parent. It's everybody. People you know and would never think hunger would touch. These personal low points have an impact on every single community.''

Despite an economy that is thriving, unemployment is at a 30 year low, and a stock market that continues to reach historic highs, more than 21 million people in this country seek emergency food assistance through Second Harvest network at least part of the year. These startling statistics include eight million children, and more than three-and-a-half million elderly.

''Hunger 1997: The Faces & Facts'' does not attempt to simplify a complex social issue. Instead, it is Second Harvest's hope that this research study will establish a clearer picture of hunger in America and its effects on all of us. No single strategy, tactic or program can solve the problem. It takes a combined effort of community involvement, government action, and charitable service to effect a solution.

Second Harvest's research shows the need is urgent. With its network of certified affiliate food banks comprising the largest domestic hunger-relief system in the country, the data collected for ''Hunger 1997: The Faces & Facts'' has contributed to the most comprehensive analysis of charitable hunger-relief efforts ever conducted on a broad, national scale.

''Hunger 1997: The Faces & Facts'' research study was funded with generous grants from: The Aspen Institute Nonprofit Sector Research Fund; Chicago Tribune Holiday Fund; J. Willard Marriott Foundation; Mazon: A Jewish Response to Hunger; Nabisco Foundation; Sara Lee Foundation; Share Our Strength; and W.K. Kellogg Foundation.●

*The United States Current Population Survey (CPS) defines this situation as ''food insecure with severe hunger.''

NATIONAL BREAST CANCER SURVIVOR'S DAY

● Mr. ABRAHAM. Mr. President, I rise in support of the resolution designating April 1, 1998 as ''National Breast Cancer Survivor's Day.''

It is only proper, Mr. President, that we should set aside a day to honor the brave women and men who have survived this dread disease, which causes pain, suffering and even death for so many Americans.

Every year, Mr. President, 178,700 women and 1,600 men in the United States are stricken with breast cancer. Each of us must live with the knowledge that 1 in 9 American women will suffer from breast cancer in her lifetime. That means that virtually all of us will either be stricken by breast cancer or know someone who is.

I know in my case, Mr. President, I lost my mother to breast cancer some years ago. It was a painful experience for all of our friends and family as well as my mother herself. The pain caused by this dread disease is intense for everyone involved, and we must do everything in our power to eradicate this scourge.

Thankfully, Mr. President, we have made some progress in our battle with breast cancer. The 5 year survival rate for breast cancer victims has risen to 97 percent in cases of early detection.

Medical advances have helped more women are surviving breast cancer. Just as important, however, has been the fact that we as a nation are doing a better job of telling women about their options, and of emphasizing the importance of self-examination and regular visits to the doctor.

This is one reason, Mr. President, why I believe it is important that we honor breast cancer survivors in the manner called for by this resolution. By bringing breast cancer survivors together here in Washington, DC and elsewhere around the country, we can celebrate survivorship and publicize, not just the tragedy of breast cancer, but also the hope that is provided by research and early detection.

We need to get the message out that there are things women can do for themselves in the fight against breast cancer. We need to highlight the effectiveness of early detection and show our respect for the courage of women who have faced this disease and lived.

We have a long way to go, Mr. President, before we win our battle with breast cancer. But research, early detection and programs to make Americans aware of their options in dealing with the possibility of breast cancer all can help.

I salute the women of American who have faced breast cancer, along with the families and friends who have supported them during their time of trial, and I hope that all of us can join together, not only to mourn those who lost their battle with breast cancer, but also to honor those who have fought that battle and survived.●

BULLETPROOF VEST PARTNERSHIP ACT OF 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 315, S. 1605.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1605) to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets, and the part of the bill intended to be inserted is shown in italic.)

S. 1605

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bulletproof Vest Partnership Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term ''armor vest'' means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

[(f) MAXIMUM AMOUNT.—A State, together with grantees within the State (other than Indian tribes), may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section.**]**

(f) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. CHAFEE. Madam President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. CHAFEE. Madam President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1605) was considered read the third time and passed, as amended, as follows:

S. 1605

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bulletproof Vest Partnership Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by

a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term ''armor vest'' means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. LEAHY. Madam President, I am delighted that the Senate has passed the Bulletproof Vest Partnership Act of 1998, S. 1605. I thank Senator CAMPBELL for his leadership on our bipartisan legislation which is intended to save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor, this issue. It has been a pleasure working with the senior Senator from Colorado to pass this vital legislation in the Senate. I also want to thank the Chairman of the Senate Judiciary Committee, Senator HATCH, for his strong support of S. 1605.

Far too many police officers are needlessly killed each year while serving to protect our citizens. According to the Federal Bureau of Investigation, more than 30 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

In countless incidents across the country everyday officers sworn to protect the public and enforce the law are in danger. Last year, an horrific incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. He had shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega was killed.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, was seriously wounded in the incident. I am glad that Officer Pfeifer is back on the job after being hospitalized in serious condition. Had it not been for his bulletproof vest, I fear that he and his family might well have paid the ultimate price.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. We all grieve for them and our hearts go out to their families. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons, but the tragedy underscore the point that all of our

law enforcement officers, whether federal, state or local, deserve the best protection we can provide, including bulletproof vests.

With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Act of 1998 will help by creating a new partnership between the federal government and state and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer in harm's way to have a bulletproof vest. Our bipartisan bill would create a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor.

In my home State of Vermont, our bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials. In January, I was honored to be joined by Vermont Attorney General William Sorrell, Vermont Commissioner of Public Safety James Walton, Vermont State Police Director John Sinclair, Vermont Fish and Wildlife Lieutenant Robert Rooks, South Burlington Police Chief Lee Graham, South Burlington Vermont Officer Diane Reynolds as we spoke about state and local law enforcement officers' need for body armor.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be ''routine.'' In fact, the National Association of Chiefs of Police just reported that 21 police officers were killed in the line of duty last month, nearly double the toll for the month of January in both 1997 and 1996. More than ever, each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Our bipartisan legislation enjoys the strong support of numerous nation law enforcement organizations including the Fraternal Order of Police, Police Executive Research Forum, International Union of Police Associations, National Association of Police Organizations and International Brotherhood of Police Officers. The bill also enjoys the support of 38 attorneys general from across the country. Mr. President, I ask for unaminous consent to have printed in the RECORD letters of support for S. 1605 from all these national law enforcement organizations and the attorneys general.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, January 14, 1998.

Hon. PATRICK J. LEAHY,
Ranking Member, Senate Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY, I am writing to you on behalf of the more than 270,000 members of the Fraternal Order of Police to offer our strong support of legislation you plan to introduce in order to establish a grant program to assist local law enforcement agencies in purchasing body armor for their officers.

This legislation will greatly increase the number of officers wearing body armor—and it will save more lives. At the May 15, 1997 Peace Officers' Memorial Day, the F.O.P. honored the memories of one hundred and seventeen officers who were killed in the line of duty in 1996. This year we have already lost one hundred and sixty from our ranks.

While we know that there is no way to end the deadly risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. Hopefully, the bill you plan to introduce will increase the quality and number of armored vests available to America's law enforcement officers.

On behalf of the Fraternal Officer of Police, I commend you for your leadership on this important issue and forward to working with you once it has been introduced. If I can be of assistance, please contact me or Executive Director Jim Pasco in my Washington office, (202) 547–8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

INTERNATIONAL UNION OF
POLICE ASSOCIATIONS,
February 13, 1998.

Hon. PATRICK J. LEAHY,
Russell Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Executive Committee and the 80,000 rank and file law enforcement officers of the International Union of Police Associations, AFL–CIO, we are proud to endorse and support the ''Bulletproof Vest Partnership Grant Act of 1998'' as introduced in the Senate by yourself and Senator Campbell.

Law enforcement officers who put their lives on the line everyday deserve state of the art body armor and because of your commitment to law enforcement, officers will have the protection that could mean the difference between life and death.

We commend you for your support and legislation and we pledge our continued assistance toward the enactment of the ''Bulletproof Vest Partnership Act of 1998.'' Thank you.

Sincerely,

ARTHUR J. REDDY,
Legislative Liaison,
International Vice President.

NATIONAL ASSOCIATION OF POLICE
ORGANIZATIONS, INC.,
Washington, DC, February 25, 1998.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: Please be advised that the National Association of Police Organizations (NAPO), representing more than 4,000 police unions and associations and more than 220,000 rank and file law enforcement officers enthusiastically and wholeheartedly supports S. 1605, the ''Bulletproof Vest Partnership Act of 1998.'' I would like to take this opportunity to thank you for your efforts in scheduling the markup of S. 1605, for Thursday, February 26, 1998 at 10:30 am.

As you know, far too many law enforcement officers patrol our streets and neighborhoods without proper protective gear against violent criminals. Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. We cannot allow criminals to have the upper hand. This legislation is a necessary step in adequately protecting law enforcement officers, who put their lives on the line every day to serve our communities. This is why NAPO supports your effort to help state and local law enforcement departments provide officers with bulletproof vests.

Again, thank you for addressing S. 1605, which is a legislative priority for NAPO. I appreciate your hard work and commitment to the law enforcement community and if we can be of any assistance please contact my office at (202) 842–4420.

Sincerely,

ROBERT SCULLY,
Executive Director.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, February 20, 1998.

Hon. PATRICK LEAHY,
Senate Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you on behalf of the Police Executive Research Forum (PERF) to offer our strong support for S. 1605, the Bulletproof Vest Partnership Grant Act of 1997. This important piece of legislation would establish a grant program to assist local law enforcement agencies in purchasing body armor for their officers.

PERF, a nonprofit organization of progressive police professionals who serve more than 40 percent of the nation's population, is firmly committed to helping police obtain equipment necessary to ensure their safety as they protect the community. Between 1985 and 1994, more than 2000 police officers had their lives saved by bulletproof vests. This bill would greatly increase the numbers of officers wearing bulletproof vests and will ultimately save more lives.

PERF commends you for your commitment to officer safety and your leadership on this important issue. If we can be of any assistance in the future, please feel free to contact me or Martha Plotkin at (202) 466–7820.

Sincerely,

CHUCK WEXLER,
Executive Director.

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS,
Alexandria, VA, February 10, 1998.

Hon. PATRICK LEAHY,
United States Senate, Washington, DC.

DEAR SENATOR LEAHY: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union. The IBPO represents over 50,000 police officers at the federal, state, and local level, including IBPO Local 506, Brattleboro, Vermont.

On behalf of the entire membership of the IBPO I wish to thank you for your sponsorship of S. 1605, ''The Bulletproof Vest Partnership Act of 1998.'' This life saving legislation will provide protection to police officers across the country.

In the past few months alone, the IBPO family has dealt with the tragic deaths of police officers in Boise, Idaho and Atlanta, who

lost their lives in the line of duty. Every police officer who takes a call knows the dangers facing them. That is why this legislation is so crucial.

The number of police officers who do not have access to bulletproof vests is astounding. Almost 150,000 law enforcement officers do not have the ability to fully protect themselves. Simply put, passage of this legislation will save lives.

The entire membership of the IBPO looks forward to working with you on this important issue. If you have any questions, please feel free to contact me.

Sincerely,

KENNETH T. LYONS,
National President.

STATE OF VERMONT OFFICE OF THE ATTORNEY GENERAL,
February 26, 1998.

Hon. ORRIN G. HATCH,
Hon. PATRICK J. LEAHY,
Senate Committee on the Judiciary.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.
Re: Bulletproof Vest Partnership Act of 1998 (S. 1605)

DEAR SENATORS CAMPBELL, HATCH AND LEAHY: As state attorneys general, we are writing to express our wholehearted support for Senate Bill No. 1605, the Bulletproof Vest Partnership Act of 1998. In our view, this bill will be an invaluable tool in helping to protect law enforcement officers throughout the country who risk their lives daily while serving their communities. This bill would provide much needed matching grants to state, local and tribal law enforcement agencies to be used to purchase armor vests for their officers. We were particularly pleased to note the provision for waivers of the grantee's matching contribution in the event of a fiscal hardship by a particular law enforcement agency.

As you are all too aware, state, local and tribal law enforcement officers often find themselves in deadly confrontations with highly armed and dangerous criminals. The statistics cited in your bill make it imperative that every officer in the country have ready access to body armor when it is needed. Your bill will assure that all police departments will have the resources to equip officers with body armor as standard equipment. The bill will also allow reimbursement to those officers who have had to purchase body armor at their own personal expense.

This bill will enable more officers to wear armor when they need it. It will definitely save lives. We appreciate your support for this bill and urge passage of this important legislation.

Sincerely,

William H. Sorrell, Attorney General of Vermont.
Gale Norton, Attorney General of Colorado.
Bill Pryor, Attorney General of Alabama.
Bruce M. Botelho, Attorney General of Alaska.
Grant Woods, Attorney General of Arizona.
Daniel E. Lungren, Attorney General of California.
M. Jane Brady, Attorney General of Delaware.
Robert A. Butterworth, Attorney General of Florida.
Gus S. Diaz, Attorney General of Guam.
Margery S. Bronster, Attorney General of Hawaii.
Alan G. Lance, Attorney General of Idaho.
James E. Ryan, Attorney General of Illinois.
Jeffrey A. Modisett, Attorney General of Indiana.
Albert B. Chandler III, Attorney General of Kentucky.
Richard P. Ieyoub, Attorney General of Louisiana.
Andrew Ketterer, Attorney General of Maine.
J. Joseph Curran, Jr., Attorney General of Maryland.
Scott Harshbarger, Attorney General of Massachusetts.
Hubert H. Humphrey III, Attorney General of Minnesota.
Mike Moore, Attorney General of Mississippi.
Joseph P. Mazurek, Attorney General of Montana.
Frankie Sue Del Papa, Attorney General of Nevada.
Philip McLaughlin, Attorney General of New Hampshire.
Peter Vemlero, Attorney General of New Jersey.
Dennis C. Vacco, Attorney General of New York.
Heidi Heitkamp, Attorney General of North Dakota.
Betty D. Montgomery, Attorney General of Ohio.
Drew Edmondson, Attorney General of Oklahoma.
Hardy Myers, Attorney General of Oregon.
Mike Fisher, Attorney General of Pennsylvania.
Jose A. Fuentes, Attorney General of Puerto Rico.
Jeffrey B. Pine, Attorney General of Rhode Island.
Charles Molony Condon, Attorney General of South Carolina.
Mark Barnett, Attorney General of South Dakota.
Jan Graham, Attorney General of Utah.
Mark L. Earley, Attorney General of Virginia.
Christine O. Gregoire, Attorney General of Washington.
Darrell V. McGraw, Jr., Attorney General of West Virginia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. LEAHY. I urge the House of Representatives to support this bipartisan legislation and urge its quick passage into law.

RELATING TO THE RELATIONSHIP BETWEEN THE UNITED STATES AND THAILAND

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 319, S. Res. 174.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1980

(Purpose: Relating to the relationship between the United States and Thailand)

Mr. CHAFEE. Madam President, Senator ROTH has an amendment to the resolution at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, proposes an amendment numbered 1980.

Mr. CHAFEE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 2 through 7 and insert the following:

''(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and''.

Mr. CHAFEE. Madam President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1980) was agreed to.

Mr. CHAFEE. I ask unanimous consent that the resolution be agreed to, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 174), as amended, was agreed to.

AMENDMENT NO. 1981

(Purpose: To amend the preamble)

Mr. CHAFEE. Madam President, I understand there is an amendment at the desk to the preamble.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, proposes an amendment numbered 1981 to the preamble to S. Res. 174.

Mr. CHAFEE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the preamble, strike ''and'' at the end of the sixth ''Whereas'' clause.

In the preamble, strike the colon at the end of the seventh ''Whereas'' clause and insert ''; and''.

In the preamble, insert after the seventh ''Whereas'' clause the following:

''Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:''.

Mr. CHAFEE. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1981) was agreed to.

Mr. CHAFEE. Madam President, I ask unanimous consent that the preamble, as amended, be agreed to; that the motions to reconsider the above actions be laid upon the table; and, finally, that any statements regarding this legislation appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, was agreed to, as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

Mr. ROTH. Madam President, I thank my colleagues for unanimously adopting this resolution. I believe this vote of 100 to 0 lets Thailand and the Thai people know the heartfelt sentiments of the Senate and the American people toward bilateral friendship and partnership. It also makes clear our recognition of the strides Bangkok has been making in executing its responsibilities under its arrangements with the International Monetary Fund. Only last week, for example, Thailand deepened its commitment to economic reform by pledging to speed up privatizations and the reorganization of its banking system.

This week the new Prime Minister of Thailand, Chuan Leekpai, will visit the United States. Many of us will have the chance to meet him when he comes to visit Capitol Hill. While Prime Minister Chuan faces many challenges in the coming months and years, I hope and trust the support for Thailand that he will find in this country will help him in overcoming those challenges.

As I have said before, I believe that all of us in this Chamber—and Americans all across this land—are great admirers of Thailand and Thai culture. I remain optimistic about Thailand's future. Given the Thai people's energy and initiative, the country's remarkable history, and its record of economic success, I look forward to seeing Thailand's return to prosperity in the not-too-distant future.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 528, 531, 532 and 533.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Hilda G. Tagle, of Texas, to be United States District Judge for the Southern District of Texas.

Sam A. Lindsay, of Texas, to be United States District Judge for the Northern District of Texas.

Judith M. Barzilay, of New Jersey, to be a Judge of the United States Court of International Trade.

Delissa A. Ridgway, of the District of Columbia, to be a Judge of the United States Court of International Trade.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 12, 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 12, 1998, and that immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until the hour of 10:30 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DORGAN, 15 minutes; Senator LEAHY, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I also ask unanimous consent that at 10:30 a.m. the Senate resume consideration of S. 1173, the highway bill, and immediately proceed to a vote on or in relation to the McCain amendment No. 1726 regarding demonstration projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I further ask unanimous consent that Members have until the hour of 10 a.m. to file first-degree amendments to S. 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Tomorrow, the Senate, Madam President, will be in a period of morning business from 9:30 a.m. to 10:30 a.m. At 10:30 a.m., by a previous order, the Senate will proceed to a rollcall vote on the McCain amendment to S. 1173, the so-called ISTEA II legislation. Following that vote, the Senate will attempt to complete action on the bill.

In addition, the Senate may begin the consideration of S. 414, the international shipping bill, and H.R. 2646, the A-plus education bill. Therefore, Members should anticipate a busy voting day with votes occurring into the early evening.

Mr. FORD. Madam President, would the distinguished Senator yield for a question?

Mr. CHAFEE. Yes.

Mr. FORD. Members have until the hour of 10 a.m. to file first-agree amendments to S. 1173. Is that in addition to the amendments that are already filed correctly, and this gets around the hour in advance?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. FORD. So the second-degree amendments can still be offered?

The PRESIDING OFFICER. By previous agreement, second-degree amendments are allowed for 24 hours.

Mr. FORD. I wanted to be sure about that so there would not be any confusion. I thank the leadership for accommodating those so we would not have to file those tonight and so we could prepare those overnight and file them at 10 o'clock in the morning. I am grateful for that accommodation.

I thank the chairman and I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I hope everybody does not feel——

Mr. FORD. Compelled.

Mr. CHAFEE. The requirement that they file an amendment. We have dealt with some 200 amendments. That, it seems to me, pretty well covers the field. So I would not have hurt feelings if there were no amendments filed by 10 a.m. tomorrow.

Mr. FORD. Well, the Senator knows that, given overnight, there is a lot of thought going into what they might file tomorrow, and to accommodate your colleagues, it may have gotten you in a little more trouble than you wanted. So I throw that in. I believe the Senator will be surprised at the small number of amendments that are filed by 10 o'clock tomorrow.

Mr. CHAFEE. I will be happy to be surprised.

So that completes our business. I do want to say to those who will be listening, I really believe we can finish this bill rather quickly tomorrow, if people restrain themselves on further amendments. We have some here, and we worked out some. It seems to me we have had a pretty good—we have been on this bill now I think for something close to 2½ weeks, and everything is pretty well taken care of. I hope Members will show great restraint.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. Madam President, if there is 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 6:48 p.m., adjourned until Thursday, March 12, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1998:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

THOMAS EHRLICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF FIVE YEARS, VICE WALTER H. SHORENSTEIN, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALICE RAE YELEN, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001, VICE FAY S. HOWELL, TERM EXPIRED.

DEPARTMENT OF JUSTICE

STEPHEN C. ROBINSON, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS VICE CHRISTOPHER DRONEY, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 11, 1998:

THE JUDICIARY

HILDA G. TAGLE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

SAM A. LINDSAY, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

JUDITH M. BARZILAY, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

DELISSA A. RIDGWAY, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 11, 1998, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF LABOR

IDA L. CASTRO, OF NEW YORK, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, WHICH WAS SENT TO THE SENATE ON OCTOBER 9, 1997.

EXTENSIONS OF REMARKS

THE TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. BUNNING. Mr. Speaker, today, on behalf of myself and BARBARA KENNELLY, I am introducing the Ticket to Work and Self-Sufficiency Act of 1998. This legislation helps Social Security and Supplemental Security Income disability recipients return to a life of economic security and self-sufficiency.

Social Security programs are vital to all Americans. The disability program is particularly important because it protects workers and their families against severe financial hardship that occurs when workers sustain severe illnesses or disabling conditions that prevent them from working.

Due to advances in medicine, technology, and the field of rehabilitation, there are people who, despite serious disabilities, want to work and who could work if they were provided the kind of rehabilitation services they need. The disability program is like a big black hole—once people fall into the program they never seem to make their way out. In fact, less than 1 percent of disabled recipients ever leave the rolls because of work.

Our legislation is very simple. We remove many of the barriers that prevent individuals with disabilities from climbing out of that hole.

The consumer—the recipient with a disability—is number one. They choose the services they want from the providers they want. Generally, the provider of those services is paid for outcomes and long-term results. The payment process is designed to ensure that as many providers as possible are available to serve the consumer.

One of the primary obstacles facing disabled recipients who attempt to leave the Social Security rolls to work is the fear of losing health care. To help alleviate that fear, our bill will extend Medicare coverage for 2 additional years. This means that recipients would have Medicare coverage for a total of 6 years from the time they first make an attempt to work.

Due to the nature of their disability, many individuals incur extraordinary costs in trying to get a job and maintaining that Job. This legislation creates a tax credit of 50 percent of impairment-related work expenses up to $10,000 per year.

To better help consumers transition into work, the bill includes a requirement that SSA test a gradual offset of SSDI cash benefits by reducing monthly benefits $1 for every $2 in earnings over a determined level.

Through this legislation we are asking the Social Security Administration to become more than just a disability program administrator, we want them to be an ability program administrator. The Commissioner benefits from the counsel of an advisory panel, made up of consumers, providers, and employer representatives. And the program will be gradually phased in, closely monitored, and thoroughly evaluated over time.

I am excited about the possibilities this bill creates for individuals with disabilities. I urge my colleagues on both sides of the aisle to join me in suporting this effort.

SOCIAL SECURITY DISABILITY: THE TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I am today introducing, along with Rep. JIM BUNNING, bipartisan legislation to assist people with disabilities in returning to work. The Ticket to Work and Self-Sufficiency Act will help to open the door to employment for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries.

Many of these beneficiaries would like to return to employment but find too many obstacles standing between them and a job. These obstacles often include the need for vocational rehabilitation, job training, and other assistance in finding and retaining a job. In addition, beneficiaries face the disincentives to work brought on by the loss of disability benefits and health care coverage. All of these stand in the way of a person who wants to leave the Social Security disability system for work.

Rep. BUNNING and I have worked on a bipartisan approach to reducing these disincentives. The legislation would afford beneficiaries three important bridges to employment. First, the legislation would provide SSDI and SSI beneficiaries a much greater choice of vocational rehabilitation providers, who help train and find jobs for individuals with disabilities. The bill would offer to disabled beneficiaries a ticket to work which could be presented to either a private vocational rehabilitation provider of the beneficiary's choice or a State vocational rehabilitation agency.

The bill would allow a beneficiary to choose the provider which best suits his or her needs and is most likely to assist that individual effectively in returning to work. Providers would be paid under an incentive system that would permit them to share in the savings to the government when the individual returns to work and is no longer receiving disability benefits.

Second, the bill addresses the principle fear facing disabled beneficiaries—the loss of health insurance coverage. The bill would offer Medicare coverage for at least 6 years for those individuals who leave the rolls to return to work. This is a 2-year extension over current law.

Finally, the legislation would make work pay. It would convert the current income tax deduction for the cost of work expenses related to one's impairment into a credit. The credit would be 50 percent of impairment-related expenses up to $10,000 in expenses. This would have the effect of permitting those who do not itemize to take into account the extraordinary work expenses, such as specialized computers or personal assistants, resulting from their disability. This is intended to cushion the blow of lost disability benefits and level the employment playing field between those people with disabilities and those without.

Leaving the disability rolls is no easy task. It is my hope that this bill will help to build a bridge to employment for people with disabilities. Every person who returns to work means one more person with a brighter future, and it means lower cost to the government. I hope our colleagues will join us in the bipartisan effort.

FCC'S ROLE IN IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. MICA. Mr. Speaker, one of the intended outcomes of the Telecommunications Act of 1996 was that telecommunications services would be universally available at reasonable and affordable prices. To ensure that would happen, the Act provided for all telecommunications carriers to contribute to a universal fund subsidy. The FCC's attempts to implement this portion of the bill have been at best ineffective. Until the FCC begins to seriously take steps to ensure support of rural and residential service, we cannot consider this part of the job finished.

Another responsibility of the FCC, as set forth in the Telecommunications Act, was to implement a program assisting schools, libraries and health care facilities in entering the information age. However, Congress did not intend for this to be a tax and grant program. The entire issue of how the FCC is implementing this program is now being considered by Congressional committees. I am concerned that the FCC did not adequately consider the negative impact on the consumer or Congressional intent before implementing this program.

The FCC must understand that their role is not to rewrite the Act, but to implement the Act as it was written.

HONORING MATT CONWAY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to bring a remarkable young man to your attention and to the attention of my colleagues in the House of Representatives.

Matt Conway is a constituent from Florham Park, New Jersey and is a person affected by a developmental disability. I have had the opportunity to meet with him on several occasions and learn from him about some of the obstacles facing individuals with developmental disabilities. He has demonstrated to me how some of these difficulties can be overcome and I am proud to say that he has educated me on what can be done to help more individuals do the same. Matt is certainly a worthy advocate for himself and others.

On April 17, 1998, Matt will be one of 35 persons to be honored by the Foundation for Exceptional Children's Yes I Can! Program. The program honors outstanding achievements of children and youth with disabilities. Matt will receive his award in the area of employment.

Matt was nominated for this award by his teachers, friends and relatives and was selected out of hundreds of qualified nominees. I would like to join his group of supporters in congratulating him for what he has already accomplished and encouraging him on to even greater heights.

I hope that all of my colleagues will join me in congratulating Matt and wishing him future successes.

CONGRATULATIONS TO LA SIERRA UNIVERSITY ON THEIR 75TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to an institution in California's 43rd Congressional District that is celebrating a milestone this week. La Sierra University is celebrating 75 years of service to students in the Riverside area, as well as students worldwide. La Sierra University has shown a strong commitment to the education of our community and I would like to especially recognize Lawrence T. Geraty, the university's current president. Mr. Geraty's leadership and dedication will prepare La Sierra University for the transition into the next millennium.

La Sierra first opened in 1922 as La Sierra Academy with 84 students. In 1927, the school became Southern California Junior College, and, in 1939, the school was renamed La Sierra College with the addition of a variety of four-year programs. After merging with Loma Linda University in 1967, La Sierra College became the La Sierra campus of Loma Linda University. La Sierra once again became an independent institution in February 1990, assuming its current title as La Sierra University. In the meantime, the professional Schools of Education, Business and Management, and Religion were added.

The campus is currently expanding by developing an additional 350 acres of land. La Sierra University has also added a variety of new programs, including offering a Masters degree in Business Administration and a minor in gender studies, with their curriculum continuing to grow. They were recently chosen by the John Templeton Foundation for its 1997–1998 Honor Roll of Character-Building Colleges. They also recently received an accreditation from the National Association of Schools of Music for their music department, as well as certification from the Western Association of Colleges and Schools. La Sierra University is also home to the four-time international championship team of students competing in the Students in Free Enterprise (SIFE). SIFE is a national organization which is supported by the Walton family, founders of Wal-Mart, that encourages entrepreneurship and community service by students interested in business. SIFE is an instrumental organization on campus, organizing tutoring, recycling and other service programs. In addition to these activities, SIFE has also been involved in several business ventures. As a result, La Sierra University gives students the atmosphere, guidance, and moral foundation needed to succeed in today's competitive job market.

I would like to commend La Sierra University for their commitment to the worldwide scholastic community. Over 1,500 students are currently enrolled, representing more than 60 countries. I encourage and support La Sierra University in continuing to set and meet its outstanding goals in the area of education for decades to come. On behalf of the residents of the 43rd Congressional District, I would like to thank La Sierra University for its contributions and dedicated service to the community, and wish them great success with their 75th anniversary celebration.

TRIBUTE TO GRANT R. BRIMHALL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Grant Brimhall, who is retiring after over three decades of public service.

Marian Wright Edelman once said that ''We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee.'' I can think of no better tribute to Grant. Everyday for the past 20 years, he has come into work with the purpose of improving our community. Prior to his position as City Manager of Thousand Oaks, Grant served as City Manager of Glendora and as Deputy City Manager of Claremont.

There is not a single aspect of life in Thousand Oaks that has not been enhanced under Grant's innovative leadership. Community services orchestrated by Grant include the development of the Main Library on Janss Road and Newbury Park Branch, two of the busiest libraries in the nation. His involvement was instrumental in the establishment of the Teen and Senior Center, which provides programs for youth and seniors of the community. Grant's efforts have positively affected our economy as several companies have expanded, along with the upscale commercial revitalization of several shopping centers. Perhaps most impressive among Grant's accomplishments is the fact that Thousand Oaks ranks among the top three cities with the lowest crime rate in the nation on an annual basis.

Grant has worked to improve the aesthetics of our community as well, with a comprehensive pavement management program to prioritize street maintenance programs. Other priorities included extensive undergrounding of utilities and landscaped medians and parkways.

Taken individually, it is easy to appreciate the work Grant has done for our community, and the programs already mentioned do not begin to scratch the surface of his accomplishments. But as we look back over his twenty years of service to our community, we realize the overwhelming impact Grant has had on our daily lives. Thanks to his leadership, courage and dedication, our community is an ideal place to raise a family, start a business or become involved in community activities.

Mr. Speaker, distinguished colleagues, please join me in honoring retiring City Manager of Thousand Oaks, Grant Brimhall. He will be long remembered for the outstanding services he has provided for the citizens of Los Angeles.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. BRADY Mr. Speaker, on rollcall votes 40, 41, 42 and 43 had I been present I would have voted yes. I was unavoidably detained in Texas as a result of my primary election on Tuesday, March 10th.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mrs. CHENOWETH. Mr. Speaker, on rollcall vote 18, final passage of H.R. 424, I was recorded as voting ''yea.''

I ask that it be reflected in the appropriate place in the RECORD that I wish to be recorded as voting ''nay'' on this rollcall vote.

TRIBUTE TO DANIEL J. WALL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Daniel J. Wall of Sacramento, California, one of California's most effective advocates in the State Capitol. Dan will be leaving the California State Association of Counties (CSAC). On March 16, 1998 after serving that organization for 13 years.

Dan is CSAC's deputy director for Revenue and Taxation and Federal Affairs. He is responsible for advocacy on revenue and taxation issues and for coordinating the Sacramento end of the association's federal efforts. Dan will be leaving CSAC to become the chief advocate for Los Angeles County in Sacramento.

As a former California county supervisor, I had the pleasure of working with Dan on a variety of public finance issues. He displays a level of determination and commitment to county government that few can match. Individuals who work with Dan are impressed with

his breadth of knowledge on complex revenue and tax legislation, his cheerful demeanor, his keen intellect, and his dancing prowess. Viewed as a real champion of county government, Dan is widely admired and respected by members of both political parties.

Although Dan was born in Texas, he was raised and educated in northern California. He received his bachelor of arts degree in economics from St. Mary's College and a master of arts degree in economics from San Francisco State University. His particular focus was in the areas of public finance, international trade, and statistics.

On a personal level, a distinguishing attribute of Dan's is his appreciation of fine cuisine and superior fine wines from California. As a winemaker, his recognition and enjoyment of quality wines is particularly close to my heart. Dan also is regarded by many as a real connoisseur of oriental food, especially the increasingly popular Japanese dish, sushi. His ability to locate some of the most interesting sushi establishments in virtually any community is well-documented. He was always able to direct visiting elected officials to the best of Sacramento.

Mr. Speaker, it is with great honor that I congratulate Dan Wall for his tireless efforts on behalf of California's 58 counties. It is his unique and special qualities as a person and professional advocate that warrants his recognition. I ask my colleagues to join me in wishing Dan many more years of success in representing and protecting the interests of county government.

PROTECTING CHILDREN FROM HOSTAGE TAKING

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mrs. KELLY. Mr. Speaker, I rise today to introduce legislation to address a problem that is plaguing our Nation—children being taken hostages. Far too many scenarios have been documented in which children are exposed to violence, emotional trauma or physical harm at the hands of adults.

For example, in New York, a woman's estranged husband took her and their three children hostage at the point of a loaded shotgun. He held them for nearly four hours, and at one point, he even allegedly traded his seven-year-old son for a pack of cigarettes.

In Texas, a man took 80 children hostage at an area day care facility, including two of his children. They were held at gunpoint and released over a 30-hour period before the standoff was brought to a non-violent conclusion.

In Florida, a suspected drug addict and murderer held two children, ages two and four, hostage for two-and-a-half days. An entire Orlando neighborhood was evacuated during the standoff. Only when he threatened to use the children as human shields did a SWAT team rescue the children in a raid that resulted in the death of the suspect.

In Baltimore, a man broke into a second-floor apartment, stabbing a young mother and holding her nine-month-old child hostage for two hours before a Quick Response Team could rescue the baby and apprehend the suspect.

Situations like these are ''unacceptable'', and should not be tolerated by anyone. All over the country, children are being used as pawns in actions played by violent adults. We in Congress must do our part to help prevent these scenarios from developing in the first place.

My legislation will give new protections to children—our Nation's most precious resource. I have joined forces with Senators OLYMPIA SNOWE to establish the strictest punishments for those who would evade arrest or obstruct justice by using children as hostages. This bill will toughen penalties against any person who takes a child, 18 years or age or younger, hostage in order to resist any officer or court of the United States, or to compel the Federal Government to do or to abstain from any act. Such a person would serve a minimum of ten years to a maximum of death, depending on the extent of injury to the child.

Please join me in this important effort to protect the lives and well-being of our Nation's young. I hope that together we can make our Nation a safer place for everyone, especially those in our society least able to protect themselves.

MR. ADD PENFIELD'S EULOGY TO LEE JAY STONE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. COBLE. Mr. Speaker, a legendary broadcaster from the Sixth District of North Carolina, recently eulogized another legend from our district. His words were so moving, I wanted to share them with my colleagues.

The broadcaster, Mr. Add Penfield, spoke so eloquently about Lee Jay Stone, a man who was more than just a football coach. Stone, the longtime head coach at Asheboro High School, was a football institution. Lee died on January 27, 1998, at the age of 91. Add Penfield spoke so movingly at Stone's funeral on January 29.

His eulogy appeared in the February 4 edition of the Asheboro Courier-Tribune. I commend to my colleagues the words of one legend who spoke so glowingly about another legend.

[From the Asheboro Courier-Tribune, Feb. 4, 1998]

LEE JAY STONE, NOT ONLY A MAN OF FOOTBALL

(By Add Penfield)

Lee Jay Stone.

How to eulogize him . . . how best to celebrate the life of a man whose stature among his fellow human beings literally defies eulogy.

I have been asked to try. I respond in all humility.

I think maybe one of the Good Ole Boys with whom he often met in downtown Asheboro had it about right not long ago.

''Lee Stone,'' this Good Ole Boy said, ''was something else, he was one of a kind.''

Tired, well-worn, hackneyed language, this. Some might say so.

But those of us here . . . those of us whose lives Lee touched and made better—I think would agree that these everyday words hardly tarnish the image of Lee Jay Stone. You bet Lee was something else. Indeed, he was one of a kind.

Lee Stone was something else as a football coach . . . nary a losing season in a career that became legend. It may have taken one of a kind to persuade Charlie Justice to go out for the team at Lee Edwards High School in Asheville those many years ago and to inspire Choo Choo to become arguably the best and most famous of all North Carolina-bred football players.

He . . . Lee Stone . . . was something else, one of a kind, when he coached players like Strawberry Wheless, bless his soul, and Mark Leggett, and Dave Dalton, Bobby Burrows, Neal Hughes, Carrell Moody, Sparky Johnson and Jimmy Dollyhigh.

Because of Lee Stone, these men came to know what it meant to win a football championship at Asheboro High.

If you will, just ask the fine men who coached with and for him . . . people like Max Morgan and Russ Murphy and Tony Simeon . . . if Lee Stone was something else. They'll tell you to the man . . . he was one of a kind.

Lee Stone was a Hall of Famer as a football coach. And, I submit, if there were Halls of Fame for classroom teachers and school administrators, as there really ought to be, Lee Stone would have been a shoo-in for induction. As he did on the sidelines with his football teams, somehow he always got the best from those students who encountered his considerable skills in math and economics classes.

For Lee Stone, you see, was first, last and always an educator . . . in all departments. He was one who could share, with great good humor and accompanying discipline the infinite wisdom with which he was blessed. He shared with the entire community; witness, his long and distinguished service as a member of the Asheboro City Board of Education.

Oh, my yes! Lee Stone was something else in his chosen profession . . . educator and coach, coach and educator. He was one of a kind as a molder of men and women.

Just as an aside . . . Lee Stone was something else the night he was inducted into the N.C. Sports Hall of Fame. The induction took place fittingly . . . and at the instigation of David Stedman . . . in the Asheboro High School gymnasium.

It fell my lot to serve as Lee's presenter at the big banquet which taxed the capacity of the old gym. Hall of Fame officials organizing the event were quite specific and most emphatic in telling the Coach and me just how much time we were to have at the podium. . . . after all, others besides Lee were being inducted.

I think I was allotted four or five minutes for the presentations. As I remember it, Lee was allotted something like seven or eight minutes for his response.

Some of you were there. You know what happened. My broadcast training enabled me to meet the time requirement, right on the money. Then, Lee . . . one of a kind, God bless him . . . got up without a note and spoke for the better part of half an hour.

You be the judges. Only a man who was something else could have gotten away with it. For the record, I know of no complaint that was registered that memorable night.

Lee Stone was something else when it came of family friends . . . devoted husband to the good wife who went on ahead, loving father and father-in-law, doting grandfather. With Lee, the family came first.

Also, with Lee, friendships were treasures to be enhanced with fierce loyalty . . .

I am proud to have benefited from one of Lee's countless friendships, to have known how fierce his loyalty to a friend could be. Lee Stone and I traveled many miles together, climbed in and out of a lot of broadcast booths and press boxes in stadiums across this state and across this country. We

tooled down a lot-of-highways, often with Lee at the wheel, to some memorable assignments where usually he'd run into a friend or perhaps an unknown admirer. One or the other nearly always surfaced.

I suppose we had quite a bit in common, the Coach and I. In many respects, football was the centerpiece of our respective careers. We both believed mightily in a man named Wallace Wade. We could both sing the praises of Wade's renowned single wing and the wide-tackle Six. And it might be of some small significance to note that we were both transplanted Yankees who fell in love with and found a home in North Carolina. Down at Clemson, where Randleman-born Bob Bradley was ever the thoughtful host. . . . . they even taught us to eat catfish.

I suppose all of you, each in his or her own private moment, will eulogize Lee Jay Stone far better than I . . . in ways more meaningful to you. Perhaps you will come up with something better to say that he was ''something else'' or ''one of a kind.'' You must certainly know of Lee's love for God and Country.

Whatever the words you choose, whatever the memories you have of Lee Stone, you are likely to conclude that this man of monumental stature has had a profound influence on this community and every player, coach, student, educator, fellow citizen, friend . . . on anybody who enjoyed even the most casual relationship with him. Those who were closest to him . . . his beloved daughters, Frances and Susan, his son-in-law Joe, his wonderful grandchildren . . . only they can calculate fully the tremendous void left by his passing.

We all know Lee Stone ran the race well . . . maybe beginning in the Yale Bowl where he set prep school records in track. We know Lee fought the good fight right down to the end Tuesday morning.

As for me . . . of all the moments I was privileged to share with Lee, the one that lingers is that which occurred the night he presented me for membership in a local civic club.

Coach Stone put his arm around me and told the Kiwanians: ''I love him like a brother!!'' The feeling, Coach, was mutual; the compliment, immeasurable.

I know full well I was scarcely alone in this world as somebody Lee Stone loved. I had plenty of company. Brotherly love was something he bestowed generosity.

We all are richer for it.

Again, in the words of his admiring friend . . . one of the Good Ole Boys who went on ahead . . . Lee Jay Stone was ''something else.'' The man was one of a kind.

And, oh, yes . . .

I shall not soon forget the last real conversation I had with Coach Stone in the final phases of his galiant fight.

It was at Clapp's . . . where the attendants came to love the Coach and give him such compassionate care.

I had started away from his chair, heading for the parking lot, when he sort of barked at me as only he could.

''Hey'', he said, with his best practice field emphasis.

''When I get out of there in a few days, we'll have to make another of our trips.''

This trip is one the Coach makes pretty much on his own.

But I am convinced that there awaits a glorious journey's end where, whenever legendary coaches gather in the larger life, Lee Jay Stone will be joining the likes of Wade and Neyland and Lee's fellow Hall of Famer, Bob Jamieson, in extolling the virtues of the single wing and the wide tackle Six. Their praises will be sung into eternity.

Safe journey, Lee. Catch up with you later.

HONORING LITHUANIA'S INDEPENDENCE DAY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor the people of Lithuania as they celebrate their independence day.

Lithuania has known a long history both brave and tragic. Despite a proud past, the people of Lithuania endured the forcible incorporation of the homeland into the former Soviet Union. After fifty one years of Soviet domination, Lithuania successfully overcame these oppressive efforts, and declared its independence on March 11, 1990.

Independence did not come easily. Ten months after this restoration of independence, the newly free Lithuania withstood a bloody and lethal assault from a stronger Soviet Union, an end to its supply of Soviet oil and gas, and 15 protesters killed in Vilnius by Soviet troops. These acts, however, were not enough to subdue the spirit of the Lithuanian people. The fire of freedom was fueled by the will of the people, and by the brave leaders of the region.

Since Lithuania regained its independence on March 11, 1990, the United States has played a critical role in helping it implement democratic and free market reforms and solidify its position as a European democracy. Together, the United States and Lithuania have worked to maintain strength and security throughout Europe.

Earlier this year, the United States and Lithuania signed the Baltic Charter. The Charter recalls this region's tragic history, and underscores that the U.S. has a ''real, profound, and enduring'' interest in the security and independence of all three Baltic countries. In hope it is sign of the deepening of mutual cooperation and shared interests between our two countries for years to come.

Mr. Speaker, the people of Lithuania committed themselves to take a stand against repression and communism. And today, they celebrate the fruits of that commitment on their independence day. I comment the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence, and I hope you will join me in wishing them the best on this historic day.

CELEBRATING LITHUANIA'S INDEPENDENCE DAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. SHIMKUS. Mr. Speaker, as a proud descendant of Lithuanian immigrants, it is my honor to pay tribute to this day in Lithuanian history. On this day eight years ago, a 51-year foreign occupation of the country as a result of the Nazi-Soviet Pact ended, allowing for the establishment of a new democratic state.

The people of Lithuania endured many years of imposed communist dictatorship and cultural genocide while trying to accomplish their strive to independence. During this time, they engaged in non-violent movement in support of their cause for change politically and socially. Working faithfully towards democracy through protest and perseverance, the people of Lithuania held their first democratic elections in Lithuania in more than half a century in 1990—restoring their independence on this day eight years ago.

Less than a year later, in January, 1991, foreign troops launched a bloody and virulent assault on the people and government of Lithuania. Again, the Lithuanians had to defend themselves against this oppressive regime and were able to once again bring about democratic reforms.

Nine months later, Lithuania became a member of the United Nations. Additionally, Lithuania participates in other international organizations such as the Organization on Security and Cooperation in Europe, the North Atlantic Cooperation Council, and the Council of Europe. It has applied to join NATO and is an associate member of the EU, waiting for negotiations for future membership.

As a man who nobly represents the United States and strongly supports Lithuania, I commend the people of Lithuania for their courage and tenacity in their use of peaceful means to regain their independence. I unite with the Lithuanian people in celebrating their independence day and look forward to the day when we can all celebrate their entrance into NATO.

NATIONAL ARTS ADVOCACY DAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. FARR of California. Mr. Speaker, today is National Arts Advocacy Day, a time to focus on the fact that American creativity is driven by the arts. The most creative aspect of American art springs from our diversity. The history of the United States is depicted by the arts—paintings, photography, dancing, music, poetry, theater, literature, architecture.

National Arts Advocacy Day is a day in which we can realize the importance of the arts to our culture and economy. It is a day to remember that the arts are an integral part of our lives in both rural and urban communities. San Francisco, Los Angeles, New York City all revolve around the arts. Where would those cities be without such enthusiasm for the world of art and the revenue derived from public support of the arts?

We are working in the U.S. Capitol, a living museum of art and history that tells the story of democracy in the United States. Yet today, more than ever, what this building demonstrates is the creative talent of this country displayed in priceless paintings, photographs, works of sculpture in Statuary Hall, and in the very architecture of the building which is the symbol of the greatest democracy in the world.

We must invest more money in the arts to perpetuate creativity in future generations. The return on every federal dollar invested in the arts is phenomenal. Every $1 of federal support for the arts—local ballets, music concerts, theater—generates an average of $12 in matching funds. For the past two years the National Endowment for the Arts has requested $136 million dollars from Congress to

fund their organization. For fiscal year 1998, Congress budgeted only $98.5 million. The arts are not a frivolous, disposable commodity. They represent a significant part of our economy.

On National Arts Advocacy Day, let us remember the importance of intellectual development that the arts foster. Let us remember how it not only enhances the beauty of our country, but the economy as well. I support all Americans involved in arts from children doing finger paintings, to the design of new monuments in Washington, D.C. that will remind all Americans of their history. Let us celebrate together the importance of arts by supporting a strong Federal role in their promotion.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. KIND. Mr. Speaker, we are now less than two weeks away from your promised date for a vote on campaign finance reform, yet we have no direction from you about what will or will not be considered.

There are plenty of bills that have been drafted that begin to address the overwhelming amount of money being spent on our elections. I have been active with my freshman colleagues in drafting the Bipartisan Campaign Integrity Act, I think it is a good bill, but there are others. The question Mr. Speaker is, what kind of vote will we be allowed to take. Will the vote be a clean vote which clearly shows who supports campaign finance reform and who doesn't or will the vote contain poison pills that will cloud the issue. It is incumbent upon us as Members of Congress to make clear our position on this important issue.

We are counting on you, Mr. Speaker, to allow a fair, clean vote on campaign finance reform so the people of this nation know where we stand, once and for all. The people of my district will not accept ''no'' for an answer.

SHIFT IN INS'S BORDER FOCUS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. PACKARD. Mr. Speaker, the U.S./Mexico border in San Diego County, California is the nation's busiest corridor for illegal immigration activity. However, yesterday, Immigration and Naturalization Service Commissioner Doris Meissner declared that this entry is under control. While the INS decided to deploy 1,000 new border patrol agents, not one of them is headed to San Diego.

The 48th District of California lies just north of this high-traffic passage, and, Mr. Speaker, neither my constituents nor I would tell you that illegal immigration in this area is under control. Mrs. Meissner cites a 40% drop in border apprehensions in San Diego as proof that no additional agents are needed at this border. It is important to note that this figure does not take into account remote areas that are currently experiencing added strain as a result of the greater presence of agents and the San Diego entry point.

While increasing the number of border patrol agents at the San Diego County borders might decrease movement at these sites, it only intensifies the influx at the neighboring border in Imperial County. The Border Patrol Chief at the Imperial County gateway noted that daily apprehensions have risen dramatically since 1996, from 150 to the current rate of over 900. Neglecting this corridor, while adding agents in Texas and New Mexico and maintaining the number of agents in San Diego, will only intensify this already acute problem.

Southern California suffers from the increasing flood of illegal aliens. Mrs. Meissner's denial to provide us with an adequate number of border patrol agents to handle this dilemma is detrimental to our state and to our nation.

Mr. Speaker, as we continue the battle against individuals who opt to enter the United States illegally, I commend our border patrol agents for their hard work and dedication. No matter how hard they work, though, we need more of these committed men and women at our high-traffic borders if we are to have any hope of curtailing illegal immigration. I support efforts to strengthen our border in states like Texas; however, we must not pursue that goal at California's expense. The INS should take a closer look at the continuing penetration of our borders in Southern California and reconsider its strategy.

RECOGNIZING HARRY STATHAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to recognize a great basketball coach and a great man.

Harry Statham, the athletic director of McKendree College in Lebanon, Illinois, is the NAIA's winningest active basketball coach. On Saturday, January 10, 1998, the McKendree Bearcats defeated Barat College. That game marked the 700th win of Coach Statham's long and successful career at the college.

Statham began his coaching career while he was still an undergraduate as the boys basketball coach at O'Fallon Junior High. After graduating from McKendree College in 1960, he enrolled at the University of Illinois at Champaign. While earning a master of science degree in physical education at U of I, Statham served as a graduate assistant for the men's basketball and track teams. He coached at two high schools in Southern Illinois before returning to McKendree College in 1968 as the athletic director and men's basketball head coach.

Coach Statham has lead the Bearcats to 27 post-season appearances, including five trips to the NAIA National Championships. Last season the Bearcats finished in the NAIA's ''Elite Eight,'' the best tournament finish in the school's history. In 1988 the Bearcats established an NAIA record for most points scored by two teams when they prevailed over Huron College 124–107. This record of 231 total points scored still stands today. McKendree also holds the record for successful free throws in one game when they shot 39 of 39 in 1979. In the 1986–87 season, McKendree led the nation in scoring with a 105-point per game average.

Forty-one of the men who have played under Coach Statham have received post-season honors, including four All-American athletes. Two of Coach Statham's players have been drafted into the professional ranks. Dale Haverman was drafted by the Seattle Sonics in 1977 and Paul Funkhouser was drafted by the Chicago Bulls and the Carolina Cougars of the American Basketball Association in 1970.

Coach Statham, who lives in Belleville, Illinois with his wife, Rose, was inducted into the Illinois Basketball Coaches Association Hall of Fame in 1987. He has been named the NAIA-IBCA Coach of the Year six times and the NAIA District 20 Coach of the Year six times. Mr. Speaker, I am pleased to announce that this month Coach Statham will be inducted into the NAIA Hall of Fame. I ask my colleagues to join me in congratulating Coach Harry Statham for an impressive career.

TRIBUTE TO ARTHUR V. HODGES, AN AMERICAN HERO

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. EVERETT. Mr. Speaker, I am proud to inform this House of an Alabamian who personifies the best traditions of American military heroism, and whose proper recognition for meritorious service has finally been received after five decades of official oversight.

Late in World War II as this nation focused its military might on Japan, Private Arthur Hodges of Dothan, Alabama was a scout in a rifle squad with the U.S. Army's 306th Infantry Regiment in the Western Pacific. On April 20, 1945, the 306th was called to assault Legusugu on the Island of Ie Shima, just south of Okinawa.

The island was incredibly fortified and honeycombed with Japanese defenses. Enemy resistance to the landing American forces was severe. Hostile mortars, anti-tank guns, automatic weapons, and small arms covered the approaches with devastating fire delivered from concealed pill boxes and caves. Here's an excerpt from Private Hodges' war record:

> Private Hodges led his platoon's assault. When he discovered a small group of the enemy in foxholes, he disregarded the heavy fire which swept the area and worked his way forward to a position within a few yards of the Japanese position. Accurately throwing grenades into the foxholes, he killed all four of the enemy. As he started forward again he was fired upon by two enemy rifleman. He took cover behind a rock and killed both of them with rifle fire. When he arrived at the peak of the mountain, he located an enemy machine gun which was blocking the advance of his unit. He promptly attacked this position, destroyed the gun, and killed its crew of two. As he returned to the top of the mountain, he killed two more of the enemy attempting to flee. Private Hodges' fearless aggressiveness and courage were an inspiration to his comrades and were in keeping with the highest military traditions.

Private Hodges went on to become a Staff Sergeant and a squad leader in charge of 12 men. Among his many decorations, Sergeant

Hodges received the Combat Infantry Badge, the World War II Victory Medal, the Asiatic Pacific Campaign Medal, and the Army Good Conduct Medal. Surprisingly, Sgt. Hodges, who was also awarded the Bronze and Silver Stars, never actually received those medals due to a paperwork glitch. After my office's personal inquiry on his behalf last September, I'm happy to report that Mr. Arthur Hodges will be presented his Bronze and Silver Stars by me on March 13—some 52 years after he earned them. I congratulate Mr. Hodges and am very proud to have played a part in seeing him finally receive the decorations which he has so long merited and deserved.

10 FOR 60 RESOLUTION REAL TAX REFORM IN 1998

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. VENTO. Mr. Speaker, today I introduced the ''10 for 60'' Resolution. My resolution directs the Internal Revenue Service and Congress to begin this year the process of cutting in half the time that it takes the average taxpayer to file their tax returns. As the first step, the ''10 for 60'' Resolution calls for 10 changes in law or regulation this year to cut 60 minutes from tax preparation time. The ''10 for 60'' Resolution intends that these proposals should be revenue neutral and should focus on changes that benefit as large a group of taxpayers as possible.

Today, it takes too long for the average taxpayer to file their taxes. In fact, the American taxpayer is taxed twice. Not only do we pay our taxes, but our time is taxed as well. At this time of year, instead of spending time with our families, working around the home, or just taking a break, we spend hour after hour punching numbers into a calculator, trying to decipher IRS directions and tables, and searching through our financial records to find that last receipt for a charitable contribution that we made.

According to the IRS, this annual spring exercise will take the average taxpayer 15 hours and 47 minutes to prepare and file a typical tax return (Form 1040 and Schedules A and B). Add in other forms, such as Schedule C, the business profit and loss schedule, and the total time for tax compliance can be in excess of 30 hours.

There are plenty of examples of ways that we can simplify tax code now. The mileage deduction was intended to help not only those with business expenses, but individuals with medical, charitable and moving travel costs. However, the tax code contains three separate reimbursement rates for travel. Why should a taxpayer be required to keep three separate records for using the same car?

The Earned Income Tax Credit (EITC), designed to help low income families and reward work, is good policy. In fact, an analysis by the non-partisan Center on Budget and Policy Priorities, reveals that the EITC ''lifts more children out of poverty than any other government program.'' Yet, this single credit has been changed twelve times in the past 20 years. The credit contains nine eligibility standards and could require one checklist, two worksheets, one schedule and a normal 1040 to complete.

Congress has many ideas on tax reform or changes. At last count, over 600 separate bills to amend the Internal Revenue Code have been introduced in this Congress. These proposals range from broad reform to very narrow modifications. The major proposals, a flat tax or a national sales tax, do have hidden repercussions. While some taxpayers may like the idea of simplifying the tax code, they do not support the elimination of crucial deductions, like the home mortgage interest deduction or the charitable contribution nor do they support the taxation of worker fringe benefits like health insurance coverage or taxing services like a free checking account. Furthermore, true simplification should make the tax law understandable and workable, deflecting wholesale, imprudent changes while retaining sound, proven tax policies.

Congress should focus on what the taxpayers really need—true tax simplification. Concrete proposals already exist to simplify the existing tax code with minimal revenue changes. The House included in the IRS Restructuring and Reform Act the requirement that any new tax legislation include a complexity analysis before enactment. Why not apply such an analysis to existing provisions of law?

Tax simplification this year is an achievable goal but not if Congress gets bogged down in debating unrealistic proposals to abolish the tax code or initiate other radical changes. These are Trojan horses being advanced as tax simplification. It is time to address real tax simplification as more than a rhetorical tool and to make it a policy priority. My ''10 for 60'' resolution places the American taxpayer, not politics, first by focusing on real, attainable tax simplification for this year. My resolution gives everyone something they need more of—time. I hope that my Colleagues will join with me in making tax simplification a reality in 1998.

CONGRATULATIONS TO MR. JASON BINKLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues the name of Jason Binkley, of Ephrata, PA, in my congressional district. Jason is a member of Boy Scout Troop 38 in Ephrata. On Sunday, March 15, 1998, he will be receiving one of scouting's highest honors, the Eagle Scout Award. For this wonderful achievement we in the United States House of Representatives salute this fine young man.

To receive his Eagle Scout Award, Jason was required to complete a project that was of service to his community. Jason's project was renovating the amphitheater at the Ephrata Cloister. He was responsible for replacing the 400 bench seats, which had deteriorated from the years of being exposed to the elements, with new preserved wood tops. Jason accomplished this by raising funds locally and recruiting 20 other scouts who helped Jason with all of the cutting, bolting, and cleaning necessary to complete the project. Jason and his recruits donated over 120 hours of their time to complete the renovation of the Ephrata Cloister.

Again, I would like to congratulate Jason for achieving the rank of Eagle Scout. I know he worked hard and with great self-determination to earn this distinguished honor. I am honored to have such a fine young man in my district who is willing to donate himself to the community. I wish Jason the best of luck in all of his future endeavors and trust that he will continue to make his family, friends, and this Member of Congress proud of him.

HONORING THE HOPE EDUCATION AND LEADERSHIP FUND ON THE OCCASION OF ITS 7TH ANNUAL WOMEN'S HISTORY MONTH SYMPOSIUM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. TORRES. Mr. Speaker, I rise today to recognize HOPE Education and Leadership Fund on the occasion of its 7th Annual Symposium to be held on Friday, March 13, 1998 in Los Angeles, California.

For the past seven years, the HOPE Education Leadership Fund has provided a collective voice for Latinas by ensuring quality representation in the political process and in the public and private sectors. HOPE has encouraged political education of its members by conducting effective workshops, unique seminars and challenging training forums, informing the community on critical issues affecting Latinas.

At its annual symposium, HOPE and its members have the opportunity to analyze and talk about issues relevant to Latinas. HOPE's annual symposium is held every March, in honor of Women's History Month. The Symposium explores those issues facing Latinas. Among the issues HOPE explores range from health care and business development to domestic violence.

The annual symposium also recognizes Latina role models from throughout our history, highlighting those women who have excelled in their respective fields and serve as role models for younger Latinas. It is the tradition of the HOPE Education and Leadership Fund to present the Gift of HOPE Award to a Latina in recognition of her outstanding achievements and accomplishments in her field. This year's Gift of HOPE Award will be presented to Corina Alarcon, Executive Director of WAVE. By witnessing this form of recognition, younger generations become proud of their heritage and are encouraged to continue pursuing a professional career.

In 1994, the HOPE Education and Leadership Fund introduced the Ray HOPE Award. This award is given to individuals within our community who have demonstrated outstanding achievements as members of HOPE, either by giving back to the Latino community or in their professional achievements. This year, the Ray of HOPE Award will be presented to Maria Elena Salinas, Noticiero Univision anchor.

In 1993, the HOPE Education and Leadership Fund began the publication of its newsletter entitled *HOPE Agenda.* The printing of the publication coincides with the Annual Symposium and is used to relate news and information about HOPE activities to members and

other interested persons. In addition to the newsletter, HOPE also announced the publication of the *Women of HOPE,* an education book featuring the biographies of historical Latina icons. The premiere limited edition features Queen Isabella of Spain, Sor Juana Ines de la Cruz, La Pola, Josefina Ortiz and Gabriela Mistral.

On Friday, March 13, 1998, members and leaders of our community will gather at HOPE's 7th Annual Women's History Month Symposium. I ask my collegues to join me in honoring HOPE Education and Leadership Fund for its contribution to the social, political and economic status of Latinas.

IN RECOGNITION OF THE LIFETIME COMMITMENT TO THE COMMUNITY AND ACHIEVEMENTS OF CLARENCE IWAO NISHIZU

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Ms. SANCHEZ. Mr. Speaker, I rise today to recognize and congratulate Clarence Iwao Nishizu for his dedicated service to the Japanese American community and Orange County. Clarence grew up in Orange County where his family owned a farm and he is a graduate of Anaheim High School and Fullerton Jr. College. During World War II, all Americans of Japanese ancestry were interned as a result of Executive Order 9066. Clarence and his family were uprooted and interned at Heart Mountain, Wyoming. After the war, he and his family returned to Orange County and continued to farm with his two brothers. Due to his experience in the internment camps, Clarence continued to be an active citizen in Orange County, particularly within the Japanese American community in the areas of civil and human rights.

Clarence Nishizu was Co-founder of the Orange County Chapter of the Japanese American Citizens' League (JACL), the oldest Asian American civil rights organization. He later founded four other chapters of JACL throughout Southern California, including the SELANOCO chapter where he was past president.

In 1966, Clarence was the first Japanese American selected as the Foreman of the Orange County Grand Jury. In 1975, he received a special ''Resolution of Appreciation Award'' for his meritorious service from the Orange County Criminal Justice Council. Clarence was also active in the Redress campaign by testifying before the Commission on Wartime Relocation and Internment of Civilians. His efforts, along with many other Japanese Americans eventually led to the passage of the Civil Liberties Act of 1988 in Congress. In 1991, the major highlights of his life were published in the Honorable Stephen K. Tamura Orange County Japanese American Oral History Project, a publication that chronicles the history of Japanese Americans in Orange County.

Now, at the age of 86, Clarence Nishizu continues to actively participate on the board of the SELANOCO Chapter of JACL. He actively fundraises to promote SELANOCO's civic responsibility program, the Presidential Classroom scholarships, which provide opportunities for high school students to go to Washington, D.C. for leadership training.

IN OPPOSITION TO H.R. 217

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. BLUMENAUER. Mr. Speaker, last week I joined five of my colleagues in opposing HR 217, consolidation of McKinney Homeless Programs. While this legislation passed overwhelmingly, it has some clear ramifications for my district.

I support the block grant concept as well as the effort to provide local flexibility for homeless programs. However, this legislation institutes onerous matching requirements and caps on supportive services which would seriously jeopardize Portland, Oregon's existing network of services. HR 217 specifically provides funds for the construction, rehabilitation, and acquisition of permanent housing. While I realize these funds are needed in other communities, this allocation is troublesome for those communities, like Portland, where many of the necessary capital investments have already been made. In these communities, federal homeless funds are needed almost entirely for the maintenance of existing programs and facilities, not necessarily new construction. I am proud of the investment my community has made in permanent housing and would like to see flexibility in the block granting process which will allow us to maintain existing programs.

LARRY SEXTON RECOGNIZED AS A TOP NEW-CAR DEALER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. SKELTON. Mr. Speaker, today I wish to congratulate Larry Sexton, a dedicated Missouri businessman, who has been named a finalist of the 1998 Time Magazine Quality Dealer Award (TMQDA).

Sexton, a native of Salem, Missouri, was selected as one of the top ten new-car dealers in the nation, from a field of more than 20,500 participants. Sponsored in association with Goodyear, and in cooperation with the National Association of Automobile Dealers, the TMQDA program recognizes outstanding new-car dealers for exceptional performance in their dealerships and distinguished community service. Finalist are selected by a panel of faculty members from the University of Michigan Graduate School of Business Administration.

Larry Sexton, a graduate of the University of Missouri, owns and operates Sellers-Sexton, Incorporated, one of South-Central Missouri's largest new-car dealers. In addition, Sexton is chairman of the Fort Leonard Wood Regional Commerce and Growth Association and vice president of the Fifth Regional Association of the United States Army. He also serves on the executive board of the Committee of Fifty and the Missouri Highway Corridor Coalition.

Mr. Speaker, Larry Sexton is an outstanding businessman and a good friend. His service to his business and his community is to be commended. I am certain that the Members of the House will join me in paying tribute to Larry for being named one of the top-ten new-car dealers in the United States.

TRIBUTE TO THE HAMMOND HIGH SCHOOL WRESTLING TEAM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. CARDIN. Mr. Speaker, it is with pleasure that I rise today to congratulate the Hammond High School wrestling team on their outstanding accomplishments during the 1997–1998 season. Having previously captured County, Regional and State Dual Meet championships, as well as team titles in the Howard County and South Region Tournaments, on March 6–7 the Golden Bears completed a sweep of all six championships by winning the Class 1A/2A Maryland Public High Schools State Wrestling Tournament team title for the first time.

Led by a core of experienced junior and senior wrestlers, the Hammond High School team sought out the highest level of competition, wrestling against teams from throughout Maryland, as well as Delaware, Pennsylvania, New Jersey, and as far away as California. Committed to both individual and team excellence, the Golden Bears achieved outstanding results in all weight classes. The team was undefeated in 18 dual meets and all 13 wrestlers finished in the top four places at the Howard County Tournament. Without a single returning County champion, this year's Hammond High team produced six County and two Regional champions. Two Hammond wrestlers, Scott Osborn and Matt Nelson, placed 2nd in the State, and one, Vaymond Dennis, finished the season as the 112 pound Maryland State Champion.

As noteworthy as the achievements of the team on the wrestling mat, Coach Bill Smith and his staff should be commended for their uncompromising attention to the personal development of these young men. From the first day of practice in November, team members were required to meet high standards—of academic performance and of personal behavior. I applaud Coach Smith, as an educator, for teaching lessons that will have value long into the future.

I offer my congratulations to Dr. Sylvia Patillo, Principal of Hammond High School, as well as to the parents and fans of the Golden Bear wrestling team. I am sure that they are proud, as I am, of the accomplishments of the student-athletes of the 1997–1998 team. I am pleased to note that the school's tradition of wrestling excellence now includes a Maryland State Tournament Championship title.

DISTRUST IN GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday,

March 11, 1998 into the CONGRESSIONAL RECORD.

DISTRUST IN GOVERNMENT

One of the major changes in American politics over the years has been the erosion of public trust in government. In the mid-1960s, three-quarters of Americans said they trusted the federal government to do the right thing most of the time. In recent years, that number has generally been closer to one-fourth to one-third. Public trust in state and local governments is not much higher, and we have seen similar declines in confidence in other countries around the world.

This devaluation of government and politics is clearly worrisome, and it makes it all the more difficult for the federal government to carry out its important responsibilities as we enter the 21st century. Thus increased attention has been given lately to the question of why Americans have declining confidence in the federal government. The reasons for the decline are several.

Declining trust generally: Part of the decline reflects a broader drop in confidence in authority and institutions generally, as many see declining respect for authority a feature of current culture. Trust in all institutions took a big hit from Vietnam and Watergate, and the sharpest drops in public confidence in government occurred during that time.

Changing economy: Americans have less confidence in government as the U.S. economy has changed—as workers feel the threat of globalization and technology and as little progress is made on income inequality and wage growth for middle-class workers. People feel high anxiety and a loss of control over their own lives. To them government seems less relevant and not particularly helpful with their difficult work transitions and their burdensome education, health care, and retirement costs.

Too much corruption: People are concerned about corruption and low ethical standards among government officials. They believe that many are dishonest and controlled by special interests. In a recent poll, only 18% of Americans thought their own representative has not traded votes for campaign contributions. People will often say it takes new Members of Congress only a few months to become corrupted by the system.

Poor leadership: A common theme is that public officials are just looking out for themselves, pursuing their own agendas and advancing their own personal power rather than providing leadership and representing constituents. Americans think that one of the best ways to improve public confidence in government is to find more responsive political leaders.

Too political: There is widespread belief that the political system has become too political. By a sizeable margin people feel that politics prevents government from serving the people well.

Messy process: The public doesn't approve of the slow, often contentious nature of the legislative process. Studies have shown that public confidence in legislatures generally goes down after the proceedings are opened up through television and other means, even for legislatures that had greatly improved their operations and performance compared to when they operated behind closed doors. Institutions that are the most public are often the least liked.

Government waste: Another major complaint, and one that I hear all the time, is that the federal government has become too big, too wasteful, too inefficient. In recent polls, 80% of Americans stated they believe that government is inefficient and wastes tax dollars. Often in public meetings constituents will tell me that fifty cents of every dollar going to Washington is wasted.

Too intrusive: Many people believe that government tries to do too much and interferes with their lives. They often tell me to ''Get government off my back.'' Almost half of Americans perceive government as an obstacle rather than a helping hand to achieving the American dream.

Weak performance: Large numbers of Americans don't think government has much of an impact on their daily lives. Recently when people were asked to name two or three of the most important successes of the federal government over the past thirty years, 42% of Americans couldn't volunteer even one.

Media: The more cynical, more adversarial approach of the media today is often cited as one of the biggest factors in the dramatic drop in Americans' trust in government. Since the 1960s, newspaper and television coverage has become much more negative and more focused on conflict than substance. That clearly has taken a toll.

Some of these factors can't be easily changed, such as the negative tone of the media or the broad decline in confidence in all institutions. Yet there is still reason for hope. The good news is that many of the factors that can be controlled by political leaders can go a long way toward helping to restore confidence in government. Most notably, as Congress in recent years has taken the tough steps to reduce the deficit in order to boost the U.S. economy and has balanced the federal budget—a problem that has plagued policymakers for decades—public confidence in the institution has risen significantly.

There are many things that politicians can do to bolster trust in government. Among them: First, we need to streamline the operations of government—making it more responsive, accessible, and workable. Second, we need to tackle the big issues and deal with things that really concern people, such as improving education and shoring up the long-term outlook for Social Security and Medicare. Third, we need to correct public misperceptions about government, explaining better how it works and what it does. For example, Americans frequently complain about the large amount of money going for foreign aid, which they think is around 20% of the total federal budget and say should be closer to 10%, but is actually only 1% of the federal budget. Fourth, we need to improve the public's understanding of the impact of government on their lives every day. Support for the federal government improves considerably when people are informed about the government's role in improving health care for seniors, ensuring food safety, discovering medical cures, and creating the Internet.

Despite their often low confidence in government, large numbers of Americans still say they want to see an effective government that helps them and their family, and they believe this is an achievable goal. And they want more information about how Congress works and how it connects to their lives. So the opportunity for improving the way Americans look at their government is clearly there.

GUS AND FRANCES STAVROS—GIVING BACK TO THEIR COMMUNITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. YOUNG of Florida. Mr. Speaker, if any one knows that hard work leads to success it is Gus Stavros, my dear friend and constituent from St. Petersburg, Florida.

The son of an immigrant from Crete, his success is grounded in a strong set of values which have guided him throughout his life, as a parent, a businessman, and generous philanthropist.

Among the shared beliefs of Gus and Frances Stavros is a commitment to improving educational opportunities for the children of Pinellas County, Florida. With a $1 million gift in 1987, the couple spearheaded a county-wide effort to establish Enterprise Village, a state-of-the-art learning facility to teach fifth-graders about business and economics. Since its opening, more than 100,000 students have participated in programs at Enterprise Village. All fifth-graders in Pinellas County complete a business course that prepares them for spending a day at Enterprise Village, which is the key to their learning experience. There they have the opportunity to run one of a number of businesses such as a bank, drugstore, newspaper, fast-food establishment, hospital, or radio station. They are paid with special currency, with which they can open a checking account for the day, have lunch, and spend their money at businesses in the Village.

The experience has been such an unqualified success for students, parents, and teachers that the Stavros family recently announced a new campaign, spearheaded with another $1 million gift, to establish Enterprise Village II to allow eighth-graders to have a hands-on experience in business and economics.

This is just one of many charitable endeavors to which Gus and Frances Stavros have given so much. They have given to local theaters, orchestras, museums, and colleges.

Mr. Speaker, Gus Stavros has lived the American Dream. He is the son of an immigrant, a decorated veteran of World War II, he is a proud father and husband, he is a successful businessman, and he and his wife have given back many times over to our community. And in just a few days, on March 20th, he and Frances will celebrate their golden 50th wedding anniversary.

Following my remarks, I will include for the benefit of my colleagues a story by Lennie Bennett from Sunday's St. Petersburg Times which tells the remarkable story of this very special, and most generous, couple—Gus and Frances Stavros.

Their story is one that I hope inspires others throughout our nation to lead by example and give back to their communities to make them a better place to live.

[From the St. Petersburg Times, Mar. 8, 1998]

COUPLE RELISH GIVING AWAY MILLIONS

(By Lennie Bennett)

ST. PETERSBURG.—Gus and Frances Stavros went out to lunch for a celebration the day they pledged $1-million in matching funds to Enterprise Village II last month.

On the way home from Largo to their condominium in downtown St. Petersburg, they passed by a number of fine restaurants and private clubs.

Finally they found what they were looking for—hamburgers and french fries at Wendy's.

That lack of pretension is typical, friends and colleagues say of the couple, both 73, who made millions when he sold his company, Better Business Forms Inc., in 1984 and subsequently have given most of those millions away.

''I don't believe in saving it, and waiting to give it away after my demise,'' Stavros said

recently at their downtown St. Petersburg business office.

The couple declined to estimate just how much they have given to the community, saying only that it was ''a considerable sum,'' but there are few cultural institutions in Pinellas County that haven't benefited from their generosity.

He is considered a driving force behind the development of Ruth Eckerd Hall in Clearwater, where he lived for many years, spending a decade raising funds to build the performing arts center.

They are major donors of the Florida Orchestra, American Stage Theatre Company and the Museum of Fine Arts, where halls, courtyards and galleries bear the Stavros name.

But talk to Gus Stavros for just a few minutes, and it's clear that even though his motto for giving is ''church, culture and education,'' his abiding passion is education.

''Of all the ills of the world, the only solution is education,'' Stavros said.

He would know.

Gus Stavros' father, Anthony, was born on the island of Crete in 1898. When Anthony Stavros was 9, his family ''sold'' him to a wealthy Athenian businessman who employed him as a gardener, sending his wages back to Crete. He ran away after a beating and worked odd jobs, saving enough to immigrate to the United States in 1912.

''My father came here because he was told—and really believed—that the streets were lined with gold. When he got here, he realized that they were lined with opportunity.''

The young man, who spoke no English, worked as a dishwasher in Greek restaurants, and eventually was able to buy diners in Elizabeth, N.J., and prospered as a small businessman. He married another Greek emigre, Elizabeth Kourasmenos, who helped in the business. When Gus Anthony Stavros, their only child, was old enough, he worked, too.

But that was after he went to a public school from 8 a.m. to 3 p.m., then a Greek school from 4 to 7.

''My father taught himself to read and write in both languages. My mother never learned to read or write. But she knew how to count. She worked the cash register,'' Stavros recalled.

''My father had great marketing know-how. He put a big sign on the highway that read 'Free Soup with Meals. All the coffee you can drink, five cents.' This was during the Depression. Truck drivers lined up for miles to get in.''

A good student, Stavros received a scholarship to Columbia University in New York City, and he attended for a year before enlisting in the Army in 1942.

For three years, he served under Gen. George Patton. During the final march on Berlin, he was wounded in the head by artillery fire. He returned home with a Purple Heart, the Bronze Star and an injury that left him partly paralyzed in his left arm and hand.

The first call he made from the stateside hospital was to Frances Shaw, a young woman he had met only twice.

''In high school, a bunch of us formed the Condor Athletic Club. We'd play basketball, go bowling together. One night at the bowling alley, a friend came in with Frances. I asked for an introduction. Later, I said to my best friend, 'That's the girl I'm going to marry.' ''

Gus Stavros and Frances Shaw didn't see each other again for two years. When he looked her up during one of his Army leaves, she didn't remember him.

They began corresponding although, as Mrs. Stavros said, ''I wrote to a lot of boys overseas. We all did, so they wouldn't be so lonely.''

In 1945, when Stavros was released from the hospital, he returned to Columbia University and graduated with a liberal arts degree in 1948.

Gus and Frances were married that same year.

Like her husband, Frances Stavros was a child of the Depression.

''My father worked for the railroad,'' she said, ''and we never had a lot. But my family, like Gus', valued education.''

''That is why we feel so strongly about the Pinellas County Education Foundation and Enterprise Village,'' Gus Stavros said.

MEANING BUSINESS

Stavros is chairman emeritus of the Pinellas County Education Foundation, which was formed 11 years ago by then-associate superintendent Dr. Howard Hinesley and members of the business community to develop enhancement programs that the school system could not pay for.

One of those programs is Enterprise Village. It is a testament to Stavros' unequivocal belief in the free enterprise system.

''I'm not an economist. I'm a businessman. Enterprise Village teaches students about our economic system, which is the greatest in the world.''

He planned Enterprise Village with a businessman's savvy.

''In 1977, I was involved in an event called Expo '77 for 11th- and 12th-graders, with local business leaders at booths in the Bayfront Center to help students with career planning. It didn't work. We held it on a Friday, and the kids came in the front door and went right out the back, probably to the beach.

''Then we went into the schools with films to talk about the free enterprise system. It bored the kids, and they didn't pay any attention.

''So I sat down and thought, 'In the world of business, you do what the customer wants. Who's the customer here? The student.' That's how we started with Enterprise Village.''

The facility was modeled after Hallmark Cards Learning City in Kansas City, Mo., which Hinesley visited in 1987. He called Stavros, excited.

''I asked him to spearhead it, and he said yes,'' recalled Hinesley, now superintendent of Pinellas County schools.

''He opened doors that we couldn't. He went with us on every call. Some people had said no to us, and he got them to change their minds. I, at first, was just thinking small, something for $5,000. Then it kept growing because Gus wanted to do it the right way. I never thought we could raise that kind of money.''

By the time Stavros finished the campaign, $1-million had been raised to build the Largo facility.

Stavros secured commitments from local corporations to replicate smaller versions of their businesses in a mall-like building with a central meeting space, complete with gazebo, called Town Square.

Since opening in 1989, more than 100,000 students have participated.

All fifth-graders in Pinellas County complete a business course provided by Enterprise Village before their visit. Then they spend a day working at one of the businesses, supervised by staff and volunteers. A bank, drugstore, newspaper, fast-food restaurant and hospital ''employ'' them, pay them in pretend money and give them time to open checking accounts, go shopping, have lunch. They meet at the end of the day for a speech by an elected ''mayor,'' one of the students.

Students, teachers and parents laud the experience.

''We receive comments from them, and from visitors from all over the world who want to copy the program, about the importance of it, and of the importance of continuing this kind of education,'' said Frances Neu, executive director of the foundation.

In fact, it has been so successful, it has spawned Enterprise Village II for eighth-graders.

''It's important that we go beyond an introduction to entrepreneurism. At Enterprise Village II, we're going to teach students fiscal responsibility, ethics and career planning. Ethics, most importantly. We've got to teach young people that to be truly successful, you must live an ethical life,'' Stavros said.

LIFE LESSONS

Even though he is a decorated war veteran and graduate of a prestigious university, Stavros could not get a job because of his partial paralysis. He was advised to stay home and collect his disability pension. He finally found a job with Simmons Mattress Co. in New Jersey and worked his way up through the management ranks, eventually transferring to Ohio.

But in his entrepreneurial heart, what he really wanted was his own business. With two partners he started a small company that printed business forms.

Better Business Forms began with three employees working out of a Quonset hut.

Stavros, who had moved his family to Pinellas County continued to work his day job, spending weekends and nights at Better Business Forms. When the company was sold in 1989, it employed 550 people and posted sales close to $90-million.

He managed the company's explosive growth with innovative business practices and a belief that no matter how big the business got, the individual employee always counted.

''It was the most satisfying thing I've done in my life, building a company with 550 employees, 550 families,'' he said.

He speaks of his own family with pride.

''I'm very proud that my son Paul has gotten involved with the Palladium project.''

Palladium is a private effort to convert the First Church of Christ, Scientist, in downtown St. Petersburg into a mid-size preforming arts hall.

''Paul was also the one who got us involved with American Stage. Our other son, Mark, is a sportsman who races greyhounds. Our daughter, Ellen, got us involved with the Museum of Fine Arts when she was a docent. Now she is executive director of Florida House in Washington, D.C. It's like state embassy, the only one.''

The Stavroses have attended St. Paul's Lutheran Church in Clearwater for 40 years, teaching Sunday School, and coaching basketball and softball.

MOVING ON

A self-described workaholic and a hands-on volunteer who rarely relaxed during his adult life, Stavros seems happy to slow down a little now, though he said he believes that ''the condition of standing still is the beginning of the end.''

Gus and Frances Stavros, who will celebrate their 50th wedding anniversary March 20, spend summers in North Carolina, and they have traveled a bit with family.

He claims to serve on fewer boards. Even so, his plate remains full of meaty fund-raising commitments such as the $500,000 still needed to pay for Enterprise Village II (he's already raised $3-million). He is chairman of the Florida State University Foundation, and co-chairman of the University of South Florida's capital campaign, with a goal of raising $220-million. Not surprisingly, he's met half of that goal.

He loves speaking to students. ''I tell them the story of the Pilgrims and the Mayflower Compact, a great document, which had one defect, that everyone should work for the good of all and pool their work product. They were starving to death. Gov. (William) Bradford then gave each man his own parcel of land for a year. At the end of that year, we had two great institutions, Thanksgiving and free enterprise.''

He leans forward in a chair in his modest office as he gives this history lesson.

Surrounding him are hundreds of plaques, resolutions, statuettes and photographs, tokens of his life in service to the community.

There on the walls are the Florida Chamber Economic Education Leadership Award, Commissioner's Award for Excellence, Liberty Bell Award, National Conference of Christians and Jews Silver Medallion Award, United Way Award for Leadership, Friends of the Arts Award, and on and on.

There he is as Mr. Sun, the most prestigious civic award in St. Petersburg, and as Mr. Clearwater; he is the only person ever awarded both honors. There he is at the dedication of the Gus A. Stavros Center for the Advancement of Free Enterprise and Economic Education at Florida State University in 1988, and a year later at USF to dedicate a second center.

But he doesn't want to talk about any of those on this day. He wants to return to the story of his lunch at Wendy's.

''We had the program for the Enterprise Village II ground-breaking in our hands as we pick up our food,'' he said. ''And our server saw it and said, 'Do you know about Enterprise Village? I want you to know I took off work so I could volunteer there for both of my children. It's one of the most wonderful things that ever happened to my kids.'''

Gus and Frances Stavros turned to each other and smiled.

They can't remember having a better meal.

NOT ENOUGH LIFEBOATS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1998

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD this editorial by William Raspberry from the Washington Post of March 9, 1998. Parents should have the ability to rescue their children from the schools in which they are trapped when those schools fail to meet minimum standards of performance and safety. If you cannot save every child from these schools, should you refuse to save a few? I don't think so, and neither does Mr. Raspberry.

[From the Washington Post, March 9, 1998]

NOT ENOUGH LIFEBOATS

(By William Raspberry)

Before you dismiss his voucher proposal for D.C. schools as too conservative, too insensitive to the poor or too destructive of public education, House Majority Leader Dick Armey wants to remind you of this fact:

When Ted Forstmann and John Walton put up $6 million of their own money to provide 1,000 scholarships for low-income parents who wanted their children out of D.C. public schools, there were 7,573 applications—about a tenth of the total public school enrollment. These parents, Armey told me in a recent interview, constitute 7,573 rebuttals to whatever anti-voucher case you care to make. They believe that choice—represented in this case by privately funded vouchers—offers their children a better chance, and they want it.

The Texas Republican has been joined by Rep. William Lipinski (D–Ill.), Sen. Joe Lieberman (D–Conn.) and Sen. Dan Coats (R–Ind.) in introducing a bill to fund tuition scholarships for some 2,000 additional poor children here.

The D.C. Student Opportunity Scholarship Act would provide means-tested tuition supplements that could be used in public or private schools, either in the District or in neighboring counties in Maryland and Virginia. Students whose family incomes fall below the official poverty line would be eligible for the maximum yearly grant of $3,200. Those whose family incomes are above, but less than 185 percent of, the poverty line would get three-quarter scholarships of $2,400.

Question: Does the scheme represent a noble rescue effort, or does it amount to the abandonment of a sinking school system?

As far as Armey is concerned, it's like asking whether no one aboard the Titanic should have been permitted to use lifeboats because there weren't enough lifeboats for everybody.

Armey, who has been involved in a few local schools through a program he started called Tools for Tomorrow, says he has ''seen the lights go on in their eyes'' when children get additional tutorial help or scholarships to better schools. ''They start telling you about how their favorite classes are math and science. And I wonder why we can't provide this sort of opportunity—in private or parochial schools or in public schools—for more children whose parents can't afford it.''

The most frequently offered answer is that such schemes—almost always too limited to serve all the children who need help—amount to a turning away from public education. The parents most likely to seize the opportunities offered are those who have the means to supplement the vouchers and those who already take an active interest in their children's education. The result is a sort of skimming—of children and their parents—that can leave the public schools significantly worse off.

It's undeniable. But look at it from the viewpoint of parents who grab at the chance to get their children into better schools: Should they be required to keep their children in bad schools to keep those schools from growing worse? Should they be made to wait until we get around to improving *all* the public schools?

''The District of Columbia is interesting, in the sense that it has some really outstanding public schools, and one of the highest per-pupil outlays in the country,'' Armey said. ''But, in candor, it also has some truly awful schools. How can this be? In our visits [with Tools for Tomorrow] the parents keep coming back to one word: discipline. They are talking about discipline in the sense of expecting a certain standard of behavior and discipline in the sense of the rigor with which [private and parochial schools] teach the curriculum.

''I don't know if you can make all the schools exercise that kind of discipline. But if it's possible, maybe the best way to make it happen is to put them on notice that they may be about to lose their children.''

That notion that competition will force the worst schools to improve drives much of the advocacy for vouchers. Does it make sense? I don't know. When New York philanthropist Virginia Gilder offered $2,000 scholarships to every child in Albany's worst-performing school, a sixth of the parents grabbed the offer and took their kids elsewhere. The school board fired the principal, brought in new teachers and undertook a range of improvements. But to expect most poor-performing schools to improve with the introduction of vouchers is to believe their poor performance is willful. I'm not sure even the voucher advocates believe that. But surely opponents cannot believe the logic of their counter-argument: that if you can't save everybody—whether from a burning apartment house, a sinking ship or a dreadful school system—it's better not to save anybody.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and in any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 12, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

1:00 p.m.
Special on Aging
To hold hearings to examine the lending practices of the subprime lending market, focusing on how senior citizens are targeted by unscrupulous lenders.
SD–628

MARCH 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.
SR–332

9:30 a.m.
Appropriations
Business meeting, to mark up proposed legislation making supplemental appropriations for the fiscal year ending September 30, 1998.
SD–106

Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

10:00 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine privacy in the digital age, focusing on encryption and mandatory access issues.
SD–226

Labor and Human Resources
To hold hearings to examine retirement security issues.
SD–430

Veterans Affairs
To hold hearings on Persian Gulf War illnesses, focusing on the lessons learned from Desert Storm regarding chemical and biological weapons preparedness.
SH–216

10:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics control plans and policy.
SD–124

11:00 a.m.
Budget
Business meeting, to mark up a proposed concurrent resolution setting forth the fiscal year 1999 budget for the Federal Government.
SD–608

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on ship acquisition.
SR–222

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to review policy directives for protecting America's critical infrastructures.
SD–226

MARCH 18

9:30 a.m.
Armed Services
Acquisition and Technology Subcommittee
To hold hearings to review the status of acquisition reform in the Department of Defense.
SR–222

Labor and Human Resources
Business meeting, to resume markup of S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products.
SD–106

Rules and Administration
To hold hearings on the proposed budget request for fiscal year 1999 for the Smithsonian Institution, the Kennedy Center, and the Wilson Center.
SR–301

Small Business
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.
SR–428A

Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
Business meeting, to mark up proposed legislation with regard to Indians in the proposed tobacco settlement, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act; to be followed by an oversight hearing on the implementation of the Indian Arts and Crafts Act (P.L. 101–644), focusing on the Arts and Board activities, resource needs, and mission.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD–192

Appropriations
District of Columbia Subcommittee
To hold hearings on the implementation of provisions of the Management Reform Act of 1997 relating to the revitalization of the District of Columbia (P.L. 105–34).
SD–124

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on active and reserve military and civilian personnel programs and the Service safety programs.
SR–222

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine nuclear nonproliferation and the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105–28).
SD–342

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S–128, Capitol

Energy and Natural Resources
To hold hearings on S. 1488, to ratify an agreement between the Aleut Corporation and the United States to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and S. 1670, to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era.
SD–366

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

Labor and Human Resources
To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104–191).
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the Department of Energy's science-based stockpile stewardship and management program.
SR–232A

MARCH 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on issues with regard to Alzheimer's disease.
SH–216

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

Labor and Human Resources
To hold hearings to examine health care quality issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on drug addiction and recovery issues.
SH–216

MARCH 25

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to mark up S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, and to consider other pending calendar business.
SR–253

Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

MARCH 26

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD–430

MARCH 31

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD–192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD–124

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.
SD–366

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD–192

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable and video markets.
SD–226

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD–124

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR–332

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration
SD–138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

OCTOBER 6

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 12

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

MARCH 17

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's environmental management program.
SD–116

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

POSTPONEMENTS

MARCH 12

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy.
SD–12

Wednesday, March 11, 1998

Daily Digest

HIGHLIGHTS

House committees ordered reported 20 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S1715–S1809

Measures Introduced: Seven bills were introduced, as follows: S. 1741–1747. **Page S1772**

Measures Reported: Reports were made as follows:

S. Res. 187, expressing the sense of the Senate regarding the human rights situation in the People's Republic of China. **Page S1772**

Measures Passed:

Bulletproof Vest Partnership Act: Senate passed S. 1605, to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers, after agreeing to a committee amendment. **Pages S1803–07**

U.S./Thailand Bilateral Relations: Senate agreed to S. Res. 174, to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations, after agreeing to the following amendments proposed thereto: **Pages S1807–08**

Chafee (for Roth) Amendment No. 1980, relating to the relationship between the United States and Thailand. **Page S1807**

Chafee Amendment No. 1981, to amend the preamble. **Page S1807**

ISTEA Authorization: Senate resumed consideration of S. 1173, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, with a modified committee amendment in the nature of a substitute (Amendment No. 1676), taking action on amendments proposed thereto, as follows: **Pages S1723–66**

Adopted:

Chafee Amendment No. 1951 (to Amendment No. 1676), to provide additional assistance to certain donor States. **Pages S1723–24, S1728, S1762**

Subsequently, the amendment was modified. **Page S1762**

Bond/Reid Amendment No. 1952 (to Amendment No. 1676), to express the sense of the Senate concerning the operation of certain double-trailer and triple-trailer trucks. **Pages S1724–26**

McCain/Hollings Amendment No. 1953 (to Amendment No. 1676), to authorize the Secretary of Transportation to implement hazardous material transportation pilot programs for certain farm service vehicles. **Pages S1726–27**

Abraham/Levin Amendment No. 1380 (to Amendment No. 1676), to provide for continuation of eligibility for the International Bridge, Sault Ste. Marie, Michigan. **Pages S1728–29**

Abraham Amendment No. 1955 (to Amendment No. 1676), to improve the provisions relating to credit for acquired lands. **Pages S1729–30**

Brownback Amendment No. 1956 (to Amendment No. 1676), relating to trail use and management of railroad rights-of-way. **Pages S1730–32, S1734**

Abraham Modified Amendment No. 1911 (to Amendment No. 1676), to save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program. **Pages S1732–34, S1740**

Warner (for Hutchinson) Amendment No. 1957 (to Amendment No. 1676), to allow States to use a portion of their surface transportation funds to combat fuel tax evasion. **Pages S1734–35**

Warner (for Stevens) Amendment No. 1958 (to Amendment No. 1676), to allow for the application of anti-icing applications to be eligible for certain Federal aid highway funds. **Page S1735**

Warner (for Murkowski/Stevens) Amendment No. 1769 (to Amendment No. 1676), to repeal certain redundant transportation planning requirements. **Pages S1735–36**

Warner (for Specter/Moynihan/Santorum) Amendment No. 1838 (to Amendment No. 1676), to improve the magnetic levitation transportation technology deployment program. **Pages S1736, S1738**

Warner (for Campbell/Gramm) Amendment No. 1959 (to Amendment No. 1676), to establish a prohibition on lobbying activities. **Pages S1736–38**

Warner/Chafee/Baucus Amendment No. 1960 (to Amendment No. 1676), to give preference under the Interstate 4R and bridge discretionary program to States that are bordered by 2 navigable rivers that each comprise at least 10 percent of the boundary of the State. **Page S1738**

Warner (for Levin/Abraham) Amendment No. 1961 (to Amendment No. 1676), to provide that a State with respect to which certain conditions are met shall be eligible for the funds made available to carry out the high density transportation program that remain after each State that meets the primary eligibility criteria for the program has received the minimum amount of funds. **Pages S1738–39**

Baucus (for Daschle) Amendment No. 1962 (to Amendment No. 1676), to provide additional uses for the payment by Amtrak to non-Amtrak States. **Pages S1739–40**

Roth Amendment No. 1963 (to Amendment No. 1676), to extend for six years the existing transportation taxes and tax credits, to extend the ethanol tax exemption, to provide for a repeal of the tax on diesel fuel used by trains, and to provide for an increase in the tax exemption for employer-provided transit passes. **Pages S1741–58, S1760**

McConnell Amendment No. 1969 (to Amendment No. 1676), to allow entities and persons to comply with court orders relating to disadvantaged business enterprises and to require the Comptroller General to carry out a biennial review of the impact of complying with requirements relating to disadvantaged business enterprises. **Pages S1758–59**

Chafee (for Byrd) Amendment No. 1970 (to Amendment No. 1676), to impose certain requirements concerning the biennial infrastructure investment needs report. **Page S1760**

Chafee (for Moseley-Braun Amendment No. 1971 (to Amendment No. 1676), to improve highway safety by utilizing different crash cushion designs. **Page S1760**

Chafee (for Sarbanes) Amendment No. 1972 (to Amendment No. 1676), to authorize the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway. **Page S1760**

Chafee (for Moynihan) Amendment No. 1973 (to Amendment No. 1676), to provide for the inclusion of the Secretary of Transportation and Federal Railroad Administrator on the Boards of Directors of the Pennsylvania Station Redevelopment Corporation and the Union Station Redevelopment Corporation. **Page S1760**

Chafee (for McCain) Amendment No. 1974 (to Amendment No. 1676), to reduce the amounts authorized to be appropriated for motor carrier safety. **Pages S1760–61**

Chafee Amendment No. 1975 (to Amendment No. 1676), to make a technical correction. **Pages S1760–61**

Stevens Amendment No. 1976 (to Amendment No. 1676), to authorize the ferry discretionary program. **Pages S1761–62**

Warner (for Cleland) Amendment No. 1977 (to Amendment No. 1676), to add certain counties to the Appalachian region for the purposes of the Appalachian Regional Development Act of 1965. **Page S1763**

Chafee (for Stevens/Murkowski) Amendment No. 1979 (to Amendment No. 1676), to provide for the reconstruction of national defense highways located outside the United States. **Pages S1763–65**

Jeffords Modified Amendment No. 1716 (to Amendment No. 1676), to provide for the preservation of historic covered bridges in the United States. **Pages S1765–66**

Rejected:

McCain Amendment No. 1968 (to Amendment No. 1963), to prohibit extension of inequitable ethanol subsidies. (By 71 yeas to 26 nays (Vote No. 27), Senate tabled the amendment. **Pages S1753–57**

Pending:

McCain Amendment No. 1726 (to Amendment No. 1676), to provide that demonstration projects shall be subject to any limitation on obligations established by law that applies in Federal-aid highways and highway safety construction programs. **Pages S1727–28, S1740–41**

During consideration of this measure today, Senate also took the following action:

By 18 yeas to 80 nays (Vote No. 26), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive section 311(a)(2)(b) of the Congressional Budget Act of 1974 with respect to the consideration of Mack Amendment No. 1906 (to Amendment No. 1963), to repeal the 4.3-cent transportation motor fuels excise tax. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S1743–52**

By 96 yeas to 3 nays (Vote 28), three-fifths of those Senators duly chosen and sworn having voted

in the affirmative, Senate agreed to close further debate on the modified committee amendment in the nature of a substitute (Amendment No. 1676). **Pages S1762–63**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, March 12, 1998. **Page S1808**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the report of a Presidential Determination (98–17) relative to Vietnam; referred to the Committee on Finance. (PM–110). **Page S1772**

Nominations Confirmed: Senate confirmed the following nominations:

Hilda G. Tagle, of Texas, to be United States District Judge for the Southern District of Texas.

Sam A. Lindsay, of Texas, to be United States District Judge for the Northern District of Texas.

Judith M. Barzilay, of New Jersey, to be a Judge of the United States Court of International Trade.

Delissa A. Ridgway, of the District of Columbia, to be a Judge of the United States Court of International Trade. **Pages S1808–09**

Nominations Received: Senate received the following nominations:

Thomas Ehrlich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years.

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years.

Alice Rae Yelen, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 2001.

Stephen C. Robinson, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years. **Page S1809**

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

Ida L. Castro, of New York, to be Director of the Women's Bureau, Department of Labor, which was sent to the Senate on October 9, 1997. **Page S1809**

Messages From the President: **Page S1772**

Messages From the House: **Page S1772**

Executive Reports of Committees: **Page S1772**

Statements on Introduced Bills: **Pages S1772–84**

Additional Cosponsors: **Pages S1784–85**

Amendments Submitted: **Pages S1785–97**

Authority for Committees: **Page S1797**

Additional Statements: **Pages S1797–S1803**

Record Votes: Three record votes were taken today. (Total–28) **Pages S1752, S1757, S1762–63**

Adjournment: Senate convened at 9 a.m., and adjourned at 6:48 p.m., until 9:30 a.m., on Thursday, March 12, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record, on page S1808.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs, receiving testimony from John H. Dalton, Secretary of the Navy; Adm. Jay L. Johnson, Chief of Naval Operations; and Gen. Charles C. Krulak, Commandant of the Marine Corps.

Subcommittee will meet again on Wednesday, March 18.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces held hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on land forces modernization, receiving testimony from Lt. Gen. Paul J. Kern, USA, Military Deputy Director/Assistant Secretary of the Army (Research, Development and Acquisition); Lt. Gen. John N. Abrams, USA, Deputy Commanding General, United States Training and Doctrine Command; Maj. Gen. Michael J. Williams, USMC, Commanding General, Marine Corps Systems Command; and Lt. Gen. John E. Rhodes, USMC, Commanding General, Marine Corps Combat Development Command.

Subcommittee will meet again on Wednesday, March 25.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Personnel held hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the military health system, receiving testimony from Gary A. Christopherson, Acting Assistant Secretary of Defense for Health Affairs; Lt. Gen. Ronald R. Blanck, USA, Surgeon General of the Army; Vice Adm. Harold M. Koenig, USN, Surgeon General of the Navy; Lt. Gen. Charles E. Roadman, II, USAF,

Surgeon General of the Air Force; David J. McIntyre, Jr., TriWest Healthcare Alliance, Phoenix, Arizona; Robert E. Shields, Humana Military Healthcare Services, Inc., Louisville, Kentucky; Capt. Calvin C. Dudley, USN (Ret.), Georgia Federal/Military Retiree Coalition, Royston; Cdr. Michael W. Lord, USN (Ret.), Commissioned Officers Association of the U.S. Public Health Service, Inc., and Sydney Hickey, National Military Family Association, Alexandria, Virginia, both on behalf of the Military Coalition; Col. Charles C. Partridge, USA (Ret.), National Association for Uniformed Services, Springfield, Virginia, on behalf of the National Military and Veterans Alliance; and W. Hal Franck, Mountain Home Air Force Base, Idaho.

Subcommittee will meet again on Wednesday, March 18.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Readiness held hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on environmental and military construction programs, receiving testimony from Sherri W. Goodman, Deputy Under Secretary of Defense for Environmental Security; Jan B. Reitman, Staff Director, Environment and Safety, Defense Logistics Agency; Raymond J. Fatz, Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health; Robert B. Pirie, Jr., Assistant Secretary of the Navy for Installations and Environment; Thomas W. McCall, Jr., Deputy Assistant Secretary of the Air Force for Environmental, Safety and Occupational Health; John B. Goodman, Deputy Under Secretary of Defense for Industrial Affairs and Installations; Paul Johnson, Deputy Assistant Secretary of the Army for Installations and Housing; and Jimmy Dishner, Deputy Assistant Secretary of the Air Force for Installations.

Subcommittee recessed subject to call.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces held hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on United States national security space programs and policies, receiving testimony from Gen. Howell M. Estes, USAF, Commander-in-Chief, United States Space Command; and Keith R. Hall, Assistant Secretary of the Air Force for Space/Director, National Reconnaissance Office.

Subcommittee will meet again tomorrow.

ELECTRONIC AUTHENTICATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Services and Technology concluded hearings on S. 1594, to facilitate the use of electronic authentication techniques by financial institutions, after receiving testimony from P. Michael Nugent, Citibank, New York, New York; and Ken Lieberman, VISA U.S.A., Inc., Harris Miller, ITAA, and Alfred M. Pollard, Bankers Roundtable, all of Washington, D.C.

GLOBAL TOBACCO SETTLEMENT

Committee on Commerce, Science, and Transportation: Committee resumed hearings on proposed legislation to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, receiving testimony from Senators Hatch, Chafee, Baucus, Lugar, and Conrad.

Hearings continue on Tuesday, March 17.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 633, to adjust the boundary of the Petroglyph National Monument in New Mexico to exclude the Paseo del Norte road corridor, with an amendment in the nature of a substitute;

S. 1132, to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the monument and which are not currently within the jurisdiction of a Federal land management agency, and to authorize purchase or donation of those lands, with amendments; and

S. 1069, to designate the American Discovery Trail as the first National Discovery Trail and to establish a new category within the National Trails System, with an amendment in the nature of a substitute.

Committee also completed its review of those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999, and agreed on recommendations it will make thereon to the Committee on the Budget.

Also, committee began markup of S. 1403, to establish a national historic lighthouse preservation program, but did not complete action thereon, and recessed subject to call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported S. Res. 187, expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

MIDDLE EAST

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs held hearings to examine recent developments in the Middle East, focusing on the Israel-PLO negotiating process and the role of the United States in that process, receiving testimony from Senators Kyl and Lieberman; Martin S. Indyk, Assistant Secretary of State for Near Eastern Affairs; Daniel Pipes, *Middle East Quarterly*, Philadelphia, Pennsylvania; Henry Siegman, Council on Foreign Relations, New York, New York; and Robert Satloff, Washington Institute for Near East Policy, and Steven Emerson, both of Washington, D.C.

Hearings were recessed subject to call.

NOMINATION

Committee on the Judiciary: Committee concluded an additional hearing on the nomination of Frederica A. Massiah-Jackson, to be United States District Judge for the Eastern District of Pennsylvania (pending on Senate Executive Calendar), after the nominee testified and answered further questions in her own behalf.

BANKRUPTCY REFORM

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings on S. 1301, to provide for consumer bankruptcy protection, focusing on certain abuses occurring under the current Bankruptcy Code, after receiving testimony from Richard M. Stana, Legislative Advisor, General Accounting Office; Lawrence A. Friedman, Friedman and Kohut, Southfield, Michigan, on behalf of the National Association of Bankruptcy Trustees; A. Thomas Small, Chief Bankruptcy Judge, Eastern District of North Carolina; Tahira K. Hira, Iowa State University, Ames; George J. Wallace, Eckert Seamans Cherin & Mellott, on behalf of the American Financial Services Association, Michael E. Staten, Credit Research Center/Georgetown University School of Business, and Stephen Brobeck, Consumer Federation of America, all of Washington, D.C.; William E. Brewer, Jr., Raleigh, North Carolina, on behalf of the National Association of Consumer Bankruptcy Attorneys; Stanton Bluestone, Carson Pirie Scott & Company, Milwaukee, Wisconsin, on behalf of the National Retail Federation; Brian McDonnell, National Association of Federal Credit Unions, Arlington, Virginia; Robert Elliot, Household International, Inc., Prospect Heights, Illinois; Douglas Boshkoff, Indiana University School of Law, Bloomington; Randal C. Picker, University of Chicago Law School, Chicago, Illinois, on behalf of the National Bankruptcy Conference; Deborah D. Williamson, Cox & Smith, San Antonio, Texas, on behalf of the American Bankruptcy Institute; and Matthew J. Mason, Detroit, Michigan, on behalf of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America and the UAW–GM Legal Services Plan.

BUSINESS MEETING

Committee on Labor and Human Resources: Committee ordered favorably reported the nomination of Richard M. McGahey, of New York, to be an Assistant Secretary of Labor.

Also, committee began markup of S. 1648, to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, but did not complete action thereon, and will meet again on Wednesday, March 18.

BUSINESS MEETING

Committee on Indian Affairs: Committee completed its review of those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999, and agreed on recommendations it will make thereon to the Committee on the Budget.

TRIBAL SOVEREIGN IMMUNITY

Committee on Indian Affairs: Committee held hearings to examine the status of tribal sovereign immunity and the role it plays to preserve the Federal Government's protection of tribal self-government, and its impact on Indian economic development, commercial dealings and taxation, and related proposals, including S. 1691, to provide for Indian legal reform, receiving testimony from Representatives Istook and LaHood; Derril B. Jordan, Associate Solicitor, Division of Indian Affairs, Department of the Interior; Thomas L. LeClaire, Director, Office of Tribal Justice, Department of Justice; Judge R.A. Randall, Minnesota State Court of Appeals, St. Paul; New York State Assembly Jeffrey Klein, Albany; Michael Harris, Michael D. Harris Law Office, Tahlequah, Oklahoma; Phillip Martin, Mississippi Band of Choctaw Indians, Philadelphia; W. Ron Allen, Jamestown S'Klallam Tribe, Sequim, Washington, on behalf of the National Congress of American Indians; Mark A. Jarboe, Dorsey & Whitney, Minneapolis, Minnesota; John Lattauzio, J & J Mini-Markets, Alamogordo, New Mexico; Greg Love, Love's Country Stores, Oklahoma City, Oklahoma, on behalf of the Society of Independent Gasoline Marketers of America; Gregory E. Pyle, Choctaw Nation of Oklahoma, Durant; David Kwail, Inter Tribal Council of Arizona, Phoenix; Reid Peyton Chambers, Sonosky, Chambers, Sachse & Endreson, Washington, D.C.; and Scott Morrison, Wilburton, Oklahoma.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 3433–3443; and 2 resolutions, H. Con. Res. 240–241, were introduced. **Pages H1111–12**

Reports Filed: Reports were filed today as follows:

H. Res. 384, providing for consideration of H.R. 2883, to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports (H. Rept. 105–433);

H. Res. 385, waiving points of order against the conference report to accompany H.R. 1757, to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, and to preserve the prerogatives of the Congress with respect to certain arms control agreements (H. Rept. 105–434);

H.R. 118, to provide for the collection of data on traffic stops amended (H. Rept. 105–435); and

H.R. 2696, to amend title 17, United States Code, to provide for protection of certain original designs, amended (H. Rept. 105–436). **Page H1111**

Africa Growth and Opportunity Act: The House passed H.R. 1432, to authorize a new trade and investment policy for sub-Saharan Africa, by a recorded vote of 233 ayes to 186 noes, Roll No. 47. **Pages H1037–84**

Rejected the Bishop motion to recommit the bill to the Committee on Ways and Means with instructions to report it back to the House forthwith with an amendment in the nature of a substitute, that includes substitute language dealing with textile and apparel articles, by a recorded vote of 193 ayes to 224 noes, Roll No. 46, **Pages H1077–83**

Agreed To:

The Smith of Washington amendment that specifies that the President take into account whether or not a sub-Saharan African country is cooperating with the United States in efforts to eliminate slavery in Africa when determining eligibility to participate or receive benefits under the Act; **Pages H1064–65**

The Waters amendment that specifies that the United States-Sub-Saharan Africa Trade and Economic Cooperation Forum established after enactment encourage joint ventures between small and large businesses; and **Pages H1070–72**

The Davis of Illinois amendment that expresses the sense of the Congress that the United States Government should donate obsolete air traffic control equipment to eligible sub-Saharan African countries. **Pages H1072–73**

Rejected:

The Waters amendment that sought to clarify that a country need not meet all requirements to be eligible to participate or receive benefits under the Act (rejected by a recorded vote of 81 ayes to 334 noes, Roll No. 44); **Pages H1065–67, H1075–76**

The Waters amendment that sought to specify minimum funding for the Development Fund for Africa for fiscal years 1999 through 2007 at a level not less than the amount made available for fiscal year 1998; and **Pages H1067–70**

The Bereuter amendment, as modified, that sought to allow the President the flexibility to designate Morocco as eligible to participate in programs or receive assistance under the Act (rejected by a recorded vote of 156 ayes to 258 noes, Roll No. 45). **Pages H1073–75, H1076–77**

H. Res. 383, the rule that provided for consideration of the bill was agreed to earlier by a yea and nay vote of 227 yeas to 190 nays, Roll No. 43. Pursuant to the rule, it was made in order to consider as an original bill the amendment in the nature of a substitute recommended by the Committee on Ways and Means as modified by the amendments printed in part 1 of H. Rept. 105–431, the report of the Committee on Rules. **Pages H1027–37**

Tucker Act Shuffle Relief Act: The House completed general debate and began consideration of amendments to H.R. 992, to end the Tucker Act shuffle. Consideration of amendments will continue on Thursday, March 12. **Pages H1087–94**

Agreed to the Smith of Texas amendment that specifies that the jurisdiction does not extend to matters over which other Federal law has granted exclusive jurisdiction to one or more U.S. courts of appeals or district courts. **Pages H1093–94**

Amendment Pending:

The Watt of North Carolina amendment in the nature of a substitute was offered. It was made in order that this amendment shall be further debatable for 20 minutes, equally divided and controlled by Representative Watt and an opponent, on Thursday, March 12. **Page H1094**

H. Res. 382, the rule that is providing for consideration of the bill was agreed to earlier by a voice vote. **Pages H1085–86**

Presidential Message Re Viet Nam: Read a message from the President wherein he transmitted his determination of a waiver of the application of subsections 402(a) and (b) of the Trade Act of 1974 with respect to Viet Nam—referred to the Committee on Ways and Means and ordered printed (H. Doc. 105–227). **Page H1095**

Amendments: Amendments ordered printed pursuant to the rule appear on page H1113.

Quorum Calls—Votes: One yea and nay vote and four recorded votes developed during the proceedings of the House today and appear on pages H1037, H1075–76, H1076–77, H1083, and H1084. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 8:05 p.m.

Committee Meetings

USDA'S FARM LOAN PROGRAMS

Committee on Agriculture: Subcommittee on Forestry, Resource Conservation, and Research held a hearing to review the status of the USDA's farm loan programs. Testimony was heard from the following officials of the USDA: Gus Schumacher, Jr., Under Secretary, Farm and Foreign Agricultural Services; and Carolyn Cooksie, Deputy Administrator, Farm Loan Programs, Farm Service Agency.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Marketing and Regulatory Programs. Testimony was heard from the following officials of the USDA: Michael V. Dunn, Assistant Secretary, Marketing and Regulatory Programs; Terry L. Medley, Administrator, Animal Plant Health and Inspection Service; Enrique Figueroa, Administrator, Agricultural Marketing Service; and James R. Baker, Administrator, Grain Inspection, Packers and Stockyards Administration.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on Supreme Court, Architect of the Capitol, the National Institute of Standards and Technology, the Patent and Trademark Office and the Technology Administration. Testimony was heard from the following officials of the Department of Commerce: Gary R. Bachula, Acting Under Secretary, Technology; Raymond Kammer, Director, National Institute of Standards and Technology; and Bruce A. Lehman, Assistant Secretary and Commissioner of Patents and Trademarks.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Energy Resources. Testimony was heard from the following officials of the Department of Energy: Martha A. Krebs, Director, Office of Energy Research; Dan W. Reicher, Assistant Secretary, Office of Energy Efficiency and Renewable Energy; and Terry R. Lash, Director, Office of Nuclear Energy.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the Export-Import Bank, the Overseas Private Investment Corporation and the Trade and Development Agency. Testimony was heard from James A. Harmon, President and Chairman, Export-Import Bank; George Munoz, President and CEO, Overseas Private Investment Corporation, U.S. International Development Cooperation Agency; and J. Joseph Grandmaison, Director, Trade and Development Agency.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Fish and Wildlife Service. Testimony was heard from Donald J. Barry, Acting Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the National Institute of Environmental Health Sciences, the National Institute on Deafness and on Other Communication Disorders, and the National Institute of Diabetes, Digestive and Kidney Diseases. Testimony was heard from the following officials of the Department of Health and Human Services: Kenneth Olden, M.D., Director, National Institute of Environmental Health Sciences; James F. Battey, M.D., Director, National Institute on Deafness and Other Communication Disorders; and Phillip Gorden, M.D., Director, National Institute for Diabetes and Digestive and Kidney Diseases.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session to hold a

hearing on Intelligence Programs. Testimony was heard from George J. Tenet, Director, CIA.

The Subcommittee also held a hearing on FY 98 Supplemental. Testimony was heard from the following officials of the Department of Defense: William S. Cohen, Secretary; Gen. Joseph W. Ralston, USAF, Vice Chairman, Joint Chiefs of Staff; and William Lynn, Comptroller.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on Federal Railroad Administration and the National Railroad Passenger Corporation (AMTRAK). Testimony was heard from Jolene Molitoris, Administrator, Federal Railroad Administration, Department of Transportation; and George Warrington, Acting President, National Railroad Passenger Corporation (AMTRAK).

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued hearings on EPA. Testimony was heard from Carol M. Browner, Administrator, EPA.

CREDIT UNION COMMON BOND REQUIREMENT

Committee on Banking and Financial Services: Held a hearing to review the Supreme Court's decision regarding the credit union common bond requirement and the appropriate Congressional response to the ruling. Testimony was heard from Representatives Paul, LaTourette, Kanjorski, Cannon, Smith of Michigan, Baker, Kennedy of Massachusetts and Ehrlich; Richard Carnell, Assistant Secretary, Financial Institutions, Department of the Treasury; Norman D'Amours, Chairman, National Credit Union Administration; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Ordered reported the following measures: H.R. 3246, Fairness for Small Business and Employees Act of 1998; H.R. 2864, amended, Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1997; H.R. 2877, amended, to amend the Occupational Safety and Health Act of 1970; H.R. 3096, to correct a provision relating to termination of benefits for convicted persons; and H. Res. 267, amended, expressing the sense of the House of Representatives that the citizens of the United States must remain committed to combat the distribution, sale, and use of illegal drugs by the Nation's youth.

CONGRESSIONAL OFFICE OF REGULATORY ANALYSIS CREATION ACT

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on H.R. 1704, Congressional Office of Regulatory Analysis Creation Act. Testimony was heard from Representative Kelly; and public witnesses.

MISCELLANEOUS MEASURES; BUDGET VIEWS AND ESTIMATES

Committee on International Relations: Ordered reported amended H.R. 2870, Tropical Forest Conservation Act of 1998.

The Committee ordered reported unfavorably H. Con. Res. 277, directing the President pursuant to section 5 (c) of the War Powers Resolution to remove United States Armed Forces from the Republic of Bosnia and Herzegovina.

The Committee favorably considered and adopted a motion urging the Chairman to request that the following measures be considered on the Suspension Calendar: H. Res. 364, amended, urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights; and H. Res. 36l, amended, calling for free and impartial elections in Cambodia.

The Committee also approved Fiscal Year 1999 Budget views and Estimates for submission to the Committee on the Budget.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Committee on the Judiciary: Held a hearing on H.R. 3303, Department of Justice Appropriations Authorization Act, Fiscal Years 1999, 2000, and 2001. Testimony was heard from the following officials of the Department of Justice: Eric H. Holder, Jr., Deputy Attorney General; and Stephen Colgate, Assistant Attorney General, Administration.

DEFENSE REFORM INITIATIVE

Committee on National Security: Held a hearing on the implementation of the November 1997 Defense Reform Initiative. Testimony was heard from John J. Hamre, Deputy Secretary, Department of Defense.

MISSION CAPABILITY RATES

Committee on National Security: Subcommittee on Military Readiness held a hearing on mission capability rates. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Thomas Burnette, USA, Deputy Chief of Staff, Operations and Plans; and Lt. Gen. John Coburn, USA, Deputy Chief of Staff, Logistics, both with the Department of the Army; Vice Adm. James O. Ellis, Jr., USN,

Deputy Chief of Naval Operations, Plans, Policy and Operations; Vice Adm. William J. Hancock, USN, Deputy Chief of Naval Operations; Lt. Gen. Martin R. Steele, USMC, Deputy Chief of Staff, Plans, Policies and Operations; Maj. Gen. Joseph D. Stewart, USMC, Deputy Chief of Staff, Installations and Logistics; Lt. Gen. Terrence R. Dake, USMC, Deputy Chief of Staff, Aviation; and Brig. Gen. Bruce B. Byrum, USMC, Assistant Deputy Chief of Staff, Aviation, all from the Department of the Navy; Lt. Gen. Patrick K. Gamble, USAF, Deputy Chief of Staff, Air and Space Operations; and Lt. Gen. William P. Hallin, USAF, Deputy Chief of Staff, Installations and Logistics, both with the Department of the Air Force.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 2186, to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, WY; H.R. 2376, amended, National Fish and Wildlife Foundation Establishment Act Amendments of 1997; H.R. 2416, amended, to provide for the transfer of certain rights and property to the U.S. Forest Service in exchange for a payment to the occupant of such property; H.R. 2574, to consolidate certain mineral interests in the National Grasslands in Billings County, ND, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection; H.R. 2807, amended, Rhino and Tiger Product Labeling Act; H.R. 3087, amended, to require the Secretary of Agriculture to grant an easement to Chugach Alaska Corporation; H.R. 3113, Rhinoceros and Tiger Conservation Reauthorization Act of 1998; and H.R. 3164, amended, Hydrographic Service Improvement Act of 1998.

GOVERNMENT PERFORMANCE AND RESULTS ACT TECHNICAL AMENDMENTS; BUDGET VIEWS AND ESTIMATES

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2883, Government Performance and Results Act Technical Amendments of 1997. The rule waives points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI (requiring a three-day layover of the committee report). The rule makes in order as an original bill for the purpose of amendment the Government Reform and Oversight Committee amendment in the nature of a substitute, which will be considered as read. The rule provides that Members who have pre-printed their amendments in the Congressional Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Horn, Sessions, Kucinich and Maloney of New York.

The Committee also approved Fiscal Year 1999 Budget views and estimates for submission to the Committee on the Budget.

CONFERENCE REPORT—FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 1757, Foreign Affairs Reform and Restructuring Act of 1998, and against its consideration. The rule provides that the conference report shall be considered as read.

LINE ITEM VETO

Committee on Rules: Subcommittee on Legislative and Budget Process held a hearing on the Line Item Veto After One Year, the Process and Its Implementation. Testimony was heard from June O'Neill, Director, CBO; former Representative William F. Clinger, Jr., State of Pennsylvania; and public witnesses.

Hearings continue tomorrow.

OVERSIGHT—SCIENTIFIC RESEARCH

Committee on Science: Held an oversight hearing on Defining Successful Partnerships and Collaborations in Scientific Research. Testimony was heard from public witnesses.

OVERSIGHT—BUDGET AUTHORIZATION

Committee on Science: Subcommittee on Energy and Environment held an oversight hearing on Fiscal Year 1999 Budget Authorization Request: Environmental Protection Agency Research and Development. Testimony was heard from the following officials of the EPA: Henry Longest, II, Acting Assistant Administrator, Research and Development; Costel Denson, Chairman, Executive Committee, Board of Scientific Counselors; Philip Hopke, member, Clean Air Science Advisory Committee, Science Advisory Board; Charles E. Kolb, member, Committee on Research Opportunities and Priorities for the EPA, National Research Council; and Ishwar Murarka, Vice Chairman, Research Strategies Advisory Committee, Science Advisory Board.

MISCELLANEOUS MEASURES; BUDGET VIEWS AND ESTIMATES; COMMITTEE BUSINESS

Committee on Transportation and Infrastructure: Ordered reported amended the following measures: H.R. 2843, Aviation Medical Assistance Act of 1997; and H. Con. Res. 238, authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure.

The Committee approved 1 Public Building Resolution and 7 Corps of Engineers Survey Resolutions.

The Committee also approved Fiscal Year 1999 Budget views and estimates for submission to the Committee on the Budget.

The Committee also approved pending Committee business.

SUPERFUND ACCELERATION, FAIRNESS, AND EFFICIENCY ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment approved for full Committee action amended H.R. 2727, Superfund Acceleration, Fairness, and Efficiency Act.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 3039, amended, Veterans' Transitional Housing Opportunities Act of 1997; H.R. 3211, amended, to amend title 38, United States Code, to enact into law eligibility requirements for burial at Arlington National Cemetery; and H.R. 3213, to amend title 38, United States Code, to clarify enforcement of veterans' employment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies.

BUDGET VIEWS AND ESTIMATES

Committee on Ways and Means: Approved Fiscal Year 1999 Budget views and estimates for submission to the Committee on the Budget.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D195)*

S. 916, to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building''. Signed March 9, 1998. (P.L. 105–161)

S. 985, to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Doby Post Office''. Signed March 9, 1998. (P.L. 105–162)

COMMITTEE MEETINGS FOR THURSDAY, MARCH 12, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings on proposed legislation authorizing funds for child nutrition programs, 9 a.m., SR–332.

Committee on Appropriations, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute, 9:30 a.m., SD–138.

Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance, 9:30 a.m., SD–116.

Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department, 9:30 a.m., SD–192.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary, 10 a.m., S–146, Capitol.

Committee on Armed Services, Subcommittee on Acquisition and Technology, to hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on science and technology programs, 9:30 a.m., SR–222.

Subcommittee on Strategic Forces, to hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Energy, focusing on environmental management, non-proliferation, and fissile materials disposition, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on S. 1423, to modernize and improve the Federal Home Loan Bank System, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation, business meeting, to consider pending calendar business, 9:30 a.m., SR–253.

Subcommittee on Oceans and Fisheries, to hold hearings on proposed legislation authorizing funds for fiscal year 1999 for programs of the U.S. Coast Guard, 2:30 p.m., SR–253.

Committee on Foreign Relations, to hold closed hearings on intelligence issues relating to Chinese nuclear cooperation with various countries, 10 a.m., S–407, Capitol.

Subcommittee on African Affairs, to hold hearings to examine the new generation of African leaders and their impact on African democracy, 2 p.m., SD–419.

Committee on Governmental Affairs, to hold hearings to examine proposals to reform the Internal Revenue Service, focusing on managerial flexibility and accountability, 10:30 a.m., SD–342.

Committee on the Judiciary, to resume hearings on provisions of S. 1530, to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans, focusing on children's health and stopping children from smoking (pending on Senate calendar), 2 p.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, to hold hearings to assess the new health care technologies role of the Agency for Health Care Policy and Research, 10:15 a.m., SD–430.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E357–59 in today's Record.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on the Commodity Futures Trading Commission, 10:30 a.m., and the Farm Credit Administration, 1 p.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, State, and Judiciary, on Bureau of Prisons, 10 a.m., and on Members of Congress, 2 p.m., H–309 Capitol.

Subcommittee on Energy and Water Development, on Nuclear Waste Management and Disposal, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, on the Secretary of Energy, 10 a.m., and the National Endowment of the Arts and the National Endowment of the Humanities, 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on the National Human Genome Research Institute, 10 a.m., and on the National Heart, Lung, and Blood Institute, 2 p.m., 2358 Rayburn.

Subcommittee on Military Construction, on Housing Privatization Efforts, 9:30 a.m., B–300 Rayburn.

Subcommittee on Transportation, on Federal Transit Administration and the Washington Metropolitan Area Transit Authority (WMATA), 10 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Executive Residence, 10 a.m., the Executive Office of the President, 11 a.m., and on the OMB, 2 p.m., 2359 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on NASA Space Station Programs, 8:30 a.m., H–143 Capitol.

Committee on Banking and Financial Services, to consider the Committee's Fiscal Year 1999 Budget Views and Estimates, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, hearing on Community-Based Care for Americans with Disabilities, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Early Childhood, Youth, and Families, hearing on Public and Private School Choice in the District of Columbia, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs, and Criminal Justice, oversight hearing of U.S. Regional counterdrug efforts, 1 p.m., 2154 Rayburn.

Committee on International Relations, hearing on prospects for Implementation of Dayton Agreements and the New NATO Mission in Bosnia; and to mark up the following: H. Con. Res. 235, calling for an end to the violent repression of the legitimate rights of the people of Kosovo; H. Res. 373, commending democracy in Botswana; and the Committee's Fiscal Year 1999 Budget views and estimates, 10 a.m., 2172 Rayburn.

Subcommittee on International Economic Policy and Trade, hearing on Helms Burton: Two Years Later, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to continue hearings on the consumer bankruptcy issues in H.R. 3150, Bankruptcy Reform Act of 1998; H.R. 2500, Responsible Borrower Protection Bankruptcy Act; and H.R. 3146, Consumer Lenders and Borrowers Bankruptcy Accountability Act of 1998, 10 a.m., 2226 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 3168, Citizen Protection Act of 1998, 9:30 a.m., 2141 Rayburn.

Subcommittee on Crime, hearing on H.R. 2134, Bail Bond Fairness Act of 1997, 9:30 a.m., B352 Rayburn.

Subcommittee on Immigration and Claims, to mark up the Temporary Agricultural Worker Act of 1998; and to consider private bills, 9:30 a.m., 2237 Rayburn.

Committee on National Security, to continue hearings on the fiscal year 1999 National Defense authorization budget request, 9:30 a.m., 2118 Rayburn.

Special Oversight Panel on Morale, Welfare and Recreation, hearing on morale, welfare and recreation programs and issues, 2 p.m., 2216 Rayburn.

Subcommittee on Military Personnel, hearing on military recruiting, retention, and related personnel programs and policies, 2 p.m., 2212 Rayburn.

Committee on Resources, Subcommittee on National Parks and Public Lands, oversight hearing on Concession Reform; and to mark up the following bills: H.R. 1522, to extend the authorization for the National Historic Preservation Fund; H.R. 2098, National Cave and Karst Research Institute Act of 1997; H.R. 2438, to encourage the establishment of appropriate trails on abandoned railroad rights-of-way, while ensuring the protection of certain reversionary property rights; and H.R. 2989, to direct the Secretary of the Interior to convey to the St. Jude's Ranch for Children, Nevada, approximately 40 acres of land in Las Vegas, Nevada, to be used for the development of facilities for the residential care and treatment of adjudicated girls, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on H.R. 3267, Sonny Bono Memorial Salton Sea Reclamation Act, 10 a.m., 1334 Longworth.

Committee on Rules, Subcommittee on Legislative and Budget Process, to continue hearings on the Line Item Veto After One Year, the Process and Its Implementation, 9:30 a.m., H–313 Capitol.

Committee on Science, Subcommittee on Technology, oversight hearing to review the FAA's FY '99 Budget Request, including the Flight 2000 Demonstration Program, 1 p.m., 2318 Rayburn.

Committee on Small Business, hearing to discuss possible changes in the Small Business Investment Company program, 9 a.m., and to mark up a measure to make technical corrections in the Small Business Investment Company program, 9:45 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on reauthorization of the Federal Aviation Administration and Airport Improvement Program, 9:30 a.m., 2167 Rayburn.

Subcommittee on Railroads, hearing on Surface Transportation Board Reauthorization: Resources Requirements, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Social Security and the Subcommittee on Human Resources, joint hearing to review the challenges facing the new Commissioner of Social Security, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 12

Senate Chamber

Program for Thursday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will resume consideration of S. 1173, ISTEA Authorization.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 12

House Chamber

Program for Thursday: Consideration of H.R. 2883, Government Performance and Results Act Technical Amendments of 1997 (open rule, 1 hour of general debate);–

Complete consideration of H.R. 992, Tucker Act Shuffle Relief Act of 1997 (open rule); and–

Consideration of the Conference Report to H.R. 1757, State Department Authorization Act for fiscal years 98 and 99 (rule waiving all points of order).

Extensions of Remarks, as inserted in this issue

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